

Michael Palmer, J.D., Dr. Phil.

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The headings of the following outline contain hyperlinks to more detailed information on subsequent pages.

Education and Licenses

J.D., Dr. Phil., licensed by state and federal courts of Illinois and Vermont, certified early neutral evaluator, mediator, college/university teacher

Business and Professional Experience

Lawyer, ethics & compliance professional, online educator, college and university teacher, entrepreneur, international legal consultant, negotiation consultant

Teaching Experience

Freie Universität Berlin, University of Maryland, Chicago Kent Law School, Champlain College, Middlebury College, workshops and seminars, online courses

Knowledge:

Business management, professional judgment, business and professional ethics, group decision making, strategic negotiation theory, commercial law, philosophy, rule of law theory, risk management, litigation settlement strategy, dispute resolution systems design, applied systems theory, fraud prevention, case valuation

Author:

Books, articles, courses, and lectures on stewardship ethics, professional ethics, business management, negotiation, corporate law, professional judgment, decision making, litigation risk management, systems theory, conflict management, dispute resolution, organizational ombuds programs, technology theory, corporate social responsibility

Skills:

Writing, editing, legal analysis, legal advocacy, legislative drafting, learning management systems technology, course design, strategic negotiation, consensus building, public speaking, German (rudimentary French, Swedish, Greek, and Latin), translator, music (piano, composition)

Member

Society of Corporate Compliance and Ethics, Association of Certified Fraud Examiners, American Bar Association, Vermont Bar Association, Vermont Chamber of Commerce, Vermont Businesses for Social Responsibility

Civic Engagement

Non-profit boards, association leadership, business development, political organizing, peace and human rights, conflict resolution, community consensus building, and environmental stewardship

Expanded Descriptions

Education and Professional Accreditation

J.D. *magna cum laude*, Georgetown University, Washington, D.C., May 1980
(Editor, *Georgetown Law Journal*)

Dr. Phil. *magna cum laude*, Freie Universität Berlin, July 1976. Concentration:
Systematic Theology, Philosophy, and History of Religion. Dissertation: *Das
Problem der Technik in der gegenwärtigen wissenschaftlichen Diskussion.*

M.A. *summa cum laude*, Freie Universität Berlin, July 1971. Concentration:
Systematic Theology, Philosophy, and Psychology

B.A., *cum laude*, McMurry College, May 1967. Major: Philosophy. Minor:
Religion.

Fellow, Salzburg Seminar on The Rule of Law: Reconciling Religion and Culture
in a Constitutional Framework, October 2006

Mediation Workshop, Harvard Law School, June 2001

Negotiation Workshop, Harvard Law School, June 1992

Admitted to practice law before Vermont Supreme Court (1987), Illinois Supreme
Court (1980), U.S. District Courts for Vermont and Northern District of Illinois,
U.S. Courts of Appeals for the Seventh and Eleventh Circuits.

Member, Early Neutral Evaluation Panel, U.S. District Court for the District of
Vermont

Employment History

2007-Present: Owner, Ethics By Design (www.EthicsByDesign.com)

Design and implementation of ethics programs in small and medium enterprises. Design
and facilitation of online courses and training programs in organizational ethics.

2002- Present: Senior Professional, CMI Concord Group, Inc.,
(www.CMIConcord.com).

Assist organizations in diagnosing and resolving conflict management problems and
help train senior management in the use of strategic negotiation techniques. Consult on
dispute resolution systems design for businesses and educational organizations.

2004 - Present: Occasional employment as legal and dispute resolution expert by
American Bar Association, Cardno (f/k/a Emerging Markets Group), and
Chemonics Int'l on international rule of law projects

1996-Present: Win Before Trial (formerly Strategies for Good Outcomes)

Consultation and assistance in litigation settlement analysis and negotiation support

1987 - 2004: Owner, Palmer Legal Services

Commercial law (including bankruptcy), civil litigation, business and corporate law.

1988 - 1991: Co-founder and General Counsel, New England World Trade, Inc.

Exported Vermont products to Japan, Canada, Bahrain.

1996 - 2007: Winter Term lecturer, Middlebury College, Middlebury, Vermont.

Courses: Negotiation and Conflict Management, Beyond the Law, Principled Resistance, Conflict Management Education, Practical Ethics

1980 -1987: Jenner & Block, One IBM Plaza, Chicago, Illinois

Litigated anti-trust, trademark, contract, commercial law, civil rights, and death penalty cases in large law firm.

