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TRIBUTES TO PROFESSOR ROGER WOLF

KAREN H. ROTHENBERG*

For almost three decades, Professor Roger Wolf has served as a pioneer and champion for the use of alternative dispute resolution. He is truly the grandfather of mediation in the State of Maryland and was advocating the benefits of ADR long before it entered the common legal vernacular. When he began, Roger had to convince the courts and experienced litigators why mediation was such a good idea. Today, they seek him out. Roger has personally trained more than 1,000 mediators in Maryland and in neighboring states, and instructed thousands more on the benefits of finding collaborative resolutions to conflict. It has been an honor and a privilege to count Roger as a colleague and friend for the last twenty-eight years.

Professor Wolf graduated from Harvard College in 1962, and earned a law degree from George Washington University in 1967. He joined the University of Maryland School of Law faculty in 1982. In 1983, he became director of the Attorney General's clinic and, over the next nine years, taught courses including criminal defense clinics, lawyering process, civil procedure, and his highly regarded alternative dispute resolution survey course. When he initiated the law school's Mediation Clinic in 1992, it was one of the first of its kind and quickly became the model for mediation clinics throughout the country. Professor Wolf gradually expanded its role and significance over the years by hosting a variety of high level conferences and training Maryland leaders in the effective use of the collaborative process.

In 2001, Roger founded the Center for Dispute Resolution at the University of Maryland School of Law ("C-DRUM") which has served as an invaluable resource for all the schools at the University of Maryland, Baltimore campus and courts and agencies statewide. Now, due in no small part to Roger's dogged persistence, most civil and family cases in Maryland are referred to mediation at some point before they go to trial. Court-approved mediators must have forty hours of training; family mediators must have eighty. In a state where mediation resources were once rare, Maryland is now the home to eighteen community mediation programs that provide free or low-cost mediation services at the neighborhood level.

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When Roger was named the inaugural recipient of the Chief Judge Robert M. Bell Award for Outstanding Contribution to Alternative Dispute Resolution in Maryland, Marc Baer, the Chair of the Award Nomination Committee, wrote that Roger's "leadership and dedication transcends beyond Maryland. His influence has touched countless numbers of judges, lawyers, law students, ADR practice groups, organizations and people in conflict."

Roger's vision and ambition have always transcended the traditional and has unassumingly created a legacy of greatness. With humor and a relaxed—but persistent—spirit, he has influenced and benefitted everyone with whom he has worked for the last three decades. Even though he insists that he is now retired, we know that, as a Professor Emeritus, his counsel will continue to inspire his students and colleagues for years to come. He has set the bar very high for all of us and for that we should all be truly grateful.

DIANE E. HOFFMANN*

I do not remember the first time I met Roger Wolf, but I do remember that when I did, I liked him immediately. His friendliness and relaxed and unpretentious manner made him someone I felt comfortable being around. And, the more I got to know him, the more I discovered that he is a remarkable man with many talents and interests that are truly unusual for a law school professor. Despite his academic attire—tweed jackets and colorful bowties—and having developed a well-earned reputation as the "Dean" of alternative dispute resolution in the state, he is perhaps equally at home in a flannel shirt and pair of old jeans, riding a tractor.

I came to learn these things about Roger through a number of interactions with him during my time on the faculty as his colleague. Our paths crossed on numerous occasions as I had come to the law school with a bit of a background in mediation and maintained an interest in the use of ADR in resolving health care disputes. One of my earliest memories of Roger is the time we were asked to co-mediate a conflict between two roommates at a nursing home in southern Maryland as part of an ABA project. We decided to car pool as it was a two hour drive to the facility. Roger met me in his pick-up truck and I climbed in. Soon after I got into the truck, I smelled something very

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strong and unusual—like the scent of wet farm animal. Not a smell to which I was accustomed.

It was then I came to learn that Roger lived on a farm and raised sheep—interesting for a man named Wolf! That morning, before meeting me at 9:00 a.m., he had been out on the farm delivering a lamb from one of his sheep. I was impressed; a law professor living on a farm, helping give birth to lambs in the wee hours of the morning, and mediating cases and teaching classes in the afternoon! My respect and awe for him grew.

