



Tobias C. Berkman

Senior Associate

Consensus Building Institute

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PROFESSIONAL SUMMARY

Expert facilitator, mediator, teacher, trainer, and author on conflict management, dispute systems design, and complex multiparty negotiation. Areas of focus include urban transportation and development, international development, energy efficiency, ocean resource conflicts and management, climate change adaptation, negotiation training, and coaching for commercial deal-making.

KEY SKILLS & ACCOMPLISHMENTS

- ***Adept mediator.*** Skilled designer and facilitator of dispute resolution processes.
- ***Recognized expert in the field.*** Lecturer on Law at Harvard Law School; affiliated faculty at Harvard Law School's Program on Negotiation; trainer and coach for leading global companies, foundations, and non-profits.
- ***Deep subject matter expertise.*** Author of articles on collaborative problem-solving and dispute resolution in leading publications including the Harvard Law Review and the Journal of Dispute Resolution.
- ***Culturally sensitive.*** Experience working with clients from diverse cultural and socio-economic backgrounds in the U.S and internationally.
- ***Diverse skill set.*** Rigorous analytical and professional training as an attorney and policy expert at Harvard Law School and the Harvard Kennedy School of Government.

EXPERIENCE

- 2014-present **Consensus Building Institute** Cambridge, MA
Senior Associate
- Assess, design, facilitate and mediate collaborative decision-making processes. Design consensus building processes to resolve public, international and environmental policy conflicts. Create customized trainings on negotiation, mediation and collaboration for government, nonprofit and corporate clients.
- 2017-present **Harvard Law School** Cambridge, MA
Lecturer on Law

- Instructor and faculty for Harvard Law School's flagship course on negotiation.

2014-Present	Program on Negotiation at Harvard Law School	Cambridge, MA
2016-Present	<i>Faculty, Seminar on Negotiation & Dispute Resolution</i>	
2014-Present	<i>Senior Working Group Leader, Harvard Negotiation Institute</i>	
2009-2011	<i>Working Group Facilitator, Harvard Negotiation Institute</i>	
	<ul style="list-style-type: none"> • Co-teach the Program on Negotiation's fall seminar on Negotiation and Dispute Resolution. • Senior working group facilitator in Harvard's summer negotiation training program for executives and mid-career professionals from the U.S. and abroad. 	
2014	Pace University	New York, NY
	<i>Adjunct Professor, Department of Political Science</i>	
	<ul style="list-style-type: none"> • Led and designed top-rated semester-length course, "Working Through Conflict: Negotiation, Mediation, and Facilitation." 	
2012-2014	Jenner & Block LLP	New York, NY
2009	<i>Associate (2012-2014); Summer Associate (2009)</i>	
	<ul style="list-style-type: none"> • Represented Fortune 500 technology, energy, and entertainment companies in securities and copyright litigation, contractual disputes, internal investigations, and international arbitrations. 	
2011-2012	Chambers of the Honorable Denise Cote	New York, NY
	<i>Law Clerk, U.S. District Court for the Southern District of New York</i>	
	<ul style="list-style-type: none"> • Drafted opinions and managed docket for federal judge. 	
2010-2011	Harvard Negotiation and Mediation Clinical Program	Cambridge, MA
	<i>Associate</i>	
	<ul style="list-style-type: none"> • Member of team advising private, government, and non-profit clients on conflict management and dispute resolution. Designed curricular materials, and advised and coached student groups in negotiation and mediation. 	
2004-2006	The Henry L. Stimson Center	Washington, DC
2006	<i>Research Associate, Future of Peace Operations Program</i>	
2004-2005	<i>Research Assistant, Future of Peace Operations Program</i>	
	<ul style="list-style-type: none"> • Authored publications, conducted research, and organized workshops on post-conflict reconstruction and peacekeeping operations. Researched and co-authored multiple articles and two books/manuscripts. 	

