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Inside the Space Between A & B and C, D & E: Reflections and Suggestions on Practice and Quality

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Summary

To know what we should be doing, assessing whether we have done it, and sanctioning us if we have not, we must first know who we are. To know one is to know the other. This is the conversation we need to have about quality, not continuing the seemingly endless conversation that has been ongoing around credentials. The values we bring and the principles we stand for are what define us and differentiate us. We must make them explicit. The term alternative dispute resolution no longer reflects the field that has evolved, and we must reflect in the instruments that we create what the field and those who practice within it have become. Quality is bigger and more elastic than qualifications; it reaches out and embraces those who engage in participant driven processes, the players in the wider context in which they take place, and those who study and evaluate them.. The process of discovery that has energized the field is moving to another level with an increasingly strong pull from institutional forces and players to shape it, and those who work within it, in their own image. Recognizing this tension, and dealing with it is a critical challenge in front of us. Responding to this challenge will require that we continue to create the intellectual instruments that have shaped the field, to understand and capture best practices, and to recognize them through recognizing achievements in practice.

Initial Reflections

Two reports produced in 1989 and 1995 by the Society of Professionals in Dispute Resolution (SPIDR) Commission on Qualifications can be regarded touchstones in considering quality of practice in the field of dispute resolution. *Ensuring Competence and Quality in Dispute Resolution Practice, Report No. 2* was adopted by the SPIDR Board in 1995. It represented over two years of thoughtful deliberations by some of the most distinguished practitioners and researchers in this field who contributed deep insights and diverse experience. The Commission did not set forth specific standards of practice. In introducing the *Report* the Commission rhetorically asked itself why not, and responded in this way:

The diversity of practice and dispute resolution program goals as well as the current state of professionalization. in the field, made simple prescriptions for competent practice difficult if not impossible to produce. Instead the Commission developed a clearer framework for the necessary dialogue on qualifications and competency and for the collaborative setting of practice standards. It also offered some "rules of the road" to guide this dialogue on developing sound qualification policies.²

The Commission also made this point at the outset: "This represents our best thinking about qualifications based on current practice and knowledge."

Nothing that has taken place since 1995 leads me to question the wisdom of this conclusion.

The dispute resolution field has been struggling mightily over several decades with the challenging set of issues around qualifications, with certification as a particular thorn. In a comprehensive report to the Maryland Mediator Quality Assurance Oversight Committee, Charles Pou Jr. had this to say:

¹ The author wishes to acknowledge the contributions of Dr. Catherine C. Dunlop, Simon Fraser University, in the development and refinement of this paper.

² The reflections that follow are mine alone; I attribute none of their flaws to others, but to the extent that they resonate with the contributions that others generously gave to me I express my thanks.

² *Ensuring Competence and Quality in Dispute Resolution, Report No. 2* of the SPIDR Commission on Qualifications, April 1995.

Typically, most professions think about quality assurance (QA) in terms of credentialing, which tends to involve licensing, certification, or "substitute" credentials (like degrees or professional background). For better or worse, mediation quality programs have not moved as far toward credentialing as most professions.³

The fact that we have struggled for so long and so hard and continue to do so should be telling us something. It is evident that we are perplexed. Some of us are fatigued; others are increasingly indifferent to this conversation. Still others have lost patience and view the issue as a time sink. The issues are tough, to be sure, and no clear and decisive answer is apparent. All sides have articulated powerful arguments. However, I am increasingly of the view that perhaps we are missing the obvious. Is not the fact that the conversation is still alive after all this time an answer in and of itself? Perhaps the preoccupation with certification is akin to an intellectual rabbit hole in which we have found ourselves furiously digging, and the deeper we dig the more we lose sight of the potential for exploration and achievement that would be possible if we climbed back up to the field above. The wisdom of the "Law of Holes" should not escape us; when you are in one, stop digging.

