



Association for
Conflict Resolution

Engineering Broad-based Discussions:
Engaging multidisciplinary groups
to create new ideas in conflict resolution

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The Association for Conflict Resolution is a professional organization
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I. Introduction

Christopher Honeyman

Robert Ackerman, Grace D'Alo, Kathy Domenici, Ric Richardson, Nancy Welsh and I are very pleased to present this monograph, as the first written product of the new Research Section of the Association for Conflict Resolution.

The Research Section of ACR is well-placed to take a critical leadership role in making better, broader and more consistent use of discoveries that must be shared across many domains of both scholarship and practice, if they are to be effectively adapted for use in any of them. It is increasingly obvious that the streams of practical and scholarly information available for the management of conflict are becoming rivers. All too often, however, these rivers fail to run to the sea: many conflict resolution discoveries and ideas sluggishly meander for many years, if not indefinitely, within the context or sub-field where they respectively originated. As the number of sub-fields grows, and the volume of detail thrust upon a denizen of any one academic or practice area increases, there are lots of ways for ideas to peter out before they reach those who might be able to make really creative use of them. This threatens the future vitality of the field.

Two ambitious projects have highlighted the needs. The Theory to Practice project demonstrated, and made concrete strides to resolve, a pattern in which scholars and practitioners were clearly producing large quantities of new knowledge about human conflict and its resolution, without effectively integrating theory, research and practice. The Broad Field project, in turn, is designed to take the next step: formation of a strong, collaborative, continuing network of scholars and practitioners that establishes thorough cross-fertilization, both across academic disciplines and across practice specialties that normally ignore each other. Without a sustained such effort throughout the broad field of conflict resolution, we believe, conflict resolution can never emerge as a true *field* at all; we believe the consequences, to put it mildly, would be adverse.

These two successive projects, accordingly, have worked with an array of dedicated partner organizations to create a series of new discussions. Each such discussion has its own immediate purpose; together, they try to model forms and degrees of interaction that will create a continuing dynamic toward a true cross-fertilization of the field as a whole. Already, the enthusiasm of a key group of our colleagues is visible. One of the

meetings discussed here, for instance, resulted in a coordinated stream of publications that brought to bear perspectives from anthropology, mediation and arbitration practice, law teaching, urban planning, conflict studies, family therapy, physics, and Navajo peacemaking. Another resulted in articles from perspectives of law, mediation and arbitration practice, education, government agency administration, sociology, economics, psychology, engineering, ethics, political science, public policy, community relations, court administration, and religious/ethnic conflict. Taken together, our colleagues' efforts are starting to outline how conflict resolution can develop into a truly integrated "broad field."

We have learned a great deal from these academically interdisciplinary / multi-practice-field initiatives. The substantive outputs (the "whats") are becoming readily visible in the field's journals; more than 45 articles have been published in the wake of these discussions in the last eighteen months alone. Less readily obtainable by others, however, has been the accumulated but often informal knowledge of the "hows, whos, whys, wheres and whens." To most general readers, this may be arcane information; to a relatively small, but key group — i.e. those who are considering taking on the critically important role of organizer of such a discussion in the future — such information can avert a great deal of effort and expense, and perhaps, a significant degree of error. The present monograph is our attempt to capture for that group what (we think) we, along with the 200-plus colleagues who have participated in the events described here, have learned about the *engineering* of productive interdisciplinary discussions from the most ambitious series of meetings held under the aegis of these two projects.

The meetings discussed here are not typical of the projects' meetings, which have mostly been small and informal. On four occasions, however, first Theory to Practice, and later Broad Field have partnered with different academic institutions to mount two- to three-day meetings involving up to 100 people and an ambitious agenda. In each case, we have sought to include only people who would be regarded by their peers as experts (not counting a relatively small number of student assistants) but to include people from many branches of the field — even though these sometimes regard each other with incomprehension (and occasionally, rank disbelief.) We believe this mixing is essential to the field's progress; but we have known all along it was not going to be easy to pull off. After mounting several of these discussions, we have a better idea as to why, and where some of the traps are located. Forthright examination of the successes and failures of these endeavors is valuable if others are to do likewise with any regularity, and we offer here a "warts and all" treatment.

We will focus particularly on the three meetings¹ of this type that can reasonably be called low in cost. We cannot stress enough the significance of the phrase “low-cost.” The conflict resolution field overall continues to face a budgetary situation which, in comparison to other ways of handling human conflict (whether legal, diplomatic or military) is laughably short on resources. Determination, however, along with the goodwill of our colleagues, can supplant substantial budgets more often than the reader might at first suppose. Thus it is worth noting that only the last of the three meetings we primarily describe here had a budget that reached five figures; and even that was only because Penn State’s Dickinson Law School determined that an honorarium would be needed to ensure that the requisite array of experts agreed to write subsequent articles in the detail and thoroughness suitable for a *law review*. Registration fees, likewise, have been kept to a minimum throughout this series, in order not to discourage attendance by people who have limited resources and already have a number of meetings on their schedule. This too has proven practicable; all the meetings essentially broke even with registration fees under \$200. (Even then, much of the cost was attributable to the numerous meals being provided; if, as is common enough at conferences, people had been left on their own for mealtimes, the registration fees would have been still less. But the attendees would simply have paid for food in restaurants, while the meetings would have paid a price in loss of efficiency and camaraderie.)

I hope the accounts which follow, together with the modest up-front economic cost noted here, are sufficient to convince the reader that only small-scale institutional support is necessary to contemplate mounting a discussion of this kind. For the reasons why other ACR Research Section members might want to consider doing so, as well as some hard-won insights as to avoiding and overcoming the risks of gathering together the proud people we work with, I defer to the text which follows.

¹ The fourth meeting, the 2002 meeting of the Hewlett Theory Centers, referred to occasionally in the text as the New York meeting, was also co-organized by Theory to Practice/Broad Field along with academic partner organizations (the Dispute Resolution Consortium of the City University of New York, and the Institute for Conflict Analysis and Resolution, George Mason University. Hewlett Foundation staff also took an active role.) It is mentioned here and there in the articles which follow; but it has not been given similar treatment on its own, because as its budget was an order of magnitude larger than the three low-cost meetings discussed here, it is inherently dissimilar.

II. One Foray Into the Theory-Practice Divide: Lessons for Future Expeditions

*Nancy Welsh and Grace D'Alo*¹

A. Introduction

In March, 2001, a group of 86 experienced conflict resolution practitioners, trainers, teachers and researchers met at the University of Massachusetts/Boston for two days to engage in a theory-to-practice (and practice-to-theory) experiment. Using *The Handbook of Conflict Resolution*, a hefty volume that synthesizes relevant conflict resolution theory and research and suggests their potential application to practice, the cross-disciplinary group assembled with three goals: (1) to create “teaching, training, and practice materials, based on the book, on the spot,” (2) to establish “a collaborative network” of practitioners, researchers and theorists and (3) to develop “a systematic approach for translation of other major works into the interactive exercises and other working tools. . . necessary for widespread dissemination of important research-based findings.”²

Based on post-conference reflections submitted by various participants and one subgroup’s experience (presented here as a case study), this Article will describe the lessons learned from this experiment, focusing particularly on the factors that affected progress toward the group’s three ambitious goals.

B. A Short Description of the Conference

Background

The Hewlett-funded Theory to Practice project first arose in 1997 in response to the reality that the people *doing* conflict resolution—mediators, lawyers, judges,

¹ The authors extend special thanks to Eben Weitzman, Associate Professor of Dispute Resolution at the University of Massachusetts-Boston, for his work in soliciting and gathering the “letters from the Theory-Practice Divide” described here, coding the “letters” and both doing and presenting the initial analysis.

² Christopher Honeyman, *Boston Meeting Has Practitioners Designing New ADR Materials*, 19 ALTERNATIVES TO THE HIGH COST OF LITIGATION 112 (April, 2001).

negotiators—often were unaware of the research findings and theories developed by the people *studying* conflict resolution—social scientists, evaluators, academics. These research findings had the potential to enrich and improve the practice of conflict resolution. Another aspect of that reality was that many of the people researching or theorizing regarding conflict resolution were not addressing the most important dilemmas facing conflict resolution practitioners and were largely unaware of the important insights derived by practitioners from their experience.

The Project, through the efforts of its Principal Investigator, Christopher Honeyman, was committed to changing this pattern. The Project ensured that the explicit connection of theory and practice was put on the agenda at key conflict resolution conferences. The Project also developed multiple mechanisms to bring researchers, theorists and practitioners together for the purpose of sharing information and insights and developing relationships.

One of these mechanisms was a May 2000 collaboration between the Project and Columbia University’s multidisciplinary Conflict Resolution Network. A group of several dozen people—experienced conflict resolution practitioners, conflict resolution academics and conflict resolution theorists—met at Columbia University Law School to celebrate the publication of *The Handbook of Conflict Resolution*, edited by Morton Deutsch and Peter Coleman. At a dinner following the formal program, the attendees discussed research and theories that would be useful for those doing conflict resolution and the great difficulty in disseminating such information.

A smaller group of the attendees at the May 2000 program considered an even more focused question: How could *The Handbook of Conflict Resolution*—a hefty and complex volume with 27 chapters and 37 authors—itsself be turned into working materials that could be used for teaching, training—and ultimately practice? This group of planners conceived a two-day conference focused on *The Handbook*. The primary goal of the conference, hosted by the University of Massachusetts-Boston, was to “assemble cross-disciplinary groups to create teaching, training, and practice materials, based on the book, on the spot.” The important by-products of this effort would be, first, to create “a collaborative network” of experienced conflict resolution practitioners, researchers and theorists and, second, to fashion “a systematic approach for translation of other major works into the interactive exercises and other working tools. . . necessary for widespread dissemination of important research-based findings.”³

³ *Id.*

Planning the Conference

Due to its focus on the rapid-fire development of teaching, training and practice materials, the planning group decided to try to keep the attendance at the two-day conference relatively small and to ensure that the attendees were experienced conflict resolution practitioners, trainers, teachers and researchers who had expressed a commitment to connecting theory and practice. With the goal of attracting a total of 40 attendees, the planning group sent invitations to slightly more than one hundred people. The invitation noted that the two-day conference represented the beginning of an “on-going project, which might last several years and might use lessons learned by working with the Deutsch/Coleman volume to design training and teaching materials drawn from additional sources.” The invitation also observed that “the basic idea of the conference is to create teaching, training and practice materials (both before and during the session) based on the Handbook.”⁴ Finally, the invitation made it clear that each invitee would “become part of a team working on the conversion of ideas in at least one chapter.”⁵ To the organizers’ surprise, 86 of those who received the invitation agreed to attend. Apparently, the idea for the conference had touched a nerve, at least among those who had been invited.

As a first order of business, each participant was asked to acquire a copy of *The Handbook* and choose two chapters that he or she “prefer[red] to devote time to...mining them for teaching/training/practice materials.”⁶ The organizers used this information to focus the conference on a total of twelve chapters. The organizers assembled twelve teams, each responsible for focusing on one of these chapters. The organizers ensured that each team included a mix of practitioners, trainers, academics and researchers. To the extent possible, the organizers also tried to ensure that the members of each team came from a variety of backgrounds and disciplines. Because a significant percentage of the participants waited until just before the conference to declare their chapter preferences, however, the organizers were unable to announce the teams until the first day of the conference.⁷

⁴ Email from Christopher Honeyman to Roy Lewicki et al. (August 6, 2000) (on file with authors).