- 2001-2004 **Seeds of Peace International Camp** Jerusalem, Israel; Otisfield, ME
 2003 *Middle East Regional Program Staff*
 2004, 2001-2002 *Counselor*
- Facilitated dialogue sessions among young leaders from Pakistan, India, Palestine, Israel, Afghanistan, Iraq, the Balkans, and elsewhere. Organized regional workshops and conferences for international coexistence program.
- 2003 **The Carter Center** Atlanta, GA
Conflict Resolution Program Intern
- Drafted conflict resolution briefings for Jimmy Carter. Led mediation training program for Sudanese refugees.

EDUCATION

- 2006-2010 **Harvard Law School** Cambridge, MA
J.D.
- *Magna cum laude*
 - Notes Editor, *The Harvard Law Review*
 - Mediator and Trainer, The Harvard Mediation Program
 - Resident Tutor and Pre-Law Adviser, Elliot House
- 2006-2010 **Harvard Kennedy School of Government** Cambridge, MA
Master of Public Policy
- Zuckerman Fellow (full merit-based scholarship)
 - 2008 Spring Exercise Essay Award winner for "Climate Change Politics in India" (presented to UN Environment Program in advance of Copenhagen climate talks)
- 1998-2002 **Harvard College** Cambridge, MA
Bachelor of Arts
- *Cum laude* in History and Literature
 - *Summa cum laude* awarded for senior honors thesis, "Dressing Up America: The Jewish Chameleon in America's Popular Imagination"

PROFESSIONAL AFFILIATIONS AND CERTIFICATIONS

Association for Conflict Resolution: Member, Environment and Public Policy Section and International Section
 American Bar Association: Member
 Licensed attorney in the State of New York
 Editor, Volumes 122-123, The Harvard Law Review

Certified Mediator, Commonwealth of Massachusetts; mediation training through the Harvard Mediation Program

SELECTED PROJECTS

Consensus Building and Stakeholder Engagement

Mass Moves — Sustainable Mobility for the 21st Century Commonwealth, 2016-present. Project Manager for public engagement effort to build a vision for sustainable mobility across Massachusetts. The effort is utilizing an advisory group of mobility leaders, nine public workshops as part of the Massachusetts Senate's Commonwealth Conversations, a dedicated website, a public survey, and other tools to help build a statewide vision that can help inform policymaking.

PEAK Grantmaking Process on Values-Based Grantmaking, 2016-present. Designing and facilitating a process to engage key stakeholders nationally to develop new, agreed-upon standards for grant-making practices among foundations and other grant-making institutions. The process seeks to articulate core values shared across grant-making institutions, and to spur discussion on how these values do or do not reflect themselves in these institutions' actual grant-making practices. The final output will be a set of agreed-on, voluntary standards for grant-making practices that institutions can choose to sign on to.

Assumable Waters Subcommittee, 2016-2017. Co-facilitated meetings of the Assumable Waters Subcommittee, convened under the National Advisory Council for Environmental Policy and Technology to provide advice and recommendations on how the EPA can best clarify which waters a state or tribe assumes permitting responsibility for under an approved Clean Water Act (CWA) section 404 program.

Public Workshops on New England's Regional Ocean Planning, 2014-present. Co-designed and facilitated multiple rounds of public workshops around New England for the northeast regional ocean planning effort. Led the drafting for a portion of the Northeast Regional Ocean Plan focused on stakeholder engagement. The meetings, located from Connecticut to down east Maine, have provided a variety of ways for the public to weigh in on the regional ocean planning work being done at key times. The CBI team has led regular day-long meetings for up to 100 members of the public on relevant topics prior to the work of the formal decision-making body.

BOEM State Task Forces on Offshore Wind Development, 2015-present. Co-facilitator of state task forces on wind energy development for BOEM in North Carolina, New York, and New Jersey. Assisting BOEM with informing stakeholders and addressing stakeholder concerns on key issues like auction initiation, environmental assessments, and others.

Housatonic River PCB Cleanup, Citizens Coordinating Council, 2015-present. Co-facilitator assisting a twenty-five member group, representing community voices and other citizens, that provides input to EPA on implementation of a Consent Decree to remediate river sediment and soil sites in and along the Housatonic River from PCBs associated with the operations of General Electric manufacturing facilities.

Harvard Negotiation and Mediation Program Political Dialogue Program, 2016. Co-designed and facilitated a dialogue among members of the Greater Boston community and local police on police-community relations since the August 2014 events in Ferguson, Missouri. The dialogue session has been developed into an instructional video on political dialogue and facilitation.