The discussion in this paper is not meant to be a literature review or a replication of the writings of others more able and knowledgeable. The field is replete with literature on this topic. Academic articles, government commissioned guidelines, court-annexed criteria, and professional organizations have all contributed to this wave. A snapshot of this repertoire of resources follows as an endnote.⁴

My goal is to hopefully develop a set of lenses grounded in the fundamentals of who we are and what we are doing. Looking through those lenses, I revisit the certification challenge that has so doggedly pursued us, explore possible directions and offer my own reflections on where I think we should be going.

My first questions are these: Has the careful guidance that the Commission provided made a difference? Has it been considered? Has it been acted upon? Under what circumstances? By whom? If not, why? If it is not already making an important contribution to the field, what will it take to ensure that it does in the future?

Other guiding and energizing questions that have been suggested to me include:

- How will best practices continue to be determined?
- With what oversight? Under whose authority? And with what, if any, controls and sanctions?
- How do institutional controls (e.g., rosters, certification, laws, and regulations) affect practitioners and practice?
- How do we describe and distinguish different deliveries of service, such as teaching and consulting, in what clients want, need and value?
- Quality implies a standard and a consistency. How can that occur wkh the creativity, flexibility and discovery that are central to conflict resolution and consensus-building theory and practice?
- How do, and should, practitioners assess, refine, and improve their skills? Share and learn?
- How will achievement be recognized and merit be acknowledged?

I am not sure that these are the "right" questions, or that they need to be addressed in any order or manner. Most are directly touched on to some extent in this paper, others are only brushed along the edges. Defining the questions is often the most important step in responding to a challenge, and I encourage the reader to revisit this section of the paper and ask: Should some questions be added? Should some be deleted? Is there

³ Charles Pou, Jr. (Feb. 2002). *Mediator Quality Assurance: A Report to the Maryland Mediator Quality Assurance Oversight Committee*.

⁴ Another thoughtful and thorough resource, this one from outside North America, is a discussion paper written by the National Alternative Dispute Resolution Advisory Council of Australia titled, *The Development of Standards for ADR* (March 2000).

some logical ordering of them? Are the questions and the way we have been framing them part of the reason why we are perplexed? This paper, I hope, will open some additional conversational pathways leaving a trailing edge for other conversations to follow.

Knowing Who We Are

To know what "we" should be doing, assessing whether we have done it, and sanctioning us if we have not, we must first know who "we" are. To know one is to know the other.

I believe that we are at a point in the evolution of the field that we must, once again, carefully reflect on "who we are, and what we are becoming." We must make explicit our values and our principles. Our values guide our judgments and our actions, and our principles are the basis on which we decide what direction we are going to go, and measure whether we have reached our destination. They are the compass that gives us direction, the glue that binds us, and the measuring rod by which we can ground our expectations of each other, and others of us. They are also the basis on which "I becomes we." It is from this "place" that we beam out our professional personae, project our distinctiveness into the community of other personal service professionals, establish our identity in the marketplace of people who use our services. Our values and our principles are also the basis on which we achieve visibility and respect within the institutional fabrics which surround us and what we do. What qualities and attributes do we exemplify? What are the lines and the shadows of the face that others see? What do we stand for?

This I believe is where we stand. We acknowledge and respect that ownership of the process as well as the outcome belongs to the parties. We reflect ownership of the process and the outcome back to the parties. We do not absorb; we reflect-mirrors, not sponges. We do not allow people to escape their problems. We try to make them think thoughtfully about their problem by asking them to consider where their interests lie in relation to those problems and whether those interests might be served more effectively in ways other than delivering ownership of the problem to somebody else. We engage people. We do not isolate ourselves from people. We talk with, not down, to people. We try to get people to talk to each other. We try to demonstrate flexibility and creativity. We try to work with die parties to build secure and safe places where they feel comfortable in expressing both their worries and their wants-we prefer the ring of "interests".

