

Curriculum Vitae

ABRAHAM J. GAFNI

EDUCATION:

Harvard Law School, J.D., 1963
Yeshiva University, B.A., B.H.L., 1960
Hebrew University, Jerusalem, 1958-59

ADMITTED TO PRACTICE

State of New York, 1963
Commonwealth of Pennsylvania. 1965

LEGAL EXPERIENCE:

1994- Present	Professor of Law , Villanova University School of Law (Courses taught to date: Evidence, Trial Practice, Advanced Trial Practice, Dispute Resolution, Religion and Law, Interviewing and Counseling, Negotiation and Mediation Advocacy)
2000-2007	President , Arbitration Appeals Tribunal of the International Commission on Holocaust Era Insurance Claims
2003-2007	Chairman (2006-2007) and Member of the Appeals Panel established under the Agreement among the Foundation “Remembrance, Responsibility, and Future,” The International Commission on Holocaust Era Insurance Claims and the German Insurance Association
1977-94	Judge, Court of Common Pleas of Philadelphia County Appointed and elected 1977 retained 1987 served as Civil and Criminal Calendar Judge, and Civil and Criminal Motions Judge
1983-85	Court Administrator of Pennsylvania
1974-77	Deputy District Attorney for Law , Philadelphia County (supervising appellate and legislative matters)
1966-73	Private Law Practice , Piwosky and Gafni (general practice principally in business, real estate and estates law and civil litigation)

1965-70 **Law Clerk, Honorable J. Sydney Hoffman, Superior Court of Pennsylvania**

1963-65 **Attorney U.S. Securities and Exchange Commission**

TEACHING EXPERIENCE (prior to Professorship at Villanova Law School in 1994)

1974-94 **Adjunct Professor of Law, Temple University School of Law**
5 years Professional Responsibility (Ethics)
16 years Trial Practice
3 years District Attorney's Clinical Program
3 years Seminar in the Administration of Criminal Justice

1994 **Visiting Professor of Law, Temple University School of Law**
(Professional Responsibility Ethics)

1988-94 **Adjunct Professor of Law, Villanova University School of Law**
(Trial Practice)

LECTURER ON VARIED LEGAL TOPICS IN PROGRAMS SPONSORED BY (Selected):

ADR Options, Inc.

American Bar Association

American Arbitration Association

American Law Institute-American Bar Association

American Judicature Society

American College of Trial Lawyers

Dispute Resolution Institute

Federal Mediation and Conciliation Service

U.S. Department of Justice

Federal Trade Commission

Insurance Society of Philadelphia

National Institute of Trial Advocacy

Rutgers School of Law, Camden, N.J.

Pennsylvania Bar Institute

Pennsylvania College of the Judiciary

Pennsylvania District Attorneys Association

Philadelphia Bar Association

Lehigh County Bar Association

Montgomery County Bar Association

Chester County Bar Association

Pennsylvania Association of Trial Lawyers

Pennsylvania Institute of Certified Public Accountants

Professional Education Systems, Inc.

Society for Professionals in Dispute Resolution

State of Israel, Labor Law Judges and Social Welfare Ministry

Annenberg Research Institute for Judaic and Near Eastern Studies

Wills Eye Institute Medical- Legal Program

Community Legal Services of Philadelphia

Gratz College

Training programs for law firms

LEGAL ACTIVITIES:

I. Offices in Professional Organizations (Selected – Past and Present):

1. Chair, Alternative Dispute Resolution Committee, Pennsylvania Bar Association, 1985-86
2. Vice Chair, Supreme Court of Pennsylvania, Appellate Court Rules Committee, 2008- 2010 (Member since 2004)
3. Vice Chair, Professionalism Committee, Pennsylvania Bar Association, 2009
4. Chair, Professionalism Committee, Pennsylvania Bar Association , 2010-