⁵ *Id.*

⁶ See Email from Christopher Honeyman to Nancy Welsh (October 22, 2000) (on file with authors); Email from Christopher Honeyman to Nancy Welsh (January 3, 2001) (on file with authors).

⁷ See Email from Christopher Honeyman to Bobbi McAdoo (February 25, 2001) (on file with authors).

The Conference

On the morning of March 2, a very impressive and eclectic group of conflict resolution practitioners, trainers, teachers and researchers gathered on the upper floor of the University of Massachusetts/Boston's Healey Library. After some initial socializing (consistent with the secondary goal of creating relationships), the discussion began with three examples to demonstrate how theory could be embedded quite explicitly in teaching and training devices. Professor Peter Coleman of Columbia University's Teachers College engaged the group in an interactive exercise that introduced and showed the efficacy of adult learning theories. Professor Lela Love of Yeshiva University's Cardozo School of Law, and Bernard Mayer, a partner in CDR Associates, then served as "beta testers" of the concepts [upon which the whole] conference [was] based."⁸ Professor Love led the group through several exercises to demonstrate conditions that are conducive to creativity (drawn from the chapter entitled "Some Guidelines for Developing a Creative Approach to Conflict" in *The Handbook*). Mr. Mayer used a simulation to demonstrate the difference between identity-based trust and calculus-based trust (described in "Trust, Trust Development, and Trust Repair" in *The Handbook*). After participating in each of these interactive teaching tools, the group then critiqued them, focusing particularly on the successes and difficulties in Love's and Mayer's "translation" of their subjects.

Hopefully inspired by the examples shared by Professors Coleman, Love and Mayer, the pre-determined teams then went to twelve separate classrooms "with the charge to create something that would take a definable section of *The Handbook* and present it in an exciting way to a specific kind of audience."⁹ Each group was thus required to tackle several significant tasks: choosing the particular research or theory(ies) contained in a chapter that would be the focus of an "exciting" presentation; defining the target audience for this presentation; defining the type of training tool that would provide for the most effective and exciting presentation (e.g., written exercise, questionnaire, skit, video, computer program, etc.); and, last but certainly not least, developing the actual tool and its presentation. And the time permitted for this? Each team had an afternoon and most of the following morning to complete these tasks and develop at least a rough version of its training/teaching tool. The teams worked intently, keenly aware that they would be required to demonstrate their products to the whole group on the second day.

⁸ Email from Christopher Honeyman (October 22, 2000), *supra* note 6.

⁹ Honeyman, *Boston Meeting*, *supra* note 2 at 129.

The Results

During the afternoon of the second day, all of the participants assembled in a large auditorium to examine the products of their work. One by one, the twelve teams took center stage for demonstrations or presentations of their plans. The teams that had decided to develop short interactive training exercises or short training vignettes were able to demonstrate and thus test the operation of their training tools and even receive feedback that could be used to improve the exercises and vignettes. For example, the team focusing on Chapter 4, “Trust, Trust Development and Trust Repair,” invited participants to get into groups of three and share their responses to a series of questions regarding their personal experiences of trust and betrayal. (This team’s process and product are examined greater detail in Part D. *infra.*) Another team that had chosen Chapter 17 (“Some Guidelines for Developing a Creative Approach to Conflict”) roleplayed in front of the rest of the audience in order to compare and contrast the effects of face-to-face vs. “telephone” communication. A third team that focused on Chapter 10 (“Judgmental Biases in Conflict Resolution and How to Overcome Them”) tested the effectiveness of a hypothetical and questionnaire to demonstrate the effect of judgmental heuristics and biases on attorneys’ and mediators’ perceptions of what constituted a “just” outcome. All of these teams received feedback from the entire group on the underlying premises of their tools, their appropriateness for various audiences, and their ultimate effectiveness in illustrating the integration of theory and practice.

Other teams, which had been unable to complete the development of training tools, received feedback from the group on their *plans* for the construction of such tools. For example, the team focusing on Chapter 3 (“Constructive Controversy: The Value of Intellectual Opposition”) presented a class plan, explaining how they would use news stories of current disputes and their resolution to identify whether and why controversies had been “constructive.” Similarly, the team responsible for Chapter 2 (“Justice and Conflict”) did an interpretive reading from *The Merchant of Venice* to demonstrate how it could be used to help mediators explore and differentiate among various conceptions of justice. Other teams presented plans for videos, computer programs and de-briefings of various exercises..

It is clear from this summary of the results of the conference that every team worked hard and produced *something*. Did the conference, however, achieve its three goals of creating: (1) teaching, training, and practice materials “on the spot,” (2) “a collaborative network” of practitioners, researchers and theorists, and (3) a systematic approach for translation of research and theory into interactive exercises and other working tools?

As to the first goal, it appears that only a few groups (and perhaps only the group detailed in our case study *infra*) produced a fully-usable training tool “on the spot.” To understand why this was so and to explore the conference’s success in achieving the other two goals, the Article turns next to the conference participants’ post-conference reflections upon their experience.

C. “Letters From the Theory-Practice Divide”

At the close of the conference and in a subsequent email, Chris Honeyman invited all participants to send any thoughts or comments to the organizers regarding any element of the conference.¹⁰ In addition, several participants were specifically asked to consider writing up their reflections, for inclusion in something loosely identified as “letters from the Theory-Practice Divide.” In response to these invitations, approximately 15 people submitted comments that varied dramatically in both format and content. Despite their variety, several themes emerge from these comments that are particularly instructive for those attempting to develop similar theory-practice conferences with similarly ambitious goals.

Appreciating a Shared History and Opportunity for Advanced Learning

Nearly every commentator was positive about the fact that the conference had happened, and many expressed how enjoyable it was to be with other experienced conflict resolution practitioners, teachers, and trainers. Commentators referred to the assembled group as a “family,” “wonderful people,” and “a group who enjoyed a shared collective history.” One wrote that the conference “further[ed] a wonderful sense of community with an eclectic group.” For these and other commentators, this shared history and foundation enabled stimulating conversation and discoveries. For example, one participant noted that “the anecdotes and foundational knowledge upon which conversations were built were wonderfully rich.” Another observed that “[t]he starting point of conversations was so much higher than [I] usually have.” A third described the “really big payoff” of the conference as the opportunity to “c[o]me to know...other[s] much better over the course of the meeting” and to “develop[]... some interesting ideas.”

Because the participants in the Boston conference shared a common set of assumptions and were required “to PARTICIPATE in the program, not just shuttle from one hotel meeting room seat to another,” they were enabled to explore advanced issues in conflict resolution. Indeed, one commentator wrote:

¹⁰ See Email from Christopher Honeyman to Roy Lewicki et al. (March 5, 2001) (on file with authors).

The first thought is that I may not be able to teach (or even present a training?) again until I have re-thought, re-worked, and re-owned a significant portion of my courses/workshops. This will have to be done by reviewing the research underpinning of the major concepts being used, and trying to inform my presentations and materials with the research conclusions. The "serious reading" I refer to means truly wrestling with the research findings, jumping on them as on a trampoline to see if they hold my weight, and if I can therefore trust myself to use them wisely. For me this was a different level of reading, required in order to consider developing teaching materials to translate it for others, and it was required by the challenge of attempting to translate the research theories into learnable materials. A different perspective, and very challenging....

Perhaps even more important, the knowledgeable, experienced professionals who came to Boston found themselves challenged to re-examine core assumptions held dear. One commentator noted that he and others developed exercises that "often resulted in fascinating learning experiences that could not have occurred in a lecture format. In several cases, role plays even led to discoveries that many of the experienced teachers at the conference would never have predicted." Another commentator observed:

...I am going to have to re-think some of the basic assumptions about our practice of mediation, in light of the research. For example, Allred's chapter on anger and retaliation in conflict, and the role played by attributional dynamics in establishing and escalating patterns of conflict, challenges the common mediation practice of facilitating the expression of anger as a way to release the pressure of strong emotions and establish a climate for problem-solving.

For many years, experts in the field of dispute resolution have worked to point out the inadequacies of rights-based or distributive negotiation orthodoxies. In Boston, because the participants shared a foundational knowledge and set of values, there was no need to return to these debates. Delving into the empirical data summarized in *The Handbook*, however, forced those assembled in Boston to grapple with the realization that *this* field has developed its *own* orthodoxies that may conflict with reality. Exposure to advanced learning, therefore, triggered introspection and the desire for re-examination.

Insufficient Time for Reflection, Refinement and Appreciation

As noted *supra*, the organizers of this conference anticipated that a relatively small number of invitees would accept the invitation to attend. Instead, over eighty people

came to Boston. On one hand, the number represented an abundance of riches, and the organizers were gratified that so many felt the need for this sort of gathering. On the other hand, the number of people made it difficult to achieve the sense of relaxed intimacy that can ease interaction and learning. Several commentators noted this as a disappointment.

Even more important, the increased number of attendees resulted in a greater number of small groups, a greater number of people in each small group, and more presentations—all crammed into a period of time originally designed to accommodate much smaller numbers. Several commentators bemoaned the lack of sufficient time for reflection, refinement and appreciation:

I also enjoyed parts of the presentations on Sat. The group preparation experience of Fri afternoon and Sat AM could have been more productive. Our group worked very hard, and by 3:15 on Sat had not presented--I had to leave. There was too much, too many, and not sufficient atmosphere or time to discuss, reflect, and explore. I picked up some tips and insights--- but felt inhibited to raise my hand and speak in such a large, and somewhat intellectually competitive atmosphere.

We learned that it takes time to design a good research presentation (we had only a few hours to do so, which contributed to the problem) and that it can be worthwhile to run a draft by an actual researcher before using it.

By not having sufficient time between presentations for good, solid, provocative discussion, to improve the exercise, to talk about how it might be used to instruct, etc. we missed an opportunity. Perhaps we should have selected only a few and used them for this purpose. I suspect some groups might have been willing to choose to show nothing in order for others who came up with more creative, or effective for instructional purposes ideas, to present.

[There w]as a sense during [the] course of [the] meeting that by time [it was] over with, [we] would be knit together. Instead [the conference] ended horribly...[with] no opportunity to appreciate [the] stuff that was waiting to be appreciated. The sort of abrupt ending--that didn't acknowledge work, accomplishments-- leaked back into everything that preceded it.

In general, I think developing instructional materials is a difficult, time-consuming activity that involves a lot of trial and error testing.....so it was

difficult to get something done at a conference such as this but it could serve to stimulate...[W]hether that has actually happened, I don't know.

Insufficient Clarity Regarding the “Target Audience”

The organizers of the Boston conference intentionally included teachers, trainers, researchers and scholars from a variety of substantive fields and contexts. This interdisciplinary, theory-and-practice element of the conference was one of its strengths. But, as is so often true, this strength also introduced difficulties. The participants brought with them very different understandings of the “target audience” that should be reached with training tools and exercises. One commentator asked later: “Who needs to be trained? What is the ‘field’ to be reached?” Some of the conference participants were most likely to interact with disputants, attorneys and judges involved in complex commercial matters or major public policy disputes. For them, the relevant “target audience” was comprised of sophisticated disputants *and* dispute resolvers. Other participants anticipated training students, working with divorcing spouses or enabling less sophisticated people to mediate or negotiate more effectively.