If knowing "who we are" is our most perplexing challenge, knowing what to call ourselves is right behind. The field has stretched in scope to include "prevention, management, or resolution of disputes" (to use the SPIDR Commission's phrase) and widened in space within a range of diverse settings, and across cultural and national boundaries. This has added to the challenge of attaching a label to that which we do that we ourselves accept and others understand. Neutrals, mediators, facilitators, process managers-and the list goes on. That we continue to search for our name should be telling us something. At minimum the fact that we are continuing to discover "ourselves" and our name is a signal as to why this field is such an exciting place in which to make one's professional home. It should also be telling us that this is no time for complacency-there is much work to be done, and as long as it remains undone, others may be enticed to try to do for us what we have failed to do for ourselves. I return to this point later.

I add a further touch of paint and tweak the point further in this way. Peter Adler and Robert Benjamin recently sent me a very creative brochure on a training program they were offering called "Leading in the Eye of the Storm." This brought to mind a kind gesture extended to me ten years ago. The participants in a major environmental assessment case I mediated graciously gave me a plaque with these words inscribed:

Go to the people.

Live with them.

Learn from them.

Love them.

Start with what they know.

*Build with what they
have.
But with the best leaders
When the work is done
The task accomplished
The people will say
We have done this
ourselves.*

Lao Tsu, 700 B.C.

Leadership, is that what we bring? Is that how people see us? And, as such, are we doing anything differently than applying ancient wisdom and practical skills that have existed for as long as the human condition has sought to live in organized societies? If not leaders, perhaps intermediaries—is what we are doing any different than what has been done in many places, in many lands, by many people for a very long time? That is, to bring others into the middle of their controversies to help bring about a peaceful resolution?

As the field grows more explicitly into governance/ participation/democracy (it is already there implicitly), will those questions not resonate even more sharply? Who are we to presumptuously try to capture and codify what "folks have been doing naturally" for a long time? To use a turn of phrase out of the lips of Howard Bellman in a recent discussion, might we simply be unhappy with how things are as we see them and be using dispute resolution theory and practice to try to "smuggle in some politics?"

We must also be prepared to share and declare our worries. In my view what we should worry about most is that if we find ourselves blending too deeply and comfortably into the institutional landscape we create the potential to lose ourselves. We must draw upon wisdom of many kinds to help us deal with our challenges. In thinking about our distinctiveness and the potential of losing it, we should remember that the river that divides the landscape is also the source of its energy, and an artery for travel on it. We must be conscious that our home is on one side of the river, and there are other neighborhoods on the other side with other kinds of homes. Our job is to work on our side of the river, and on the water - exploring, traveling, finding crossings and building bridges, sometimes visiting but not moving over, and not pretending there are no differences on the other side or presuming that our job is to pull the banks together.

Knowing What We Do

Who we are is defined by what we do. If we do not first know ourselves, how can we expect others to know us?

"I help people have difficult conversations." With those few words several years ago, Peter Adler incisively and elegantly, with a fullness of meaning and the elasticity to accommodate growth, defined for me who we are. Let us explore those words.

"Help" - We are not in the business of trying to eliminate differences. Differences provide energy and create challenges. Our role is to work with people to help them find a way to live with their differences, and celebrate their diversity. We are not in the conversion business—we are in the helping business. We have grown in our understanding of fitting process to problem-developing structures and procedures through which individuals and organizations with both overlapping and conflicting interests can explore underlying needs and concerns and helping them shape a resolution responsive to their interests. Whatever point along the dispute resolution spectrum, whether "soft intervention" attempting to build consensus or "brass-tacks arbitration," the common characteristic across all points is that we are there as guests, not as party crashers. If ADR has a defining characteristic, that is it. Our mandate is to serve by the empowerment of the parties, not by imposition from an authority structure.

"People" - "Users" in the field is a very small word for a very big group. The workplace is where it started, but the field now encompasses every aspect of human and organizational interaction from civil justice to health care, from community to commercial disputes. It now includes ADR specialists and program administrators who are in place in big and small organizations, in both the public and private sectors. Within the senior ranks of these organizations, at senior levels, are managers with ADR responsibilities and a deep understanding as to how these services can meet their needs. The people we serve are sometimes on the other sides of borders, culturally and regionally, sometimes the borders are peaceful, but often not.