1978 - 1980: Research assistant to Commissioner Bertram Cottine, Occupational Safety and Health Review Commission, Washington, D.C.

1971 - 1976: Graduate teaching fellow (wissenschaftlicher Assistant), Freie Universität, Berlin, Germany

1972 - 1977: Adjunct Professor, University of Maryland

Teaching Experience

Online courses through Ethics By Design, 2010-2011

- Promoting and Protecting Personal Integrity in Organizations
- Managing Corporate Integrity
- Preventing Fraud, Theft, and Corruption
- Preventing Workplace Harassment: An Introduction for Executives, Managers, and Supervisors
- Sex & Power: What Lawyers and Their Clients Must Know and Do to Prevent Workplace Harassment
- Creating a Code of Conduct for Your School, Business, or Non-Profit

Online course on Professional Ethics through Champlain College, 2008-2011

15-week course on business and professional ethics in an organizational context; addresses the professional's dilemma, the nature of discretionary authority and fiduciary duties, the genetic and cultural aspects of morality, the trust economy, why good people do bad things, professional codes and specialized ethics, the economics of cheating, the problem of diffused responsibility, manners and morals,

professional problems arising in organizations, moral competence, and the stakeholder theory of the corporation

Middlebury College

- 1996, 1997: Negotiation and Conflict Management
- 1998: Beyond the Law: The Ethical Foundations of Peacemaking
- 2003, 2004: Conflict Resolution Education
- 2005: Negotiating Peace: Conflict Management Involving Individuals and Groups
- 2006: The Quiet Revolution: Peace, Prosperity, and the Rule of Law
- 2007: Practical Ethics

Chicago Kent College of Law, Illinois Institute of Technology, 1986

Co-taught course on jurisprudence (philosophy of law) with Charles Barker.

Freie Universität Berlin, 1971-1976

Pro-seminars in systematic theology and social ethics: Paul Tillich's Systematic Theology; The Puritan Ethic and the Spirit of Capitalism, Biblical exegesis

University of Maryland, Berlin Campus, 1972-1977

Undergraduate philosophy courses: Introduction to philosophy, logic, 20th century philosophy, ethics, history of philosophy

Evangelische Realschule, Steglitz, Berlin, Germany, 1973

Taught religion in grades 7-9.

Books and Articles

Books

Complying with the Ethics Mandates of the Federal Acquisition Regulation (Legal Access Press eBook, 2011)

Professional Ethics in Organizational Contexts (Legal Access Press eBook, 2010)

The Morally Responsible College: Practicing What We Teach (Legal Access Press, [Kindle Version](#), 2011)

Winning Settlements: What Every Courtroom Lawyer Must Know to Get the Best Deals for their Clients [publication pending]

Peace is an Everyday Thing [publication pending]

Life After Debt: A Handbook of Options for Overcoming Money Problems (Legal Access Press, 1995)

Settling Cases: On Negotiating the Resolution of Legal Disputes (Legal Access Press, 1994)

Making Vermont's Corporate Law Work for You (Legal Access Press, 1994)

Das Problem der Technik in der gegenwärtigen wissenschaftlichen Diskussion (Berlin: Universitätsdruckerei der Freien Universität, 1976)

Articles

"What is Ethics?" (published in course on professional ethics)

"An Introduction to Corporate Ethics" (published in course on Managing Corporate Integrity)

"The Corporate Manager's Fiduciary Duty to the Corporation" (published in course on Managing Corporate Integrity)

"The Business Case for a Business Ethics Program" (published in course on Creating a Code of Conduct)

"Herbert Taylor and the 4-Way Test" (published in course on Managing Corporate Integrity)

"The FAR Raises the Bar for Compliance and Ethics Programs" (*Compliance & Ethics Professional*, June 2011)

"Which is Better: The Deal of the Ordeal? An Examination of Some Challenges of Case Valuation" (Vermont Bar Journal, Fall 2010)

"Overcoming Barriers to Agreement" (ABA Advanced Mediation Institute, November 2006).

