

DEBORAH R. HENSLER

EDUCATION

Ph.D., Political Science, 1973, Massachusetts Institute of Technology

A.B., Political Science, 1963, Hunter College, City University of New York, *summa cum laude*

PROFESSIONAL EXPERIENCE

1998–Present -- Judge John W. Ford Professor of Dispute Resolution
Stanford Law School

2006—Present – Associate Dean, Graduate Studies

2000-2005 -- Director, Stanford Center on Conflict & Negotiation

1973-2001 -- RAND, Santa Monica

Senior Fellow, 1998-2001

Director, Institute for Civil Justice, 1993-1998

Research Director, Institute for Civil Justice, 1986-1990

Associate Head, Social Science Department, 1975-1980

Director, Survey Research Group, 1975-1985

Senior Social Scientist, 1980-1998

Social Scientist, 1973-1980.

1969-1973 -- Assistant to the Director & Manager of Technical Operations,
Survey Research Center, University of California at Los Angeles

RESEARCH

Dr. Hensler's research since 1979 has focused on public policy issues in the civil justice area. Her empirical research on dispute resolution in ordinary and complex litigation and tort liability has won national recognition, and she has testified before state and federal legislatures in the U.S. and consulted with judicial and bar committees and task forces in the U.S. and Asia regarding issues ranging from alternative dispute resolution to asbestos litigation, mass torts, and class actions. She has used a variety of social science research methods to explore civil justice issues, including survey research, case study analysis, and randomized experiments. She was the founder of RAND's Survey Research Group and for many years taught social science research methods at the RAND Graduate School of Public Policy. As a founding member of the RAND Institute for Civil Justice, she helped to establish its preeminent position as a center for empirical research in the U.S. on civil litigation issues, and during her tenure at Rand, she served first as the Institute's Research Director and then as its Director.

TEACHING

Judge John W. Ford Professor of Dispute Resolution, Stanford Law School, 1998 --
 (Alternative Dispute Resolution, Complex Litigation, The Use of Policy Analysis in the Law,
 Empirical Workshop on the Legal Profession)
 Prof. of Law and Social Science, University of Southern California Law Center, 1993-1998
 (Alternative Dispute Resolution, Complex Litigation, The Use of Social Science Evidence in the
 Law)
 Visiting Professor of Social Science in Law, University of Southern California Law Center, 1991-1993
 Visiting Professor, University of Chicago Law School, Spring 1991 (The Use of Social Science
 Evidence in the Law)
 Scholar in residence, University of Southern California Law School, Fall 1990
 George E. Allen Chair, University of Richmond Law School, Spring 1990
 Faculty member, RAND Graduate School, 1980-1993 (Social Science Research Methods for
 Policy Analysis)

PROFESSIONAL ORGANIZATIONS/HONORS/SERVICE

Robert McKay Law Professor Award, American Bar Association, Torts & Insurance Practice Section,
 (2002)
 Fellow, American Academy of Political and Social Science (elected 2002)
 Board of Overseers, RAND Institute for Civil Justice (1998- present)
 Editorial Board, *Journal of Empirical Legal Studies*, (2003-present)
 Editorial Board, *Law & Society Review*, 2000-2003
 Consulting Editor, *Psychology, Public Policy, and Law*
 Board of Directors, California Supreme Court Historical Society, 1998-2002
 American Inns of Court, Leadership Council - 1997 - 2001
 Board of Directors, American Judicature Society, 1993-1999
 Board of Directors, American Arbitration Association, 1990-1995
 Ninth Circuit Ethnicity, Race & Religion Bias Task Force, 1994-1997
 Judicial Project Advisory Council, Center for Public Resources, Inc., 1992-1997
 Board of Trustees, Law and Society Association, 1993-1996
 American Association for the Advancement of Science-American Bar Association
 National Conference of Lawyers and Scientists (NCLS) Steering Committee, 1994
 Law and Social Science Advisory Panel, National Science Foundation (1991-1994)
 Public Policy Committee, Society for Professionals in Dispute Resolution (SPIDR) 1990-1994
 National Transportation Board (National Academy of Sciences) Study Committee on the Federal
 Employers' Liability Act (FELA), 1992-1993
 Ninth Circuit Gender Bias Task Force, 1991-1993
 Editorial Board, *Public Opinion Quarterly*, 1988-1991
 Hunter College Hall of Fame Award (1985)
 American Association for Public Opinion Research (Chair, Standards Committee 1982-1984)
 YWCA Woman of the Year Award (Santa Monica, 1980)
 Soroptomist Club Achievement Award (Los Angeles, 1977)
 National Science Foundation Dissertation Research Fellowship (1967-1968)
 Stouffer Fellowship, awarded by the Harvard-M.I.T. Joint Center for Urban Studies (1966-1967)
 National Science Foundation Fellowship (1966-1967)