But that was only the beginning of our trip. We drove the two or so hours to the nursing home where we were to co-mediate the dispute. One of the parties, a middle aged man in a wheel chair, was actually not too keen on participating in a mediation session. Roger, however, took it on himself to persuade the man, I'll call him Mr. B, to take part in the process. Roger tried to explain the benefits of mediation to Mr. B and why it would be in his interest to participate. Well, Mr. B really did not want to listen and started to roll away in his motorized wheelchair. This, however, did not deter Roger, who continued to follow him and talk about why mediation was such a good thing. Mr. B, however, was not stopping to listen, he continued moving forward in the wheelchair and actually went out the front door of the facility; he began to accelerate and proceeded down the driveway of the facility at a fairly rapid pace. Roger continued after him, first at a brisk walk, then at a jog, and finally at a run, all the while trying to convince Mr. B of the advantages of mediation. I recall watching him chase Mr. B down the driveway and out into the street until I lost sight of them.

This is perhaps one example of Roger's belief in the power of mediation and his tireless efforts to convince others of its benefits. Over a casual lunch, I had an opportunity to ask Roger why he decided to devote his professional life to ADR and mediation—had there been a particular event that triggered this passion or had he become persuaded of its benefits through observations or readings. Actually, it was serendipity. Michael Kelly, former Dean of the law school, asked Roger if he would be the reporter for a MSBA commission that was being formed on ADR in the state. Through that process, Roger got hooked on mediation.

Roger's profound belief in the efficacy of mediation led him, in 2002, to found the Center for Dispute Resolution at the University of Maryland School of Law. The Center, with a mission to work collaboratively with individuals, groups, and institutions; to teach conflict resolution skills and promote their use; and to change the way con-

flicts are resolved throughout the state, was the perfect vehicle for Roger to spread the word about the benefits of ADR. Through the Center, Roger has advanced the use of ADR in the school system, the health care system, and in state agencies and businesses. I had the opportunity to work with Roger on a number of health related initiatives. In 2003, we collaborated on hosting a roundtable on the state's medical malpractice "crisis" bringing together the various stakeholders in the controversy, including insurers, physicians, members of the plaintiff's bar, representatives of the medical schools and patient advocates to identify the causes of the problem and potential solutions. This was one of the only times these stakeholders had come together in the same room to talk openly about their different perspectives on the problem.

The following year, the General Assembly passed legislation dealing with the "crisis." Among other things, the legislation included a provision for mediating medical malpractice disputes. In response to the new law, Roger and I put together a two-part conference focusing on medical malpractice and alternatives to resolving such disputes without litigation.

All of these efforts led us, in 2004, to offer for the first time a multidisciplinary course for law, medical, and graduate nursing students, called Conflict Resolution in Health Care. The course was innovative, timely, and unique. In true collaborative style, Roger took a team approach to teaching the course and included faculty from the schools of medicine, nursing, and law. We met regularly over the four years that the course was offered to conceptualize, review, and fine tune the course so that it would be improved each year. Students loved the course, commenting Professor Wolf is "absolutely brilliant and loves to teach this course particularly. He's extremely enthusiastic and is such a nice person." "Wolf was awesome." "Professor Wolf had a wonderful rapport with students and made the class extremely enjoyable."

These comments are only the tip of the iceberg when it comes to the respect and admiration that Roger's students have for him. Roger's personality, well suited to mediation, also seems well suited to clinical teaching—open and accepting of others, calm and easy going, he has an uncanny ability to connect with others no matter who they are or where they are. I think that this is why so many of his students found him to be not only a valued teacher but also a selfless mentor. One of his students commented that in co-mediating cases, Roger would gracefully share credit with them and help them perfect their

approach, emphasizing their strengths and gently providing constructive feedback on how they might improve.

Roger's ability to connect with others may also stem from his authenticity. He practices what he believes in or, in the more common parlance, he "walks the talk." Perhaps this is also a reason he was drawn to mediation and ADR. He is a "true believer,"—uncomfortable in the aggressive, adversarial world of litigation. While he was part of that world early on in his career, litigating employment discrimination and consumer cases, he realized that litigation, even if one wins, can be destructive, costly, and inefficient.

Roger also embodies the concept of individual social responsibility. In reading student comments about Roger as a teacher, I was struck by how frequently they mentioned things like Roger's compassion for the under privileged and how he taught them the importance of the use of legal skills to serve the needy. But Roger's practicing his beliefs goes well beyond his work at the law school. He is the first person I know who owned a Prius. Of course, having a sixty-five mile commute each way would make almost anyone search for a more fuel efficient car, but his desire to protect the environment was also undoubtedly a factor in his decision. In addition to reducing his carbon footprint, Roger is an organic gardener, spraying his tomatoes with a mixture of red peppers and other natural ingredients to keep away insects in a way that will not harm the environment.

