



# Susan Nauss Exon

Independent Conflict Resolution Professional  
Senior Mediator/Arbitrator, California Arbitration & Mediation Services  
Professor of Law Emerita, University of La Verne College of Law

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## Practice Areas

- Online Dispute Resolution,
- Legal Malpractice,
- Employment and Wrongful Termination,
- Breach of Contract,
- Real Estate and Construction Defect,
- Business Torts,
- Unfair Competition,
- Trademarks and Trade Names,
- Personal Injury,
- Insurance Coverage and Bad Faith Defense,
- Civil Rights,
- Equal Protection, and
- Municipal (Public) Law.

## Education

- Master of Laws, Dispute Resolution, Pepperdine University School of Law, Straus Institute for Dispute Resolution (2006)
- J.D., University of Wyoming College of Law (1989)
- A.S.B.D., Central Pennsylvania College (1978)

## ADR Philosophy

Studies show that the most successful mediators are those who develop a rapport with mediation participants, and the most satisfied parties are those who have prepared well for mediation. Susan Exon strives to achieve these goals. Since mediator style is not the best predictor of successful mediations, she offers a 360-degree style in which she suggests ideas for mediation preparation, facilitates communication and serves in a directive capacity as needed. Susan brings to the table patience, perseverance, perpetual optimism and past experience since 1998.

## Court & Private Dispute Resolution Panels

- California Arbitration & Mediation Services (CAMS)
- RCBA Dispute Resolution Service, Inc.
- Riverside County Superior Court
- Riverside County Small Claims Court (Department of Community Action)
- Los Angeles County Superior Court Mediation Panel, Pomona, 2001-2005

## Professional

Susan has been licensed to practice law in the State of California since 1990. As a business litigator while she practiced at Best, Best & Krieger, LLP, her areas of emphasis included: real estate and construction defect, business torts, unfair competition, trademarks and trade names, wrongful termination, civil rights, equal protection, antitrust, RICO, redevelopment, and CEQA. Susan served as a Judge Pro Tem for the San Bernardino County Small Claims Court during 1999-2000.

Today, Susan mediates and arbitrates on a full-time basis, both privately and as part of several panels. Susan is Professor Emerita at the University of La Verne College of Law, where she retired in June 2020 after 21 years of teaching Mediation, Negotiation, ADR, Civil Procedure, Professional Responsibility, Remedies, and related seminars. She has more than 30 years of experience as a business litigator, law professor, practicing mediator, and arbitrator.

Susan speaks frequently on ethical and ADR topics; she has been a featured speaker for the PBS television show, Contemporary Legal Issues. She has published extensively on mediation ethics and civil procedure topics. Her textbook, Advanced Guide for Mediators, was published in 2014 and is available on Amazon. Her current research explores how mediators can develop trust and rapport in an online dispute resolution environment.

Susan served as co-chair of the Ethics Committee for the American Bar Association's Section of Dispute Resolution for several years until 2013, served as an invited member of the Section's Ethical Guidance Committee (2010-2019), and on a Civil Procedure panel of experts for the Legal Education, ADR, and Problem-Solving (LEAPS) Task Force.

## Admissions

- Licensed by State Bar of California 1990
- United States Supreme Court
- Ninth Circuit Court of Appeal
- U.S. District Court for the Central & Southern Districts of California

## Professional Affiliations and Civic Work

- Invited Member, ADR Committee for the Riverside County Superior Court
- Member, American Bar Association
  - Former Co-Chair, Ethics Committee, Section of Dispute Resolution
  - Invited Member, Ethical Guidance Committee, Section of Dispute Resolution
  - Invited Panel Expert, Legal Education, ADR, and Problem-Solving (LEAPS) Task Force, Section of Dispute Resolution
- Member, Riverside County Bar Association
  - Member, CLE Committee
- Member, Association for Conflict Resolution
- Judge Pro Tem, San Bernardino County Small Claims Court, 1999-2000
- Soroptimist International of Riverside, member 1991-2008 & 2016-present; President, 1994-95; Committee Coordinator for five-state Golden West Region, 1996-98

**Publications:** See Attached

**Presentations and Trainings:** See Attached

**Media Activities:** See Attached

## General

Born and raised in Pennsylvania, Susan worked as a paralegal before matriculating to law school in Wyoming. Susan is a nationally known ADR expert and author. She has two children and four grandchildren. In her spare time, Susan enjoys traveling, baking, gardening, and outdoor activities.

## **Publications:**

### ***Books and Book Chapters***

- Work in Progress, Book chapter in *MEDIATION ETHICS: A PRACTITIONER'S GUIDE* (Omer Shapira, ed., American Bar Association).
- *ADVANCED GUIDE FOR MEDIATORS* (2014 Carolina Academic Press).
- *TEACHER'S MANUAL TO ADVANCED GUIDE FOR MEDIATORS* (2014 Carolina Academic Press).
- Commentary in *MEDIATION ETHICS: CASES AND COMMENTARIES* 297-302 (Ellen Waldman, ed., Jossey-Bass 2011).