5. Chair, Governor of Pennsylvania's Task Force on Medical Malpractice Insurance Crisis, 2002-03
6. Commissioner, Pennsylvania Commission on Crime and Delinquency, 1983-85
7. Chair, Clients Security Fund Committee, Philadelphia Bar Association, 1976
8. Vice Chair, Committee on Victim Compensation, Philadelphia Bar Association, 1975
9. Secretary, Criminal Justice Section, Philadelphia Bar Association, 1976
10. Member, Board of Trustees, Volunteers for the Indigent, 1987-92
11. Member, Executive Committee, Dispute Resolution Committee, Association of American Law Schools
12. Steering Committee, Pennsylvania Futures Commission for Justice, 1992-present
13. Co-chair Committee to Plan Rule of Law program for the Philadelphia Bar Association in 1998

II. Membership in Professional Committees (Selected-Past and Present):

1. Supreme Court of Pennsylvania Appellate Court Procedural Rules Committee,
2. Committee on Fairness in the Legal System, Philadelphia Bar Association
3. Council on Judicial Independence, PA Bar Association
4. Task Force to Recommend Updates to Pa. Code of Judicial Conduct, Pennsylvania Bar Association.
5. Judicial Ethics Advisory Committee, University of Pennsylvania Law School Center on Professionalism
6. Member, Alternative Dispute Resolutions Committee, Philadelphia Bar Association
7. Member, Alternative Dispute Resolution Committee, Pennsylvania Bar Association
8. Member, Civil Litigation & Trial Skills Advisory Committee, Pennsylvania Bar Institute
9. Member, Judicial Independence Committee, Pennsylvania Bar Association
10. Member, Professional Liability Committee, Pennsylvania Bar Association
11. Member, Attorney General's Family Violence Task Force, 1985-1987
12. Member, Supreme Court of Pennsylvania Criminal Procedural Rules Committee, 1976-78
13. Member, Committee on Merit Judicial Retention, Philadelphia Bar Association, 1975
14. Member, Special Committee on Judicial Selection, Retention and Evaluation, Philadelphia Bar Association, 1975
15. Member, Association for Conflict Resolution
16. Member, International Association of Jewish Lawyers and Judges
17. Member, Medical Ethics Committee, Philadelphia Geriatric Center

PROFESSIONAL AWARDS (Selected):

Sir Francis Bacon Award presented by the Pennsylvania Bar Association for excelling and having a significant impact on alternative dispute resolution in the Commonwealth of Pennsylvania. (2012)

Philadelphia Mediation Lawyer of the Year, 2015, Best Lawyers in America (Only one lawyer is selected by peers from the community each year).

Philadelphia Arbitration Lawyer of the Year, 2013, Best Lawyers in America (Only one lawyer is selected by peers from the community each year)

Legal Intelligencer Best of 2012 –Providers of Services to the Legal Community, Bronze Award as an individual mediator (third in the community).

Pennsylvania Conference of State Trial Judges, Distinguished Service

Pennsylvania District Attorneys Association, Outstanding Service

Philadelphia Bar Association, Distinguished Service

Association of Administrators of Special Courts, Distinguished Service

Cesare Beccarria Award presented by the Criminal Justice Section of the Philadelphia Bar Association and Justinian Society

Philadelphia Bar Association (Special Presentation upon retirement in 1994)

Louis D. Brandeis Law Society (Portrait and Annual Law Student Scholarship)

“Best Lawyers in America”- Arbitration and Mediation (since 2005)

ARTICLES:

“Foreword” *The Model Rules: Practitioner’s Guide to Avoiding Malpractice*” Temple Law Quarterly, Vol. 61, No. 4, 1988

“*Guilty Plea Colloquies in Pennsylvania*,”@ Pennsylvania Bar Association Quarterly, April 1977 (with J. Shellenberger)

“*Criminal Trial Problems, Parts I, II and III*,” State College of the Judiciary, 1978-79 video program to train judges for courtroom role in criminal courts)

“*Halufot Shonot L’Pitaron Sichsuchim: Etgar L’Ma’arechet Hamishpat B’Yisrael*” (*Alternative Dispute Resolution: A Challenge for the Justice System in Israel*)” Judges Journal of Israel, April 1997.