"ADR Missionaries" (ABA Dispute Resolution Magazine, Spring 2006)

"Building Trust Through a Code of Conduct" (Macedonian Business Lawyers Association Magazine, Spring 2006)

"Civic Education and Peace" (Vermont Bar Journal, November 2005)

"Civic Education through Civic Engagement" (Vermont Bar Journal, November 2005)

"A Tale of Two Colleges" (Conflict Management in Higher Education Report, Vol. 5, No. 1, Sept. 2004)

"To Cybersettle or Not To Cybersettle" (Vermont Bar Journal, January 2001)

"Problem-Solving Negotiation: What's In it for You . . . and Your Clients?" (Vermont Bar Journal, September 2000)

“The Magic of Mediation,” Vermont Bar Journal, July 1996. (translated into Russian and Macedonian)

“The Attorney Registration and Disciplinary Commission: Its Structure, Operation, and Limitations,” 18 Loyola L.J. 601 (1987)

“The Sixth Amendment Right to Counsel in a Federal Investigation of the Events Underlying a State Indictment,” 67 Geo. L.J. 1236 (1979)

Co-author with Helmut Gollwitzer and Helmut Schliski, “Der Jude Paulus und die deutsche neutestamentliche Wissenschaft” (The Jew Paul and German New Testament Scholarship), in: 34 Evangelische Theologie 276 (1974)

Book reviews

“No More Dollars for Dictators,” review of Morton Halperin, Joseph Siegle, and Michael Weinstein, *The Democracy Advantage: How Democracies Promote Prosperity and Peace* (New York: Routledge, 2005), in: *The Whitehead Journal of Diplomacy and International Relations*, Summer/Fall 2006

Review of David Berg, *The Trial Lawyer: What It Takes to Win*

Review of John Abrams, *The Company We Keep*

Review of Winnifred Fallers Sullivan, *The Impossibility of Religious Freedom* (Princeton: Princeton University Press, 2005)

Consulting Work

Professional Judgment Project

Retained by KPMG as expert consultant on professional judgment. Wrote draft book on Improving Auditor Judgment that served as basis for KPMG’s *Elevating Professional Judgment in Auditing and Accounting: The KPMG Professional Judgment Framework*.

Online course development

Retained by Global Classroom, LLC, to develop online courses on fraud prevention, workplace harassment, and the Americans with Disabilities Act for delivery to various associations

Negotiation Training

Work with partners and senior professionals of CMI Concord Group to provide negotiation consulting and training to senior-level executives in Arthur Andersen, Johnson & Johnson, CIGNA, KPMG, and other organizations

Developing Country Context Experience

Legal Consultant, USAID Rule of Law Initiative, Rostov, Russia, 2010.

Responsibilities included

- design and delivery of a Master Class on mediation for Russian mediators at the Russian Mediation Institute;
- design and delivery of basic workshop on mediation for Russian judges.

Legal Consultant, USAID TIRSP (Trade and Investment Reform Support Program in Azerbaijan), Baku, Azerbaijan, 2008

Responsibilities included

- reviewing the previous bankruptcy assessment, laws and procedures applicable during the business insolvency process and draft legislative reforms designed to increase the efficiency, speed and effectiveness of the bankruptcy process;
- reviewing the provisions governing voluntary business closure and draft legislative reforms designed to increase the efficiency, speed and effectiveness of the business closure process;
- developing a mediation implementation plan that includes the drafting of a mediation law, support for the development of a mediation association and training on mediation best practices. The plan shall identify USAID partners, their roles and responsibilities and potential local NGO implementers.

Delivered the following written work

- Completely revised draft Law on Bankruptcy designed to increase the efficiency, speed and effectiveness of the bankruptcy process together with a code of conduct for bankruptcy administrators and explanatory notes;
- A draft Commercial Mediation Law for the Economic Court, including a code of conduct and commentary;
- A mediation implementation plan;
- A trip report summarizing activities, accomplishments, recommendations and next steps in relation to bankruptcy, business closure, and mediation;
- Project design for development of insolvency system.

Legal Consultant, USAID FILE (Fostering an Investor- and Lender-Friendly Environment) Project, Sarajevo, Bosnia-Herzegovina, 2006.

Responsibilities included

- helping to plan and carry out a conference on the bankruptcy system in Bosnia-Herzegovina,
- writing articles and materials for conference handbook,
- preparing and delivering speech on ways to build consensus and cooperation among different stakeholder groups,
- assisting with the revision of train-the-trainer materials for judges and trustees,
- advising international and local team on bankruptcy law,
- reviewing existing law with respect to potential amendments to the law,
- writing detailed report on the bankruptcy conference, and
- development of plan for continuing work by Bosnian-Herzegovinians following the conclusion of the FILE project.

Delivered the following written work

- detailed analysis of problems, causes, and potential solutions of the bankruptcy system in Bosnia-Herzegovina,
- a summary of progress made to date,
- an introduction to the conference handbook,
- several short summaries of the status of the FILE project, and
- a detailed report on the conference and how to proceed with the development of working groups to continue improving the bankruptcy system and using it to attract investment and put the frozen assets of insolvent companies back into productive use.