U.S Extractive Industries Transparency Initiative, 2016. Co-facilitator of effort to implement the EITI process in the U.S regarding gas, oil and mineral payments to the federal government. Supported the operations of the Multi-Stakeholder (MSG) Group Federal Advisory Committee to refine and hone the U.S. EITI on-line and written report, making available extensive interactive data sets, maps, and contextual information on the U.S. revenues from extractives.

World Bank, Conflict Prevention for Nepal Transmission Lines, 2015-2016. Working with the World Bank, which manages a substantial energy program in support of the Government of Nepal, to conduct an analysis of conflicts with local communities over siting, compensation and benefit-sharing associated with the development of major transmission lines. Proposing potential mechanisms for conflict prevention and mitigation in the future. Conducted field mission to Nepal in 2016. CBI is continuing to review relevant policies and practices, including a search for models for community engagement and grievance management from elsewhere that might be usefully adapted to the Nepali context.

GuideStar, 2015-2016. Co-facilitator leading the development of an advisory council of strategic thinkers from non-profits, foundations, technology platforms, consulting firms, researchers and donation platforms. This council will provide strategic advice to GuideStar as it seeks to continue to support the non-profit field by capturing and sharing great data and information. CBI's two-person team conducted an assessment of possible topics and roles for the council and is providing support in the convening and facilitation of early council meetings.

MISO Stakeholder Redesign Process, 2015. Member of team facilitating a dialogue process to improve the efficiency and effectiveness of MISO's governance process for member organizations. MISO is a 200-member regional transmission organization in the mid-West. Worked with a steering committee to conduct workshops to hone recommendations for process improvements.

Northeast Coastal Acidification Network, 2014-2016. Co-facilitator supporting a network of researchers, advocates, state and federal agency representatives and coastal industry

representatives to help design and facilitate a series of meetings with diverse stakeholders throughout New England. The day-long workshops were designed to gather input on a coordinated research and action plan for raising awareness about and taking action on ocean acidification, with one final stand-alone session on management options for coastal acidification. CBI produced all meeting summaries and a synthesis report capturing lessons learned.

Project on Nutrition and Wellness, 2016. In partnership with Convergence Policy group, researched and drafted report on CBI and Convergence's multi-year project to shape consumer demand for healthier eating through non-government action, exploring a range of cultural, financial, structural, and marketing levers of influence. PNW results include a Smart Receipts program, a Healthy Retail Scorecard, and Phase II funding to advance retail actions and convenience store innovations.

Cambridge Flooding Preparedness, 2016. Co-facilitator for focus group to address options for long-term flooding and climate change resiliency in the Alewife area of Cambridge, Massachusetts, in connection with a municipal climate change vulnerability assessment and climate change preparedness planning process.

Hudson River Adaptation – From Planning to Implementation, 2014-2015. Member of a team working with four Hudson River communities, the New York Department of Environmental Conservation and the non-profit Scenic Hudson organization to identify concrete strategies for helping communities implement actions that will improve resiliency in the face of more frequent and more intense storms and associated tidal surges. Planned and delivered a half-day workshop in spring 2015.

Ohio Department of Transportation, 2014-2016. Member of a team facilitating stakeholder meetings and workshops regarding the Eastern Corridor expansion transportation project in the greater Cincinnati area. Providing the Ohio Department of Transportation with strategic advice on stakeholder engagement opportunities and challenges. Co-facilitating meetings and workshops with stakeholders and communities on transportation needs and options moving forward.

Nigeria Forum for Inclusive Development, 2014-2015. Helped manage a comprehensive stakeholder engagement strategy to (1) promote a shared vision on a more transparent allocation of Nigeria's oil and gas revenue, (2) broaden internal revenue generation, and (3) effectively and accountably achieve development goals. Drafted and edited publications on internal revenue generation and economic diversification targeted at stakeholders and the Nigerian public. Coordinated planning group phone calls and stakeholder outreach.