Woodrow Wilson Dissertation Fellowship (1965)
 Woodrow Wilson Fellow (1963-1964)
 Phi Beta Kappa (elected 1963)
 Pi Sigma Alpha (national honorary political science society: elected 1963)

PUBLICATIONS

BOOKS, BOOK CHAPTERS AND JOURNAL ARTICLES

Deborah Hensler, "Has the Fat Lady Sung? The Future of Mass Toxic Torts," 26 *U. Tex. Review of Litigation*, 883 (2007).

Deborah Hensler, "Mass Torts," in David Clark ed. *ENCYCLOPEDIA OF LAW & SOCIETY: AMERICAN AND GLOBAL PERSPECTIVES* (2007).

Deborah Hensler, "Bringing *Shutts* Into the Future: Rethinking Protection of Future Claimants in Mass Tort Class Actions," 74 *UMKC L. Rev* 585 (2006).

Deborah Hensler, "Asbestos Litigation in the United States: Triumph and Failure of the Civil Justice System," 12 *U. Conn. J. Ins. Law*, 255 (2005-06).

Deborah Hensler, "A Brief History of Asbestos Litigation in the United States," (translated to Japanese by Machiko Furuyama) 826 *New Business Law* 28 (2006.2.1).

Deborah Hensler, "Alternative Courts? Litigation-Induced Claims Resolution Facilities," 57 *Stanford L. Rev.* 1429 (2005).

Deborah Hensler, "Reflections on the Use of Empirical Research in Legal Policy Reform," 7 *Newcastle L. Rev.* (2003—2004).

Linda Demaine and Deborah Hensler, "Volunteering" to Arbitrate through Predispute Arbitration Clauses: The Average Consumer's Experience, 67 *Law & Contemp. Prob.* 55 (2004).

Deborah Hensler, "Money Talks: Searching for Justice through Compensation for Personal Injury and Death," 53 *De Paul L. Rev.* 417 (2003).

Deborah Hensler, "Two Takes on the Civil Litigation Wars," book review, 87 *Judicature* 83 (2003).

Deborah Hensler, "Our Courts, Ourselves: How ADR is Transforming the U.S. Court System," 108 *Penn State L. Rev.* 165 (2003).

Deborah Hensler, "As Time Goes By: Asbestos Litigation After *Amchem* and *Ortiz*," 80 *Tex. L. Rev.* 1899 (2002).

Carole Gresenz, David Studdert, Nancy Campbell and Deborah Hensler, "Patients in Conflict with Managed Care: A Profile of Appeals in Two HMOs," 21 *Health Affairs* 189 (2002).

Deborah Hensler, "Suppose It's Not True: Challenging Mediation Ideology," 2002 *U. Miss. J. Disp. Res.*, 81 (2002).

Deborah Hensler, "Judging Arbitration," in PROCEEDINGS OF THE 54TH ANNUAL MEETING OF THE NATIONAL ACADEMY OF ARBITRATORS 123 (2002).

Deborah Hensler, "The New Social Policy Torts: Litigation as A Legislative Strategy – Preliminary Thoughts on a New Research Project," 51 *De Paul L. Rev.* (2001).

