

Engaging Conflict for Fun and Profit: Current and Emerging Career Trends in Conflict Resolution

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Introduction

State by state and across the country, increasing numbers of people annually are seeking to enter the conflict resolution work stream. The number of gateways to this diverse field—undergraduate and graduate programs, training courses, volunteer opportunities—has also expanded substantially in recent years. A few central questions loom, however: Are there jobs existing or pending to be filled proportionate to the number of career aspirants? What are the career trends in this field? More personally, how do I get such a job or make my way into conflict resolution work?

What is happening with career opportunities in the many diverse fields of conflict resolution for persons in the United States seeking to work in such areas? I have been seeking preliminary answers to this issue over the past few months through interviews with conflict resolution professionals, professors, and other knowledgeable people across the United States, and through literature searches, internet reviews of job listings, and other sources. While my research continues, this is intended as a preliminary report of my findings to date.

I have identified as my primary audience for this report that universe of people who may be contemplating or actively seeking to pursue a career in conflict resolution. While I believe there may be some interest in this report by persons successfully engaged in conflict resolution careers and not contemplating changes as well as some small portion of a general public, I am directing my discussion at the potential or active career aspirant. This person may be either a young college, graduate or law school student or recent graduate, or a lawyer or someone else in mid-career in another field considering moving into conflict resolution on a full- or part-time basis. How realistic is such a pursuit? What are the opportunities? What are the challenges? Where are emerging sub-fields and where may there be current saturation? What are realistic income expectations? How does an interested person prepare to succeed in these areas?

Research Method

When I began working on this topic, I expected to find a good number of published works as a foundation for my study. While I did identify a small number of such publications, several of which I have used and cited, I did not find any substantial number of recent such reports. As a result, the primary focus of my research has consisted of interviews with two types of informants: (a) Leading conflict resolution practitioners (mediators, facilitators, ombudsmen, etc.) in the United States with substantial experience and interaction with their counterparts; and (b) Others with a basis for having substantial knowledge about this subject, such as graduate and law school professors of conflict resolution, peace studies, alternative dispute resolution, and related fields, and people in organizations serving these individuals. Many people interviewed filled both categories. I began my interviews with an initial list of ten persons who had substantial reputations in their field. At the conclusion of every interview I conducted, I sought recommendations for other people I should interview. I also asked each

person questions (with some variation depending upon their backgrounds) about their perspectives on (1) current and emerging career trends in conflict resolution, (2) their advice for persons seeking to enter or expand their professional services in conflict resolution, and (3) their recommendations for the conflict resolution community to increase acceptance and use of their services. I completed thirty-two such interviews over the past few months. (See, Appendix I, List of Persons Interviewed.) My informants have very different perspectives on many specific issues and also shared strong agreement on a number of topics. I encourage those wanting to enter or expand their conflict resolution careers or services to give due consideration to their recommendations based in almost all instances on many years of experience in this field. (See, Appendix II, Summaries of Interviews.)

“Conflict Resolution” Defined

I began research on this article in March 2013 from my personal perspective as a lawyer with over fifteen years of training and work experience as a mediator and organizational planning and conflict resolution facilitator. I believe that I have encountered a much broader understanding and definition of “conflict resolution” services in my research which this paper seeks to briefly discuss in terms of the field's present and emerging services and career opportunities.

With origins in commercial arbitration in the late eighteenth century and labor negotiations and peace studies in the 1930s and 1940s, “conflict resolution” in the United States has evolved a diverse set of skills, approaches, working fields, purposes, and activities. For the purposes of this report, I have sought to define conflict resolution broadly as including (among other terms) mediation, arbitration, facilitation, ombuds services, conciliation, conflict coaching, conflict management, and conflict systems analysis and design. I have reviewed materials and interviewed practitioners and scholars involved in private mediation, public policy facilitation, peacekeeping, community mediation, community conferencing, restorative justice, conflict coaching, ombuds services, conflict management systems design, and other practices.

Through the process of research on this project, I have come to embrace Bernard Mayer's broad encompassing term of “conflict specialist” to describe people working in these various modalities. [Mayer is Professor, Werner Institute for Negotiation and Conflict Resolution, Creighton University. People identified by name are those I interviewed for this article. I have provided brief descriptions of each person in Appendices I and II to this article. I will provide a very brief description of each interviewee immediately following that person's first citation in this article, and encourage readers to review the appendix materials for more information.] Peter Adler stated that “When working outside the judicial system, I use terms like 'strategic planning,' 'trouble shooting,' or 'problem solving' to describe what I do.” [Adler is a principal in Accord 3.0, Honolulu, Hawaii.]

I encountered a debate among leading practitioners of this work over whether “conflict resolution” is a field or profession. I wish to acknowledge this debate, as well as a continuing lack of understanding of conflict resolution services by the general public, as having some relevance to career opportunities in its various practice modalities. One can nonetheless seek to discern career trends in providing an array of conflict resolution services. For shorthand and simplicity, I will often use the term “field” for conflict resolution in this report.

Initial Statement of Findings

Choose your cliché. “The glass is half empty/The glass is half full.” “It is the best of times/It is the worst of times.” “There’s some good news/There’s some bad news.” Such messages fairly consistently ran throughout the interviews I conducted over the past few months. Several of the leaders that I interviewed stated their overall view of the current situation in essentially the same terms: “The field continues to have a high supply of providers, low market demand, and high social need.” I encountered a number of other educators and practitioners, however, who expressed strong optimism that full and part-time career opportunities in conflict resolution are good currently and will expand again in the future particularly as economic conditions begin to improve.

There are many people who would like to have careers in conflict resolution, and there are a growing number of undergraduate, graduate and training programs that seek to help provide entryways into such work. There are strong indications that a wide range of public and private institutions and organizations have embraced the need for some of the skill set of conflict resolution for managing conflict within their operations (management, customer relations, employee relations, contract negotiations, governmental relations, etc.) in recent years, and that courts at all levels have implemented mediation, arbitration, and other “alternative dispute resolution” approaches to avoid protracted litigation, reduce costs, improve efficiencies, and increase access to justice.

I additionally encountered a fairly consistent belief that opportunities for people in a wide range of work situations to engage in some amount of conflict resolution services as a part of their jobs have almost certainly expanded. On the other hand, funding for various forms of conflict resolution such as mediation and collaborative public policy facilitation has possibly declined recently throughout some or perhaps all of the United States, and some such services previously provided primarily by private practitioners are increasingly being taken in-house by corporations, agencies, and organizations.

I determined that it was difficult to obtain statistical data on the number and nature of conflict resolution services provided in public and particularly private sectors in the United States so as to clearly discern and project professional trends in such areas. See especially, recent articles by Carrie Menkel-Meadow briefly discussed in her interview summary. [Carrie Menkel-Meadow, Professor of Law, Georgetown University Law Center and Professor of Law and Political Science, University of California, Irvine School of Law.] I think it likely that there has been some leveling and possible decline in public conflict resolution opportunities with continuing economic downturn beginning in 2008 while private conflict resolution work (chiefly arbitration, mediation, and various “hybrid” services) has likely continued to grow. A majority of the people interviewed for this article believe that overall conflict resolution usage and career opportunities will increase again as the economy rebounds.

In some ways it seems that the U.S. conflict resolution career market appears to reflect the overall economy in that there are a small number of very successful service providers, including retired judges and large firm attorneys, receiving high incomes; a number of persons receiving middle-income returns from the full and part-time conflict resolution careers; and a growing number of persons seeking to enter or expand their services in conflict resolution fields who receive low levels of income from their activities. From my research to date, I found reasons to believe that competition for conflict resolution income will likely increase at all levels as more people continue to enter these fields.

Several parties interviewed echoed the point that we have failed to develop clear pathways into conflict resolution careers. There was much agreement on activities to be undertaken to improve one’s chances of gaining access to conflict resolution work or developing a conflict resolution career, as will be

described below. There was also some agreement on what the conflict resolution community needs to do to increase public appreciation and utilization of its services and working opportunities for its practitioners.

With some exceptions, most persons interviewed described a fairly long pathway to full-time career success. A substantial number of people interviewed believe that a minority of career aspirants will eventually end up in successful full-time conflict resolution practices or positions, while a substantial number of people who prepare for such work will engage in employment in which some part of their work involves conflict resolution. With particular reference to such private practitioner services as mediation and public policy facilitation, the perception is that a small number of practitioners get very good incomes while there are fairly recent estimates that the majority of providers in private practice likely make \$50,000 annually or less from such work while perhaps supplementing their conflict resolution income through other activities.

Rise of the Academy

There has been a substantial increase in undergraduate and graduate degree programs in conflict resolution in the United States over the past thirty years. Most recently, there has also been a substantial increase in course offerings related to conflict resolution in other undergraduate and graduate programs such as business administration, public administration, health care administration, and numerous other fields.