Obviously now—but not so obviously before the conference—the differences in anticipated context made it difficult to develop training tools that satisfied everyone, both in terms of format and content. As one commentator observed:

YOU HAVE TO KNOW YOUR AUDIENCE. A number of exercises were more effective for some participants than others. For example, one exercise involved participants making, out loud, the noises of various barnyard animals. Some of the participants (particularly the younger ones) found the exercise quite stimulating, and for them it loosened the restrictive atmosphere of the academic setting. These participants appeared to be energized by the experience, and the silliness of it was an advantage rather than a detriment. However, some of the more senior scholars in the audience chose not to participate in the exercise. Rather, they sat silently in their group and looked vaguely uncomfortable. The experience may have taken them out of the flow of the program and perhaps made them less likely to credit the academic value of the remainder of what was done in this session. . . . As a further example, another exercise involved asking participants to describe to others in a small group a time when someone had betrayed their trust. For some participants, this was an extremely powerful experience. Because trust is such an important part of personal interaction, some felt there was no substitute for a reality-based discussion of times when trust had been breached. For them, allowing people

to share their own personal examples made the discussion much richer and more effective than any other approach. Some participants also felt much more connected to their group after each had shared a personal story. The supportive responses of other group members built cohesiveness and created warm feelings for people. However, a number of other people felt that this exercise was inappropriately personal.

The training tool examining the effect of face-to-face vs. telephone conversations described *supra* was derided by some commentators as “downright silly” and “miss[ing] a great opportunity to do something that could genuinely highlight how important space/equipment/distance/disposition/etc. can be in assisting negotiations and, of course, having negative impacts on them.” Another commentator expressed willingness to believe that there might be people who could benefit from this particular training tool, but he described such people as having “elementary life skills...[and] without intuition. [We’re] not doing anything for [the] ‘field’ with this kind of training.”

Constraints Imposed by the “Single Chapter” Structure of the Conference

The organizers of the Boston conference decided to use the chapters contained in *The Handbook of Conflict Resolution* as organizing tools. Each small group was responsible for bringing the concepts contained in one chapter to life. Several commentators, however, urged that useful training tools and exercises would draw upon more than just one chapter at a time:

[F]orming the groups by chapters had a limitation that was not stressed sufficiently. One could apply the ideas from many chapters to any rich exercise. The need to integrate the ideas from the different chapters is important in practice as well as in teaching.

[L]imiting the base to that one text, and, particularly, each and every chapter...I found not terribly useful to develop into the sorts of instructional stuff people were trying to produce.

Factors Affecting the Achievement of the Conference’s Goals

The themes revealed in these “letters from the Theory-Practice Divide”—appreciation for a shared history and an opportunity for advanced learning coupled with concerns regarding insufficient time, insufficient clarity regarding the “target audience,” and the constraints imposed by the “single chapter” structure of the conference—help in understanding the factors that affected the conference’s ability to achieve its goals.

The lack of time for reflection and refinement, lack of clarity regarding the audience to be reached and the constraints imposed by the single chapter structure of the conference combined to make it very difficult to achieve training materials “on the spot.” Indeed, “ready-to-use” tools emerged from very few groups.

On the other hand, some commentators hailed the Boston conference as an important opportunity to learn, to test assumptions and to *begin* jumping on that trampoline referenced by one of the participants *supra*. Directly as a result of the Boston conference, some participants later collaborated on articles exploring issues and ideas that they first broached in Boston.¹¹ Several participants have since written articles using concepts they first examined in Boston.¹² Others worked jointly to seek (and gain!) funding for projects they began designing in Boston.¹³ Some have selected *The Handbook* as the text for courses and seminars.¹⁴ Though the Boston conference produced few (perhaps only one) ready-to-use training tools, the experience thus had value for “what it generated, at home, and at subsequent meetings” as the participants processed and found ways to integrate what they had learned. It appears that the conference effectively generated what one participant anticipated--“productive after-shocks.”

Did the conference create a collaborative network of practitioners, researchers and theorists? As noted *supra*, some of the small groups spawned very fruitful collaborations. Thus, the goal of a collaborative “network” appears to have been achieved in part. Its full achievement, however, may have been hindered by the size of the group, the inability to offer an environment of relaxed intimacy, the insufficiency of time, and (perhaps ironically) the intentional diversity of the participants.

¹¹ See e.g. Jonathan Hyman & Lela Love, *If Portia Were a Mediator: An Inquiry Into Justice in Mediation*, 9 CLINICAL L. REV. 157 (2002) (arguing that mediation permits a broader understanding of and inquiry into justice).

¹² See e.g. Nancy A. Welsh, *Making Deals in Court-Connected Mediation: What's Justice Got To Do With It?*, 79 WASH. U. L. Q. 787, 808-809 (2001) (examining cognitive biases that affect perceptions of fairness).

¹³ See Email from Heidi Burgess to Nancy Welsh and Eben Weitzman (August 8, 2001) (regarding discussion, collaboration and funding for a project regarding intractable conflicts); Email from Bernie Mayer to Nancy Welsh, et al. (October 9, 2003) (on file with authors) (regarding funding of project to assess the conflict resolution concepts and research being used by well-recognized trainers in programs teaching collaborative problem-solving).

¹⁴ For example, in 2003, Nancy Welsh assigned *The Handbook* as the text for her Conflict Resolution Theory Seminar.

The organizers of the conference also aimed to develop a “systematic approach” for translation of major research findings and theories into interactive exercises and other working tools. To be frank, it does not appear that this “systematic approach” was achieved uniformly in Boston. The Boston experience is instructive because it reveals the importance of being brutally realistic about the time that will be required to assimilate new information, identify a focus, identify an audience, develop a training tool and refine that tool. For most of the small groups, the Boston conference just did not offer enough time.

A few groups, however, did manage to produce effective interactive exercises. Perhaps a close look at the process used by one of these groups may reveal a systematic approach that can be replicated. Therefore, this Article will next turn to a case study of the group that developed the trust exercise during the Boston conference.

D. Case Study: The Work Group on Trust

The group of people who focused their time and effort on creating an exercise on trust included Roy Lewicki, Julie Macfarlane, Bernie Mayer, Marty Peters, Grace D’Alo, Brad Honoroff, and Melissa Brodrick (representing among them four attorneys, four professors, two private mediators and one state agency administrator). All had been assigned to this group based on the interest they had expressed in the chapter in *The Handbook of Conflict Resolution* written by Roy Lewicki and Carolyn Wiethoff entitled, “ Trust, Trust Development, and Trust Repair.” (Recall, in fact, that on the first morning of the conference, Bernie Mayer had tested a simulation exploring issues drawn from this chapter. Thus, at least two of the members of the group, Bernie Mayer and Roy Lewicki, had worked with the trust concepts before.)

The work of this group is used as an example for three primary reasons. First, the group produced an exercise that was complete, worked, was easily replicated, and met the group’s goals. Second, the group included Grace D’Alo, one of the authors of this Article. Third, Ms. D’Alo kept detailed contemporaneous notes of the group’s discussions, which were then were available for a case study.¹⁵ What enabled this group

¹⁵ Grace D’Alo volunteered to keep notes for both days that the work group met (March 3 and 4). All opinions regarding the dynamics, mood, or status of the individuals within the group are solely those of Ms. D’Alo, and do not represent the collected or solicited views of others on these matters.

to produce its training tool “on the spot?” Can this group’s process reveal a “systematic approach” for the translation of major works into training tools?

According to the notes of the group’s discussions, the participants began the first working session by introducing themselves and why they had picked the topic of trust to work on. By consensus, the group defined its task as inventing a technology to teach the theories of trust as outlined in Professor Lewicki’s and Ms. Wiethoff’s chapter. Broadly speaking, and in no particular order, this task had the following components:

- Translating theoretical ideas into practice;
- Using lessons from practice to inform teaching;
- Knowing the essence of what is being taught;
- Knowing the context for each member’s interest in developing an exercise on trust (How did each person see using such an exercise, for what audience, and why would it be valuable?);
- Using the exercise to show that calculus based relationship may facilitate people taking a leap towards establishing other forms of trust;
- Using the exercise to show that there is reciprocity in risk taking when parties negotiate that can contribute to building trust.

At this point in the work group’s discussion, following up on the tasks as identified above, everyone took a few minutes to describe the context for their interest in developing a trust exercise. After every member of the group spoke, the group as a whole agreed that the exercise should be useful for teaching mediation, rather than negotiation, skills. Thus, the context for the training tool began to take form.

Up to this point, the work group’s decision-making could be characterized as consensus-based. The individuals seemed to be comfortable with each other on a professional level—each person’s expertise was expressly and implicitly acknowledged and respected. Also, no one person assumed a position of leadership or affected any air of superiority. It was a genuinely congenial group of people who were getting warmed up to their task by talking through the big picture with lightness, laughter, and sincere consideration.

Although this tone within the group never changed, when the group started to focus in on the nitty-gritty of the task--defining the essence of the subject matter and how to teach it--a leader emerged. In addition to co-authoring the chapter on trust in the *Handbook*, Roy Lewicki was able to provide the group with an up-to-date, understandable, and often incisively humorous picture of the research and scholarship on the development, destruction, and repair of trust in relationships. It is also, in the authors’ opinion, relevant that he was able to lead the discussion and provide such

information in a manner that did not stifle any other person's contributions to the group's task. In short, he genuinely seemed to find himself leading the discussion by default even though the rest of the work group probably would have elected him if given the opportunity.

Though they had begun to define the context for their exercise, the members of the work group struggled with three major issues for most of the time they were together. In general the issues involved how to get to the essence of what trust is in the context of an exercise, what teaching strategy would be most effective, and what the students taking part in the exercise needed to learn. The conversation veered between questions such as:

- How to get students to ask themselves what does trust look like, how trusting am I, who do I trust and why, how do I behave when I am in a trust or non-trust situation, what is the value of trust or distrust?
- Can an exercise teach the student how to create trust, how to manage distrust, or how to repair a damaged trust?
- Should one exercise focus on all three dimensions or just one?
- Does teaching trust through the use of games miss the boat in terms of teaching the emotional component involved in broken trust?

It was in the discussion of the last question that the work group started to focus in on translating the essence of trust into an exercise. The notes reflect Roy Lewicki's comments on the use of games:

Games miss the multiple faces of trust and distrust and the many ways in which it is relationally embedded. Missing in teaching about trust through games is the relational experience, the transformational experience. Maybe we should create a story line, a series of episodes or events that involve the building and testing of trust.

