



AAA Mediation.org™

**FN-5112773 MN-5112773 LN-5112773,
Esq.**

Castle Rock, Colorado



Current Employer-Title Decisioncraft (formerly Aegis ADR) - full-time neutral

Profession Arbitrator and Mediator, former Supreme Court Justice and Trial Court Judge

Work History Principal, Decisioncraft (formerly Aegis ADR LLC), 2019-Present; Executive Director/Founder, Institute for the Advancement of the American Legal System (IAALS) at the University of Denver, 2006-2019; Justice, Colorado Supreme Court, 1995-2006; Mediator/Arbitrator, Judicial Arbiter Group Inc., 1995-1996; Trial Court Judge, Colorado's 14th Judicial District, 1987-1995; Practicing Lawyer, Gibson, Dunn & Crutcher; Davis Graham & Stubbs, 1976-1987.

Experience As a Colorado Supreme Court Justice, authored over 200 majority and dissenting opinions. As a trial court judge, conducted jury and bench trials, settlement conferences, and motions hearings in hundreds of cases over a seven year time frame. Served as a general jurisdiction trial court judge in a location that included a small agricultural town, a ski resort, coal mines, power plants, federal lands and water issues. Served as Chief Judge of the 14th Judicial District and Water Judge for Division 6. Civil cases included complex commercial and real estate disputes, water, and natural resources.

Founded and led the Institute for the Advancement of the American Legal System (IAALS): a think/do tank devoted to improving the American civil justice system. Started up, managed, and fundraised for this nonprofit, which grew to have over 20 employees, a multi-million dollar budget and international recognition. Led the charge to incorporate proportionality in the Federal Rules of Civil Procedure and worked with national thought leaders on ESI and ESI protocols. Propounded and embedded numerous case management reforms across the State and Federal Courts based on empirical research supporting the importance of case management to achieving just, speedy, and inexpensive outcomes. Worked successfully with attorney and business stakeholder groups around the country to address and reach consensus about difficult and often divisive problems.

Areas of Substantive Expertise:

General complex commercial experience, including: administrative, agriculture, appellate, banking, business organizations, business transactions, complex commercial litigation, complex discovery, green energy, land use, mining, natural resources, oil and gas, products liability, professional malpractice and professional responsibility, public lands, public policy, real estate, state and local

government disputes, water.

Recognitions:

- American Board of Trial Advocates Diplomate
- American College of Trial Lawyers, Samuel E. Gates Litigation Award for contributions to the improvement of the litigation process, 2016
- American Bar Association John Marshall Award for extraordinary improvements to the administration of justice, 2012
- American Bar Association Yegge Award for Outstanding Contribution in the Field of Judicial Administration, 2009
- Colorado Judicial Institute Judicial Excellence Award, 2006
- Colorado Women's Bar Association Mary Lathrop Trailblazer Award, 2001

Mediator Experience

Three years as a full-time arbitrator and mediator. Has mediated hundreds of cases. Amounts at issue in mediations have regularly been in the tens of millions.

**Representative Issues
Handled as a Mediator**

Mediation experience includes:

- managing multiple insurance towers;
- banking, including application of Know Your Customer regulations, with domestic and international parties;
- healthcare;
- putative class action litigation;
- SaaS;
- LLC and partnership disputes;
- natural resources;
- real estate;
- agriculture;
- water.

**Mediator Style & Process
Preferences**

Committed to immersion in the facts and the law of the case prior to the mediation and tailor-makes a process for each case, which involves active listening, complete understanding, and respectful rather than coercive facilitation. Does extensive preparation, which often involves review of hundreds or thousands of pages of documents and independent legal research. Based on that groundwork, helps each party realistically evaluate their strengths and weaknesses, dispel unreasonable expectations, and informedly assess risk. Conducts a pre-mediation call with counsel for each side and begins working through issues upon engagement rather than waiting for the day of the mediation session. Engages in proactive, regular follow-up with parties and counsel after the mediation as necessary to achieve resolution.

Technology Proficiency

Available for Zoom and hybrid proceedings. Has dedicated office space with cybersecurity protections and hardware to facilitate remote proceedings. Staff available to assist with technical needs as appropriate.

Education

Stanford University Law School (JD 1976); Stanford University (BA, English, with honors 1973); University of Denver School of Law (Honorary LLD 1998).

Professional Licenses

Admitted to the Bar: Colorado (1976); US District Court: District of Colorado; US Court of Appeals: 10th Circuit.

Professional Associations

Federal Judicial Center Foundation Board Member (by appointment of Chief Justice John Roberts); National Association of Distinguished Neutrals; American Board of Trial Advocates Diplomat; Boettcher Foundation Trustee; Colorado Forum Member; Colorado Bar Foundation Fellow; Graland Country Day School Foundation Trustee

**Recent Publications &
Speaking Engagements**

Moderator, "Federal Arbitration: What You Need to Know," Faculty of Federal Advocates, Nov. 2022;

Andrew Schepard, Marsha Kline Pruett, and Rebecca Love Kourlis; If We Build It, They Might Come: Bridging the Implementation Gap Between ADR Services and Separating and Divorcing Families; 24 Harvard Negotiation L. Rev. 25 (2019);

Rebecca Love Kourlis and Brittany K.T. Kauffman; The American Civil Justice System: From

Recommendations to Reform in the 21st Century; 61 KAN. L. REV. 877 (2014);

Rebecca Love Kourlis and Dirk Olin; Rebuilding Justice: Civil Courts in Jeopardy and Why You Should Care; (Fulcrum Publishing 2011).

Locations Where Parties Will Not be Charged for Travel Expenses Does not charge for travel expenses within Metro Denver.

Mediation Rate \$675 Per Hour

Languages English

Citizenship United States of America

Locale Castle Rock, CO

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.