Publications Prepared for Education of the Judiciary and the Bar (Selected):

“Fifth and Sixth Amendments and the Exclusionary Rules,” State College of the Judiciary, 1978-81 (115-page review and analysis of federal and state law)

“Abolition of the Indicting Grand Jury Effects Many Procedural Changes,” *The Retainer*, January 9, 1976

“Pennsylvania Should Consider Uniform Certification of Questions of Law Act,” (*The Legal Intelligencer*, October 2, 1987, reprinted in the *Pennsylvania Law Journal-Reporter*, December 21, 1987)

“*Advocacy in Arbitration*” (prepared for the Pennsylvania Bar Institute in 1999)

“*Creative Uses of ADR*” (PBEC 1996)

“The Expert Witness: Preparation and Presentation.” (prepared for the Pennsylvania Institute of Certified Public Accountants, November 2005)

“The Pre-Mediation Submission: A Powerful, Invaluable Tool” (*The Legal Intelligencer*, July 19, 2004)

“The Mediation Client: Participant or Observer” (*The Legal Intelligencer*, September 20, 2004)

“Mediation Presents Opportunities to Meet Objectives” (*The Legal Intelligencer*, November 15, 2004)

“Pointers for Negotiating the Mediation Agreement” (*The Legal Intelligencer*, January 31, 2005)

“Can Parties be Compelled to Act in Good Faith in Mediation” (*The Legal Intelligencer*, March 21, 2005)

“Mediators: Complying with Multiple Codes of Conduct” (*The Legal Intelligencer*, May 16, 2005)

“Things for You to Consider Prior to Arbitration Day” (*The Legal Intelligencer*, July 18, 2005)

“Is There Really Confidentiality in Alternate Dispute Resolution?” (*The Legal Intelligencer*, September 19, 2005)

“Is There Really an Assurance of Privilege in Mediation?” (*The Legal Intelligencer*, November 21, 2005)

“Who is The Mediation Privilege Designed to Protect Anyway?” (*The Legal Intelligencer*, April 17, 2006)

“Issues That Should be Resolved Before You Arbitrate,” Part I (*The Legal Intelligencer*, June 19, 2006)

“Issues That Should be Resolved Before You Arbitrate,” Part II (*The Legal Intelligencer*, August 21, 2006)

“Issues That Should be Resolved Before You Arbitrate,” Part III (*The Legal Intelligencer*, October 16, 2006)

“What is the *functus officio* Doctrine in Arbitration” (*The Legal Intelligencer*, December 18, 2006)

- “Creating an Arbitration Procedure for Holocaust Insurance Claims” (*The Legal Intelligencer*, April 16, 2007)
- “Be Aware of Agreements So You Don’t Lose Your Right to Arbitrate” (*The Legal Intelligencer*, June 18, 2007)
- “Who Makes the Decision of Whether and How to Arbitrate” (*The Legal Intelligencer*, August 20, 2007)
- “Some Suggestions for Trying an Arbitration Case” (*The Legal Intelligencer*, October 15, 2007)
- “Complying With the Requirements of the Arbitration Agreement” (*The Legal Intelligencer*, December 17, 2007)
- “Arbitration Can Limit Access to Third-Party Information” (*The Legal Intelligencer*, April 1, 2008)
- “Lawyers Have Love-Hate Bond with Limited Appellate Review” (*The Legal Intelligencer*, May 19, 2008)
- “The Right of a Non-Signatory to Enforce an Arbitration Clause” (*The Legal Intelligencer*, July 21, 2008)
- “Written Opinions in Arbitration Aren’t a Given” (*The Legal Intelligencer*, September 22, 2008)
- “Appealing Arbitration Awards based on Manifest Disregard of the Law” (*The Legal Intelligencer*, November 17, 2008)
- “The Value of the Opening Statement in Mediation” (*The Legal Intelligencer*, March 16, 2009)
- “When Are Directors Subject to Mandatory Arbitration Provisions?” (*The Legal Intelligencer*, May 18, 2009)
- “Concluding the Mediation When Agreement Is Reached” (*The Legal Intelligencer*, July 20, 2009)
- “Tips for Concluding the ‘Unsuccessful’ Mediation” (*The Legal Intelligencer*, September 21, 2009)
- “Benefits of Using the Mediation Caucus for Parties and Mediators” (*The Legal Intelligencer*, November 13, 2009)
- “Louis D. Brandeis: A Life: by Melvin I. Urofsky. Book Review appearing in *American Jewish History*, a Quarterly Publication of the *American Jewish Historical Society*,

published by the Johns Hopkins University Press (Volume 96, Number 1, March 2010)