Several of the people I interviewed described three general types of graduate programs in conflict resolution: Conflict resolution programs, alternative dispute resolution programs, and peace studies programs. A majority of the alternative dispute resolution degree programs, about 17 in total, are in law schools, which may grant graduate degrees for persons having completed law school or masters degrees for law school and other graduates. These graduate programs, in public or private universities, grant masters degrees, graduate certificates, and a small number grant doctoral degrees. There was a total of 54 such graduate programs in 1995, 94 in 2008, and an estimated 105 such programs currently.

Many programs are small, granting thirty or fewer graduate degrees annually, while a small number like George Mason University grant hundreds of graduate degrees annually. A number of schools have successfully attracted up to twenty percent of their students from other countries. [See, interview summary for Brian Polkinghorn, Professor of Conflict Resolution and Director, Bosserman Center for Conflict Resolution, Salisbury University, Maryland, with article citation to Polkinghorn, La Chance & La Chance, "Constructing a Baseline Understanding of Developmental Trends in Graduate Conflict Resolution Programs in the United States." See also, interview summaries for Tamra Pearson d'Estree, Professor of Conflict Resolution, Co-Director and Director of Research and Practice, Conflict Resolution Institute, University of Denver; and Ivan Sascha Sheehan, Graduate Program Director and Assistant Professor, Negotiations and Conflict Management Program, University of Baltimore.]

One obvious consequence of this rapid expansion is a substantial increase in the numbers of teaching and other positions at such institutions. Some schools use a majority of tenured full-time teachers, while others rely primarily on part-time adjunct teaching staff and fellows with term contracts.

Another consequence of the growth of the academy is a very substantial expansion in academic research and publishing regarding conflict resolution. Howard Gadlin commented positively on this

recent expansion, and a number of people interviewed stressed the importance of such research. [Gadlin is Ombuds, National Institutes of Public Health; see also, Michael Lewis is an attorney mediator with JAMS, Washington, D.C.]

“We have to demonstrate the value of the money we are being given,” Susan Jeghelian stated. “We are doing more evaluation and research to demonstrate the value of our services.” [Jeghelian is Executive Director, Massachusetts Office of Public Collaboration.] Kirk Emerson similarly stated that “Individuals and programs need to be able to articulate the likely outcomes and value of their services and be able to demonstrate an ability to deliver the goods.” [Emerson is Professor of Practice in Collaborative Governance, University of Arizona.]

Students may get some level of graduate credential in conflict resolution either as a stand-alone graduate degree in conflict resolution, as a certificate in conflict resolution, or as a minor within another graduate degree perhaps in law, public policy, public administration, psychology, social work, international relations, business administration, or other fields. Average stand-alone masters degrees in conflict resolution normally require approximately 36 semester hours. A stand-alone certificate in conflict resolution averages about 15-21 semester hours; and a minor is generally 9-15 hours if part of another graduate degree. [Polkinghorn]

As indicated above, a small number of law schools now offer some kind of graduate degree concerning conflict resolution, although more likely termed alternative dispute resolution. As with the Ph.D. in conflict resolution offered by a small number of university programs, these degrees are likely mostly undertaken by persons interested in academic careers. Virtually all law schools, however, now offer courses in mediation, negotiation, and other conflict resolution fields with the result that a substantial number of law students now have such course work in their backgrounds. The law professors interviewed believe there will be increasing emphasis in legal education and legal practice on a range of collaborative problem-solving approaches. [Lisa Kloppenberg, Dean, Santa Clara Law School; Carrie Menkel-Meadow; Jane Murphy, Professor, University of Baltimore School of Law; Zena Zumeta, President, Mediation Training and Consultation Institute and Adjunct Professor, Thomas M. Cooley College of Law and Staus Institute of Dispute Resolution, Pepperdine University School of Law] Several cited to Julie Macfarlane’s *The New Lawyer: How Settlement Is Changing the Practice of Law* (2013) for her description of the continuing paradigm shift in legal education, the law, and legal profession toward conflict resolution and the increasing impact of alternative consensus-seeking strategies. See also, Lisa A. Kloppenberg, “Training the Head, Hands and Hearts of Tomorrow’s Lawyers: A Problem Solving Approach,” 2013 Journal of Dispute Resolution 101 (2013).

Brian Polkinghorn described three types of students enrolled in his master's degree program:

- Young entry-level with little prior work experience
- People at mid-career in their work who want to get more tools and stay in their field
- People at mid-career who want to eventually transition into full-time conflict resolution careers.

(See also, Clare Fowler's very similar description of the types of people she has worked with seeking conflict resolution careers in her interview summary. [Fowler is managing editor, Mediate.com and president of Fowler Mediation, Eugene, OR.]

Polkinghorn stated his belief that there are great employment opportunities for persons with conflict

resolution degrees, but “many people are looking at a very narrow well” for employment rather than being creative and entrepreneurial in marketing their skills. Jayne Docherty, Tim Hicks, Pearson d'Estree, Polkinghorn, and Sheehan, all directors of graduate conflict resolution or peace studies programs, believe their graduates are being employed to use their skills in an array of public safety, social service, international development, health care, public agency regulation, and numerous other fields. [Docherty is program director, Center for Justice and Peacebuilding, Eastern Mennonite University; Hicks is professor and director of the Conflict and Dispute Resolution Master's Program, University of Oregon.]

There is general agreement by the persons interviewed in the value of some graduate course work in conflict resolution by persons seeking to enter this field, although expressed with various nuances. Adler believes it is good to get an advanced conflict resolution degree if you want to be an academic.

“But if you want to work in the field rather than teach or do research,” Adler stated, “get a degree in something else like law, social work, psychology, business—courses that prepare you for a primary field—with a certificate or course work in conflict resolution.”

There was nearly a consensus in the need to develop a specialization through academic and working experience in some field other than conflict resolution in which to apply one's conflict resolution skills as a prelude for possible primary or full-time conflict resolution work at some point in a career.

There has also been an expansion in short-term (typically 40-hour) training programs in mediation and related subjects of a general or specific topic, with a substantial number of practitioners making a major part of their income from providing such training. Such trainings can be an initial entryway for some persons, particularly with other life and career experiences, to begin getting experience through volunteering with local community mediation and other programs.

A number of conflict resolution professionals had concerns about this expansion of the academy and training programs. John Bickerman, for example, believes that “We are training people for jobs that don't exist.” [Bickerman is principal of Bickerman Dispute Resolution, PLLC, Washington, D.C.]

Dan Dozier, like Adler, says he encourages anyone to stay away from graduate school unless they want to teach or do research. He also expressed concern that ADR training has been mis-marketed: “Take 40 hours, get certified, become a professional mediator!” Such training does not make you a mediator or get you a job, but he believes it can teach you some useful life skills. [Dozier is an attorney and mediator at Press & Dozier, LLC, Bethesda, MD.]

Susan Butterwick said that some programs (specifically citing community college programs in her state) reminded her of chef colleges several years ago in their misleading advertising: “Take these courses and you will get a career.” She recommended that potential students ask the career counselors in graduate conflict resolution programs, “What career counseling resources and employment services do you provide for your graduates?” [Butterwick is a lawyer, mediator, and educator in Ann Arbor, MI.]

It is difficult to get a satisfactory sense of the numbers of conflict resolution graduates who obtain work in this field. Bernie Mayer and others interviewed agreed that conflict resolution graduate programs need to do more research and information-sharing on their graduates' career experiences.