This fragment of an approach to an exercise was picked up and expanded by others. Marty Peters suggested that the exercise have a repeating aspect in order to incorporate a feedback mechanism to get at different levels of trust. Bernie Mayer suggested a progressive series of questions for students to answer about one situation that they were either given or created: "Who has lied to you and what was the impact?" "When have you lied to someone else?" "Who are you lying to right now?" Grace D'Alo suggested that students could ask one question about trust, but placed in three different contexts. Melissa Brodrick suggested using journals during the exercise to provide self-feedback on how trust was developing in the context of the classroom exercise. Brad Honoroff

gave examples of progressive exercises where students invented scenes in a role-play that was written to illustrate the breakdown of trust. Because the scenes invented by the students lacked a personal emotional component, however, Mr. Honoroff thought the exercises were not as effective as they could be. This led to a lengthy discussion of how to get to the personal dimension of trust without making the students feel threatened or uncomfortable. This was an issue that the group revisited throughout their deliberation.

Although there had been no conscious or deliberate effort, no vote on direction, the group clearly had found its course. In the summary of the first day of the work group's meeting, the notes state, among other things, the following:

- The exercise should be iterative (i.e., repeating);
- Students should get feedback during the course of the exercise;
- Self-disclosure should be progressive;
- The exercise should point out the value of trust and distrust;
- The learning environment had to feel safe if students are expected to disclose personal experiences with trust;
- Questions or directions that may be useful in the exercise include:
 - How do issues of trust and distrust manifest themselves in your practice?
 - Think of situations in negotiations in which you experienced trust or distrust;
 - Think of a time you took a risk based on trust.

The group ended the day in much the same mood and spirit as it had begun. Except for occasional expressions of weariness and hunger, the members felt they had accomplished something by narrowing down the universe of what was possible to simply the world of what was appropriate to the task. There was a feeling that although the form of an exercise had not been determined, they were close to defining its shape.

In terms of the group dynamics, at the end of the day there was no one person overtly in charge or making assignments for the next day's work. There was a palpable sense of cohesion and respect among the work group's members. In some ways, the trust among the members increased through the four-hour discussion. Every person seemed to be comfortable in the conversations and naturally assumed the risk and responsibility for contributing his or her expertise into the discussion whenever they thought it relevant.

When the group reconvened the next day its first activity was to summarize the previous day's work. The consensus was that the exercise boiled down to teaching something about the question of who we trust and why. It was also noted at the outset that the

question of how to invoke and manipulate each student's personal experiences into the exercise had never been resolved. This brief review provided the threshold for the second working session to start focusing in on specifics.

It was generally agreed that the exercise needed to start with an introduction that included remarks about the students' freedom to choose their level of participation, what they wanted to reveal, and whatever else was relevant to creating a safe and comfortable atmosphere. It was also agreed that the exercise should be progressive and rely on students using their own experiences of trust and distrust. The concept of progression was interpreted to mean having the students respond to an iterative series of questions to focus their reflections on different types of trust and distrust.

A debate re-emerged over whether to try to get students to recall experiences with trust or distrust in three separate contexts, such as relationships they have at work, socially, or with intimate partners, or to use only one of these contexts. With respect to the latter, there was some mock consideration given to using a common experience such as what men vs. women discuss in public rest rooms. This light-hearted discussion actually led to more serious consideration of how deeply teachers and trainers can go into a student's personal experiences and not create other problems for the individual or the teacher.

As had happened before, Roy Lewicki made two comments that proved to be pivotal in the development of the exercise. First, he made the observation that the level of the relationship of the people talking to each other during the exercise as well as the level of the trust to be examined could be manipulated through the directions of the instructor. Then he went on to propose that the workgroup develop a series of questions to ask the students about a personal scenario that they would not necessarily need to share.

This suggestion led to a spirited exchange over whether to elicit a personal situation or create a common scenario in the classroom setting. The flow of the ideas around the questions to be asked was so fast and furious (in a manner of speaking) that it was impossible to take detailed notes over who contributed what and why. Emerging from this flurry of energetic exchanges was the outline for the exercise that is fully described in Appendix A to this monograph. The exercise required participants to get into groups of three and elicit a personal situation. The exercise did not, however, require the participants to make any disclosures that they were unwilling to share. Thus, the exercise permitted the participants to define the context; it also allowed the participants to determine their comfort in proceeding further.

Following the exercise, the work group envisioned a large group debriefing on the concepts of identity and calculus based trust. Fortunately, when the exercise was run in Boston, Roy Lewicki was able to provide eloquent, pithy descriptions of the concepts of trust, trust betrayal, and trust repair and relate these concepts to the experiences the participants recalled and to the choices they made about sharing those incidents. Once again, Professor Lewicki's presence, personality and in-depth knowledge of the materials permitted the exercise to be fully realized.

E. Conclusions

Together, the "letters from the Theory-Practice Divide" and the case study of the trust work group permit an examination of the extent to which the Boston conference achieved its three goals of producing training materials "on the spot," creating a "collaborative network" and developing a "systematic approach for translation" of research and theories into interactive, accessible exercises. The letters and the case study also offer hints regarding the factors that both helped and hindered the ability to achieve these goals.

First, the case study reveals that at least one group was successful in creating an understandable, replicable exercise within a very short period of time. It is important, however, to acknowledge some of the advantages of this work group. The co-author of the relevant chapter was a part of the team. He emerged as a resource in terms of substantive knowledge, organizational skills and interpersonal skills. At pivotal points in the flow between generalized discussion and specific zeroing in on tasks, Roy Lewicki often offered a comment or suggested a direction that precisely tuned the group's focus and thus permitted key issues to be resolved and forward momentum to be maintained. In a sense, Professor Lewicki served as coach and guide. To use the parlance of the field of dispute resolution, he served as both a substantive resource and an effective facilitator.

Perhaps significantly, one of the other members of the work group, Bernie Mayer, also had already worked with the trust chapter and had developed an exercise based on the chapter. The expertise of both Lewicki and Mayer may help to explain the speed with which the trust work group processed the material in the trust chapter and identified the focus of their exercise. Most other groups did not possess such depth of knowledge regarding the substance of their task.

In addition, this group worked well together. The members were quickly comfortable with their assignment, each other, and the possibility for failure or success. Apparently without any jostling for control, they assumed roles that were natural for them and felt confident of their value to the group. For instance, Ms. D'Alo assumed the role of scribe and used her notes in the group setting to point out when discussions were repetitive, to mark what had been accomplished, and to remind people of what still needed to be done in the time remaining. The atmosphere in the room was congenial and mutually respectful, and there was a notable lack of pretense, affectation or other types of posturing that can disrupt the flow of ideas between people and disenfranchise members of a group. The cohesion between the individuals lasted throughout the two days of working on the assignment. And although there was no shortage of laughter and jokes, the humor was not used to insulate a few "insiders" but to draw on common phenomena.

The trust work group's handling of the question of context also may be significant. Their exercise permitted both the members of the work group and individual participants to bring their own context to the exercise.¹⁶ *Thus, the exercise had the potential to adapt to very different audiences. Other groups, which set up role-plays or vignettes, necessarily imposed a context—which then had the potential to alienate certain participants.*

Second, the letters and post-conference products suggest that the conference encouraged the development of collaborations, if not a "collaborative network."

Finally, the case study suggests the outline of a "systematic approach for the translation of research and theory into interactive exercises and other working tools." In the authors' opinion several characteristics of the work group are relatively easy to identify and duplicate. The work group included at least one person (and perhaps two) who had a sophisticated and comprehensive understanding of the theory, practice, and research available on the topic and was able to make his knowledge accessible to all the members of the group. The work group also included an effective facilitator, who managed to bring the group back to its task or focus the discussion to permit forward momentum. The other members of the group, who each possessed related or similar expertise, had working knowledge of and interest in the topic and were at ease contributing their knowledge, enthusiasm, and serious effort to the endeavor of creating an exercise. The atmosphere in which the group worked was one of mutual respect and

¹⁶ Though it must be acknowledged that some participants nonetheless found the exercise to be inappropriately personal, as observed *supra*.

appreciation. There were both leaders and followers in the group and one's role, for most of the discussion, was fluid depending on the topic being discussed. Roy Lewicki's presence was important but probably made more valuable by his reluctance to be "the" expert.

In a sense, the letters and case study suggest that the "rapid fire" translation of theory or research into accessible exercises requires more than just a group of smart people with good will. It requires well-grounded understanding of the theory or research to be translated, the presence of people with different yet complementary skills and knowledge (in order to comprise a "team"), clarity of purpose, and effective guidance or facilitation. (Indeed, teams with such attributes may find lack of time to be useful, as deadlines bring tangential discussions to a quicker end and provide the group a constant motivation to move forward.) These, then, appear to be important ingredients for a "systematic approach for the translation of research and theory into interactive exercises and other working tools."

Will these ingredients *guarantee* quick and accessible translation? We think not. Instead, they enhance the likelihood of success. Like any sports franchise seeking a winning combination, it also helps to be blessed with a little bit of magic.

III. Discussions that Reverberate: Insights about Teaching, Training, Learning and Practice

Ric Richardson and Kathy Domenici

Overview

In mid-May, 2002, the University of New Mexico School of Law was host to more than fifty alternative dispute resolution (ADR) educators and practitioners in a conference entitled “Theory to Practice: How Can We Teach So It Takes?”¹ This conference was the second in a series of national meetings focused on reexamining underlying assumptions about ADR teaching and practice. The conference grew out of an innovative workshop held in March of the preceding year at the University of Massachusetts, Boston, to generate teaching and training materials. The Theory to Practice project, funded by the Hewlett Foundation, aimed to create “more sophisticated and more consistent linkages between those who conceptualize new ideas for handling human conflict, and those who practice as neutrals—and advocates.”²

The Albuquerque conference was designed to stimulate dialogue that could lead to adaptations and changes in teaching ADR.³ The conference provided educators, scholars and practitioners in law, urban studies and planning, international conflict resolution, private mediation, environmental dispute resolution, and public dialogue the opportunity to discuss how to teach alternative dispute resolution as well as foster understanding and increase communication between academics and practitioners.

¹ The conference was supported and sponsored by The University of New Mexico School of Law, the Theory to Practice Project and its successor the Broad Field Project, the Dispute Resolution Section of the American Bar Association, and several private practitioners.

² A description of the Theory to Practice project and copies of many of its publications can be found at www.convenor.com/madison/t-t-p.htm (checked August 21, 2003.) At about the time of the Albuquerque conference, Theory to Practice was succeeded by the Broad Field Project (see www.convenor.com/madison/broadfld.htm). Both have been generously funded by the William and Flora Hewlett Foundation. The Boston conference was a collaboration between Theory to Practice, the Graduate Programs in Dispute Resolution at UMass/Boston, and Columbia University’s Conflict Resolution Network.

³ Key issues in teaching negotiation, designing negotiation curricula and tools and teaching techniques can be found in *Teaching Negotiation: Ideas and Innovations*, Michael Wheeler, Editor, PON Books, 2000.

The conference designers intentionally created an agenda that provided the opportunity to compare ADR pedagogy with other professional disciplines. The overall goals of the conference were to:

- Consider the teaching and training models used in various disciplines;
- Discuss the strengths and weaknesses of those educational models; and
- Challenge assumptions about how to create effective educational experiences in alternative dispute resolution.

This article examines what the participants learned from the conference. The authors queried the relationship between theory and practice and opportunities for teaching innovations through in-depth interviews of a cross-section of the conference participants. The interview guide (Appendix B to this monograph) outlines the questions addressed in the interviews.