To me, Roger has been a mentor, a collaborator and someone I have great admiration and respect for. I have always found him to be kind, modest, and helpful. He has certainly advanced the field of ADR in the state and at the law school, he has been a teacher who has touched the lives of his students, and he has been a valued and valuable member of our law school community. The law school will not be the same without him.

MICHAEL MILLEMANN*

Roger Wolf has left an enormous impact, all good, on the University of Maryland School of Law. Few know, however, the true extent of his extraordinary accomplishments at the law school. Nor do many know about his very successful career before he came to teach here. That is because he is one of the most modest persons I know, as well as one of the fairest, most reasonable, and just plain good persons that

I have ever met. He also is a quiet but bold adventurer. I talk about some of these wonderful qualities in what follows.

I begin, however, with the strongest images that I have of Roger. They are of him in work clothes, on his farm and vineyard on a summer day, feeding the sheep, petting an old dog, and smiling at the plethora of cats, carefully avoiding the hissing geese, picking tomatoes, patching a fence, and walking down to his two acre pond to talk to Matthew (my son) and me, as Matthew excitedly pulls fish after fish from Roger's pond. Thomas Jefferson would have recognized and applauded Roger's life, rooted in life on the farm, family, the local community, legal services, legal education, and the legal profession.

Roger has had at least three distinct professional careers, each, by itself, worthy of tribute.

When Roger graduated from George Washington Law School in 1967, he immediately assumed a leadership role in legal services, his first career, and one that he never left behind. He became the first director of *The Clearinghouse Review*. Under his guidance, this quickly became the most important publication for legal aid lawyers. As one, I used to read it from cover to cover in the same way that, as a sports-obsessed child, I used to read *The Sporting News*. In each edition of *The Clearinghouse Review* were cutting edge articles about developing fields of poverty law and summaries of law reform cases throughout the country, in which courts were applying and developing new poverty law rules and principles. It was a heady time for legal services lawyers. The Warren Court was in its heyday, and Roger Wolf was our Thomas Paine, reporting every new development.¹

By 1967, the Office of Economic Opportunity had created a national legal services program, which E. Clinton Bamberger was directing. The legal services program, in turn, created the Reginald Heber Smith Fellowship Program. The "Reggies" were the shock troops in the War on Poverty. Each year, about 135 of the best and brightest young poverty lawyers across the country were selected as fellows. In 1968, in the second year of the program, Roger Wolf was selected as a "Reggie."²

1. For the younger readers, the Supreme Court, in late 1967, was comprised of Chief Justice Earl Warren, and Associate Justices Brennan, Black, Douglas, Fortas, Harlan, Stewart, and White, and the newly confirmed (August 31, 1967) Thurgood Marshall. Legal aid lawyers liked it. It would take a few decades to learn this was not the norm.

2. Between 1967, when the Reginald Heber Smith Fellowship Program began, and 1983, when it ended, there were 2,300 Reginald Heber Smith fellows, about 135 per year. See National Equal Justice Library, www.equaljusticelibrary.org.cnchost.com/ (last visited May 8, 2009).

Over the next decade, Roger would direct a D.C. legal aid office, conduct the initial evaluations of the legal services back-up centers, and, when hired by then Dean Bamberger at Catholic University of America Columbus School of Law, create and direct one of the first clinical legal education programs in the country.

In 1981, Roger joined our faculty as a litigator. Thus began his second career. He established our first consumer protection clinic and our first evening division clinic (one of the first nationally, as well), our first criminal defense clinic in the evening division, and our first mediation clinic. He also was clinical director and co-director (with me) during times of great clinical expansion and success, when our clinic was regularly ranked in the top ten in the country (as it is today).

In his third career, Roger, again, has been a pioneer, this time by creating alternatives to litigation, including our Center for Dispute Resolution and many ADR models within the State. He has taught ADR courses and clinics (including interdisciplinary courses), served on or led virtually every important ADR committee within the State, and established a standard of excellence in ADR programs that will be the exemplary model for years to come.

Most retirement tributes would end here. But that would leave out other important achievements. Roger has been a great adventurer, doing many of the things that most of us dream of doing, but never accomplish. After graduating from Harvard in 1962, Roger joined the Peace Corps. He oversaw construction work in Tunisia, based on skills he learned working summers in his father's roofing and sheet metal business. In 1976, Roger, Judy (his wife), and their three children (whom Roger and Judy home-schooled), traveled for a year in their Dodge van around the country, working at odd jobs to support themselves and camping out. According to Roger, this "was one of the best years of my life." In 1978, Roger and Judy bought the farm in western Maryland. In 2009, to celebrate Roger's imminent retirement, Roger and Judy took a trek through the Himalayas.