Deborah Hensler, "The Role of Multi-Districting in Mass Tort Litigation: An Empirical Investigation," 31 *Seton Hall L. Rev.* 883 (2001).

Deborah Hensler, "Revisiting the Monster: New Myths and Realities of Class Action and Other Large-Scale Litigation," 11 *Duke Journal of Comparative and International Law*, 179 (2001).

Deborah Hensler and Thomas Rowe, "Beyond 'It Just Ain't Worth It': Alternative Strategies for Damage Class Action Reform," 64 *Law & Contemporary Problems* 137 (2001).

Deborah Hensler, "In Search of 'Good Mediation': Rhetoric, Practice and Empiricism," in Joseph Sanders and V. Lee Hamilton, eds. HANDBOOK OF JUSTICE RESEARCH IN LAW, New York: Kluwer Academic/Plenum, 2001.

Deborah Hensler, Nicholas Pace, Bonita Dombey-Moore, Beth Giddens, Jennifer Gross and Erik Moller, CLASS ACTION DILEMMAS: PURSUING PUBLIC GOALS FOR PRIVATE GAIN, Santa Monica, CA: RAND, 2000.

Deborah Hensler and Judith Resnik, "Contested Identities: Bias Task Forces and the Obligations of the Legal Profession," in Deborah Rhode, ETHICS IN PRACTICE, Oxford University Press, 2000.

Deborah Hensler, "ADR Research at the Crossroads," 2000 *J. Disp. Res.* 71 (2000).

David Studdert, William Sage, Carole Roan Gresenz and Deborah Hensler, "Expanding Health Care Liability: What Impact on Employer Coverage?" 18 *Health Affairs*, 7 (1999).

Deborah Hensler, "A Research Agenda: What We Need to Know About Court-Connected ADR," *Disp. Res. Mag.* 15 (1999).

Deborah Hensler, "Do We Need an Empirical Research Agenda on Judicial Independence?" 72 *So. Cal. L. Rev.* 708 (1999).

Deborah Hensler, "The Real World of Tort Litigation," in Austin Sarat et. al., EVERYDAY PRACTICES & TROUBLE CASES, Evanston, ILL: Northwestern University Press, 1998.

James Kakalik, Deborah Hensler, Daniel McCaffrey, Marian Oshiro, Nicholas Pace and Mary Vaiana, "Discovery Management: Further Analysis of the Civil Justice Reform Act Evaluation Data," *Boston Coll. L. Rev.* (1998).

Deborah Hensler, "Puzzling Over ADR: Drawing Meaning from the RAND Report," 3 *Disp. Res. Mag.* 8 (1997).

Judith Resnik, Dennis Curtis & Deborah Hensler, "Individuals Within the Aggregate: Relationships, Representations, and Fees," 71 *NYU L. Rev.* 296 (1996).

Deborah Hensler, "A Glass Half Full, A Glass Half Empty: The Use of Alternative Dispute Resolution in Mass Personal Injury Litigation," 73 *Texas Law Review*, 1587 (1995).

Deborah Hensler, "Why We Don't Know More About the Civil Justice System - and What We Could Do About It," *USC Law*, Fall 1994.

Marc Galanter, Bryant Garth, Deborah Hensler, and Frances Zemans, "How to Improve Civil Justice Policy," 77 *Judicature* (1994).

Deborah Hensler and Mark Peterson, "Understanding Mass Personal Injury Litigation: A Socio-Legal Analysis," 59 *Brooklyn L. Rev.* 961 (1993).

Deborah Hensler, "Studying Gender Bias in the Courts: Stories and Statistics," 45 *Stanford L. Rev.* 2187 (1993).

Deborah Hensler, "Reading the Tort Litigation Tea Leaves: What's Going on in the Civil Liability System?" 16 *Justice System J.* 139 (1993).

Deborah Hensler, "Fashioning a National Resolution of Asbestos Personal Injury Litigation: A Reply to Professor Brickman," 13 *Cardozo L. Rev.* 1967 (1992).

Deborah Hensler, "Taking Aim at the American Legal System: The Council on Competitiveness's Agenda for Legal Reform," *Judicature*, Vol. 75, No. 5, 1992.