The Design of the Dialogue

There is a growing need to reexamine fundamental assumptions about teaching and learning in professional education.⁴ This trend in education and dispute resolution led the conference design team to create a cross-disciplinary focus that would include formal presentations from educational leaders in medicine, technology, and architecture. In addition, the opening plenary would address the history of scientific thought, and the concluding plenary, Navajo Peacemaking.

The agenda invited participants not only to examine established assumptions about professional education, but also to learn about teaching breakthroughs from their colleagues who approach ADR from other disciplines. Each plenary session was followed by a small group discussion in which participants interpreted the concepts presented by the speaker and offered their own experience in teaching and practice. A member of each group summarized the conversation so that the full group could engage in a discussion of themes. The last day of the conference was devoted to discussing promising areas for future research and practice.

The plenary presentations explored the evolution from traditional to innovative curricula and learning models. The presenters outlined how teaching and learning reinforces links between theory and practice, experience and knowledge, and learning and reflective practice. They described historic and emerging paradigms about how

⁴ Paulo Freire provides a passionate argument for reform in graduate and professional education in his book *Pedagogy of Freedom: Ethics, Democracy, and Civic Courage*, Roman and Littlefield 1998.

students are trained and educated as well as assumptions about how they personally learn and engage in reflective practice.

The Presentations

The opening plenary presentation challenged the conferees to question their conventional wisdom about learning. Dr. Wendell Jones asked the participants to suspend assumptions and become “familiar with the unfamiliar.”⁵ He provided an overview of scientific inquiry from Descartes to postmodern analysis, looking at methods of understanding and emerging theories about how we think, learn, and solve scientific problems. He also introduced the participants to network theory and described how it is used to understand complex adaptive systems. Dr. Jones asserted that groups “co-form” reality to solve problems in real time, and asked the participants to suspend their tendencies to think in a traditionally linear way that fit within defined disciplines. In his view, ADR needs to tap the wisdom embedded in experience and create new approaches to education in response to deeper understanding of the way we are able to process information.

Professor Stewart Mennin described his work to help create and implement a new paradigm for medical education.⁶ In Problem-Based Student-Centered Learning (PBSCCL), students encounter a real-world medical problem and then undertake a systematic, learner-centered inquiry to determine the solution. The teacher is responsible for facilitating the learning, providing the access to information, and designing the curriculum framework. The student is responsible for his or her own learning, making use of structured support systems, and assessing the learning process. Professor Mennin noted that a tendency in most professional education is to focus on training future practitioners rather than engendering life-long learning. He asserted that because of the rate of scientific discoveries and medical breakthroughs, medical education can no longer afford to focus on a single body of knowledge or model of practice. He argued that it is essential for students and instructors to co-create the learning experiences to “learn how to learn” in this rapidly evolving environment.

Dr. Pace VanDevender further challenged the group to discover “learning is in the doing.”⁷ Dr. VanDevender, a senior scientist at Sandia National Laboratories, is also a founder of multi-stakeholder events called “Prosperity Games”, in which 80-100

⁵ Dr Jones is a Ph. D. physicist and ombudsperson at Sandia National Laboratories.

⁶ Associate Dean of the University of New Mexico’s School of Medicine.

⁷ Dr. VanDevender, Ph. D., is a physicist and Chief Information Officer at Sandia National Laboratories.

people gather for three days to plan how to address problems faced in their industry or organization. He has discovered that large group problem-solving endeavors mirror human neural networks in organizing to solve problems. He asserted that when practitioners are faced with seemingly unsolvable problems in deciding how to take the next step, neural networks within the brain will naturally reorganize to offer a logical strategy. Using his own advice, Dr. VanDevender is applying the lessons he has learned throughout his career to the current scientific dilemma concerning “ball lightning,” a phenomenon of unexplained and unruly lightning. To that end, he has designed and built a ball lightning “catcher” for his back yard—even though there is no known way to prove experimentally the existence of this phenomenon. He concluded by saying that, like his ball lightning catcher, ADR educators should trust the intuitive capabilities of themselves, their students, and their clients in moving toward new solutions and solving complex disputes.

Professor Andy Pressman led the conference participants in an exploration of key challenges in the architectural design process.⁸ In demonstrating “learning strategies for architects,” he engaged the group in a role-play as an example of the design and non-design problems that architects must solve with clients and contractors. Participants played the roles of architects, clients, or contractors in designing a 2300 square foot home in New England. In the scenario, the client requested a significant change to the design immediately before the scheduled start of construction. Professor Pressman emphasized the importance of communication and self-awareness in solving these kinds of problems and encouraged the group to consider how architectural education is using simulations to teach problem solving and conflict resolution in design and construction.

In the closing plenary session, Philmer Bluehouse blended the culture and tradition of the Navajo people within the framework of the Judicial Branch of the Navajo Nation.⁹ Mr. Bluehouse spoke of his struggle to work within the structure of the Navajo courts and complement that with a conflict resolution system based on traditional beliefs, family relationships, and holistic knowledge. His process is led by “Knowledgeable Ones” who use their experience, compassion, and understanding to draw out healing truths. The Navajo courts accept his system and the traditional ways of resolving injustice. Mr. Bluehouse challenged the participants to consider their own ADR practices in light of profound cultural differences and the value of community-based knowledge. Mr. Bluehouse concluded with a description of the genesis of his

⁸ Professor Pressman is the director of the Architecture program at the University of New Mexico and leads his own architectural firm in Albuquerque.

⁹ Mr. Bluehouse is a mediator and Coordinator of the Navajo Peacemaking Program.

peacemaking program that grew out of traveling to the mountains to pray and listen for guidance. His experience of natural surroundings, such as “the wind interacting with the puddles of water,” established the foundation for his peacemaking. He asserted that nature and community provide powerful metaphors for resolving conflict. (An article by Mr. Bluehouse based on this presentation has since been published as one of a series of ten emanating from this conference; see below.)

The Interviews

Eighteen participants gave permission at the conference to be interviewed. Their professional fields included law, conflict resolution, negotiation, private meditation practice, urban studies and planning, conflict analysis research, and public dialogue initiatives. The authors conducted thirteen interviews by telephone between June 15 and August 30, 2002, which ranged in duration from 20 to 60 minutes. Each participant received a copy of the interview guide before his scheduled interview.

Results of the Interviews

The interviews were not intended to be exhaustive or represent attitudes among the participants. Rather, the responses provide thought-provoking ideas and reflections from leading educators and practitioners in the ADR field. The interviews provide an informed view of emerging teaching and learning strategies and debates, as well as key opportunities for initiatives research and practice. The interviews investigated the following four topics:

- Assumptions about teaching that were confirmed or challenged;
- Insights and reflections from structured discussions about how conflict resolution is taught compared to other models of professional education;
- Breakthroughs and new ideas about pedagogy; and
- Opportunities for initiatives in teaching and research.

Confirmed and Challenged Assumptions

The interviewed participants¹⁰ expressed a range of views about the degree to which the speakers challenged or confirmed assumptions about the approaches to teaching. Overall, they expressed a deep commitment to teaching and desire to create strong links to practice.

“We must educate practitioners who are reflective about their work and practice, and educate theorists who won’t lose sight of the fact that conflict resolution theory must address how violence can be reduced in practice.”

In considering the need to educate reflective practitioners and practice-based theorists, some participants remarked that it was important to focus on creating more problem-based teaching and theory. Problem-based learning, like the medical education model, would extend the reach of the students beyond the classroom to interact and learn from real-life disputes. We suspect that enthusiasm about incorporating problem-based instruction is based on a range of assumptions about specific teaching methods and strategies. Two assumptions that underlie problem-based learning particularly caught the attention of some participants. First, this kind of teaching and learning asks that students and teachers to move into unknown territory. Second, most experiential knowledge comes from community-based experience rather than from “experts” or trained academics.

“I really like the notion of [problem- and] purpose-based projects that extend beyond the scope of what one person can do...to reach beyond what we can do at one table is incredibly important, like the work in intractable conflicts.... We need to figure out how to teach using this knowledge and experience [that]

¹⁰ Those interviewed include:

Robert Ackerman, Penn State-Dickinson School of Law
Kevin Avruch, Institute for Conflict Analysis and Resolution, George Mason University
Heidi Burgess, Conflict Resolution Consortium, University of Colorado
Guy Burgess, Conflict Resolution Consortium, University of Colorado
Jonathan Cohen, Levin College of Law, University of Florida
Grace D’Alo, Widener University
Susan Hackley, Program on Negotiation, Harvard University
Sanda Kaufman, Levin College of Urban affairs, Cleveland State University
Christine Knowlton, Chvany, Silbert, & Knowlton, LLP, Orinda, California
Bernie Mayer, CDR Associates, Boulder, Colorado
Maude Pervere, Gould Center for Dispute Resolution, Stanford Law School
Robert Stains, Public Conversations Project, Watertown. Massachusetts
Zena Zumeta, Mediation Training & Consultation Institute, Ann Arbor, Michigan

would come from non-experts, from the grass roots and traditional communities.”

“With experience-based approaches there is the need to *act* in order to learn.”

“Experience- and problem-based approaches are the way to go...we need to continue to engage and include emotion and raw presumption, something that is central to my thinking.”

For others, the result of the plenary presentations was to shake up assumptions and consider new ways of thinking.

“Good teaching depends on surfacing the tension between what the teacher has to offer and what the students are learning ...we need to use more relevant exercises and include evaluation as a key component of learning.”

“Particularly the presentation about technology and research highlighted the importance of purpose-driven learning and the role of visceral engagement.”

Most participants liked the idea of listening to educators from different disciplines. However, these participants felt that the presentations were conventional, because in their view most ADR educators already challenge traditional academic standards and call into question conventional approaches in their respective fields:

“[ADR educators] are already experienced at swimming against the tide in the way we teach in academia. I think we are different from the mainstream in many of our approaches, including the use of life-like simulations.”

“For me there were no great insights, but that is the point. I had great conversations about my work and teaching... and [the presentations] confirmed that I’m on the right track.”

“Educators whom I respect are doing similar things in different settings and fields, they think along the same lines as we do, and this builds confidence in my approach to teaching. It was surprising that so many people from different fields were using similar ideas.”

Insights And Reflections About Teaching

The large and small-group discussions evoked insights about teaching and practice. For many of the participants, the focused discussions were a powerful way to establish interdisciplinary dialogue across the ADR fields; the participants discussed their

reactions to the plenary presentations in an exchange that revealed, tested, and reflected individual teaching theories and biases.

“Hearing about how [professional] trainers develop role plays out of their own experience was insightful. I found it important to learn about how to frame simulation around current problems, trends and issues.”

“The discussions were useful in talking about culture and intercultural issues as well as other issues of theory and practice. I found this useful in the focused discussions as well as with colleagues between sessions.”

“I was unnerved with the number of educators and practitioners that are working in a transformative mode ...trying to change students and the world, one person at a time. This is so different from the pragmatic, interest-based approach that I learned and work with. I grew to appreciate their point of view.”

The initial discussions helped to surface ideas and put the participants in an active mode, keeping them engaged. Most participants agreed that learning results not from just listening but from engaging in meaningful dialogue and building relationships with colleagues from other fields. The participants exchanged ideas about teaching techniques as well as the theories and methods that guided their work:

“In the small group discussions we tried to figure out ways to “walk the talk,” and I was impressed with the extent to which practitioners placed emphasis on ground rules. I built on this idea since coming home in a group of students I facilitated, and made ground rules for the discussion. The result was that I listened more and we came out with more useful information.”