On the One Hand

Let's start with the good news. The increasing development and use of conflict resolution over the past forty years has been a success story for society in the United States in regard to access to justice, human and civil rights, and social development. Such services have helped change society in positive ways. The resolution of conflicts, the administration of justice, and the practice of law is changing. There is less civil litigation and more alternatively resolved settlements. Despite some currently continuing public crises to the contrary, improved civil discourse and better public policies are being created. Most people working in conflict resolution believe that the trends toward improved conflict management beginning after World War II and accelerating more recently will continue. [See as examples Dozier; Jeghelian; Lauren Abramson, executive director, Community Conferencing Center, Baltimore; Catherine Morris, director, Energy Practice, The Keystone Center, Washington, D.C.; Forrest Mosten, mediator and collaborative lawyer, Los Angeles; Matthew Phillips, executive director, National Association for Community Mediation, Palm Springs, CA]

The use of arbitration in commercial disputes in the United States began at the end of the eighteenth century and expanded substantially in the early twentieth century with the creation of the American Arbitration Association and other entities. Initial use of arbitration and mediation in labor conflicts began slowly in the late nineteenth century, leading to congressional creation of the U.S. Conciliation Services in 1917 in the U.S. Labor Department in 1917 (renamed the Federal Mediation and Conciliation Service in 1947). The recent development and expansion of mediation, arbitration, and numerous other modes of conflict resolution and management systems since the early 1980s have been the product of corporate endeavors, professional activities, governmental action, academic initiative, individual leadership and foundation support. Public funding and foundation grants have played a major role for nearly thirty years. The Hewlett Foundation, Ford Foundation, and other foundation grants were critical in the establishment of conflict resolution associations and a wide range of research, pilot projects and educational programs in conflict resolution beginning in the early 1980s through the early 2000s. Congress enacted the Administrative Dispute Resolution Act of 1990, reenacted and expanded as the Administrative Dispute Resolution Act of 1996, requiring all federal agencies to develop conflict resolution programs and to designate a dispute resolution specialist, even while initially providing relatively little dedicated funding for such activities. Also in 1990, Congress enacted the Civil Justice Reform Act requiring all federal district courts to develop plans for implementing alternative dispute resolution, and strengthened by the Alternative Dispute Resolution Act of 1998 to provide some form of ADR in all federal cases. A majority of states around the country established and funded entities beginning in the mid-1980s to develop and promote state-based conflict resolution services. Also beginning in the mid-80s and increasing the following decade, state courts around the country implemented a wide range of mediation and other alternative dispute resolution programs. [See, Jerome T. Barrett with Joseph P. Barrett, *A History of Alternative Dispute Resolution: The Story of a Political, Cultural, and Social Movement* (2004), pp. 177-259.

During the same period we experienced the beginning of a substantial expansion in the requirements for mediation and arbitration prior to or in lieu of litigation in a wide range of commercial, consumer, employment and other contracts across many sectors. See, e.g., Carrie Menkel-Meadow, "Regulation of Dispute Resolution in the United States of America: From the Formal to the Informal to the 'Semi-Formal,'" in Felis Steffek et al, editors, *Regulating Dispute Resolution—ADR and Access to Justice at the Crossroads* (2013), pp. 419-454.

Conflict resolution and collaborative problem solving are skills increasingly recognized as important for managers, lawyers and others in federal, state and local government, corporate, business and nonprofit sectors. [Emerson, et al.] There is increasing usage of such skills in health care, higher education institutions, and other organizations and services. [Emerson; Carole Houk, Carole Houk International, LLC, Washington, D.C.]

Very early in this research project, I began Googling for job listings with such terms as “conflict resolution,” “conflict management,” and “mediation.” I would locate some positions listing such terms in a job title, and a large number of positions in management, human relations, client relations, customer service, health care administration, grants management, and numerous other fields listing such skill sets as the second, third, or fourth requirement for the position.

From my recent research, it is my belief that conflict resolution services have become acknowledged and integrated at the organizational level in business, public, and nonprofit sectors in recent years as never before. As a number of my sources variously stated, the field has succeeded in creating an expanded consciousness of collaborative problems solving approaches, with the result that problem-solving skill sets are being required in a wide range of job positions. (But see, cite to recent Heil H. Katz and Linda T. Flynn article, below.)

Colin Rules stated that “Every manager in the U.S. is doing conflict resolution. We want to put these skills in everyone's hands.” [Rule is Chief Operating Officer, Modria.com, Silicon Valley, CA]

In short, the concept of and appreciation for “conflict resolution” has become a part of our culture. Howard Gadlin commented that “Kids are being raised from at least middle school on with mediation being used for student disputes.”

Robert Jones reported seeing increasing use of collaborative decision-making in public and private sectors, creating opportunities for new dispute resolution skill sets. He believes employers will expect employees to know how to collaborate effectively. “This will be part of one's job rather than a discrete career path in many instances.” [Jones is director, FCRN Consensus Center, Florida State University.] I expect that this trend will continue to provide work for consultants and trainers to help organizations develop, incorporate and implement these skills.

Chris Honeyman stated the challenge for our profession as “How do we take this kind of knowledge and spread it more broadly throughout organizations.” [Honeyman is managing partner, Convenor Conflict Management, Madison, WI and Washington, D.C.] Docherty urged cultivating “conflict resolution skills in a wide range of people. Seek to transform the entire culture so that everyone is conflict competent.”

A number of persons interviewed believe that we are continuing to see a growth in ombuds positions by federal, state, and local government, the corporate sector, health care, and (perhaps) higher education. See, e.g., Mary Rowe interview summary. [Rowe is Ombuds, Massachusetts Institute of Technology.] This is consistent with the perceived increased in-house institutionalization of a range of conflict resolution services by public and private organizations. (E.g., Emerson, Hicks, Nancy Rogers. [Rogers is Professor, Alternative Dispute Resolution, Ohio State University Moritz College of Law.]

“Ombudsmen, or ombuds for short, came on strong in the 1980s. By 1983, over one thousand individuals were operating as ombuds in government, private industry, and universities. . . . Ombuds combine several ADR processes: negotiation, fact-finding, arbitration, and simply listening to referral to where help is available. . . . It is some-times described as the union-free answer to the union grievance procedure, since the ombuds process provides an outlet and solutions to complains within organizations.” Jerome T. Barrett with Joseph P. Barrett, *A History of Alternative Dispute Resolution: The Story of a Political, Cultural and Social Movement* (2004), pp. 219-220.

Tim Hicks believes the current career growth areas are ombuds programs and organizational conflict management, plus facilitated environmental public policy decision-making, particularly in the western U.S. He stated that his graduates are “working broadly in the field” (including in human relations offices and nonprofit organizations) even if not necessarily doing what they initially wanted or planned, with about 80% working in fields more or less related to their academic backgrounds. He believes that employment opportunities are growing both in conflict resolution jobs and jobs seeking conflict resolution skills.

Tamra Pearson d'Estree also believes there are more opportunities for conflict resolution specialists, particularly at in-house positions in government agencies, corporations, and other organizations, than existed twenty years ago. Ivan Sasha Sheehan identified conflict management job growth especially in the public and nonprofit sectors, and sees his Negotiations and Conflict Management graduate students successfully using their degrees. “One hundred percent of our graduates benefit from and use their degrees personally and professionally.”

Regarding conflict coaching, Tricia Jones and Ross Brinkert stated, “. . . [W]e anticipate that conflict coaching will shortly parallel mediation as a core intervention in our field. Just as mediation swept the country in the 1980s, we believe that conflict coaching has the same momentum in the coming decades.” Tricia S. Jones & Ross Brinkert, *Conflict Coaching: Conflict Management Strategies and Skills for the Individual* (2008), p. 292.

Several persons interviewed believed there continues to be some growth in the demand for mediation services in family and divorce conflicts, and perhaps in court-ordered mediation generally, while others stated that public funding by judiciaries for such mediations was declining in several states specifically and perhaps plateauing overall, and the increase in mediators was growing faster than the demand. Mosten is confident in continued growth generally in mediation demand and use, while others (Bickerman, Docherty, Sheehan, et al.) are less sanguine. Court-based mediation services are described by several people interviewed as an area where lawyer mediators have a very substantial edge, and where a small number of mediators (chiefly retired judges and well-known lawyers) get a majority of the cases. Bickerman believes, however, that growth in court-ordered mediation is marginalizing mediation—stating many less capable mediators are now doing court-ordered cases and “It's become an event in the litigation process. Check off the mediation box before continuing with litigation to mediation.”

JAMS (founded in 1979 and formerly named Judicial Arbitration and Mediation Services, Inc.) is one of the largest providers of alternative dispute resolution services in the world. It currently has a roster of over 300 neutrals, consisting primarily of retired judges and attorneys, and handles an average of

more than 12,000 cases annually in the U.S. and around the world. Michael Lewis reported that JAMS has been doing very well recently, with higher earnings in the past year than at any prior time in its history. He stated that JAMS experienced some contraction in cases around 2008 or 2009, after which its service demand and revenues came back very strongly and has been on an upward trajectory ever since. [Lewis is a JAMS mediator, with offices in Washington, D.C.] He also indicated that while he is aware of some contraction of state court-ordered mediations recently in some states, he believes that private attorneys have continued using ADR in non-court-ordered matters at about the same rate as before the recent recession.

I do not have statistical or financial data regarding the American Arbitration Association (AAA), which is a major provider of arbitration, mediation, and other ADR services in the U.S. and internationally. AAA is the leading U.S. provider of arbitration services in contractually required consumer, employment and other disputes, as well as in a wide range of other commercial, private, and public conflicts. I believe that such services by AAA and other private providers are likely continuing to expand. Carrie Menkel-Meadow has recently written:

Efforts to document and report on the dimensions and market share of these [ADR services] have been largely unsuccessful, in large part because so much dispute resolution (mediation, arbitration and hybrids) is conducted in the private sphere without any requirements for reporting to public agencies in the United States In the United States (which so far stands alone in this controversial practice), arbitration is now mandatory (and pre-emptive of litigation) in almost all consumer and employment disputes as mandatory pre-dispute assignment to arbitration is found in almost all contracts, and the practice has been sustained by the United States Supreme Court against virtually all constitutional and statutory challenges. . . . Clearly the use of arbitrators and mediators has increased in high stake matters like the BP oil spill, the September 11 Victims Compensation Fund, other major class actions, and in the use of court adjuncts as special masters, designers and implementers of other mass tort, mass disaster and similar claims.

