

Comparison of Different Types of Ombuds

- Consumer Financial Protection Bureau Ombudsman. “[Charter for the CFPB Ombudsman’s Office.](#)” 8 Dec 2011. (Document defines the role of the ombudsman that assists consumers, depositories, and non-depositories in addressing issues resulting from the agency’s regulatory activities.)
- Gadlin, Howard, “[The Ombudsman: What's in a Name?](#)” *Negotiation Journal* 16:1 (2007): 37-48. (Essay introduces readers to the differing conceptions of the ombuds role.)
- Gadlin, Howard, and Levine, Samantha. “[Stranger in a Strange World: The Ombudsman in the Federal Government.](#)” *ACResolution*, Spring 2008. (Article about the history, challenges, and evaluations of federal ombuds.)
- Hill, Larry B. “[American Ombudsman and Others; or, America Ombudsman and ‘Wannabe’ Ombudsmen.](#)” Spring Meeting of the American Bar Association Section of Administrative Law and Regulatory Practice. 18 April 1997. Presentation. (A classical ombuds’ skeptical opinion of organizational ombuds.)
- Rowe, Mary Rowe & Dean M. Gottenhrer, “[Similarities and Differences Between Public and Private Sector Ombudsman.](#)” American Bar Association Section of Administrative Law & Regulatory Practice. 1997. (A comparison of options, functions and skills of ombuds in the private sector versus public sector, classical ombuds.)
- Smith, Julie C., and Howard, Charles L. “[Understanding the Types of Ombudsman: A Starter Guide.](#)” American Bar Association, *Dispute Resolution Newsletter*. 20 Feb 2015. (A guide for someone building an ombuds program, talking with an ombudsman as his or her constituent, or standing outside an ombuds office during discovery stymied by the program’s confidentiality.)
- Smith, Tyler S. “[Ombuds & Mediation: Frequency, Circumstances and Differences Amongst Backgrounds.](#)” *Journal of the International Ombudsman Association* 7:2 (2014): 48-67. (Summary of research into differences between ombuds with respect to their willingness to mediate cases.)

Ombuds Confidentiality/Privilege

- Adcock, Eric S. “[Federal Privilege in the Ombudsman's Process.](#)” *Charleston Law Review* 8:1 (2009): 1-49. (Article explores the nature and scope of the limited *ombudsman privilege* under the common law. Discusses the different types of Ombudsman, and includes case law, and case scenarios of Ombudsman practices.)
- Howard, Charles L. “[The Sarbanes-Oxley Act of 2002 – Another Opportunity for Organizational Ombuds.](#)” 17 Oct 2002. (An analysis of how Sarbanes-Oxley presents an opportunity for ombuds to enhance legal bases for confidentiality.)
- Howard, Charles L., and Gullumi, Maria A. “[The Ombuds Confidentiality Privilege Theory and Mechanics.](#)” The Ombudsman Association (1996). (Article sets out the legal foundations used by the courts to protect the confidentiality of ombuds’ communications and summarizes the elements of ombuds programs that have been critical to achieving this recognition.)
- Howard, Charles L., and Wratney, George R. “[In Aftermath of The Carman Decision, Ombuds ‘Privilege’ Still has Validity.](#)” *Ethikos* 12” 6:1 May (1999). (An analysis of why *Carman v. McDonnell Douglas*, although rightly decided on the facts, would still allow for recognition of an ombuds confidentiality privilege under Federal Rule of Evidence 501.)
- Kosakowski, Tom A. “[A Legal Perspective.](#)” *Journal of the International Ombudsman Association* 3:2 (2010): 80-83. (An update on U.S. legislation and litigation relating to Ombuds including decisions from trial courts indicate that lawyers and judges continue to struggle with the legal standards applicable to ombuds.)
- United States Ombudsman Association, “[Model Ombudsman Act for State Governments.](#)” Feb 1997. (A model act designed for use at the state government level.)

Classical Ombuds

- Coalition of Federal Ombudsmen. “[A Unified Model for Developing an Ombudsman Function.](#)” 2009. (A manual for structuring and implementing governmental ombudsman programs that are either a workplace program or oriented toward external parties.)