“I found that law school educators have a more skill-based approach. These discussions raised great questions about the demonstrable value of my more ‘heart/spirit/attitude’ approach. This directs my attention to the importance of evaluating our teaching.”

“The small group discussion [was] analogous to the environment that we try to create in the classroom with debriefing exercises. It validated the importance of debriefing in small groups.”

Ideas and Breakthroughs About Pedagogy

On the last day of the conference, the participants identified topics that were worthy of further inquiry or effort. The participants formed ad hoc groups organized to pursue

ideas from the previous discussions and respond to individual interests. Along with other topics, the ad hoc groups discussed teaching techniques, methods, alternative to simulations and role-plays, student/teacher power relationships, and practice-based research. They also generated suggestions about specific techniques (such as drawing to express students' points of view, or the way metaphors are used as key communication devices in mediation).

“There were nuggets like drawing and discussing the meaning of the drawing, much like debriefing a simulation. I am going to incorporate some of this in my teaching.”

“I'm fascinated with using art, drawing, physical games and new introductory exercises. I'm wanting to think about more options to get at issues when I teach, like using film clips to illustrate a point and spark a discussion.”

“One idea came from lessons learned in executive coaching that I found useful to integrate in training and teaching. One exercise, in particular, is to ask participants to remember “what they played at; what they wanted to be” when they were 3 to 5 years old. The answers [could] form the basis to explore the way [students] want to focus [their] interest in conflict resolution.”

In addition, there were several challenges to approaches and the role of the instructor. Some participants gained a deeper understanding of the relationship between students and instructors as well as the role of knowledge in teaching within a field that focuses on process and system design.

“Discussing problem-based learning was informative, [such as] moving the teacher from expert to facilitator and resource guide. We talked about the relationship between the teacher and student and clarified the role of an instructor as a coach, especially in teaching negotiation.”

“It is critically important to learn about key issues in teaching and know more about teaching before we teach something. We should also look at key tensions and use them in a more creative way, such as knowing more about the tension between creating and claiming or the role of competition in collaboration.”

“We discussed congruence – congruence between what we say and what we do as educators and practitioners, congruence between who we are as individuals and how we teach, congruence between our lives and the organizations with which we work. This is a key factor in studying power relationships.”

“I want to move toward experiential learning and I’m moving in that direction. But how do we teach in a way that students are more likely to practice, in a manner congruent with the model they profess to embody? How can we be congruent as educators with the models and example that we use to teach?”

Opportunities For Further Dialogue and Research

Several of the ad hoc groups discussed ideas about writing or teaching initiatives. (A list of ten articles so far published as a result is attached.) One practitioner said there is a need to reflect on and learn more about the difference between advocacy in law practice and neutrality in conflict resolution, and expressed the difficulty of switching between the modes of intervention.

“One important discussion was the ethics and utility of using role-plays and simulations as teaching tools. It may place the student in the position of revealing too much about him or herself. Alternatively it may be a role that is impossible or inappropriate. I can’t conceive of the values involved in a terrorist act, but that is real-life today. It isn’t appropriate to incorporate this in a role play.”

“[We are] organizing a clearinghouse for materials that do not involve simulations or role-plays, similar to the Program On Negotiation’s on-line syllabus resource. The group produced lots of ideas quickly, and we’ve written up the notes for a journal article ”

“I’m now trying the technique of identifying metaphors and analogies with students in my mediation class ... identifying how they are used in negotiation and mediation. This is a new avenue that I did not have before and it is working well.”

Some of the participants were thoughtful about how they had incorporated new methods or rethought their overall approach to ADR as a result of the conference.

“I’ve grown to place greater trust in students’ ability to grasp complexity than before the conference. I think it was our discussions about the way the brain works and how our minds are adaptable to problem solving. I want to allow my teaching to become less one-dimensional and less linear and I think this has helped me do that.”

“Some of the presenters and participants advanced ideas about teaching and learning that I didn’t agree with, but it is always useful to listen and learn. For instance, the setting and context of a law school is based largely on

‘downloading’ information to students as opposed to the way learning occurs in a real-world setting that problem-based medical education deals with.”

Some of the participants are working on collaborative efforts to research new methods of teaching conflict resolution.

“I am going to propose ways to incorporate problem-based learning techniques into mediation and negotiation training. That is an idea that really stood out.”

“There are real parallels between legal education and education in urban studies and planning, and one of the participants from a law school and I are going to write about similarities and differences between the two.”

“One thing that sticks with me is that professional education and mediation are learning processes. I will work with that concept in my teaching ...in law school we teach people to listen in order to refute. In mediation we teach people to listen in order to understand.”

Implications for Teaching and Research

Following an initial meeting on this theme at Harvard Law School and additional meetings convened by the Theory to Practice project, there is considerable interest in developing new educational models and teaching techniques.¹¹ This conference revealed a commitment to refining conflict resolution pedagogy. The interviews of the conference participants suggest three areas for research and possible reform of conflict resolution pedagogy.

First, the Problem-Based Student-Centered Learning model challenges educators to connect students to real-life problems and community conflicts to gain the capability to learn from experience and build robust problem solving skills. This teaching method raises questions about how students and practitioners become life-long learners and reflective practitioners. In addition, it creates practical dilemmas with using real-time conflict as the basis for an educational experience. Both of these questions should be explored more thoroughly in future research and practice.

Second, with the growing interest in transformative mediation, some educators have a clear desire to develop alternatives to role-plays; some are also questioning the field’s

¹¹ Negotiation Pedagogy: A Research Survey Of Four Disciplines, The Program On Negotiation At Harvard Law School, Hewlett Conference 2000, Focus On Negotiation Pedagogy, Sponsored by the William and Flora Hewlett Foundation, April 2000.

traditional reliance on the use of simulations, especially to address complex political and ethical dilemmas. In addition to the initiative to publish and create a web site where alternatives to simulations and role-plays may be distributed, future research in these areas will need to explore further the role of psychological, spiritual, and human dynamics in conflict resolution.

Third, the interviews reveal that the small group discussions during the conference were not only integral to building collaborative relationships but also to creating dialogue about teaching and practice. Because people learn through active engagement, it is critical that educators learn more about how to incorporate methods of engagement effectively into teaching and practice. Proposals for new levels of active engagement – with students, instructors, practitioners and clients – are key ingredients in excellent teaching and design of systems to handle difficult disputes and manage conflict.

IV. Beginning a campaign to forestall “capitulation to the routine”

Robert Ackerman and Christopher Honeyman

By the summer of 2002, the word “routinization” had been in the air, in discussions of conflict resolution’s development as a field, for some time. Three of us, the authors of this chapter and Nancy Welsh, scheduled an ambitious discussion of its implications for the field as a whole. We felt that because of some by then well-known¹ facets of departmental structures, disciplines and practice environments, what we perceived as a broad-based problem was being addressed only piecemeal at best, and that there was much to be gained by a comprehensive assessment that would also try to learn from the experience of fields and kinds of work that had come before us. We also felt that we had learned something from the multidisciplinary special-purpose meetings that we had by then been involved in, particularly the three referred to in previous chapters of this monograph. In the event, we believe both the subject and the approach struck a nerve; cooperation across many branches of the dispute resolution field has been gratifyingly strong, but we were particularly pleased by the ready acceptance of the need for this discussion among experts we enlisted from fields far from our daily concerns.

Different institutions that might serve as hosts for these discussions have, of course, different needs and different assets that they bring to the table, and inevitably these partially shape the result. Penn State University’s Dickinson School of Law is no more or less atypical than others. The law school had, in January 2002, hosted an interdisciplinary dispute resolution symposium on environmental disputes arising in agriculture.² That symposium tried to bridge theory to practice through a format which first provided participants with a common base of information, then allowed them to move the agenda forward through hands-on workshop sessions. Penn State-Dickinson’s new Dean, Philip McConnaughay, was interested in sponsoring symposia that advanced the law school’s position as a major center of research and intellectual discourse. And

¹ See Honeyman, C., McAdoo, B., and Welsh, N. (2001.) “Here there be monsters: At the edge of the map of conflict resolution.” *The Conflict Resolution Practitioner* (Office of Dispute Resolution, Georgia Supreme Court). Republished electronically at www.convenor.com/madison/monsters.htm

² *Resolving Disputes Arising Out of the Changing Face of Agriculture: Challenges Presented by Law, Science, and Public Perceptions*, January 18-19, 2002. Papers from this symposium were published in Vol. 10, No. 2 of the PENN STATE ENVIRONMENTAL LAW REVIEW.

Bob Ackerman and Nancy Welsh, Director and Associate Director of the law school's Center for Dispute Resolution, had previously collaborated with Chris Honeyman and were interested in advancing both the theory-to-practice and broad field agendas. A third co-sponsor would be the Association for Conflict Resolution's newly-established Research Section, which likewise was interested in linking scholars and practitioners in multidisciplinary endeavors.³

In addition, the Commonwealth of Pennsylvania, while the locale of a number of dispute resolution programs, had been slower than most of its surrounding states in institutionalizing alternative dispute resolution process in general and mediation in particular. Interest in such institutionalization had been rekindled of late, and Penn State-Dickinson's dispute resolution faculty was interested in seeing that any such institutionalization efforts reflected the aspirations and "good work" that had originally inspired the ADR movement.

One consequence of this confluence of circumstances was that it was desirable for Penn State-Dickinson to hold such a meeting, and to publish a special issue of its law review to match. Another was that the Dean saw advantages to the school in springing forth at least a modest level of resources — enough that we could promise a modest honorarium and repayment of expenses to a dozen people recruited in advance both to serve as expert resources and to write law review articles.

As with the previous meetings, our practice was to give at least six months' notice to most of those invited, and to include in the invitation a request that the invitees themselves influence the program. Thus several generations of a draft agenda were circulated to the roughly 100 people being invited; we got many suggestions as to the details, but the general outline remained intact from our original design. That design took into account the known errors from both the Boston meeting and the Albuquerque meeting (as well as experience gleaned from Penn State's previous symposium); for example, no one was assigned to the same topical group for more than about three hours during the conference, expert-panel discussions intended to add resources to everyone's knowledge

³ There were, admittedly, incestuous elements to this collaboration. Bob Ackerman, Director of Penn State Dickinson's Center for Dispute Resolution, was one of the original co-chairs of the ACR Research Section and had attended the last of Honeyman's Theory-to-Practice conferences in May, 2002. Nancy Welsh, Associate Director of the Center for Dispute Resolution, had been active in the Theory to Practice project and had collaborated frequently with Honeyman. Honeyman had been instrumental in the establishment of ACR's Research Section.

base were alternated with small-group discussion sessions, and several opportunities for checking on how the design was working out and making mid-course corrections were built in. As with the Albuquerque meeting, we responded to the “no social arrangements” complaint of at least one person (at the original meeting in this series, i.e. Boston) by holding two evening events. One was a working dinner, and the other was a genuine Pennsylvania barn dance (courtesy of the extraordinary generosity of our colleagues Grace D’Alo and Tom Place, who provided the all-important barn and arranged for a talented caller and band.)