Most important, Roger has been a model husband and father throughout his life. He has led a wonderfully integrated life with all the rich dimensions connected by common threads (really cables) of compassion, decency, good judgment, hard work, creativity, and humility, at home and at work, the marvelous whole transcending any single part.

Roger, congratulations for all you have done. We will miss you greatly, but the legacy you leave behind will be enduring.

RACHEL WOHL*

This is a tribute to an unusual man who, at first blush, invites underestimation. He is quiet, easy-going, and quite content to have others take center stage. While, according to Carl Jung, we all need egos in order to function, Roger Wolf does not put his on display. His humility is legend.

Back in the mid-1990s, when Roger was running the law school's Mediation Clinic and training mediators for MICPEL, I was a starry-eyed new convert from litigator to mediator. In my early conversations with Roger, I wondered, a tad judgmentally, why he was not out front leading the charge to advance the use of ADR in Maryland. I had to learn from others who were active in the conflict resolution field at the time that Roger had been doing precisely that. It was just something I would never have learned from Roger. Self-promotion is not part of his repertoire.

Roger had, in fact, been a pivotal leader at several critical turning points in the development of ADR in Maryland. In the 1980s, he was among the early members of a professional mediators' organization, the Maryland Council for Dispute Resolution, which had, and still has, a membership including non-lawyer mediators as well as lawyer mediators. Roger also started an ADR Committee within the Maryland State Bar Association ("MSBA") for lawyer mediators only.

Taking a political risk, Roger publically advocated that good mediators need not have law degrees. This was a time when lawyer mediators in many states were cornering the market to exclude non-lawyer mediators from the field. While research has since proven that a law degree does not make one a better mediator, at the time Roger had to maneuver a delicate balance. On the one hand, he was working within the legal system to raise the status of ADR with the Bench and the Bar, when many in both groups were dismissive of mediation or worse. On the other hand, he was pressing the legal system to accept mediators who were not lawyers, which was a very unpopular proposition. If Roger had not been pressing on both fronts, mediation in the courts in Maryland might look quite different today, as it does in many other states.

Roger's personal influence on advancing the acceptance of ADR within the legal community cannot be underplayed. He practically single-handedly convinced the MSBA to elevate its ADR Committee

into an ADR Section, raising its stature. At the same time, working closely with Judge Wilner and others, Roger was the major drafter of Title 17 of the Maryland Rules, which governs and advances the use of ADR in the circuit courts.

In 1997, when I had an idea about creating an ADR Commission to work collaboratively to keep the field moving forward, almost everyone I talked to thought it was a bad idea that would constitute a step backwards, except for Roger. He encouraged me to take a proposal to Chief Judge Bell, and I am not sure I would have done so but for Roger's encouragement.

Soon afterwards, Roger became an active member of the Maryland ADR Commission, which Chief Judge Bell created and chaired with great leadership and vision. Roger chaired the Commission's Professional Responsibilities Committee and led the crafting of the Standards of Practice for Mediators and Other ADR Practitioners that were adopted by the Maryland Court of Appeals. He served on the Maryland Quality Assurance Committee, which created the innovative Maryland Program for Mediator Excellence ("MPME"). Roger has been a member of the MPME's Mediator Excellence Council and chairs its Ethics Task Group. The subject of ethics is a passion for Roger, which suits his impeccable character. Roger is so well respected that the ABA Dispute Resolution Section, which has access to the nation's mediation talent pool, tapped Roger to write its online ethics opinions.

It has been enriching and rewarding to collaborate with Roger in his role as founder and director of the Center for Dispute Resolution at the University of Maryland ("C-DRUM"). MACRO and C-DRUM participate in a partnership with the Maryland State Department of Education on a program to advance the use of peer mediation and other conflict resolution programs in Maryland schools. MACRO also partners with C-DRUM on its Fellows Program, which brings together public, private, and non-profit sector leaders to teach consensus building and promote collaborative leadership in Maryland.

It was very gratifying when the MSBA ADR Section, which Roger helped create, awarded him with the first Robert M. Bell award for outstanding contributions to the field of ADR. It sounds clichéd, but Roger really is a pillar of the ADR community both in Maryland and nationally. He is a kind and wonderful human being in the best sense of that word. He stands up for his beliefs, is generous with his time and expertise, and is dedicated to making a better world. He has the compassion and equanimity of a true mediator. As his friend and co-

trainer Harry Fox says, Roger “has raised imperturbability to an art form.”