"Difficult" - The conversations we assist in are across a range of situations from family and community issues to complex multi-party commercial and public policy interests. No longer are our skills displayed only in disputes, but rather along the relationship spectrum – from assisting in restoring deeply fractured relationships to assisting in their creation - from classic mediation to proactive design of structure to anticipate conflict and manage when it arises. And even when the parties can find no resolution through their own efforts, they may be able to agree upon the need for the imposition of a third party decision. Upon our appointment, we personify the will of the parties to reach that resolution.

"Alternative Dispute Resolution" no longer reflects what we do. We have outgrown the term. Alternative suggests a place - and it has a self-deprecating quality to it as if the real place was somewhere else. Nor does substituting "appropriate" for "alternative" do the job, for that suggests that what we are doing is selecting not fashioning. I believe that we can now see much more clearly that what we have really been involved in is not building a place, or picking a place, but developing a way of thinking about problems and the resolution of differences.

Our history reflects how practitioners shaped this growing field. Authority structures, both in government and in the courts, had lost touch with the underlying needs of the persons to whom they owed their status and roles. Their failure to be responsive created the context in which the field we call dispute resolution has grown. The growth has not stopped. We have powered beyond resolution to relationships. We have connected our insights and competencies into other fields like organizational development and applied them into complex challenges such as sustainable development.

ADR is growing beyond disputes to governance in both the public and private sector. The way we connect with each other in our private and public lives is being reshaped. These currents are also being formed and deepened by the restructuring of government internally and the reshaping of its relationship with the private sector. Government, too small a word for too big a thing, is being rebuilt, downsized and reshaped. Institutional changes are now underway that were unimaginable 25 years ago when the ideas for the creation of a SPIDR emerged from the labor relations field and its practitioners.

What we have been involved in is a challenge to the conventional wisdom that only prescriptive models of dispute resolution have legitimacy because they are mandated by authority structures. ADR takes as its point of departure the recognition that process has to be fitted to the problem. How we go about resolving disputes has to be responsive to the parties and their underlying interests. The parties empower the process and the person chosen to deal with it and to work with them. ADR, it is becoming clear, is a way of thinking, of approaching and resolving. Perhaps the acronym ADR still works because so many already know us in this way, but we must let it stand alone and free, detached from its roots.

We have traveled down a tricky road in the past thirty years, and we have done so with considerable effectiveness. ADR is everywhere; we are everywhere. As we reflect on where we are, our first watchful look must be at ourselves. When we look in the mirror we must see through the self-delight at how important we have become and how gracefully we have matured, to the lines and shadows that reflect the character that the struggles to grow individually in our practices and organizationally the field have brought with them. As practitioners and as an organization we have been shaped in the hurly-burly of the needs and goals of the parties, and the furnace of acceptability.

We have been tried and tested by tough taskmasters, internally and externally, and that is the secret of the success. We must not forget that it was the experience of the pioneers in the field, forged in the furnace of acceptability that has molded the values and standards that are the defining qualities of practice and professionalism as we know it. Those values and standards have become the foundation on which we are continuing to build and have to be the roots of any contemporary standards developed for certification and qualification. If those lessons are not kept alive, smugness and self-contentment are a considerable threat on the horizon for the next thirty years.

Bringing new perspectives and experience into the field is another challenge. Without experience it is difficult to achieve entry to the field of practice, and without entry it is impossible to build experience. Reconciling this tension is not a simple matter. Competency in the field is built on the back of experience, not on a credential, but a credential may provide the threshold that of legitimacy in the marketplace to compete for and gain experience. If not through a credential, what other pathways might there be?

Rosters, certification, and accreditation are all pieces on the puzzle table, but how do they fit together? We must keep asking the hard questions. My first question is whether we would deny the tribal elder or the distinguished statesperson from acting as an intermediary if they are not certified or on a roster? The legal profession deals with the challenge and accountability bluntly through a court application to prohibit the unauthorized practice of law. If we have standards, how will they be enforced vigilantly? How will we allow some to move through the net and then go after others? The opening paragraphs of the Maryland Report made this point: "Most knowledgeable people still favor market-based approaches and balk at the idea that we know enough to measure or predict quality performance... nonetheless credentialing mediators in the name of promoting quality and protecting consumers is clearly a growth industry." Is this a challenge to which we need to respond?