### ***Law Review Articles***

- *Building Trust Online: The Realities of Telepresence for Mediators Engaged in Online Dispute Resolution*, 49 *STETSON LAW REVIEW* 109 (2019) (co-authored with Soomi Lee).
- *Ethics and Online Dispute Resolution: From Evolution to Revolution*, 32 *OHIO STATE JOURNAL ON DISPUTE RESOL.* 609 (2017).
- *Maximizing Technology to Establish Trust in an Online, Non-visual Mediation Setting*, 33 *U. LA VERNE LAW REV.* 27 (2011).
- *The Next Generation of Online Dispute Resolution: The Significance of Holography to Enhance and Transform Dispute Resolution*, 12 *CARDOZO J. CONFLICT RESOL.* 19 (2010).
- *The Misnomer of a Mediation Value: Why All Mediators Cannot Remain Impartial*, 1 *Y.B. ARB. & MED.* 164 (2009) (Penn State Dickinson Law School peer review journal).
- *The Effects that Mediator Styles Impose on Neutrality and Impartiality Requirements of Mediation*, 42 *U.S.F. L. REV.* 577 (2008).
- *How Can a Mediator be Both Impartial and Fair?: Why Ethical Standards of Conduct Create Chaos for Mediators*, 2006 *J. DISP. RESOL.* 387 (2006).
- *California's Opportunity to Create Historical Precedent Regarding a Mediated Settlement Agreement's Effect on Mediation Confidentiality and Arbitrability*, 5 *PEPP. DISP. RESOL. L.J.* 215 (2005).
- *The Best Interest of the Child: Going Beyond Legalese to Empathize With a Client's Leap of Faith*, 24 *J. JUV. L.* 1 (2003-04).
- *Personal Jurisdiction: Lost in Cyberspace?*, 8 *COMPUTER L. R. & TECH. J.* 21 (Fall 2003).
- *The Internet Meets Obiwan Kenobi in the Court of Next Resort*, 8 *B.U. J. SCI. & TECH. L.* 1 (2002).
- *A New Shoe is Needed to Walk Through Cyberspace Jurisdiction*, 11 *ALB. L.J. SCI. & TECH.* 1 (2000).

### ***Journal Articles and Shorter Works***

- *Trusting a Mediator: It Might be Easier than You Think*, Blog Post on Mediate.com (Sept. 20, 2019).
- *Women in Negotiation*, 65 *RIVERSIDE LAWYER* 15 (Mar. 2015).
- Drafted Ethics Hypothetical and Commentary for ABA Section of Dispute Resolution's E-Newsletter (Aug. & Sept. 2013).

- *Six Building Blocks of Trust: Methodology that Every Mediator, Especially Virtual Mediators Need to Know*, December 2011 issue of Riverside County ADR Panel Newsletter.
- *Foreword, Symposium: Forecasting the Future: Cutting Edge Issues in ADR*, 33 U. LA VERNE LAW REV. 1 (2011).
- *Virtual Virtues: Ethical Considerations for an Online Dispute Resolution (ODR) Practice*, 17 ABA DISPUTE RESOLUTION MAGAZINE 6 (Fall 2010). Co-authored with DeMars, Rule and Kovach.
- Drafted Ethics Hypothetical and Commentary for ABA Section of Dispute Resolution's E-Newsletter (Aug. & Sept. 2010).
- *Ethical Considerations of Online Dispute Resolution (ODR) Practice*, conference paper co-authored with DeMars, Rule and Kovach for the ABA Section of Dispute Resolution 2010 Annual Conference.
- Drafted Ethics Hypothetical and Commentary for ABA Section of Dispute Resolution's E-Newsletter (July & Sept. 2008).
- *The Ethics of Mediation*, 57 RIV. COUNTY LAWYER 13 (June 2007).
- *The Heart and Soul of International Adoptions: Laws are not Enough*, 57 RIV. COUNTY LAWYER 18 (Jan. 2007).

### **Select Public Trainings and Presentations:**

Selected presentations during past decade from over 60 public trainings and presentations given since 1996:

- Invited Presenter, "Ethics for Managing Client Expectations in Mediation," San Bernardino County Bar Association, San Bernardino, CA, 02/11/20.
- Invited Presenter, "Ethics for Managing Client Expectations in Mediation," High Desert Bar Association, Victorville, CA, 06/21/19.
- Invited Presenter, "Building Trust Online: The Realities of Telepresence for Mediators Engaged in Online Dispute Resolution," Athens Institute for Education and Research, Athens, Greece, 07/15/19.
- Invited presenter for panel on the Need to Update the Model Standards of Conduct, Elon University Law Review Symposium regarding Alternative Dispute Resolution, 10/27/17.
- Invited presenter, "The Impact of Technology on ADR Ethics and Practice," Association for Conflict Resolution annual conference in Dallas, TX, 10/12/17.
- Session organizer and participant in a panel discussion, "Evolutionary or Revolutionary: Applying the Model Standards to ODR," at the ABA Section of Dispute Resolution's annual conference in San Francisco, CA, 04/21/17.
- Invited presenter for technology panel, Ohio State University's Dispute Resolution Law Journal Symposium, 11/04/16.
- Invited ODR presenter, Divided Community Project Conference at Ohio State University, 11/03/16.
- Presentation to AALS Works in Progress Conference for Dispute Resolution Section regarding ethics and online dispute resolution, Marquette University School of Law, 09/21/16.
- "Mediation Ethics and Confidentiality," presented to the Federal Bar Association, Inland Empire, and to the U.S. Central District Court panel of mediators, Riverside, CA, 01/15.
- Co-presenter of a webinar as part of Cyberweek, entitled "The Ethics of Online Mediation Practice: Views for Today and Tomorrow," 11/14.