(Carrie Menkel-Meadow, “Doing Good Instead of Doing Well? What Lawyers Could Be Doing in a World of ‘Too Many’ Lawyers,” 3, 3 *Onati Socio-legal Series* (3013), pp. 388-389, cited with quotes in her interview summary. See also, Carrie Menkel-Meadow, “Regulation of Dispute Resolution in the United States of America: From the Formal to the Informal to the Semi-formal,” in Felix Steffek et al, editors, *Regulating Dispute Resolution—ADR and Access to Justice at the Crossroads* (2013), also cited and quoted in her interview summary.)

Community mediation programs provide reduced fee and free mediation services in a range of conflict areas by staff and volunteer mediators working in nonprofit or public agency settings. The National Association for Community Mediation (NAFCM) reported that in 2011 there were over 400 community mediation programs throughout the United States, with over 1,300 staff and more than 20,000 volunteers. The programs have been primarily dependent on governmental, foundation, and private contributions and suffered cuts in funding, staff and services since 2008. [See, Corbett and Corbett cite, below.] NAFCM executive director Matthew Phillips described how many programs have recently become more innovative and entrepreneurial, citing to a November 2013 NAFCM report, “2013 State of Community Mediation Supplement” describing how five community mediation programs around the country had recently increased their funding. The report stated “[T]hese

successes in the field of community mediation all occurred since the downturn in the economy demonstrating the field's resilience and ability to grow under the most difficult of circumstances.” Phillips added that “It feels like there are unlimited opportunities for community mediation. We should have centers in every community. We're going to try to create opportunities for community mediation to move in different directions.” [See, Phillips interview summary for cites and discussion.]

When asked about reported competition and other conflicts between private mediators and community mediation centers around the country, Phillips stated “We're seeking to work together and utilize the different strengths we have,” citing a community mediation/public agency/private mediator foreclosure prevention program he was involved with in the state of Washington before coming to NAFCM. He believes that it is mutually beneficial for community mediation centers and private mediators to establish supportive symbiotic relationships, and that such partnerships will increase around the country.

Lauren Abramson believes that community conferencing and restorative justice services are continually growing programs, “bubbling from the ground up.” She stated that a fair amount of governmental funding went into such services in the early 1990s, focusing on such issues as court diversion for juvenile and other offenders and more recently school discipline and other matters, but declining in the early and mid-2000s with the result that some early programs did not survive. She indicated that a good number of local programs have since developed, with the result that virtually every state now has restorative justice work underway. She believes there are growing opportunities around the country to do such work, which she described as a “movement on the rise.”

Carrie Menkel-Meadow reported that the use of conflict resolution services is growing very substantially around the world. She stated that the European Union has recently required all member nations to establish directives on using mediation in civil and trans-border cases, and mediation is currently being routinely used throughout Europe in high-end probate, trust, family and other cases. She cited me to *Regulating Dispute Resolution—ADR and Access to Justice at the Crossroads* (above), with chapters devoted to describing the development and regulation of ADR in Austria, Belgium, Denmark, England and Wales, France, Germany, Italy, Japan, Netherlands, Norway, Switzerland, and the United States. She reported recently encountering growth opportunities in arbitration and a little in mediation in Singapore and other parts of Asia. (Note, however, Menkel-Meadow indicated she believes there has been a recent downturn in the availability of public conflict resolution jobs in the U.S., as discussed below.)

She also reported that lawyers in big cases are much more familiar with mediation now and more willing to use mediation. Sophisticated lawyers are using high-end mediation frequently, looking for mediators who fit their needs and confidence levels.

In “Doing Good Instead of Doing Well? What Lawyers Could Be Doing in a World of 'Too Many' Lawyers” (cited above, p. 389) directed primarily at lawyers and law students, Menkel-Meadow briefly described what she perceived as “at least ten new possible sites of work” in emerging forms of “dispute resolution lawyering work” to include court ADR; private mediation, arbitration and other forms of dispute resolution; mass claim management; drafting and managing contract based mandatory dispute programs; community mediation; internal organizational dispute resolution for public and private organizations; facilitated public policy development; international diplomacy in public and private negotiations; ADR usage in less adversarial criminal processes at domestic and international levels; and

a range of other preventive dispute resolution approaches.

Menkel-Meadow, Docherty, Pearson d'Estree and others believe there is a steady growth in job opportunities in international peace-building projects in the developing world with governmental, humanitarian, and other programs. They stated that those seeking work in such areas must generally demonstrate some international experience and language capabilities as well as other areas of expertise (evaluation, geographic information systems, technology skills, education, health care, civil engineering, international law, regional specializations, etc.) in addition to their peace-building and conflict resolution skills.

Many of my informants commented on the abundance of conflict available for practitioners to engage. Chris Honeyman said, “There continues to be a lot of conflict in a lot of areas,” and Marvin Johnson opined that “Where there are human beings, there is conflict.” [Johnson is executive director, Center for Alternative Dispute Resolution, Greenbelt, MD.] “People who are creative, opportunistic and ambitious need to network, volunteer, get known, and sell, and eventually they will find something to focus on, market, and succeed,” Juliana Birkhoff stated. [Birkhoff is vice president, RESOLVE, Washington, D.C.]

Perhaps the most optimistic area of agreement overall from the interview respondents is in regard to the perceived increase in work opportunities requiring conflict resolution skills across virtually all employment sectors. As will be discussed more fully under “How to get work and make a career,” below, aspirants are encouraged to seek opportunities to use their conflict resolution skills in their professional fields, develop and demonstrate those skills, and perhaps (if they desire) develop a full-time conflict resolution career using their expertise, experiences, contacts, and demonstrated credentials.

The U.S. Bureau of Labor Statistics, in its May 2012 report, projected a 14% growth rate in the conflict resolution field for the period 2008-2018, stating that:

[E]mployment of arbitrators, mediators and conciliators is expected to grow faster than the average for all occupations through 2018. Many individuals and businesses try to avoid litigation, which can involve lengthy delays, high costs, unwanted publicity and ill will. . . . Demand will also continue to increase for arbitrators, mediators and conciliators because all jurisdictions now have some type of dispute resolution program. <http://www.bls.gov/oes/current/oes231022htm>.

I encountered a substantial level of professional satisfaction and enthusiasm with their chosen fields among many of the people interviewed. Describing community conferencing and restorative justice, for example, Abramson said that “If you are interested in social justice and reform, this is incredibly powerful work. You have the privilege of providing and bearing witness to a very powerful transformation for giving communities a sense of collective empowerment and being an agent of institutional reform.” Regarding his private mediation practice, Mosten stated that “[M]y life's work of peacemaking has provided a comfortable living and has been a continual source of personal fulfillment.” Phillips encouraged interested people to “Take a basic community mediation training. Such training helps make you a better human being. That alone is a huge reason to explore it and use in your personal life.” Sheehan reported that “Students are drawn to the field [of conflict resolution], seeing utility in their lives and work.” His advice to his students is to “first become passionate about doing conflict engagement, whether in business, international relations, domestic issues, urban policy, or other areas, and to follow that passion.” Rogers cited to a new book she has written and published with Robert C. Bordone, Frank E.A. Sander, and Craig A. McEwen, *Designing Systems and Processes for Managing Disputes* (2013) in which they stated “[W]hat you contribute as a [conflict management systems] designer may improve the quality of life—sometimes even save lives—and represent the most personally rewarding contributions of your career.” Describing her work as ombuds at Massachusetts Institute of Technology the past forty years, Mary Rowe said “It's the best job in the world.”

On the Other Hand

In its annual report on "Best Jobs" on December 19, 2007, U.S. News and World Reports included for the first (and so far, only) time, "Mediator," stating:

If we can't solve a conflict, we tend to give up or hire a lawyer. There can be a better way. A mediator can often help resolve a dispute less expensively and with less conflict, whether it's a divorce, a discrimination claim, or the parent of a special-education student demanding more services from a school.

Mediators don't decide who's right. They guide a discussion so the disputants can more wisely reach agreement and move on with their lives. Most mediators love their work, helping people beat their swords into plowshares.

The problem is that there are more mediators than jobs. In part, this is because the barriers are so low—most mediators are required only to complete a 30-to-40 hour training course.