Legal Consultant, Macedonia Corporate Governance and Company Law Project, Skopje, Macedonia (USAID) 2005.

Responsibilities included

- review of draft revisions to existing Macedonian Bankruptcy Law,
- comparison of drafts with UNCITRAL Legislative Guide on Insolvency Law,
- participation in drafting conferences,
- consulting with officials of Ministry of Economy concerning bankruptcy law, trustees chamber, professional standards, and code of conduct for trustees,
- drafting various proposed articles for revised bankruptcy law,
- interviews of judges, lawyers, trustees, and bank officials other stakeholders,
- preparation of reports on the process,
- drafting proposed follow-up steps, giving speech on Trustees Chamber to Macedonian Business Lawyers Association (MBLA), and
- research and drafting of proposed code of conduct for bankruptcy trustees.

Delivered the following written work

- draft articles for the Bankruptcy Law on Financial Collateral, a Trustees Chamber, Mediation,
- an article for Macedonian Business Lawyers Association Magazine ("Building Trust Through a Code of Conduct"),
- brief status reports,
- a proposed code of conduct for bankruptcy trustees,
- a commentary on the code of conduct, and a series of background essays: What is a Code of Conduct? Why is a Code of Conduct for Trustees Necessary in Macedonia? Trusting the Trustee: What is a Fiduciary Relationship and Why it Matters?

Legal Specialist, Judicial Upgrading Strategy, Ministry of Justice, Hashemite Kingdom of Jordan. (Under auspices of American Bar Association/Central European and Eurasian Law Initiative) 2004.

Responsibilities included

- review of Case Management System and Mediation Law,
- interviews with judges, lawyers, business leaders, and other stakeholders concerning mediation in Jordan and the new mediation law,
- meetings with officials from Ministry of Justice, participation in conferences on reducing demand on the court system,
- participation in Dead Sea Conference on changes to Jordanian judicial system,
- preparation of in-depth assessment and report on mediation law and further steps,
- development of a strategic plan for implementation of the mediation program, and
- preparation of recommendations for Minister of Justice.

Delivered the following written work

- compilation of resources on alternative dispute resolution,
- analysis of the potential application of ADR in insurance cases in Jordan,
- miscellaneous status reports and interview summaries, and
- a diagnostic assessment of mediation in Jordan and recommendations for future work.

Participant, Rule of Law Project, Karelia, Russia (Under auspices of Vermont/Karelia Rule of Law Program) 2000

Responsibilities included

- preparation of information on Alternative Dispute Resolution methods,
- consulting with judges, lawyers, law professors, and others in Karelia concerning various ADR methods and their application in a commercial law setting,
- participation in a seminar for Russians on Secured Transactions and Bankruptcy in the United States, and
- consultation with other team members about the project.

Board Experience, Professional Associations, and Recognition

Boards

Addison Youth Empowerment Advisory Board, 2000 - 2003

Union District Number 3 School Board (former member)

Chair, Legislative Sub-Committee on Truancy, Fall 1999

Vermont School Boards Association Board of Directors (former member)

Sheldon Museum, Middlebury, Vermont (former member)

Governor's Export Advisory Council, State of Vermont (former member)

Addison County Counseling Service (former member)

Professional Associations

Society of Corporate Compliance and Ethics

Association of Certified Fraud Examiners

Society of Human Resouce Management

Vermont Bar Association, 1987-present. Chair, Public Education Section. Former Chair, Alternative Dispute Resolution Committee; Bankruptcy Section, chair, sub-committee on education.

American Bar Association, 1980 - present. Active in Dispute Resolution Section; member, Ethics Committee and Collaborative Law Committee.

Association of Conflict Resolution (founding member), 2001 - 2006. Active in Education Section.

Lawyers' Committee for Civil Rights Under Law (Participating Attorney, 1980-87); Lawyers Alliance for Nuclear Arms Control (founding member); Amnesty International.

Recognition

Honorable Mention, 1982 American Lawyer "Ammy" for *pro bono* work on *Spivey v. Zant* (Georgia death penalty case).

Listed in Who's Who in America®; Who's Who in American Law®

Chicago Bar Association, Certificate of Appreciation for *pro bono* work.

Marshall Fellow, German Government Marshall Plan, 1967-68

Listed in Who's Who in Colleges and Universities, 1966-67

Personal

Married to Gisela Schultz. Two daughters: Eva Rebecca Yarger and Esther Marie Palmer

Avocations: Music (piano and percussion instruments); literature; golf