Deborah Hensler, "Diagnosing the Nation's Legal Ills," *Judicature*, Vol. 75, No. 3, 1991 (book review).

Deborah Hensler, "Science in the Court: Is There a Role for Alternative Dispute Resolution?" 54 *Law and Contemporary Problems* (1991).

Deborah Hensler, "Assessing Claims Resolution Facilities: What We Need to Know," 54 *Law and Contemporary Problems* (1991).

Allan Lind, Robert MacCoun, Patricia Ebener, William Felstiner, Deborah Hensler, Judith Resnik and Tom Tyler, "In the Eye of the Beholder: Tort Litigants' Evaluations of Their Experiences in the Civil Justice System," *Law and Society Review*, Vol. 24, No. 4, 1990.

Deborah Hensler, "Court-Administered Arbitration: An Alternative View," 1990 *University of Chicago Legal Forum* (1990).

Deborah Hensler, "Court-Annexed ADR," in J. H. Wilkinson (ed.), *Donovan Leisure Newton & Irvine ADR Practice Book*, John Wiley & Sons, New York, 1990.

Deborah Hensler, "Resolving Mass Toxic Torts: Myths and Realities," *University of Illinois Law Review*, Vol. 1989, No. 1.

Deborah Hensler, "Researching Civil Justice: Problems and Pitfalls," *Law and Contemporary Problems*, Vol. 51, No. 3, 1988.

Deborah Hensler, "Trends in Tort Litigation: Findings from ICJ Research," *Ohio State University Law Journal*, Vol. 48, No. 2, 1987.

Deborah Hensler, "Surveying the Litigation Landscape: The Civil Litigation Research Project," *Public Opinion Quarterly*, Vol. 51, Winter 1987.

Deborah Hensler, "Court-Annexed Arbitration, An Alternative for the Federal Courts?" in *ADR and the Courts: A Manual for Judges and Lawyers*, New York, Butterworth 1987.

Deborah Hensler, "What We Know and Don't Know About Court-Administered Arbitration," *Judicature*, February-March 1986.

Deborah Hensler, "Reforming the Civil Justice System: How Arbitration May Help," *New Jersey Bell Journal*, Summer, 1984.

Deborah Hensler, Zahava Doering and Douglas Scott, "Field Management Strategies for the Housing Assistance Supply Experiment," in *Survey Research Issues in Income Measurement: Field Techniques, Questionnaire Design and Income Validation*, (Proceedings of the Survey of Income and Program Participation Workshop) August 1978.

Deborah Hensler, *Perceptions of the National Science Foundation Peer Review Process: A Report on A Survey of NSF Reviewers and Applicants*, prepared for the Committee on Peer Review, National Science Board, and the Committee on Science and Technology, U.S. House of Representatives, December 1976.

Leo Reeder, Linda Bourque and Deborah Hensler, "Attitudes Toward Population Growth: Demographic Predictors," *Social Biology*, Vol. 21, No. 4, Winter 1974.

Frederick Wirt, Benjamin Walter, Francine Rabinovitz and Deborah Hensler, *ON THE CITY'S RIM: SUBURBAN POLITICS AND POLICIES*, Lexington: D.C. Heath, 1972

Bert Swanson and Deborah Rosenfield (Hensler), "The Coon-Neuberger Debates of 1955: 'Ten Dam Nights in Oregon,'" *Pacific Northwest Quarterly*, Vol. 55, April 1964.

RAND REPORTS

Stephen Carroll, Deborah Hensler, Allan Abrahamse, Jennifer Gross, Scott Ashwood and Elizabeth Sloss, *ASBESTOS LITIGATION* (2005).

Stephen Carroll, Deborah Hensler, Allan Abrahamse, Jennifer Gross, Michelle White, Scott Ashwood and Elizabeth Sloss, *Asbestos Litigation Costs and Compensation: An Interim Report*, RAND, DB-3971-ICJ, 2002.