Herring River Restoration Committee Mediation, 2014-present. Co-mediating a dispute among

agency representatives and a large local property owner regarding the impact, design, and permitting of a large-scale wetlands restoration project on Cape Cod.

New Hampshire Regional Economic Development, 2015. Co-facilitator in multiple regional meetings with stakeholders in southern New Hampshire to discuss regional economic and community development, and help the New Hampshire Regional Economic Development Council produce a Comprehensive Economic Development Strategy.

Massachusetts Energy Efficiency Advisory Council (EEAC), 2015. Member of team that facilitated workshops for stakeholders and EEAC councilors on the EEAC three-year plan for state-wide energy efficiency programs.

Green Chemistry Program, EPA, 2014-2015. Organized and co-facilitated a public-facing event with EPA to educate stakeholders on safe, healthy, non-toxic products and engagement opportunities. Managed outreach and communications with stakeholder group working to advance the science of non-toxic ingredients for consumer goods.

Caloosahatchee River Restoration, 2014-2015. Co-facilitator working with the South Florida Water Management District to design and facilitate a stakeholder process intended to develop a vision for improving the health of the Caloosahatchee River and Estuary. The project, which began in March 2013, was intended to generate a shared ecological vision for both near- and longer-term actions. The dialogue includes a scientific workshop focused on identifying key ecological indicators, as well as quarterly stakeholder meetings designed to engage policy and management-related issues and an inter-agency dialogue intended to prioritize among regional and local projects. A key facet of the work focuses on balancing water quality and water supply needs, both upriver and at the estuary.

Water Integration for the Squamscott- Exeter (WISE) Watershed, 2014-2015. Co-facilitator helping the New Hampshire towns of Stratham, Newfields, and Exeter work more effectively together to meet new, more stringent, wastewater and stormwater permit requirements, improve water quality in the Squamscott River and Great Bay, and support economic viability in the region.

Archdiocese of Newark, Rahway, NJ, 2009-2010. Assisted the Archdiocese in analyzing and managing a dispute between two parishes in the process of merger. Designed a diagnostic interview plan, interviewed stakeholders, compiled and analyzed qualitative data, facilitated strategy and training meetings with church leaders, and organized and facilitated the resulting implementation plan.

Organizational Capacity Building

Malaysia Employees' Provident Fund, 2017-present. Co-designing capacity building program for manager of Malaysia's compulsory savings plan for private sector workers. Program will

build capacity and strategy for aligning stakeholders to improve Malaysia's national social protection framework.

U.S. Foreign Service Institute Custom Advanced Negotiation Course Design, 2016-present. Designing new advanced negotiation course for U.S. foreign service personnel. Assessing critical negotiation challenges and training needs faced by agency personnel globally through interviews with senior diplomats and ambassadors, and designing course materials.

Seeds of Peace, Jerusalem, Israel, 2013-present. Implement annual negotiation and mediation training program for Israeli and Palestinian teenagers. Facilitate discussions on participants' experiences of the Israeli-Palestinian conflict.

Conservation International, 2016-present. Designing and delivering custom negotiation training for Conservation International's Center for Environmental Leadership in Business.

Mercer Tailored Assessment and Training, 2015-present. Designing and co-delivering tailored trainings for Mercer executive leadership on negotiating with clients. Providing individualized negotiation coaching to Mercer deal teams. Conducted assessment calls and research, and created and edited custom-designed cases.

Boston Planning and Development Agency Facilitation Training, 2016. Co-designed and led training on facilitation strategies and techniques for Boston's urban planning and economic development agency. Led assessment calls to understand the negotiation and facilitation context of BPDA activities, and developed original course materials, exercises, and lecture content.

United Nations System Staff College Course Design and Delivery, 2016. Co-designed and delivered new course for the high-level UN diplomats on Consensus Building and the Sustainable Development Goals. Researched and developed case and role-play materials based on current challenges facing UN personnel in implementing the SDGs. Delivered pilot course in October 2016.

U.S. Army Military Information Support Operations, 2016. Designed and co-led advanced pre-deployment training for U.S. psychological operations soldiers and officers in complex multiparty negotiation and managing difficult conversations with key leaders and colleagues.