Because the resulting agenda embodied some hard-won lessons from the previous meetings, we’ll reprint it in full here:

When	What
Thursday, April 10: 5:00-6:00 p.m. 6:00-6:15 p.m. 6:15-7:15 p.m.	Registration and hors d’oeuvres. Welcome and introduction. From the trenches: Examples of “capitulation to the routine” in established fields: <ul style="list-style-type: none"> • labor mediation & arbitration, workers’ compensation (Chris Honeyman, Broad Field Project); • education (Dorothy Evensen, Penn State University). Is there evidence that mediation, in other more recently institutionalized areas, is capitulating to the routine? (Sharon Press, Florida Dispute Resolution Center)
7:15-8:30 p.m.	Interdisciplinary small-group discussions, over dinner. Theme: Is the evidence convincing that mediation is capitulating to the routine? Examples to be developed, pro and con.
Friday April 11: 8:00-8:30 a.m.	Continental breakfast.

8:30-10:15 a.m.	<p>“Paradise lost”: Is this an integral part of professionalization and institutionalization?</p> <ul style="list-style-type: none"> • A sociological perspective on the evolution of professions, the accompanying drift from high aspirations and the reasons for the drift (Robert Dingwall, Institute for the Study of Genetics, Biorisks and Society, University of Nottingham, UK). • Economic and psychological explanations for the loss of “paradise” (David Sally, Johnson Graduate School of Management, Cornell University). • Assessing dispute resolution systems and professionals: Is there evidence of drift? (Tom Metzloff, Duke University School of Law) <p>(Interspersed with facilitated dialogues involving all participants. Moderator: Nancy Welsh, Penn State Dickinson School of Law)</p>
10:15-10:30 a.m.	Refreshment break
10:30 a.m.-Noon	Small group discussions: Do the interdisciplinary theories map adequately to the field of dispute resolution?
Noon-1:00 p.m.	Lunch and continuation of small group discussions, possibly with reformulated groups and new questions.
1:00-2:30 p.m.	<p>Have engineers avoided “eating the apple”? (Panel discussion)</p> <ul style="list-style-type: none"> • Have computer science and engineering maintained their ethics, ideals and standards of practice? (Vinton Cerf, WorldCom, Inc.) • Micro- and macro-ethics in engineering (Joseph R. Herkert, North Carolina State University). • Organizational behavior and the evolution of professions (Melvin Blumberg, Penn State University). <p>(Moderator: Bob Ackerman, Penn State Dickinson School of Law)</p>

2:30-4:00 p.m.	<p>Four or five facilitated “medium size group” discussions (refreshment break provided):</p> <ul style="list-style-type: none"> • What have we learned? Can the dispute resolution field reclaim its principles? Under what circumstances? • Creating political/structural counterweights • Redefining professional ethics • Looking inside to re-connect with ideals • 1 or 2 self-defined groups and focus. <p>(Note: the definition of these groups was expected to shift somewhat following the earlier discussions, and we considered it desirable to provide explicitly for opportunities for this very sophisticated audience to take the discussion in ways we could not anticipate. In the event, people stuck to the original titles for this more time-limited foray, but amended them, and added more, for the following morning’s sessions.)</p> <p>Refreshment break</p>
4:00-5:30 p.m.	<p>“Paradise regained”: Can dispute resolution restore its principles? (Panel discussion, informed by observation of/participation in group discussions)</p> <ul style="list-style-type: none"> • Creating political/structural counterweights (Deborah Hensler, Stanford Center on Conflict and Negotiation and Stanford Law School) • Redefining professional ethics (Charles Pou, Jr., Consultant) • Looking inside to re-connect with ideals/ethics (Jonathan Cohen, University of Florida College of Law) • An international perspective (Leo Smyth, Department of Management, National University of Ireland, Galway, Ireland) • A community perspective (Tim Hedeem, Kennesaw State University) <p>(Moderated by Nancy Welsh, with concluding remarks by Bob Ackerman)</p>
6:30-9:30 p.m.	Dinner and barn dance (with live caller and band.)

Saturday April 12: 8:30-9:00 a.m.	Continental breakfast.
9:00 a.m.-noon	<p>Examples of potential working groups: strategies envisioning how dispute resolution can “return to paradise.”</p> <ul style="list-style-type: none"> • Regional focus: how can Pennsylvania’s institutionalization efforts be structured to avoid “capitulation”? What can Pennsylvania learn from the experience of neighboring states? • Revisiting concepts of ethics: possible implications.⁴ • What don’t we know? Are new lines of research needed in economics, psychology and other disciplines? What are they? <p>Other working groups on topics developed on-site by attendees:</p> <ul style="list-style-type: none"> • Public policy and “capitulation” • Do courts promote mediocrity?
Noon-1:00 p.m.	Festive lunch.

Along with this, a key element was the ability to recruit a panoply of talent, charged in some instances with imparting the wisdom of older fields’ and professions’ related experiences, and in other instances with capturing the essence of the group’s discussion on one or another element along with their own (tentative) conclusions and recommendations. In order to avoid any judgments of status, our panelists appeared in the program alphabetically. The list is shown here by way of explaining the diversity of experience we needed:

- Melvin Blumberg is Professor of Management and former director of the School of Business Administration at Penn State University, Harrisburg. He has written and lectured extensively on organizational behavior.
- Vinton G. Cerf is Chairman of the Board of the Internet Corporation for Assigned Names and Numbers, and Senior Vice-President for Technology Strategy, MCI, Inc. Widely regarded as one of the founders of the Internet, Dr.

⁴ This discussion almost immediately resulted in a last-minute addition to ACR’s 2003 conference, under the title “Delivering quality mediation: What’s ethics got to do with it?”

Cerf was (for example) one of the two authors of TCP/IP, the pair of protocols that defined the 1983 transition from the military/research Arpanet to the Internet.

- Jonathan Cohen is Assistant Professor of Law, University of Florida College of Law. Among his recent writings is “When People are the Means: Negotiating with Respect” (14 *Georgetown Journal of Legal Ethics* 739-802, 2001.)
- Robert Dingwall is Director of the Institute for the Study of Genetics, Biorisks and Society, and Professor of Sociology, at the University of Nottingham, UK. Among his 18 books is *The Sociology of the Professions: Lawyers, Doctors and Others* (Macmillan, London and St Martin’s Press, New York, 1983; paperback edition, 1984.)
- Dorothy Evensen is Associate Professor of Education in the Department of Education, Penn State University, and currently Professor-in-Charge of its Higher Education Program.
- Tim Hedeem is Assistant Professor of Conflict Management, Kennesaw State University, and is a former Board Co-Chair of the National Association for Community Mediation.
- Deborah Hensler is Director of the Stanford Center on Conflict and Negotiation, and is Professor of Dispute Resolution at Stanford Law School. Previously she was director of the Institute for Civil Justice, RAND.
- Joseph Herkert is Associate Professor of Multidisciplinary Studies and Director of the Benjamin Franklin Scholars Program, North Carolina State University. Among his recent writings is *Social, Ethical and Policy Implications of Engineering: Selected Readings*. (2000, IEEE Press, New York.)
- Tom Metzloff is Professor of Law at Duke University School of Law. Among his recent writings is “Empirical Perspectives on Mediation and Malpractice” (61 *Law & Contemporary Problems*, 1997.)
- Charles Pou, Jr., is a dispute resolution consultant based in Washington, DC. He was previously senior attorney at the Administrative Conference of the U.S., where he was, among other things, instrumental in the design of the U.S. Alternative Dispute Resolution Act and the U.S. Negotiated Rulemaking Act.
- Sharon Press is Director of the Florida Dispute Resolution Center, a joint program of the Florida Supreme Court and Florida State University College of Law. The FDRC supervises the largest mediation caseload of any jurisdiction in the world (over 120,000 cases per year.)
- David Sally is Assistant Professor of Management and Organizations and of Economics, Johnson Graduate School of Management, Cornell University. He is a behavioral economist with interests in social interaction, cooperation,

sympathy, self-control, and language.

- Leo Smyth lectures on management and negotiation in the Department of Management, National University of Ireland, Galway, Ireland, and is former Dean of the School of Business and Economics, University College, Galway.

As to our good fortune in securing the cooperation of these writers, we can only note that we are unaware of any more diversely trained collection of experts ever having filled a law review special issue anywhere, and express our gratitude to them.

What We Learned

The context thus given, we can now sum up what we think we've learned, not simply from this event but from the series to date. Putting together a multidisciplinary symposium is a bit like a high-wire act: a high risk, high reward proposition. It involves a good deal more work than a symposium limited to one's own discipline. First, there is the matter of identifying people in other disciplines who may have something to say that is relevant to your line of inquiry. Then, assuming that their services can be obtained, you must often explain the problem with which you are wrestling, providing far more in the way of background than one need provide to someone who is better acquainted with your field. Describing the focus of a dispute resolution symposium to Deborah Hensler or Tim Hedeem is one thing; explaining it to Vint Cerf or Joe Herkert (two extraordinary engineers, but engineers nevertheless) is quite another. And then one must talk through theories and doctrines peculiar to the potential panelist's discipline, and test out analogies, to determine whether there is sufficient common ground to explore. In some ways, the process resembles integrative bargaining, in that both the symposium planner and the potential panelist explore their respective interests, attributes, and needs, and see whether they can satisfy one another. This mutual learning process can be fun, and it is almost always edifying, but it sometimes turns into blind alleys and occasionally results in a mutual determination that the potential panelist should not become an actual panelist. And on occasion, one encounters an additional problem: the fact that while many major research universities declaim an interest in interdisciplinary scholarship, their promotion and tenure systems tend to reward only those who plow a deep and narrow furrow. This serves as a disincentive to academicians who might otherwise be interested in collaboration across disciplines.

The process of mutual exploration does not conclude when agreement as to the speaker's service is reached. Particularly if the presentation is through a panel, as opposed to a stand-alone format, there follows a series of telephone conferences, e-mail exchanges, and transmission of drafts, during which the panelists and moderator develop the agenda and format of the presentation. Even with the best of planning,

there remains an element of suspense. Will our engineers be able to communicate to a roomful of dispute resolution experts? (They did, and splendidly so, but not without a substantial advance investment of time and effort on their part and ours.) Will the dispute resolution professionals grasp the analogies to the engineering problems, and be able to apply them in another context? (They did, to a remarkable degree, as the symposium's written product will attest.⁵) Even for those whose expertise is closer to the subject matter at hand, there is a degree of coordination necessary if one hopes for an inquiry that will make forward progress, rather than simply an exposition of disparate themes. This phenomenon was superbly demonstrated by the symposium's final panel, in which five leading thinkers in the dispute resolution field were asked to address the question, "Can the field of dispute resolution restore its principles and thus regain Paradise?" in light of not only their own pre-conference ideas but also what they had heard during the symposium, and in particular, during the small group discussions which immediately preceded the panel presentation. This challenge required careful planning, serious thinking, and adept footwork, of which all of the panelists proved themselves quite capable.

