



Jay Folberg, Esq.

Jay Folberg, Esq., former Dean at the University of San Francisco School of Law, has resolved complex disputes on a wide variety of subjects. Considered one of the founders of ADR practice with decades of experience as a mediator and arbitrator, he is particularly skilled at getting to the heart of multifaceted issues and dealing with the human factors that create obstacles to settlement.

ADR Experience and Qualifications

- Successfully mediated multi-party institutional and public policy disputes, complex business, education related, employment, healthcare, construction, housing, environmental, land use, estate and probate, family, intellectual property, non-profit organizations, partnership, civil rights, and sexual harassment cases
- Trained judges and lawyers in mediation throughout the world and has extensive international ADR experience
- Authored several books and numerous articles on ADR

Representative Matters

MEDIATIONS:

Business/Commercial

- Corporate restructuring based on minority shareholders' suit
- Complex trade secrets, unfair competition claims and cross claims between major nonprofit healthcare organizations
- Dissolution of family business, including federal libel and slander claims
- Fraud and breach of contract claims involving sale of car dealership
- Trade secrets and unfair competition claims between biotech companies regarding testing methods, evaluation protocols, and marketing strategies for cancer treatment

Education/Schools

- Faculty disability and age discrimination cases
- Special Education disputes
- Tenure, promotion, and dismissal cases
- Title IX sports discrimination claims
- Class action by Native Americans against school closure

Employment

- Employment discrimination and sexual harassment claims against major companies and federal agencies
- Wrongful termination claims of executive employment contracts

Environmental

- Environmental conflict involving water quality and CEQA issues for a large residential development
- Land use and traffic impact dispute between municipality, county, and environmental groups regarding residential development involving over 8,000 new homes

Estates/Probate/Trusts

- Contentious dispute between descendants over stock in closely held corporation owning a destination resort
- Intergenerational family dispute between siblings and their children over use and expense allocation for multimillion dollar estate
- Multi-party dispute over descendant's family trust

Family Law

- Divorce, family, and intergenerational conflicts of all types

Government/Public Agency

- Federal housing discrimination suit involving multi-unit residential units
- First amendment and false arrest claims by protestors against private and public theme park and entertainment facilities
- Public policy conflict between State of California and county energy assistance programs over

T: 415-982-5267
F: 415-982-5287

"[Jay possesses] the temperament and patience that made it possible to settle an extremely complicated and contentious issue. Without you, there simply would not have been a deal."

-Chairman of prominent Bay Area non-profit organization

Case Manager

Kim Stevens
JAMS
Two Embarcadero Center
Suite 1500
San Francisco, CA 94111
415-774-2667 Phone
415-982-5287 Fax
Email:
kstevens@jamsadr.com

allocating an ongoing \$70 million a year federal grant

Professional Liability

- Legal ethics and malpractice claims against attorneys

Honors, Memberships, and Professional Activities

- Bernard Witkin Amicus Curiae Award for leadership in alternative dispute resolution and outstanding service to the California courts, Judicial Council of California, 2003
- Distinguished Contribution to Mediation Award, Mediation Society, 2000
- Distinguished Mediator Award, Academy of Family Mediators, 1999
- Chair, Ethics Committee, American Bar Association, Section of Dispute Resolution
- Member, American Board of Trial Advocates (ABOTA)
- Chair, Judicial Council Blue Ribbon Panel of Experts on Arbitrator Ethics, 2001-2002
- Chair, Judicial Council Task Force on Alternative Dispute Resolution, 1998-1999
- President, Academy of Family Mediators, 1989-1990
- Chair, Section of Dispute Resolution, Association of American Law Schools, 1985-1986
- President, Association of Family and Conciliation Courts, 1983-1984
- Chair, Oregon State Bar, Family Law Section, 1979-1980
- Manville Personal Injury Settlement Trust - National Arbitration Panel
- California Court of Appeal Mediation Panel
- Federal Court (NDC) Mediation Panel
- CPR Panel of Distinguished Neutrals
- JAMS Foundation, Executive Director (Non-profit, charitable foundation)
- JAMS Institute, Executive Director (Training and continuing education)
- Publications:
 - **Selected Books:**
 - Mediation: The Roles of Advocate and Neutral, Aspen (2006)
 - Lawyer Negotiation, Aspen (2006)
 - Resolving Disputes: Theory, Practice and Law, Aspen (2005)
 - Divorce and Family Mediation, Guilford Press (2004)
 - Mediation: A Comprehensive Guide, Jossey-Bass (1984)
 - **Selected Articles:**
 - Arbitration Ethics - Is California the Future? 18 *Ohio State Journal on Dispute Resolution*, Issue 2 (2003)
 - Alternative Dispute Resolution: An Empirical Analysis, 46 *Stanford Law Review* 1487 (1994)
 - Use of ADR in California Courts: Findings and Proposals, 26 *USF Law Review* 343 (1992)

Background and Education

- Experience as a litigator of commercial and insurance cases (Rives & Schwab, now Stoel Rives), as well as civil rights, education, consumer related disputes, including class actions, in state and federal courts (founding Executive Director of Oregon Legal Services)
- As a professor, taught trial practice, civil procedure, family law, and ADR courses at the University of San Francisco (Dean 1989-1999), Northwestern School of Law - Lewis and Clark College, the University of Washington, and the National Judicial College
- Extensive experience as a judge *pro tem*
- J.D., University of California Berkeley (Boalt Hall), 1968
- B.A. (Economics and Finance), California State University, San Francisco, 1963