A Framework of Choices

The walls between courtrooms, hearing chambers, meeting halls, negotiation rooms, boardrooms and dining rooms, are still distinct and secure but they have become more transparent. We have come to think of a series of compartments across a spectrum- from the first alternative of encouraging listening and talking at the place and level where the issue first arises to the last alternative, litigation. These compartments have helped provide focus, and a market for our services, but with this has also come the growing worry that our thinking and our practices will become increasingly boxed into these compartments, and the tools we use within them.

Understanding and respecting the differences is not enough. We must grow our understanding of the interface between them, the interface of linkages and disconnects, of gaps and gears. We have moved far beyond the multi-door courthouse to a many-roomed house of dispute resolution. While our work is primarily in only some rooms, the more comfortable we are in our understanding of the entire house and the important work being done in other rooms, the more effective we will be in those rooms where we spend most of our time.

The insights and tools we bring to bear in the rooms within which we work, will continue to be built on the energy of exploring new and perhaps "different" ways, concepts and tools. A danger exists, however. We might put these new tools in boxes with impenetrable walls. Instead, we must manage this tension to

embrace these new insights and took as additional compartments with transparent dividers. Competition feeds this danger, with concepts and took promoted to achieve an edge in the marketplace, and not as an additional dimension to our professional repertoire and the robustness of the field. Hence, we have those who are "evaluative," others "transformative," "conventional" and all the other lingo borne out of typology jingo. Perhaps, I have an overly simplistic view of much of this debate. While these may be distinctions that advance and sharpen our competencies, and make a difference, that is not the point that troubles me. What troubles me is that at different times, sometimes all within the same case or episode, we need to be able to deploy a range of approaches and skills, picking and choosing within the compartments, not stuck inside one. These distinctions advance and sharpen, but we must use them in that spirit, not as a basis to turn the field into a patchwork quilt of camps. Our goal must be to widen and deepen the field of vision of practice, and enhance its quality, and not turn the field into a string of lonely campfires.

Our Organizational Personae

Quality of individual practice will hinge in large measure on our stature and stability as a group as we define who we are for each other and for others. The instruments we develop collectively are the voice boxes through which we speak as a group, and the basis upon which we build our individual practices and reputations - both our assets and our working capital. We cannot speak of one without speaking of the other. The Instruments we create must embody the goals and values to which we subscribe and serve as the mirror that reflects what we do and, perhaps even more to the point, declare what we will not do and why. The instruments we have created within SPIDR, now ACR, and specifically within this Section, have been of fundamental importance in the development of the field, and the nature and quality of practice. Among them are *The Work of the Qualification Commission*, *Best Practices for Government Agencies*, *ADR in the Workplace*, *The Court Annexed Mediation Guidance*, *Ethical Exercises*, *Competencies for Public Dispute Mediators*, and *The Model Code*. These were all path-breaking initiatives that are the ethical and competency foundations in the field. We must first look inside at what has already been done for insight as a guide to what next needs to be done next, and how to do it. Each of these instruments was built on the backs of commitment of time and energy, underpinned by the conviction that the practice was important, and that we as a group of practitioners had the organizational stature and corresponding responsibility to undertake it. Our focus should not be what others are doing, but on what we are doing or should be doing, or what we should not do. Leaders quickly become followers if they do not exercise the responsibility they have to give leadership.

Acknowledging and Empowering the Users

It is the people who use our services and support their use that gave us our start, our identity, our legitimacy, our tool, and for many of us our livelihood. They will continue to play that role into the future. In our individual practices, and in our organizational life, how we continue to "connect" with that community of users is a key component of the dialogue that we must never quite having. We must never forget that we must continue to engage that constituency, for that is where our legitimacy derives. How can we best do that? Are we going to do that by listening only to each other? Or must we provide them listening posts? And if so, how and where in the organization? Is listening enough? Must there be an opportunity for involvement? Should it be explicit or sort of a "stumble in as you come" basket? Is it going to be through surveys, focus groups, or task forces? Or is it going to be through some form of direct membership? What is the combination of creativity and flexibility that we can design that is going to ensure that we reciprocate the invitation that has been extended to us to help people in their problems to be with us in our organizational home? There may be many ways that they would be interested in participating with us but if we forget that fundamental reality, we will be slipping off what is our defining characteristic. It is not a matter of the danger of looking inward or outward. The skin between what is "inside" the professional presence and "outside" it must be transparent and permeable.