- “Gender Differences in Conflict Resolution,” presented at the Gender Equality: Issues, Obstacles, Solutions Conference, hosted by the Women on the Move Network, La Verne, CA, 11/14.
- Co-presenter of “How the ‘Fourth Party’ Affects Mediator Ethics,” to the Online Dispute Resolution Forum annual conference in Palo Alto, CA, 06/14.
- Panel Member for “Maintaining Impartiality and Avoiding Conflicts of Interest: Same or Different,” presented to the American Bar Association’s Section of Dispute Resolution Annual Conference in Chicago, IL, 04/13.
- “On-Line Dispute Resolution: Using Technology to Reduce Mediation Costs and Improve Results,” presented to the Riverside County Bar Association during its monthly general membership luncheon meeting, followed by a two-hour afternoon training session, 03/13.
- Session Organizer and Panel Member for “Ring-a-ling: Ethics and Trust in Telephone Mediation,” presented to the American Bar Association’s Section of Dispute Resolution Annual Conference in Washington, D.C., 04/12.
- Panel Member for “Virtual Virtues: Wrestling with the Ethical Dilemmas of an Online Practice,” presented to the American Bar Association’s Section of Dispute Resolution Annual Conference in Denver, CO, 04/11.
- Panel Member for Technology Panel at Symposium: Forecasting the Future, Cutting Edge Issues in ADR, sponsored by the University of La Verne Law Review, 01/11.
- Panel Member for “Virtual Virtues: Wrestling with the Ethical Dilemmas of an Online Practice,” presented to the American Bar Association’s Annual Meeting in San Francisco, CA, 08/10.
- “The Clash of Mediator Standards Creates an Ethical Storm,” training for the Dispute Resolution Center, Riverside County Community Action Partnership, 08/10.
- Co-presenter for “The Mediator’s Perfect Storm: Working Through Internal Conflicts Caused by Colliding Ethical Values,” presented to the Association for Conflict Resolution’s Annual Conference in Atlanta, GA, 10/09.
- “Finding Gold in the Desert: How to Create Success Through Mediation Preparation,” presented to the Delta Theta Phi Law Fraternity National Convention and Leadership Conference in Phoenix, AZ, 08/09.
- Session Organizer and Panel Member for “Mediation: What's Fairness Got to do With It?,” presented to the ABA’s Section of Dispute Resolution Annual Conference in New York City, NY, 04/09.
- “Mediator Impartiality: How to Maintain Impartiality as a Mediator,” training for the Dispute Resolution Service Corporation, Riverside County Bar Association, 01/09.
- Keynote speaker for Riverside County Bar Association’s General Membership Meeting. Presented “How to Prepare Your Client for Mediation,” 11/08.
- Mediator ethics training for the Dispute Resolution Center, Riverside County Community Action Partnership, Riverside, CA, 06/08.
- Panel Member, “Helping Mediation Program Administrators Grapple with Problems in Developing Quality Mediation Programs,” presented to the ABA’s Section of Dispute Resolution annual conference in Washington, D.C., 04/07.
- “Mediation: Has Lulu Met Her Match?,” presented to the annual conference of the California Chapter of the American Planning Association along with co-presenter Ed Johnson. This session represents the inaugural presentation of mediation to planners at a CCAPA annual conference, 10/06.

## Media Activities

- Panel member for “Where Mediation’s Model Standards are Failing: What Should We Do About It?” Webinar presented by the ABA, Section of Dispute Resolution, 07/11/17.
- Solo managed dialogue as part of Cyberweek 2011 regarding, “Maximizing Technology to Establish Trust in an Online, Non-Visual Mediation Setting.” Had over 600 hits in five days of Internet dialogue, 10/24 – 10/28/11.
- Part of an Internet panel to manage a dialogue during Cyberweek 2010 regarding ethical issues involved in an online dispute resolution practice, 10-/25 – 10/29/10.
- Part of an Internet panel to manage a dialogue during Cyberweek 2009 regarding ethical issues involved in an online dispute resolution practice, 10/26 – 10/30/09.
- Quoted regarding class action lawsuits at p. B-1 of the April 1, 2007 issue of The Press Enterprise. The article was entitled “Wells Fargo Fees Disputed,” 04/07.
- Solo guest for PBS *Contemporary Legal Issues*. This one-half hour nationally broadcast television program, entitled “Cybercourt—The Court of Next Resort,” was devoted to my research proposing an international cybercourt, 01/03.
- Panel member for PBS *Contemporary Legal Issues*. This one-half hour television show was entitled “Access to Justice,” 03/99.