Dispute Resolution Magazine
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Focus: Summer Reading
Book Review: The Handbook of Dispute Resolution
*A SYNTHESIS OF DISPUTE RESOLUTION FROM THE FOUNDATIONS TO THE CUTTING EDGE*

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THE HANDBOOK OF DISPUTE RESOLUTION WILL SIGNIFICANTLY strengthen the ability of scholars, practitioners, and students of the burgeoning field of dispute resolution to comprehend and appreciate its depth and complexity. This impressive and comprehensive work, a publication of the renowned Program on Negotiation at Harvard Law School, contains 31 chapters composed of articles written by 39 authors. These authors include a veritable "Who's Who" of current prominent scholars, as well as writers the editors consider "likely to be among the most prominent of the next generation of dispute resolution scholars." And, as described below, editors Michael Moffitt and Robert Bordone create in the preface and introductory chapter an inclusive, welcoming approach to those in all fields who are interested in learning more about the fascinating process of resolving disputes in alternative ways.

As the editors aptly state at the beginning, this Handbook seeks to meet, at least in part, the current needs in dispute resolution scholarship and practice. First, the entirety of the collection aims to serve the purpose of synthesis. This synthesis is particularly useful in a field that cuts across many fields of study and about which many articles and books have been written. Second, some of the chapters are themselves written as a product of cross-disciplinary fertilization. And third, some chapters represent what the editors view as cutting-edge work by some of the leaders in the field. The final chapter addresses the directions and challenges dispute resolution is likely to face in the next 30 years.

**Defining 'dispute' and 'resolution'**

In the introductory chapter, the editors take a refreshing approach to defining "dispute" and "resolution." They suggest that readers consider dispute resolution in its broadest, most inclusive sense--and they gently reject the distinctions others have attempted to draw between "conflict" and "dispute." They explain: "We interest ourselves not with questions about what labels observers put on the dynamics they study. Instead, we focus on what insights observers have to offer about the people experiencing the problem, their views of the problem, and the processes by which they are seeking to resolve their differences." The editors also convincingly note that "resolution" is rarely a single event, particularly in complex circumstances. One does not "resolve" a personal or professional relationship in any final sense--and the goal should be not to avoid disputes altogether, but to develop the skills to address them.

The editors recognize that scholars in many fields have contributed, and will continue to contribute, to our know-
ledge about how to resolve conflicts. These scholars include those trained in law, psychology, ethics, philosophy, communications, economics, mathematics, game theory, sociology, anthropology, history, journalism, science, politics, science and religion. While the diversity of approaches enriches the field, it also creates challenges such as being able to communicate with each other, avoiding taking overly narrow perspectives and making the progression of ideas less linear.

The Handbook is organized into four sections: (1) Understanding Disputants; (2) Understanding Disputes and Dispute Contexts; (3) Understanding Dispute Resolution Processes; and (4) Emerging Issues in Dispute Resolution. Preceding the first section is a short but illuminating chapter on the history of dispute resolution by Carrie Menkel-Meadow.

Understanding disputants

The first section, relating to the parties or disputants, addresses a variety of interesting aspects of the fact that human beings are involved in conflicts. Eight chapters address personality, decision-making, positive emotions, relationship dynamics, identity and beliefs, cultural aspects, the role of gender and perceptions. Reading these chapters provides a short, direct route to gaining knowledge about the psychological, sociological and cultural aspects of human behavior--as they pertain to conflict.

In "I See a Pattern Here and the Pattern is You,' Personality and Dispute Resolution," authors Sheila Heen and John Richardson discuss two popular personality profiling instruments--Myers Briggs and the Big Five system (measuring extroversion, agreeability, conscientiousness, emotional stability and openness to experience). Although they reach few conclusions about the role and use of such instruments, they do conclude that--at the very least--familiarity with common differences between individuals is useful. Familiarity with personality differences can be a self-reflection and coaching tool, and familiarity with some of the traits that affect the ability to mediate, negotiate or respond well to disputes can help people become more aware of the situations that bring out these traits and more conscious of other choices they might make.