The oversupply means that most mediators do not earn a middle-class income for one to five years. And even to do that, a mediator must embrace marketing by establishing a niche Until mediators develop a reputation, they must schmooze with potential referral sources, write articles or give talks on mediation, and find well-connected champions willing to recommend them.

Nevertheless, if you have the gift of establishing trust, generating creative solutions, calming angry disputants, staying calm amidst ambiguity and dissembling, and are willing and able to market yourself mediation can be a win-win career for both you and your clients.

The report stated that the median national income for mediators at that time was \$66,800. It indicated that most mediators needed to supplement their mediation services with other work to produce a middle-class income, and cited Jim Melamed, chief executive officer of Mediate.com as estimating that there were about 10,000 mediators nationally earning around \$50,000 a year from their mediation and a larger number earning less.

Urska Velikonja came to similar conclusions more recently in "Making Peace and Making Money," 17 Journal of Dispute Resolution 20, American Bar Association, Dispute Resolution Section, Winter 2011). [Velikonja is assistant professor, University of Maryland Cary School of Law.] The article is a short version of a law review article she published as "Making Peace and Making Money: Economic Analysis of the Market for Mediators in Private Practice," 72 Albany Law Review 257 (2009) while a graduate student at Harvard Law School. In the 2011 article, Velikonja reported:

Making a living as a mediator . . . is anything but fun for many of those trying. . . . [While] there are some mediators who are busy enough to gross a million dollars or more per year . . . the private mediator market is similar to markets for entertainers or professional athletes . . . [S]upply exceeds demand. More mediators want to enter the market than there are mediation jobs. . . .

Experienced practitioners estimate there are more than 100,000 people who have received some sort of mediation training. Of those trained, relatively few actually practice mediation and even fewer make a living as full-time mediators. There are about 10,000 full-time providers of ADR services in the United States today . . . dwarfed by 1.4 million lawyers admitted to practice in the United States. . . For the most part, mediators mediate part-time because they cannot support themselves solely with mediation. . . .

Many mediators in private practice . . . rely upon court references as their primary source of mediation work. In Florida, which probably has the largest and most developed court-connected mediation program, there are currently 6,000 registered mediators . . . But, according to a court administrator, probably 10 percent of registered mediators do 90 percent of the work. . . .

Of the few thousand mediators in private practice who are able to mediate full-time, the majority earn \$50,000 or less . . . [It is estimated] there are fewer than a thousand mediators, and possibly only a few hundred, who earn high incomes, grossing \$200,000 or more per year.

I updated a cite from Velikonja's law review article to the U.S. Bureau of Labor Statistics regarding estimated occupational employment and wages for "Arbitrators, Mediators and Conciliators" as of its May 2012 report (cited above). The report estimated the national total of persons working full-time in these occupations as 6,520, with an estimated median salary for full-time employment of \$61,280. The report indicated that approximately 38.5% of persons in such positions were employed by local, state and federal government agencies. About 22% worked in legal services, while the remaining worked in a range of professional, scientific, technical, business, labor, political, and social advocacy organizations. Persons working in judicial entities were not distinguished, and are presumed to be included in the government agency category.

Many of my interviews with mediation and other conflict resolution leaders around the country were reasonably consistent with these articles regarding careers in conflict resolution. An added element is that economic conditions during the past several years is reported as causing a contraction in the use of such services in some areas.

The current perception from a majority of my conflict resolution provider informants is that governmental funding for discrete conflict resolution services has plateaued and has perhaps slightly declined recently at all levels and current foundation funding is perceived to be substantially below prior levels for this work.

Community mediation programs throughout the United States reported on declines in funding and operations in 2009 and 2010. See, Justin Corbett and Wendy E.H. Corbett, "Community Mediation in Economic Crisis: The Reemergence of Precarious Sustainability," 11 Nevada Law Review 458 (2011). [Justin Corbett is a former executive director of the National Association for Community Mediation.] Based on their surveys, the authors reported that "Nearly 77% [of programs responding] reported a moderate or major impact on their overall budget. . . . Nearly half of the participating centers reported the need to reduce staff hours, positions, or both." (pp. 466-467) They concluded that "Community mediation centers are weathering possibly the most challenging iteration of what has become a cyclical

affront to their sustainability.” (p. 477)

As indicated, court-ordered mediation has been a major source of work for many mediators across the country, and such programs have expanded very substantially over the past twenty years. My interviews with persons in California [Menkel-Meadow, Mosten] and Michigan [Butterworth, Zumeta] reported that state budget crises had cut court mediation and other programs and reduced the number of mediations in those and other states. Menkel-Meadow recently wrote:

As a result of the 2008 economic downturn, it was predicted that there would be an increase in the various forms of ADR as parties could less afford expensive litigation. In 2012, the state of California announced it would close hundreds of local courts in a multi-million dollar budget cut for governmental expenditures. Although many predicted that this would increase the use of mediation, many local jurisdictions, including my own in Los Angeles, also terminated the local court mediation programme to reduce additional costs.

(Carrie Menkel-Meadow, “Regulation of Dispute Resolution in the United States of America, cited above, p. 443.) She also described in this article at pp. 441-442 the difficulty in gathering statistics on ADR usage in federal and state courts—see interview summary. It is too soon to determine if such recent decline of court-ordered mediation in some states is a national trend, but is certainly a concern.

Many of my interview informants reported that court-ordered mediation, as well as mediation generally, is overwhelmingly provided primarily by lawyers. There is also a strong perception that a relatively small number of elite lawyer-mediators and retired judges get the majority of the mediation market. This is in large part believed to be because lawyers have a lead role in selecting mediators for their cases, and choose persons who they know and trust and who have some specialization in the conflict area. Menkel-Meadow stated, however, in “Regulation of Dispute Resolution in the United States of America” (above), p. 444, that “Mediators and arbitrators in private settings often are non-lawyer professionals such as engineers and architects in construction disputes, accountants in financial and contractual cases, social workers and psychologists in family matters.”

Susan Butterwick has been involved in the development and creation of pilot programs to provide mediation in family caregiver, guardianship and other “elder service” areas, as well as for child protective service mediation programs. She reported that these services are often funded by soft money which comes and goes, regardless of their demonstrated value, with a recent reduction in such funding and activities.

I identified as a major area (after mediation and arbitration) for full-time conflict resolution services is facilitated decision-making in a range of environmental, land use, energy, and numerous other government regulatory and public policy areas. At least twelve states, including Arkansas, California, Colorado, Florida, Massachusetts, Oregon, and others have created state entities to develop and manage these collaborative decision-making activities. There are also a body of private practitioners and for-profit and nonprofit organizations that specialize in such services.

Public agency dispute resolution programs have been expanding at all levels of government across the country until recently, but these offices are perceived by some of my informants as vulnerable under current public financing circumstances, and there have been some losses recently in some areas. It appears unclear whether such programs and staff are sufficiently institutionalized to not experience

disproportionate reductions.

A few of the persons I interviewed who work in this field reported budget reductions (Jeghelian) or the belief that funding cuts and economic conditions were creating increased competition and challenges. (Dozier) Others (including Jones and Morris) are optimistic that this sector will continue to grow. My research indicated that, as with the mediation profession, there are a relatively small number of very successful practitioners in private practice providing multi-party facilitation services, however described, as well as a relatively small number of positions for persons in full-time public and nonprofit organizations providing such services. It is currently unclear whether this sub-field will continue to grow or provide an expanding number of opportunities in the future, as opposed to continue to increase as a service provided on a part-time basis by persons within agencies, corporations, and other institutions as well as persons who do such facilitation as one part of their varied private practice.

A recent article challenges the perception encountered in several of my interviews of increasing institutional awareness and support for conflict resolution in nongovernmental work settings. Neil H. Katz and Linda T. Flynn, “Understanding Conflict Resolution Management Systems and Strategies in the Workplace: A Pilot Study,” 30 *Conflict Resolution Quarterly* 393 (Summer 2013) summarized the findings of a pilot project in Broward County, Florida “designed to gauge the awareness, perception, and use of conflict management methods and systems”:

The results of this study . . . cannot easily be generalized to a larger population. . . . The pilot study findings do, however, reveal some important challenges for consideration by scholars and practitioners, including a distinct lack of awareness of the value of effective conflict management systems and strategies, a potential need for the conflict management field to improve public education and communication with [for-profit and nonprofit] business communities, and identification of areas for future research and exploration. . . . (p. 395) Many organizations do not realize the benefits of conflict management training and tools or lack the resources or knowledge to incorporate them into the processes of their organizations. (p. 407)

People in the various work streams as conflict specialists are often in competition with persons with publicly accepted professional credentials seeking to resolve the same packet of problems. Attorneys, social workers, family counselors, planners, psychologists, and other groups with special training continue doing much of the same kinds of work that mediators, facilitators, and other-branded conflict specialists seek to provide. Without further discussion herein, this suggests that the debate within the conflict resolution field concerning the pros and cons of licensing, credentialing, or other “professional branding” should continue. Many of the persons interviewed for this report believe that the conflict resolution community has failed to provide the research data and public education necessary to distinguish its approaches to much of the markets it seeks to serve.