Roger has made important substantive contributions to advancing almost every aspect of the mediation field. I rely on his judgment and skill as a mediator, facilitator, trainer, ethicist, and thinker. It is an honor to pay him tribute. I know that I speak for the mediation community in saying congratulations, Roger, for all you’ve done and for who you are.

BLESSED ARE THE PEACEMAKERS ON EARTH*

CONNIE J. BEALS*

Professor Roger Wolf is a true peacemaker. Whether in a classroom, a courtroom, a boardroom, or a lunchroom, Roger seeks peaceful resolutions to conflicts. Professor Wolf has a life-long interest in dispute resolution. Even before attending law school, he was a peacemaker at heart. He served in the United States Peace Corps in Tunisia. After graduating from law school, Professor Wolf served as the reporter for the Special Committee on Alternative Dispute Resolution of the Maryland State Bar Association. Later he served as chair for the Alternative to Dispute Resolution Commission, as well as the Professional Responsibility Committee for the Mediation and Conflict Resolution Office (“MACRO”), an office that is supported by the Maryland Court of Appeals.

My first introduction to Professor Wolf was when I took a class named ADR in Healthcare. This class was to be co-taught by Professor Wolf and Professor Karen Rothenberg. Within the first few weeks of class, however, Roger found himself teaching alone as Professor Rothenberg was promoted to acting Dean. Without missing a beat, Roger led the class through mock mediations, negotiations, and arbitrations. We learned a great deal through his guidance by performing these exercises, followed by discussion. In looking back, what sticks out most in my mind is the fun we had learning, as well as Roger’s big smile and ready laughter. His style of teaching by doing and then asking probing questions to reinforce the lesson inspired us to want to become mediators—a great tool for lawyers regardless of their calling. This class proved to be my favorite class during my years in law school.

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* WILLIAM SHAKESPEARE, *THE SECOND PART OF KING HENRY THE SIXTH* act 2, sc. 1.

* Executive Director of Admissions, University of Maryland School of Law.

This class was not to be my only exposure to Roger Wolf. After graduation, I was fortunate to be offered a fellowship sponsored by MACRO. My charge was to help Roger build his dream; a mediation center named the Center for Dispute Resolution at the University of Maryland. During our two years together, Roger was the best boss ever and a willing participant in the many adventurous pilot programs we designed to promote ADR in various venues. From producing skits with the Mediation Clinic students that revolved around conflicts between a sheep farmer and a motorcycle gang (where did he ever get that idea), to visiting public schools to present opportunities for ADR alternatives to violence, Roger worked tirelessly, and always with a smile, laughter, and humility. It has taken hindsight for me to realize just how busy he was and how incredibly generous he was with his time to make these programs a reality. Roger's very popular Mediation Clinic was a joy to observe and never failed to make me wish that I too had taken that clinic. I'll never forget Roger rushing off to court every Tuesday and Thursday afternoon to gather mediation cases for the clinic students. What a privilege and inspiration to have Roger as their mentor. Those memories never fail to make me smile.

At this point I have been blessed in yet a third venue as Roger's colleague, and his friend. When I was asked to write a tribute to Roger, I was honored—and humbled. How do I express, in 800 words or less, the thoughts and feelings of so many students who have known and loved Roger throughout his career. Impossible! His wisdom, knowledge, and humility have touched countless lives. I can say without reservation, in every situation Roger Wolf is the quintessential gentleman. He is always ready with a smile and a word of wisdom or encouragement for others. He genuinely loves people and exhibits a true servant's heart. Roger is a dedicated husband, father, brother, friend, teacher, mediator, and boss. Roger is also the busiest man I know. Along with all of his responsibilities at the law school, his private mediation practice, and his participation on various ADR committees and training programs, he somehow found time to run a winery, and later a sheep farm in western Maryland.

There will be a hole on the third floor next year, it will be hard to visit that floor and not see you, Roger, rushing "hither, thither and yon." There will never be another wine-making, sheep-raising, lawyer/mediator wearing a big smile and a colorful bow tie, on that third floor anyway. I will be comforted to think about you resting, playing or touring someplace exotic, and not wearing out your hybrid car by driving hours each day. However, somehow I doubt you'll be taking it easy. We will all miss you Professor Roger Wolf, you're the best!