Deborah Hensler, Stephen Carroll, Michelle White and Jennifer Gross, *Asbestos Litigation in the U.S.: A New Look at an Old Issue*, RAND, DB-362.0-ICJ, 2001.

Deborah Hensler, Bonnie Dombey-Moore, Beth Giddens, Jennifer Gross, Erik Moller and Nicholas Pace, *Class Action Dilemmas: Pursuing Public Goals for Private Gain, Executive Summary*. RAND, MR-969/1-ICJ, 1999.

Carole Roan-Gresenz, Deborah Hensler, David Studdert, Bonnie Dombey-Moore, and Nicholas Pace, *A Flood of Litigation? Predicting the Consequences of Changing Legal Remedies Available to ERISA Beneficiaries*, RAND, IP-184-ICJ, 1999.

Deborah Hensler, Jennifer Gross, Erik Moller and Nicholas Pace, *Preliminary Results of the RAND Study of Class Action Litigation*, RAND, DB-220-ICJ, 1997.

Deborah Hensler and Marisa Reddy, *California Lawyers View the Future: A Report to the Commission on the Future of the Legal Profession and the State Bar*, RAND, MR-528-ICJ, 1994.

Deborah Hensler, Susan Marquis et al., *Compensation for Accidental Injuries in the United States*, RAND, R-3999-HHS/ICJ, 1991.

Allan Lind, Robert MacCoun, Patricia Ebener, William Felstiner, Deborah Hensler, Judith Resnik and Tom Tyler, *The Perception of Justice: Tort Litigants' Views of Trial, Court-Annexed Arbitration, and Judicial Settlement Conferences*, RAND, R-3708-ICJ, 1989.

Robert MacCoun, Allan Lind, Deborah Hensler, David Bryant and Patricia Ebener, *Alternative Adjudication: An Evaluation of the New Jersey Automobile Arbitration Program*, RAND, R-3676-ICJ, 1988.

Deborah Hensler, Mary Vaiana, James Kakalik and Mark Peterson, *Trends in Tort Litigation: The Story Behind the Statistics*, RAND, R-3583-ICJ, December 1987.

Deborah Hensler, *Trends in California Tort Liability Litigation*, RAND, P-7287-ICJ, March 1987.

Deborah Hensler, *Summary of Research Results on Product Liability*, The RAND Corporation, P-7271-ICJ, October 1986.

Deborah Hensler, *Summary of Research Results on the Tort Liability System*, RAND, P-7210-ICJ, March 1986.

Deborah Hensler, William Felstiner, Patricia Ebener and Molly Selvin, *Asbestos in the Courts: The Challenge of Mass Toxic Torts*, RAND, R-3324-ICJ, 1985.

Elizabeth Rolph, Deborah Hensler and Albert Lipson, *Court-Ordered Arbitration: The California Experience*, RAND, N-2186-ICJ, July 1984.

Deborah Hensler, *Court-Annexed Arbitration in the State Trial Court System*, RAND, P-6963-ICJ, February 1984.

Jane Adler, Deborah Hensler and Charles Nelson, *Simple Justice: How Litigants Fare in the Pittsburgh Court Arbitration Program*, The RAND Corporation, R-3071-ICJ, June 1983.

Deborah Hensler and Jane Adler, with the assistance of Gregory Rest, , *Court-Administered Arbitration: An Alternative for Consumer Dispute Resolution*, RAND, N-1965-ICJ, 1983.

Jane Adler, William Felstiner, Deborah Hensler and Mark Peterson, *The Pace of Litigation: Conference Proceedings*, RAND, R-2922-ICJ, 1982.

Deborah Hensler, Elizabeth Rolph and Albert Lipson, *Judicial Arbitration in California: The First Year*, RAND, R-2733-ICJ, 1981.

Deborah Hensler, *Science Policy by Referendum: Voter Choice on the California Nuclear Energy Initiative*, RAND, P-6576, 1981.

Deborah Hensler and Carl Hensler, *Evaluating Nuclear Power: Voter Choice on the California Nuclear Energy Initiative*, RAND, R-2341-NSF, 1979.

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