“Mediators Need to Be Mindful of Role’s Potential Pitfalls” (*The Legal Intelligencer*, April 19, 2010)

“Arbitration Appeals Based Upon Manifest Disregard of the Law” (*The Legal Intelligencer*, June 21, 2010)

“Arbitrator Can Decide Validity of Arbitration Agreements, Justices Rule” (*The Legal Intelligencer*, August 16, 2010)

“Arbitration Awards, Legal Representation and Public Policy” (*The Legal Intelligencer*, October 18, 2010)

“Assuring the Arbitration Agreement Reflects Your Intent” (*The Legal Intelligencer*, December 20, 2010)

“Baseball Arbitration and the Trial of Socrates” (*The Legal Intelligencer*, February 28, 2011)

“Res Judicata, Collateral Estoppel and Arbitration” (*The Legal Intelligencer*, April 18, 2011)

“Res Judicata, Collateral Estoppel and Arbitration, Part II” (*The Legal Intelligencer*, August 15, 2011)

“Preparing the Mediator” (*The Verdict*, Philadelphia Trial Lawyers Association, Summer 2011)

“Does the Mediation Privilege Apply in Legal Malpractice Cases?” (*The Legal Intelligencer*, October 25, 2011)

“Considering How to Approach Opening Statements in Mediation” (*The Legal Intelligencer*, December 19, 2011)

“Pretrial Discovery of Documents From Non-Parties in Arbitration” (*The Legal Intelligencer*, February 21, 2012)

“Pretrial Discovery From Non-Parties in Arbitration Under State Law” (*The Legal Intelligencer*, April 16, 2012)

“Considering Unavailability When Drafting Arbitration Agreements” (*The Legal Intelligencer*, June 19, 2012)

“Mandatory Mediation: Avoiding Pitfalls by Complying with the Agreement” (*The Legal Intelligencer*, August 20, 2012)

“Is There a Settlement Negotiation Privilege?” (*The Legal Intelligencer*, October 15, 2012)

- “Beware of Waiving the Mediation Communications Privilege” (*The Legal Intelligencer*, December 17, 2012)
- “Selecting Non-Neutral Arbitrators in a Multiparty Dispute” (*The Legal Intelligencer*, February 19, 2013)
- “ Considering the Mediation Privilege in Awarding Legal Fees” (*The Legal Intelligencer*, April 16, 2013)
- “ Are There Limits to an Arbitrator’s Award of Interest?” (*The Legal Intelligencer*, June 18, 2013)
- “Flexibility of Arbitrators in Shaping Creative Remedies” (*The Legal Intelligencer*, August 20, 2013)
- “ *Do Arbitrators Have the Right to Exclude Relevant Testimony?*” (*The Legal Intelligencer*, October 15, 2013)
- “ *When Are Arbitration Agreements Preempted by the FAA?*” (*The Legal Intelligencer*, December 17, 2013)
- “ *Are There Restrictions on the Arbitrator Serving as Mediator?*” (*The Legal Intelligencer*, January 14, 2014)
- “*When Do Superseding Contracts Impact Right to Arbitrate?*” (*The Legal Intelligencer*, March 18, 2014)
- “*Will a Court Ever Order Discovery in Aid of Mediation?*” (*The Legal Intelligencer*, May 20, 2014)
- “*Should Arbitration Agreements Fix the Time for the Award?*” (*The Legal Intelligencer*, July 15, 2014)
- “*Ruling Shows Difficulty Establishing Arbitrator Partiality*” (*The Legal Intelligencer*, September 16, 2014)
- “*Explaining Waiver of Court Trial in Arbitration Agreements*” (*The Legal Intelligencer*, November 18, 2014)
- “*Who Decides Res Judicata and Collateral Estoppel in Arbitration?*” (*The Legal Intelligencer*, February 25, 2014)
- “*Don’t Ignore the Details of the Arbitration Agreement*” (*The Legal Intelligencer*, April 22, 2015, online at <http://at.law.com/Agreement>)

“Rights and Obligations of Nonsignatories in Arbitration: Part 1” (The Legal Intelligencer, June 16, 2015)