Pfizer Europe Coaching Sessions, 2015-2016. Developed and delivered trainings and negotiation strategy sessions with Pfizer Europe sales teams from countries working to expand adult access and reimbursement of pneumococcal vaccine. Designed and led assessment calls with Pfizer staff, developed training materials, and co-led workshop.

Jus, Oslo Norway, 2011, 2015-present. Providing annual basic and advanced negotiation training to legal professionals with Norway's premier legal training center. Delivering

coursework on negotiation fundamentals, creating and distributing value, addressing difficult negotiation behaviors, managing difficult conversations, and multiparty negotiation.

Yale School of Forestry and Environmental Studies, 2016. Designed and led training workshop for the Yale School of Forestry on environmental negotiation and consensus building.

AsiaLink Business, 2015-2016. Designed custom training program for Australian executives negotiating in Asia. Overseeing global team of consultants and academics conducting research on cross-cultural negotiation and drafting reports.

Gates Foundation, 2015. Member of team developing series of tailored negotiation trainings for Gates Foundation staff.

MasterCard Foundation, Toronto, Canada, 2014. Conducted an organizational assessment and delivered a training on negotiation, difficult conversations, and consensus building.

Saslo Legal Training Center, Muscat, Oman, 2011. Assisted in implementation of training for Omani professionals and civil society leaders in negotiation and conflict management.

Atrius Health, Boston, MA, 2010. Facilitated negotiation training for Boston-area medical professionals.

Strategic Planning

Massachusetts Energy Efficiency Advisory Council (EEAC), 2017-present. Member of team of two planning and facilitating strategic planning process with the EEAC around state energy efficiency program design and investment priorities. Managing input from multiple stakeholder groups including state agencies, utilities, technical consultants, and others. Process will result in three-year strategic plan for 2019-2021.

Oxfam International Extractive Industries Stakeholder Assessment and Strategic Plan, 2015. Spearheaded assessment project involving over 100 stakeholders from civil society, industry, academia, international finance, and global foundations to solicit input on the future of the extractive sector and Oxfam International's role, and led interviews for more than 50. Drafted assessment report, and facilitated internal steering group deliberations on strategic planning within Oxfam.

Oxfam America, Boston, MA, 2014-2015. Co-facilitator for multiple two-day retreats, one on implementing Oxfam America's strategy to address the "Oxfam 2020" reorganization of the Oxfam International secretariat, and another on strategies for moving forward on programming in the extractive, agricultural, and humanitarian sectors.

U.S. Environmental Protection Agency, Office of Policy, Washington, DC, 2014. Co-facilitator for a two-day retreat addressing the Office of Policy's organizational identity and strategy for meeting changing demands at EPA.

Stroud Water Resource Center Strategic Planning Retreat, Avondale, PA, 2014. Co-facilitator spearheading a strategic planning effort, to address changes in the funding and research environment for an environmental non-profit. The Stroud Center focuses on long-term, cutting edge fresh water research.

Harvard Negotiation and Mediation Clinical Program Planning Meeting, Cambridge, MA, 2014. Designed and facilitated planning meeting with faculty and staff of Harvard Law School clinic focused on negotiation and dispute system design. Discussed and achieved alignment on organizational priorities key action steps for the coming year.

SELECTED PUBLICATIONS AND REPORTS

The Negotiation Within: Managing Internal Conflict in Across-the-Table Negotiations, Journal of Dispute Resolution (2014) (co-authors R. Bordone and S. del Nido)

Negotiation Advice for the 112th Congress, Harvard Negotiation Law Review Online (2011) (co-author R. Bordone)

Note — The Pakistani Lawyers' Movement and the Popular Currency of Judicial Power, Harvard Law Review, Volume 123 (2010)

Developments in the Law — Compensating Victims of Wrongful Detention, Torture, and Abuse in the U.S. War on Terror, Harvard Law Review, Volume 122 (2009)

Pakistan needs an effective legal system, L.A. TIMES, June 28, 2008 (co-author M. Fay)

The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations, Henry L. Stimson Center (2006) (co-author V. Holt)

Who Will Keep the Peace? Providing Security for 21st Century Peace Operations, Henry L. Stimson Center (2006) (co-author W. Durch)