Tentative Field Findings

In the face of the “good news/bad news” input I received from my interviews and other sources, and the lack of hard data collected and publicized regarding much of conflict resolution services, it is challenging to confidently present a clear picture of current circumstances and projected trends regarding this varied field. With that caveat, I will present a summary of my impressions from my brief “field scan” to date and invite readers' input in helping to present a better picture.

- The numbers of people seeking to enter the conflict resolution field have expanded substantially in recent decades, which trend appears to be continuing.
- The numbers of people teaching conflict resolution at the undergraduate, graduate and law school levels have grown substantially in recent years, resulting additionally in increasing research in the field. I expect this academic pool to at least remain level for the near future but do not expect continued substantial growth as in recent years.
- The use of mediation, arbitration, and related ADR services seems to be at least stable and likely continuing to expand in a broad range of private conflicts, with a perceived majority of such services provided by lawyers and retired judges. A majority of people interviewed discussing this area believe that this expansion at some level will continue.
- The picture is less clear regarding court-ordered mediations and related court-ordered services around the country beginning with the U.S. recession in 2008, with some state judiciaries cutting mediation services because of sharp cuts in court funding. Such services appear to be stable or slightly increasing in some states, while declining sharply in others. It is difficult to project the future trend in the provision of such services if court funding overall is restored in affected states, including whether such services will be restored at previous levels, will be provided by staff, compensated private mediators at current or reduced levels of compensation, pro bono mediators, or otherwise, and whether court-ordered ADR services across the country will continue to expand as in recent years pre-2008.
- Similarly, the use of private neutrals to provide a range of ADR services (e.g., mediation, public policy facilitation) for federal, state and local agencies seems to have somewhat contracted recently under cuts in public funding at almost all levels. I found some mix of opinion whether such usage of private providers will rebound and expand again or will be otherwise provided by agency staff (see below) in some instances.
- The provision of ADR services over recent years has expanded “in-house” by public agencies, private corporations, business, health care and educational institutions, and other major nonprofit entities. Some people interviewed believe there has been some simultaneous contraction in the employment of external private ADR providers as a result. Such services may be provided by institutional ombuds or other conflict managers on a full-time basis or as part of an employee's responsibilities. This trend is expected to continue and likely grow. A majority of people interviewed who commented on ombuds trends expect this employment category to continue to expand.
- While community mediation and restorative justice programs around the country have suffered funding cuts from public and foundation sources in recent years, the leaders interviewed for this article expressed confidence in restored funding and continuing growth and development.
- The use of ADR is growing around the world, and provides some work for U.S. mediators, arbitrators, and other ADR professionals, including in international peacebuilding and development programs for people with the requisite skills, education, and experience.
- The U.S. Bureau of Labor Statistics in May 2012 projected a 14% growth rate in the conflict

resolution field for the period 2008-2018, which is faster than the projected growth rate for all occupations during this period of time. The Bureau estimated in its May 2012 report that the median salary for full-time employment of conflict resolution “arbitrators, mediators and conciliators” was \$61,280. Annual income for such persons in private practice varies widely, with the perception that high earners (making \$200,000 and sometimes much more annually) are primarily lawyers and retired judges. I suspect that the income of such persons may not be reflected in the Bureau's median income report.

How to Get Work and Make a Career in Conflict Resolution

The people interviewed for this project offered a wealth of advice for individuals seeking to begin or expand their work in conflict resolution or to develop a full-time career in the field. I will briefly summarize their lead recommendations and encourage the reader to review the interview summaries attached and intended as an integral part of this report.

Some recommendations are directed at particular groups within the conflict resolution sector, such as law students or lawyers wishing to become mediators or people in undergraduate or graduate school programs or in mid-career settings wanting to do in-house conflict management or become ombuds in public and private organizational settings. The majority of recommendations, however, are intended to have utility for a wide range of people seeking to enter or expand their work as conflict specialists.

I appreciate the point raised by a number of people interviewed that “There is no clear career path into this kind of work.” Despite this admonition, I will identify for consideration some advice and general career models that I encountered in my recent interviews as well as in my personal working relationships and experiences.

What follows, of course, is intended as a very brief overview of observations and recommendations for developing a career in conflict resolution. In addition to my primary reliance on the interviews, I benefited in my research for this section as well as other parts of this paper from such works as Forrest Mosten's *Mediation Career Guide* (2001) (with much value for career guidance in conflict resolution generally), Bernard Mayer's *Beyond Neutrality* (2004) and *Staying with Conflict* (2009), and Urska Velikanja's [Albany Law Review](#) article (previously cited).

Let's start with the beginning:

Know Yourself: Determine why you want to work in conflict resolution. This is not an easy career path. Do you have the passion, will, desire, interest, and abilities to succeed to the extent that you may in other endeavors? Do you enjoy helping to work with conflict? Do people seek your assistance in dealing with conflicts in your family, at work, or in your community? Do you have the time, resources, and persistence to undertake the education, training, and often years of work to develop a successful practice—however you choose to define it—doing conflict resolution?

If you have determined to enter the field, other questions follow. What are you interested in? What are you good at? What are your strengths? Your weaknesses? How do you use the strengths and work on those of your weaknesses that impede your desired success? What particular expertise and experiences and qualifications do you have that you can bring to a conflict management and resolution setting? Do you prefer to work in organizations and with teams or as a freelance consultant and service provider? Do you like or hate marketing?

A number of interviewees gave emphasis to these self-assessment questions. Mosten's guide (above) includes a useful "Mediator Self-Survey," for example. Several of the graduate program directors interviewed described their program's activities to help students with this process. Sheehan indicated his advice to graduate students at their first class is to "become passionate about doing conflict engagement and to follow that passion. To grow professionally, you have to be engaged." Docherty described a range of services provided at her program to assist students in these endeavors.

Know Your Craft: By this, I mean know how to do your craft. When I was in high school, I was fascinated with reading about fly-fishing for trout. For the past fifty years, I've been developing my fly-fishing practice on streams whenever and wherever I can. There may be an analogy with providing conflict management and resolution services.

Many of today's practitioners began their education in mediation and other conflict resolution services with 20- to 40-hour mediation or facilitation workshops, followed by experiential on-the-job or volunteer practice, peer workshops, and related activities. This model continues today, supplemented by an increasing number of people taking courses in a range of conflict-related studies at graduate and law school settings which can provide excellent foundations to begin developing their conflict services.

My interviewees had conflicting perspectives on how much graduate work in conflict resolution is useful before beginning practice, and whether there is too much emphasis on mediation rather than negotiation and other settlement skills in law school at present. I believe that all would agree that some particular education is extremely useful for undertaking conflict management and resolution work—and is generally expected today to attain credibility and credentials with employers and clients.

Education and training lay the foundation for the practice. "Practice, practice, practice." If you are fortunate, you may be able to do a reasonable amount of varied conflict management and resolution work in your employment setting. Many people use university-related practicums, internships, and voluntary mediation, conferencing or facilitation settings for experience. Most of my interviewees would recommend developing a rich and varied skill set to bring to conflict. Develop the tools of your trade. Marvin Johnson said that "the more tools you have, the more options you have." Get experience using your conflict resolution tools. As Howard Gadlin said, "Anything that looks like you have experience helps with career development."

Know Your Market: It is valuable to have some understanding of (a) the current and evolving market for conflict resolution and management services generally; and (b) especially the potential market for your own such services, given your training, experiences, and personal and professional desires.

A substantial number of the people I interviewed agree that we are currently in a growth period for the expansion of internal conflict management systems in business and the public and nonprofit sectors, including some continued expansion of institutional ombuds positions in a range of such settings. There was also some agreement that, while very competitive, the number of work opportunities in peace-building and conflict management in international settings continues to expand. By comparison, I encountered conflicting perspectives on whether mediation (except for certain types of cases, above) is currently growing or declining or is likely to do so in the future.

The ideal market for many mid-career individuals to develop and use their conflict resolution skills may well be where they are currently working. Many of my sources agreed with Chris Honeyman

when he said, “Whatever field you are in, work in that area and look for conflict where you can do conflict resolution after you've proven yourself. Go from there to expand the amount of time you devote to conflict management.” If you are not employed in such a situation currently, look for such a job in a field you like and for which you have strong qualifications. My research strongly suggested that there are a large numbers of jobs seeking conflict management skills as part of the work description. Colin Rule expressed another majority view when he said, “Every manager in the U.S. is doing conflict resolution.” So are a lot of people working in customer relations, contract negotiations, human relations, health care, and many other areas.