Understanding disputes and dispute contexts

The seven chapters in Section Two include a somewhat eclectic group of topics. Although the criteria for selecting the topics for this section are not intuitive, the chapters nonetheless shed light on some thought-provoking subjects. The topics include using disputes as opportunities to create value, the use of decision or risk analysis, guiding principles for using agents in negotiation, the vices of option generation, the influence of organizational characteristics on how people deal with disputes, a method for categorizing ethical issues that arise in this field and the role of settlement-related law in resolving disputes.

In "Six Principles for Using Negotiating Agents to Maximum Advantage," Scott Peppet provides a helpful construct for use of a negotiating agent, but does not address most of the complexities of the role of a lawyer representing a client during a mediation. The topic of mediation advocacy, or representation in mediation, has been the focus of several books--and the basis for a national competition for law students sponsored by the ABA Section of Dispute Resolution. [FN1] In "Option Generation: Be Careful What You Ask For ...," Chris Guthrie focuses on the vices of option generation--which is one of the primary tools in the mediator's toolkit. Interestingly, Guthrie concludes that if a party hires an agent (such as a lawyer) to negotiate, the agent can help overcome some of the disadvantages of having too many options--which include deterring parties from making decisions, inducing irrational decisions and producing post-negotiation dissatisfaction and regret.

Understanding dispute resolution processes

Section Three includes straightforward chapters on the main types of dispute resolution: negotiation, mediation, arbitration, and litigation. It also includes a chapter on consensus building in the context of public disputes, one on in-house business dispute resolution systems and one on how to select an appropriate dispute resolution procedure.

Emerging issues in dispute resolution

The final section contains articles on emerging issues in the field. These include online dispute resolution, public and private international dispute resolution, victim-offender mediation, dispute resolution for youth in the educational context, institutionalization and professionalization, lessons from mediators for organizational leadership, and directions and challenges in the field during the next 30 years.

Given the incredible growth of Internet use, the chapter on online dispute resolution (ODR) provides helpful information for both neutrals and disputants. The author, Ethan Katsh, concludes by stating that cyberspace "is, increasingly, a place where there are processes available to users as well as information."

"Victim Offender Mediation," written by Mark Umbreit, Robert Coates and Betty Vos, offers, in one place, a summary of 30 years of study and use of this unique form of dispute resolution in the criminal context. "Youth, Education, and Dispute Resolution," by Donna Crawford and Richard Bodine, discusses the four most prominent approaches to conflict resolution education in the United States: the Mediation Approach, the Peaceable Classroom Approach, the Process Curriculum Approach and the Peaceable Schools Approach. Training children and young adults to understand and appreciate conflict--and providing them with the skills to resolve disputes--will yield numerous obvious benefits. And, in addition, the authors note that surprising collateral benefits include improved attendance and academic achievement, fewer suspensions, better peer relationships and a greater interest in learning.

In the final chapter, "The Next Thirty Years: Directions and Challenges in Dispute Resolution," Robert Bordone, Michael Moffitt and Frank Sander discuss the four questions that they predict will drive much of the agenda in the future for those in the dispute resolution field: (1) How can we best respond to those who have voiced concerns with the application of dispute resolution principles? (2) How can we best help practitioners to realize dispute resolution's potential? (3) How can we build bridges between the various disciplines working on questions of dispute resolution? (4) How can we enhance our understanding of dispute resolution "best practices"? A common theme in the authors' responses to these questions--as well as in many of the other chapters--is that of the need for more education in this field. Scholars and practitioners need to engage in additional research--and must find a way to effectively transfer such knowledge to our country's children, undergraduate and graduate students, disputants, agents and leaders.

A book for all disciplines

The Handbook of Dispute Resolution is an extremely valuable addition to the dispute resolution field. While the book's length, 576 pages, does not make it a quick read, this is a much-needed resource for people in all disciplines who have an interest. It will appeal both to those who wish to understand the basic foundations of the dispute resolution field, and to those who are more interested in thinking about the subtleties and the as-yet-unanswered questions. The Handbook provides a powerful synthesis of where dispute resolution theorists have been, where they are now and where they need to go in the future.

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