Answering the Questions

This takes us back to the more pedestrian issues at hand. How is it determined that a practitioner has discharged his/her responsibility competently in what setting, in relation to whom, to do what? In what ways?

With what consequences? In whose opinion? That takes us into the far larger set of questions associated with "says who?" And it involves struggling to recognize and reconcile tensions and to do some high wire walking around key issues and concepts.

I return to the beginning. Is the question simply whether we should certify or not? I think not. Our focus should be on exploring the shell, understanding its shape and contours, not with the intent of breaking it or driven by curiosity to find out what is inside. However, if pushed to crunch, certification is not the nut I believe which we would find inside. Rather, we would find our principles and values. By preoccupying ourselves with wondering if the nut in the center is certification, we have begun to lose our focus on the larger context.

The contextual shell is Quality, of which qualification is but one component. Quality is a short word, but it says a lot. Elastic, yes, but it also suggests some sharp edges. Elusive, to be sure, but that does not mean that we should not pursue it, it means that in doing so we have to be on the alert for rabbit holes. Quality cannot be thought of as box with only practice and practitioners inside it. Discussions about Quality must stretch out and reach broadly around the context in which practice takes place and have regard for the participants in collaborative processes. This includes the services of practitioners, the institutional setting, and researchers and evaluators of these processes. The themes and elements which form the fabric are wide ranging from the integrity of the process to best practices, the diverse values that the participants bring into the dialogues to the principles necessary to guide it.

Development of Intellectual Instruments for the Field

The focus of our efforts should be on continuing the development of intellectual instruments that describe and define quality in the field, building first on what already exists by refurbishing and revitalizing these pieces. These Instruments are and will continue to be our professional voice boxes through which we speak to and evaluate each other, and others can evaluate us. As a community of professionals we have an obligation, at least through the ACR Environment/Public Policy Section to give leadership in the development, application, and visibility of these instruments. Some suggestions:

A Statement of Principles and Values

ACR has such a Statement, but consideration should be given to developing one for this sector of practice that reflects the width and depth of wide diversity of practice. It would also provide a convenient reference point as to the characteristics and attributes which distinguish this field of practice from others.

Documents that could be helpful resources in the development of such a customized Statement of Principles and Values that would include: *The Model Code, Ethical Standards of Professional Responsibility* (adopted by the SPIDR Ethics Committee in 1986), and *Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes* (1997). The key here is to mine what we have already produced, dust it off and then retool it.⁵ Providing a context for those using our services to comment and contribute to its development could help ensure that it both makes the points, and makes them in a way that is clear and coherent within our own community and the larger community in which we practice.

Ethical Exercises

Related to the need for a customized Statement of Principles and Values is the need for guidance on ways of thinking through and responding to the ethical dilemmas that we inevitably face as practitioners dealing with difficult situations. SPIDR developed *Making the Tough Calls: Ethical Exercises for Neutral Dispute Resolvers* (1991). An instrument of a similar nature, adapted for our specific field of practice, is needed. It should be built on a platform of stories and vignettes reflecting real situations as a context from which to tease out the intricacy

⁵ Such a customized document should include a type of glossary in order to make sure readers are all on the same page. One Section member emphasized the importance of clarity: "Clearly define ways of creating quality. Clearly define terms—people misinterpret language."

and elasticity that often surrounds ethical challenges, and makes reaching ready conclusions elusive. Such an Instrument would also enable us to speak with a collective voice when we find ourselves in tricky and sticky circumstances whether it is upstream telling someone why we will not do certain things, midstream during a difficult conversation, or downstream explaining why we did what we did. Such an instrument would be of particular value to those early in their careers for whom having the collective voice of their peers to call upon can be vital in making the tough calls, but even more importantly, giving them the moral support, and the courage and confidence, to tell some folks some things they may not want to hear when they are being prodded and pushed in uncomfortable directions.