Howard Gadlin and Mary Rowe, ombuds respectively at the National Institutes of Health and Massachusetts Institute of Technology, discussed the processes and criteria that public and private organizations often apply in selecting ombuds. Many prefer individuals with substantial experience working in other capacities within their organizations who have already developed trust and some conflict management skills while knowing their structures, services, staffs and cultures, while others are hiring people with prior ombuds experience from outside the organizations.

Another area in which I encountered nearly (but not quite—see below) unanimous agreement was the strong desire in the market for substantive expertise and specialization of conflict specialists. Bernie Mayer asked, “What do we bring to the table? The more you know the better, not just process, but also substantive knowledge. It's what the market demands.” Rule recommended “Focus on one thing. Once you have chosen your specialization, you can figure out your pathway.” All of the teachers and nearly all of the practitioners interviewed strongly recommended specialization, with the majority promoting the development or utilization of academic, professional, and personal experiences and expertise to choose where to apply one's conflict resolution skills.

I encountered consistent advice somewhat in this regard from law professors of alternative dispute resolution for students wishing to become mediators or otherwise work in conflict resolution. As Carrie Menkel-Meadow reported when her law students ask her, “Can I make a living as a mediator,” she tells them, “Absolutely! But practice law first, get some experience and credentials and credibility.”

It is also important to understand that one's best market in this field is most likely where one is known and respected for their conflict resolution skills and other essential qualifications. Talking about mediation, Nancy Rogers very well stated what was similarly expressed by many others regarding conflict resolution generally: “People are comfortable in working with mediators they know and for whom they have an awareness of their experience, expertise and character. This is how a mediator gets referrals. One works their way over time to that position.” Similarly, Michael Lewis advises “Gain some credibility in an area in which you have an interest. This generally takes a few years. Build credibility as a person of fairness and even temper, then announce that you're going to begin mediating. Build prestige from those who know you best. This applies whether you are a lawyer, social worker, psychologist, or working in other professions or areas.” Mary Rowe stated that some ombuds created their own jobs or are “discovered” within an organization that already knows of their work. She described a process by which someone already working for an organization and doing some conflict resolution work becomes the ombuds. They are respected and trusted by the colleagues and seen as “kind of a natural” as helping to resolve internal conflicts.

Matthew Phillips and Lauren Abramson clearly stated that anyone wanting to work in community mediation or community conferencing should enter through their respective training and volunteer

programs. Phillips stated that “The overwhelming majority of staff hired at our center in Washington state were first volunteers at our center.” Abramson described the pathway as an initial training, followed by a volunteer apprenticeship, with subsequent opportunities based on demonstrated aptitudes and abilities.

James Rosenstein, a Philadelphia-based commercial mediation and public policy facilitator who is a past president of Association for Conflict Resolution, has recently described his experiences moving from a law practice to his conflict resolution career:

My practice as a commercial mediator and negotiation facilitator has been shaped by almost thirty years of prior experience as a transactional real estate and business lawyer. I need to emphasize the words 'transactional lawyer' because the approach that I found most effective in representing clients in transactions—as opposed to representing them in court—involved my using collaborative skills to *help clients make deals that worked*. . . . So, fourteen years ago, I decided to retire from my law firm to become that mediator/facilitator. . . . The type of cases I get has clearly been affected by my law practice, because most of them relate in some way to real estate or business issues, and many come directly or indirectly from people I met during that career. . . . I now use the tools of mediators and decision-making process facilitators, as well as the negotiating experience and substantive knowledge that I had gained during my years of law practice. What has not changed is that I tend to see conflicts as puzzles to be solved rather than fights to be settled. And it is this difference wherein lies my interest in and advocacy for facilitated problem-solving. . . . [W]hether I work as a mediator or a negotiation facilitator, the parties are my clients and my job is to do my best to help them.

[James A. Rosenstein, “From Transactional Lawyer to Commercial Mediator and Beyond,” ACResolution (Winter 2012), pp. 9-10.]

It can be very useful to have some depth of understanding and familiarity of the market in which you wish to work. Pearson d'Estree, Sheehan, and others discussed the value of understanding the culture, law, lingo, people, structure, and services to get hired within and work effectively in a particular market setting.

The market for peace-building and other conflict management work in developing countries has a number of particular qualifications, as described more fully in several of the narrative summaries. This can include particular kinds of work skills in high demand currently in such settings as well as demonstrated qualifications such as foreign language abilities and experience living in other countries and cultural setting. Pearson d'Estree said that “There are so many people chasing these jobs, one has to volunteer for a first job in this field.” [See especially, Pearson d'Estree and Polkinghorn interview summaries.]

Know Your Options: While doing a thorough self-evaluation (above) to identify your interests, skills, resources, etc., conduct an “environmental survey” of what compatible opportunities are available to began or advance your conflict services. What are the educational and training services? What can you do where you currently work? What volunteer opportunities, internships, and practicums are in your community? What networks do you already have or can establish to promote your development?

Do you have the option to relocate to other areas where better opportunities exist for your needs, skill set, and interests?

Can you take an entry-level job within a conflict resolution setting that may give you the opportunity to work toward your preferred role as you gain experience and exposure within that organization or field? Phillips urged flexibility. “Explore any opportunities you get. The people who become successful often don't start off in their dream position, but they get experience, get inside the network, and work themselves up to that position.”

Know How to Plan: Twenty years ago I decided that I wanted to do SCUBA diving. Three months before heading to the Caribbean, I took about forty hours of SCUBA training. At some point my instructor presented a critical guideline that I've since found useful in several endeavors: “Plan your dive and dive your plan!” Clare Fowler emphasized the need for conflict resolution career entrants to develop a career plan and to execute their plan. “Develop a clear plan, know who to talk and work with to make that plan happen, be specific, and be persistent.” See especially, Forrest Mosten's *Mediation Career Guide*, Ch. 11, “Strategic Planning and Investing in Yourself,” pp. 133-151. Consider developing a peer support group or hire a career coach to help you implement your business plan.

Know How to Promote Your Services: Many of the people interviewed and publications reviewed stressed the critical need for individuals seeking to enter and advance in this field to promote the nature and value of their services to prospective employers and clients. In various ways, several described the kind of entrepreneurial drive required for success. Susan Butterwick said that her professional experiences indicate the need to hustle for grants and other funding, to sell yourself, to be adaptive and flexible, and to exercise self-promotion. Carole Houk said that she “had to create the need and the recognition for the need” in many of her earlier working experiences. Juliana Birkhoff similarly stated that conflict specialists will often have to make their own paths, and will have to convince their client or employer that what they have and do are what the consumer needs. See again, Mosten's *Mediation Career Guide*, with excellent discussions on marketing and creating one's “Mediation Signature” as “the way you are known among your peers, your referral sources, your clients, and the community at large. . . . A clear mediation signature gives prospective clients more information about you and increases the chances that they will select you.” (p. 75) See also, Victoria Pynchon with Joe Kraynak, *Success as a Mediator for Dummies* (2012), Part I, “Acquiring the Keys to Mediation Success” and Part IV, “Launching Your Own Mediation Practice,” including “Marketing Yourself and Your Business Online and Off,” pp. 273-288. Clare Fowler stated she has seen examples recently of young conflict resolution graduates who have developed a specialty and used social media to successfully develop and market new businesses in a short period of time.

To summarize, here are my Top Ten Career Development Recommendations from my interviews and other sources:

- Determine what you really want to do. Identify and utilize your strengths; and identify and work to improve upon your weaknesses that can inhibit your marketing and services.
- Get conflict resolution education and training. Continue to expand your conflict resolution skill set.
- Seek out internships and practicums and research opportunities in your preferred conflict resolution career areas.

- Develop well-placed and supportive mentors and work with them for professional advancement and career placement.
- Create and implement a career plan. Perhaps work with a career coach to help develop a plan and stay on course. Be willing to make revisions based on experience and feedback.
- Get lots of mediation and other conflict resolution experience though volunteering, service on panels, and other approaches. Seek out opportunities to practice and develop your skills. Offer to provide trainings in your specialty areas.
- Network. Build relationships with judges, lawyers, corporate, business, government, and nonprofit leaders and representatives in your desired conflict resolution working areas. Join and become active in professional associations for your career field and conflict resolution. Present workshops and publish.
- Describe and explain the value of your services. Advertise, including websites, mailings, brochures, blogs, and social media. Repetition, repetition, repetition.
- Be entrepreneurial, enterprising, hard-working, confident, persistent and patient.
- Put in your time and develop credibility while continuing to resolve conflicts and advance your career.