Combine these tasks with the "cruise director" aspects of the production (i.e., meals, housing, transportation, entertainment, production of materials, and other logistics), and there is much work to be performed. The effort, however, like the risks, tends to be commensurate with the rewards. The energy of this particular symposium not only fueled the production of excellent articles by our presenters, but also three or four additional high-quality pieces by other attendees. Two programs at the October, 2003 ACR Annual Conference were inspired, at least in part, by this event. And the Pennsylvania attendees emerged from the proceedings mindful of the challenges that faced their institutionalization efforts.

This monograph is being written too soon after the Pennsylvania meeting for us to be able to assess any potential consequences, beyond the most immediate ones, with accuracy. It is not too soon, though, to arrive at some elementary conclusions as to the nuts and bolts. First, the number of "disaffected" after this meeting appears, according to all the evidence we have, to have been the lowest among the meetings of this kind to date. We think that is evidence of a trajectory of skill-building. Second, it proved possible (to our relief) to bridge the quite different interests of the Pennsylvania attendees — who were, after all, trying to build for the first time a statewide dispute resolution system — with the high degree of experience and thus perceived expertise of

⁵ See Symposium, *Dispute Resolution and Capitulation to the Routine: Is There a Way Out?*, 108 PENN ST. L. REV. 1 (2003). A list of the contents is in Appendix C to this monograph.

the others present, without any condescension being apparent. And third, the enthusiasm, as well as the conspicuous expertise and diverse origins, of our handpicked writers was such that others found themselves volunteering (without compensation) to write for the law review as the event was ending, and even afterwards. We thus found ourselves in the happy position of being able to include some significant articles we had never thought to ask for.

There is a temptation, in closing this cycle of articles, to turn prescriptive, and write a list of conditions which we believe would best ensure (if never quite guarantee) the future success of interdisciplinary, complex meetings along these lines on other subjects. But the risks in prescription are great; particularly, to specify a list of do's and don'ts at this stage would assume that the trajectory has been *so* enlightening as to identify most of the probable sources of future trouble in organizing, designing and conducting a meeting of a kind that is always going to be challenging. So we think it is more productive to leave in place such lessons as we can offer, embedded in the text of these three essays — and to offer our assistance to other scholars and practitioners in general, and ACR Research Section members in particular, who are considering taking on such a venture themselves.

V. Appendices & Acknowledgements

Appendix A: The Trust Exercise

(from One Foray Into the Theory-Practice Divide: Lessons for Future Expeditions)

Script for the Teacher or Trainer

In this exercise we are going to ask you to talk about situations in which you felt your trust was violated. This is a difficult subject matter and may be one in which you do not wish to participate. That is okay. If you choose to participate, what you chose to talk about is entirely within your control and we do not encourage anyone to share information that embarrasses them or makes them feel uncomfortable. First we would like you to find someone to partner with for this exercise and, to the extent that you can, find someone who you think it will be easy for you to talk to.

(Wait for people to rearrange themselves.)

Now that you have a partner, we would like you to think of one or two situations where you trusted a person and you felt that your trust was betrayed. Just remember these instances and do not share any information about the instances with your partner.

(Pause for a minute that should be silent.)

As you think about these situations, think about the following questions:

Why did you trust that person to begin with? What was the basis for your trust?

How did you respond when your trust was violated?

Could you re-establish trust with the person you are thinking about? What would it take?

(Pause again for a few minutes.)

For the next few minutes we ask you to choose one of the situations you have been thinking about and discuss the incident with the partner you have chosen. You should only discuss the matter to the extent that you feel comfortable. Each person has two minutes to talk about his or her situation. We will tell you when to switch speakers.

(After making the switch in speakers and four minutes have expired, get the whole group's attention.)

Now we would like to have a general discussion on the following questions:

How did you decide whom you were going to talk to?

How did you decide what situation to reveal and why?

How did it feel to reveal a betrayal of trust?

The instructor should facilitate this discussion by asking questions about the choices each person made in what they revealed and what personal and professional reasons might have influenced their decisions.

(After about five minutes of discussion, the instructor should move to the next set of questions.)

Now we would like you to take a moment and reflect on the incidents that you made a conscious choice *not* to discuss with your partner. With the same partner, we would like you each to take two minutes to reflect on your reasons for not sharing other incidents. Think and talk about what it would take for you to feel comfortable sharing such an incident. We want to be clear that we are not now asking you to share any details of a matter that you wish to keep private but simply to think about the reasons for that desire for privacy and what would make you forego such privacy. Take the next few minutes to discuss these issues.

(After about five minutes of discussion, the instructor leads a large group debriefing.)

The instructor should explain the concepts of trust, trust betrayal, and trust repair and relate these concepts to the experiences the students recalled and to the choices they made about sharing those incidents. In essence, the concept of calculus-based trust relates primarily to the conscious decision made by each person about what they were willing to reveal and why. The concept of identity-based trust relates primarily to what was *not* revealed and why. Points that deserve emphasis in debriefing any group of students engaged in this exercise include:

Trust betrayal is a common problem.

Betrayal of trust is different depending on whether the relationship between the people concerned is at arm's length or more intimate.

Rebuilding trust is the same as managing distrust.

The level of trust between the parties determines the amount of risk tolerated in negotiating within mediation.

Appendix B: Interview Guide

(from *Discussions that Reverberate: Insights about Teaching, Training, Learning and Practice*)

In-depth Interview Guide:

1. Broad Reactions and Insights: We'd like to learn first about what stood out for you at the conference: What did you find memorable?
 - a. Tell us about the high points.
 - b. What were the low points?
 - c. (Other insights?)

2. The Plenary Speakers: We'd like to learn about your insights and reactions to the plenary speakers.
 - a. Which of the presentations were particularly memorable? Why?
 - b. What ideas did you find provocative?
 - c. What did you find that confirms your assumptions about the way you teach or train ADR students?
 - d. How did the presentation challenge your assumptions about teaching and learning?

3. The Small Group Process: We'd also like to have your thoughts about the small group discussions.
 - a. In what ways were the discussions helpful?
 - b. How could they have been structured to stimulate better discussion?
 - c. How did the discussions confirm what you are already doing?
 - d. In what ways did the discussions challenge your ideas and assumptions?

4. Outcomes: We'd like to conclude with reviewing your reactions to the groups defined that may have lead to writing and research projects.
 - a. Did you join one (or more) of the discussion groups formed on Saturday?
 - b. What new ideas did you gain from the discussion(s)?
 - c. How did the discussions provoke the way you think about teaching?
 - d. Did the discussion lead to writing project?
 - e. Did the discussion lead to a new research idea?

Appendix C: Selected Publications

The following articles appeared in the Fall, 2003 issue of the Penn State Law Review:

- Robert M. Ackerman and Nancy A. Welsh, *Interdisciplinary Collaboration and the Beauty of Surprise: A Symposium Introduction*
- Christopher Honeyman, *Prologue: Observations of Capitulation to the Routine*
- Dorothy H. Evensen, Patrick Shannon and Jacqueline Edmondson, *Where Have You Gone, John Dewey?: Locating the Challenge To Continue and the Challenge To Grow as a Profession*
- Sharon Press, *Institutionalization of Mediation in Florida: Another Chapter Unfolds*
- Robert Dingwall, *After the Fall : Capitulating to the Routine in Professional Work*
- David Sally, *Yearn for Paradise, Live in Limbo: Optimal Frustration for ADR*
- Vinton Cerf, *Ethics and Engineering*
- Joseph R. Herkert, *Biting the Apple (But Not Inhaling): Lessons from Engineering Ethics for Alternative Dispute Resolution Ethics*
- Melvin Blumberg, *Why Good Engineers Make Bad Decisions: Some Implications for ADR Professionals*
- Deborah R. Hensler, *Our Courts, Ourselves: How the Alternative Dispute Resolution Movement Is Re-Shaping Our Legal System*
- Charles Pou, Jr., "Embracing Limbo": *Thinking About Rethinking Dispute Resolution Ethics*
- Jonathan R. Cohen, *Let's Put Ourselves Out of Business: On Respect, Responsibility, and Dialogue in Dispute Resolution*
- Leo F. Smyth, *International Mediation and Capitulation to the Routine*
- Timothy Hedeeg, *Institutionalizing Community Mediation: Can Dispute Resolution "of, by, and for the People" Long Endure?*
- Gregory Todd Jones, *Fighting Capitulation: A Research Agenda for the Future of Dispute Resolution*
- Grace E. D'Alo, *Reflections of Pennsylvania's ADR Community: Paradise, Pragmatism, and Progress*
- Louise Phipps Senft & Cynthia A. Savage, *ADR in the Courts: Progress, Problems, and Possibilities*

The following appeared in the Summer, 2003 issue of Conflict Resolution Quarterly:

Christopher Honeyman, Scott H. Hughes and Andrea K. Schneider, *How Can We Teach So It Takes?*

Jonathan R. Cohen, *Adversaries? Partners? How About Counterparts? On Metaphors in the Practice and Teaching of Negotiation and Dispute Resolution*

Sanda Kaufman and Bobbi McAdoo, *Conflict Resolution: If It Weren't for the Client, I'd Have Done a Great Job*

Andrea K. Schneider and Julie Macfarlane, *Having Students Take Responsibility for the Process of Learning*

Michelle LeBaron and Zena D. Zumeta, *Windows on Diversity: Lawyers, Culture, and Mediation Practice*

Robert R. Stains Jr., *Training on Purpose*

Cheryl A. Picard, *Learning About Learning: The Value of "Insight"*

Wendell Jones and Scott H. Hughes, *Complexity, Conflict Resolution, and How the Mind Works*

Philmer Bluehouse, *Is It "Peacemakers Teaching?" or Is It "Teaching Peacemakers?"*

The following article appeared in the Spring, 2003 issue of Conflict Resolution Quarterly:

Kevin Avruch, *Type I and Type II Errors in Culturally Sensitive Conflict Resolution Practice*

Other:

Excerpts from a set of exercises designed to broaden the range of techniques used and to lessen dependence on the overused role-play format (compiled by Carol Liebman, Columbia University Law School, with contributions from a dozen people from the conference) are pending publication in a forthcoming textbook. Nineteen articles were published by *Negotiation Journal* as a result of the related Hewlett Theory Centers 2002 meeting (New York, March 2002) mentioned in the text; 15 of these appeared in the Journal's October 2002 issue and the remainder appeared in the January 2003 issue (pp. 65-103.) Lists of these articles are available at www.kluweronline.com/issn/0748-4526/contents (last visited 9/8/03.) Twenty additional papers published electronically as Proceedings of that meeting are also available, without charge; please see <http://johnjay.jjay.cuny.edu/dispute/conf.htm> or www.gmu.edu/departments/icar/hewlett/.

Acknowledgements

Christopher Honeyman is Director of the Broad Field Project; from 1997-2002, he directed its predecessor, Theory to Practice.

Nancy Welsh is Associate Professor of Law and Associate Director of the Center for Dispute Resolution of The Dickinson School of Law of The Pennsylvania State University. She also served as one of the organizers of the Boston conference.

Grace D'Alo is an attorney-mediator and educational consultant who served as the director of the Pennsylvania Special Education Mediation Service from 1997-2000. Her background includes teaching, training, development of curriculum and research models as well as providing legal advice and/or representation of parents of special needs children, school districts, and the Pennsylvania Department of Education.

Ric Richardson is Associate Professor of Planning in the School of Architecture and Planning at the University of New Mexico.

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