Informing the Users

Our clients and potential clients need a user-friendly instrument designed and shaped for from their perspectives and in their words. This should include a discussion of expectations and guidelines perhaps called "questions to ask," "answers which should trigger more questions" and "if this happens, watch out." This instrument could be enriched by focus groups, surveys, visiting committees. It could serve as a vehicle through which users could reflect upon their perspectives about the processes they have engaged in, and practices to which they have been exposed, why and how, and what seems to work best in specific contexts. Important starting points for such an exercise already exist, most specifically *The Competencies for Public Dispute Mediators*. Other sources include the work of the *Listening and Learning Initiative* within the section. Documents such as the *Canadian Round Table Guiding Principles for Consensus Processes*, and the *Guidelines on Collaborative Processes* developed for environmental advocates under the leadership of the Institute for Environmental Negotiation at the University of Virginia are other examples of instruments that exist which could be helpful in moving such an initiative forward. No doubt, through the Section membership, we could identify other similar initiatives and outcomes.

Breathing Space

We also need to draw upon each other for wisdom and energy and a create place to reinforce our commitment to making our professional hopes happen. In our Section discussions in May 2002 there was a cry for a "professional breathing space," an ongoing setting where we can continue to reflect and refresh. The annual Section Meeting is already helping to fill this need. However, we may have reached a point where we need to evolve something with a more institutional character with a name such as "The Institute of Reflective Practice." What it should look like is not clear at this point. Perhaps, it would consist of an intensive workshop week or two every year to explore specific themes. A significant level of experience would be necessary for participation. It would be a place for intense and continuing conversations and learning; a place to reflect and focus on the field and its development and a place to conceptualize ideas and how to transform them into actions.⁶ In addition to reaching within the Section and beyond, the Institute could also provide opportunities for user and funding communities to participate, and through which to outreach. It is here where ideas to help shape and guide the field would be nurtured, and plans to turn them into action would be made. It would need to be a place that participants would shape as they grew into it. How it would fit with the work of the Section is similarly not yet clear, other than that the work of the Institute and the Section would be tightly interconnected and mutually reinforcing. Further conversations can consider and evolve what such an initiative might look like.

Recognition of Professional Achievement

The certification question has been argued long and hard, on all sides. We should put the discussion to bed. Whatever else we may say on the topic, certification will only have meaning if we have the will and the

⁶ As suggested by one Section member, we should: "Establish a vehicle for continuing learning and conversation. Reach decisions on what should be done, conduct research on what other fields do and be open to adjusting, but don't just talk and never reach any conclusions or actions."

resources to create the machinery for de-certification, and in my view we have neither. If we want reinforcement for this conclusion we may want to visit the experience of other professional organizations.⁷

At the same time, as others continue to cross the certification threshold, we should remain vigilant as advocates in defending and advancing the interests of the field and the practitioners, not as erstwhile competitors in the credentialing trenches, but as the soul and energy of the field expressed through our intellectual instruments. The fact that others are certifying should neither intimidate us, nor pull us in the same direction. That others are going in one direction enables us to go clearly and confidently in another. We must continue to brand ourselves through our work, individually as practitioners, organizationally by the leadership we give the field through our instruments and our passion.

Recognizing and acknowledging quality of individual practice demonstrated through a track record of achievement is a step we might want to take. Respecting demonstrated achievement is much more closely aligned with our history and values, I believe, than certifying for competency yet to be established. To our mission of defining the intellectual instruments of excellence of the field, we could add an insignia that acknowledges the recognition that has already been implicitly extended to many in the field through longstanding service under the mandate of acceptability and the credential of experience. As a Section, we could create a system for Professional Achievement Recognition that would help to showcase standards for excellence of practice. While a program of this nature could anchor a type of best practice benchmark, it also reveals the need for additional pathways for entry for new people into the field. Perhaps there is room to talk about linking recognition with a commitment to mentor.