- Davis, Kenneth C. “Ombudsman in America: Officers to Criticize Administrative Action.” 109 U. Penn. L. Rev. 1057 (1961) (This is a seminal law review article introducing the concept of an ombudsman to the United States. It discusses the evolution and role of ombudsmen in Scandinavia to date; describes the rationale underpinning the role, including that of providing a check and balance and helping to achieve fundamental fairness; and correctly predicts that this concept, coupled with American ingenuity, could evolve in various ways to benefit administrative process.)
- Dvorkin, Jeffrey. “[The Modern News Ombudsman: A User’s Guide](#)” Organization of News Ombudsmen, 2011. (A survey of issues and practices related to media ombudsmen.)
- National Association of Realtors. “[Local and State Association Ombudsman Services](#)” (Professional Standards Policy Statement #59). 30 Dec 2015. (Overview of a program requiring state and local association of REALTORS® to offer ombudsman services to members, clients, and consumers.)
- Reif, Linda C. *The Ombudsman, Good Governance and the International Human Rights System*. Springer. 2004. (Explores the role of the classical ombudsman, the human rights ombudsman and other hybrid or specialized ombudsmen in good governance and human rights protection at the domestic and international levels of governance.)

Advocate Ombuds

- Colello, Kirsten J. “[Older Americans Act: Long-Term Care Ombudsman Program](#).” Congressional Research Service 1 Jul 2009. (Report to Congress on the effectiveness of Long Term Care Ombudsman program.)
- Moskowitz, Bette A. *The Room at the End of the Hall: An Ombudsman's Notebook*. Sense Publishers 2012. (A first person account of a long-term care ombudsman.)
- National Association of State Unit Directors of Aging and Disabilities. “[State Long-Term Care Ombudsman Program: A Primer for State Unit Directors and Executive Staff](#).” 2011. (Gives History of LTC programs, discusses state LTC practices and challenges.)
- O’Shaughness, Carol V. “[The Role of Ombudsmen in Assuring Quality for Residents of Long-Term Care Facilities: Straining to Make Ends Meet](#)” (Background Paper No. 71). National Health Policy Forum, 2 Dec 2009. (Discusses the role of the Long Term Care Ombudsman, the Older American’s Act, the Long Term Care program complaint and investigation process.)
- U.S. Department of Health and Human Services, Administration for Community Living. “[Long Term Care Ombudsman Program](#).” 2013. (Overview of local ombudsmen who serve as advocates for residents of nursing homes, board and care homes, assisted living facilities, and similar adult care facilities.)
- U.S. Department of Justice, Office of Justice Programs, “[Beyond the Walls: Improving Conditions of Confinement for Youth in Custody](#).” 1988. (Section on “Use of Ombudsman Programs in Juvenile Corrections” provides a guide for establishing an ombudsman program for children in public facilities.)

Organizational Ombuds

- American Bar Association. “[Standards for the Establishment and Operation of Ombuds Offices](#).” Feb 2004. (The ABA’s examination and interpretation of the rights and responsibilities of various types of ombuds, especially organizational ombuds.)
- Howard, Charles. *The Organizational Ombudsman: Origins, Roles and Operations - A Legal Guide*. American Bar Association, 2011. (The preeminent and comprehensive legal guide to organizational ombuds.)
- Kolb, Deborah M. “[Corporate Ombudsman and Organization Conflict Resolution](#).” *Journal of Conflict Resolution* 31:673 (1987): 673-691. (This article, based on interviews with ombudsmen in six organizations, using case-based data, describes the work of corporate ombuds.)
- Redmond, Arlene, and Williams, Randy. “[Enter the Watchmen: The Critical Role of an Ombuds in Corporate Governance](#).” *Risk Management* Sep 2004: 48-54. (An introduction and explanation of a corporate ombuds’ relationship to governance issues.)
- Redmond, Arlene, and Williams, Randy. “[When Formal Channels Are Not Enough--The Advantages of an Ombuds Program](#).” ACC Docket Sep 2004: 66-85. (A comparison of ombuds to other corporate compliance mechanisms; includes summary of considerations for creating an corporate ombuds program.)

- Robbins, Lee P., and Deane, William B. "[The Corporate Ombuds: A New Approach to Conflict Management](#)." *Negotiation Journal* 2:2 (1986): 195-205. (A case study of a corporate ombuds program in the U.S.)
- Rowe, Mary P. "[Options and Choice for Conflict Resolution in the Workplace](#)." *Negotiation: Strategies for Mutual Gain*. Ed. Lavinia Hall. Sage Publications, 1993. (A review of sample cases handled by an ombuds.)
- Rowe, Mary P. "[The Ombudsman's Role in a Dispute Resolution System](#)." *Negotiation Journal* 7:4 (1991): 353-362. (An explanation of an ombuds role in relationship to other dispute resolution mechanisms.)
- United States General Accounting Office: [Human Capital: The Role of Ombudsmen in Dispute Resolution](#). Washington, DC. 2001. (GAO-01-466.) (Report on a survey of ombuds programs in federal agencies.)