What might a mentoring obligation look like? Perhaps tutoring, coaching or employing. What about peer mentoring or mentoring practitioners experienced in another application of mediation who are transitioning into environmental public policy disputes? Would the mentoring obligation include only a willingness to be on a roster of mentors, with no minimum requirements for actual time spent mentoring or the nature of the mentoring relationship? It would be helpful to look to what other fields and professions have done with the recognition and mentoring package and to see how the Section could learn from their experience. I leave this for future conversations to explore.

In addition to a Professional Achievement Recognition Program, we might consider providing a similar type of acknowledgement to educational program providers. A significant concern is that the business of training is often measured on the basis of paper based standards as to program content with limited experience in practice. Providing recognition to those programs that have a proven track record in experiential learning is another possible way in which to model excellence. This would help guide those interested in getting training as an entry point to the field and to ensure that the highest quality training reaches more people.

Concluding Reflections

ADR was inspired by a spirit of disquiet concerning conventional dispute resolution practices and the ability of authority-based institutions to deliver solutions that were effective and responsive. However, the capacity of the alternative approaches to deliver outcomes has been enhanced by having them recognized and embraced by institutional structures. It was not so long ago that looks went askance when the judges, directors, lawyers and public managers within the courts, agencies and ministries caught a whiff of ADR in the room. Now they are around and about every corner of the field.

This is not without implications on which we must be clear with each other, and with others. There is a clear and present danger that we will slowly slide into defining, interpreting and measuring ourselves with the borrowed wisdom, standards, and tools of what is conventional and appropriate for others in other places.

⁷ One Section member cautioned: "Whatever we do regarding Certification, let's talk to other professional groups who have considered it for many years. ARC and its members should not act hastily with certification or registration. It is loaded with unanticipated consequences."

We must be on guard that we do not allow a Trojan Horse inside the very place we have worked so hard to create. For those of us who simultaneously live in some of those institutional homes, reconciling this looming tension maybe even more challenging but even more critical.

The potential for traditional institutional forces and the values of other professions to recreate the field in their own image is, I believe, the greatest challenge to be faced in the next twenty-five years. This potential is not the work of mischief or malice, but rather of mindsets. It is inspired by nothing more profound than "what you see depends on where you stand" and the institutions and those within them imprint the world with the values and tools they know and understand, and through the power that they are so accustomed to exercising. If the integrity of the field is to be preserved, a continuous dialogue must be engaged with institutional forces and players at a far deeper level than a debate over credentials. Our focus must be on drilling down into the interface between authority-based and participant-driven approaches, understanding the connections and disconnects, and constructing the clutches and the gears.

The need for strong organizational structures within the field, with the energy to keep developing the intellectual capital of the field will be more critical then ever to its well being. These structures helped build the field. More building remains to be done. One job ahead maybe to defend the field. However, when you switch from the low beams to the high beams, the far greater challenge will be to find ways to bridge gaps and build effective working relationships based on understanding and respecting differences and strengths of the different options and approaches across the spectrum of options and those who work within them. We will only be able to do that effectively if we understand who we are, why we are different, and why that difference is what makes the difference.

Illustrative Resources

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His background includes experience as a mediator, facilitator, and negotiator; he also brings with him an extensive adjudicative background as an arbitrator in workplace, commercial, and healthcare disputes, and as the Senior Vice Chair of the Manitoba Labour Relations Board (1980-1989, part time). A leader in the ADR field, he is a former President (1996) of the Society of Professionals in Dispute Resolution (SPIDR), now known as the Association for Conflict Resolution, the pre-eminent international organization in the field, headquartered in Washington, D.C. He has written and spoken extensively, including the co-authorship of *Building Consensus for a Sustainable Future: Putting Principles into Practice*. He is one of the practitioners profiled in the publication of the Program on Negotiation at Harvard Law School (2000 J); *Public Dispute Mediators: Profiles of 15 Distinguished Careers*.