In addition to these career development essentials, it may be useful to reflect briefly on four general Career Models for persons working as conflict specialists across a range of service areas as suggested in earlier discussions. I describe these models as “Specialist,” “Generalist,” “Full-time Practitioner,” and “Part-time Practitioner”. Each of these models can be implemented in private practice or within public or private organizations and agencies, by solo practitioners or in professional organizations and nonprofit service providers.

As discussed previously, the overwhelming majority of people interviewed for this study reported on the trend for conflict service providers to be specialists in one or a few areas. Desired specializations include substantive or content expertise as well as conflict process. There is a strong belief that specialists are more successful in establishing their careers and attaining higher income. There appears to be fairly good evidence as has been discussed for the need for such specialization by employers and clients, and the benefits to the specialist practitioner.

Many people working as mediators and some other conflict service providers work across a range of substantive fields and provide a range of services, serving with varying levels of success as generalists in the field. Of the people interviewed, Marvin Johnson described increasing specialization as problematic. He urges his colleagues to be process experts with a wide range of skill sets and willing to provide a range of services. He believes that developing multi-skill sets provide more professional opportunities. “I have seen people with only one or sometimes two conflict resolution skill sets have an extremely difficult time attempting to become a full-time ADR practitioner,” he stated. Many people working as conflict specialists also do mediations and facilitations, do coaching, provide trainings, consult, teach, and provide other services in a variety of substantive areas.

My research and experience indicate that many people begin their conflict resolution work as a portion of an individual or group practice in law and other areas or provide some conflict systems work as a part of their employment responsibilities in a corporate or governmental setting. Some develop these experiences into full-time conflict resolution careers, while others continue providing some amount of such services as a part of their professional careers, with each such choice determined by a range of individual factors. Both types of career approaches can be equally valid ways to exercise conflict resolution skills and services while providing socially and economically valuable services and achieving personal and career satisfactions.

What the Conflict Resolution Community Needs to Do

Many persons interviewed stated that, even as conflict management and resolution approaches appear to become part of the U.S. culture in many areas, we have failed to educate the general public adequately about our work and make the case for the value of our services. Several of the leaders I interviewed stated that conflict specialists are still not at the table in most public, private, domestic and international conflicts when critical decisions are being made. [E.g., Gadlin, Mayer]

We have not yet done a good enough job of telling our stories. Several sources stressed that we also need to describe our services, evaluate our outcomes, and demonstrate the value of our services better in comparison with other service approaches with which we compete even in the areas where we are actively engaged. Katz and Flynn, “Understanding Conflict Management Systems and Strategies in the Workplace: A Pilot Study,” cited above, state:

Our job as scholars and practitioners is to reframe the conversation about conflict and its related costs and to communicate clearly the range of methods and the benefits of effective conflict management practices and systems through a different lens. In essence, we must build a powerful business case for how the conflict field and practice contributes to organizational effectiveness and efficiency. (p. 407)

Michael Lewis stated that “We've been involved in settling disputes that have had real public interest significance” in environmental quality and other public conflicts, but the post-settlement press releases by involved agencies did not mention the dispute resolution service without which the settlements would not likely have been achieved. “How do our services get some credit for helping to resolve such conflicts so that stakeholders consider mediation and facilitation as a matter of course?”

In “Community Mediation in Economic Crisis: The Reemergence of Precarious Sustainability,” cited above, Corbett and Corbett stated that “Research indicates . . . that community mediation is still a rather obscure concept to the public at large” and “Community mediation in some locales is still a best-kept secret.” (p. 464) Describing community conferencing and restorative justice services, Lauren Abramson said:

We are seeking to change the culture around justice and conflict resolution. People have to change hearts and minds. That doesn't happen in ten years. It happens slowly. We are seeking to shift people from a culture that is focused on punishment in a win-lose system to one that is focused on accountability in a win-win system.

As alluded to briefly much earlier, this problem is in part a consequence of a continuing lack of agreement in the conflict resolution community regarding whether conflict resolution is a “field” or

“profession” This topic is outside the scope of the issues which I have sought to address in this paper. Please see further, Peter Adler, Chris Honeyman, Bernie Mayer, Forrest Mosten and many others for their past and continuing contributions to this topic. I agree with several of the leaders that I interviewed, however, that a somewhat resulting lack of understanding and public respect regarding what we collectively do and contribute as conflict resolution practitioners and conflict specialists continues to retard the market for our services and the job pool for those seeking entry. I suggest that a few more members of our “field” give their primary attention to promoting a better public understanding of our services and appreciation for their values.

Our community needs to increase its efforts to increase the diversity of its members and assure that its services are equally accessible and effective for everyone in our society. Community mediation especially has sought to give diversity needs a priority, but our field overall has much more work to be done in this regard.

As discussed very briefly at the conclusion of the section on the growth of the academy, people considering undertaking conflict resolution education and training or otherwise doing career planning need much better information on where conflict resolution graduates are working and the pathways currently being followed into conflict management careers. I encourage appropriately placed people in graduate programs, associations, and elsewhere to undertake such research and share their findings.

It would also be very useful if public and private providers of conflict resolution services would improve and increase the gathering and compilation of data regarding services provided by nature of services, numbers, and outcome, and would publicize such data to better facilitate the assessment of what is happening in conflict resolution for policy makers, job seekers, and the interested public.

Conclusions

Many of my interview respondents went back and forth between “good news” and “bad news.” I interviewed leaders of major private conflict resolution organizations that indicated they were facing harder circumstances getting contracts and funding under current economic conditions. Parties reported that formerly private conflict resolution services were being developed in-house by corporations and public agencies. There was concern that students too often enter graduate conflict resolution programs or take mediation trainings with unrealistic expectations. Some field leaders encouraged doing shorter-term certificate programs rather than graduate degrees. Graduate school leaders were uniformly positive about their students' employment opportunities, while some law school ADR professors interviewed were somewhat less so under current circumstances. Reductions in public and foundation finances at all levels have clearly resulted in some recent losses for public conflict management and resolution services at some levels, with no clear indication that such funding will be restored when the economy improves.

I believe that the use of mediation in judicial settings will likely continue to grow somewhat on a national level, although funding has contracted deeply in some states. Such cases offer opportunities for mediation experience and some income, particularly for attorneys, but very rarely at a level for full-time employment for many individuals. The numbers of people seeking to render such services will likely continue to expand at a higher rate than the work to be performed.

Even for persons who essentially work full-time in conflict resolution careers, whether in private practice, organizational or academic settings, their workweek may include a diverse range of activities

including perhaps mediation, facilitation, teaching, training, consulting, organizational development, research, and other services over a range of substantive fields.

Probably the strongest positive message is that conflict resolution skills are valued and employed much more now across many career fields. Where there are human beings, there is conflict. This creates many opportunities for persons to promote and practice their skills as part of their work, and perhaps to specialize more on conflict resolution services within their professional fields as their careers advance. I encountered this career development approach among several of the current conflict resolution leaders interviewed. I also found a consensus that such skills are excellent foundations for success in many public, private and professional settings.

Some individuals will also continue to develop private conflict resolution practices through the development of their skills, building expertise in specialized settings while gaining reputations for their abilities in helping to resolve conflicts and solve problems. One of the leading messages I frequently encountered encouraged people to follow their passions, understand and develop their strengths, and define and solve problems in their fields. “Build it and they will come.”

At the same time, I found a clear consensus that the conflict resolution community needs to continue its research, evaluation, and client and public education to tell the story more successfully about the nature and value of our services. As a diverse group of conflict specialists sharing some perspectives, skills, and approaches, we know our individual and collective contributions, and we have shared many successes over the past forty years. We have yet to adequately describe our work, brand our enterprise, and establish our worth to the collective public.

Our work is continuing to attract substantial numbers of enthusiastic students and people currently working in various professions and settings who seek to use conflict management and resolution in their careers on a full or part-time basis. At the same time, the use of conflict resolution has clearly expanded a great deal over the past forty years through the contributions of many pioneers, visionaries and practitioners as they assist individuals, families, businesses, and society to manage and resolve their disputes. Because so many people are attracted to careers in conflict engagement, I expect that we will continue to hear that “supply exceeds demand,” but I am not sure this diagnosis is a chronic problem if aspirants have access to relevant information to make realistic educational and career decisions and access to guidance on how to plot their paths. Ours will continue to be an attractive and competitive field and entrants will experience widely varying levels of success, enjoyment and satisfaction. I predict that the delivery, use and contributions of conflict management and resolution services will continue to evolve and grow with the involvement of its new and increasingly experienced participants.

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About the Author

Bob Rhudy is in private practice as a lawyer, mediator, and consultant. He recently developed and directed the Maryland Court of Special Appeals' Office of Dispute Resolution Programs (2009-2012) and the Maryland Senior Mediation Project (2005-2009). He previously served as executive director of the Maryland Legal Services Corporation (1986-2003) and the Coalition for Legal Services (Washington, D.C., 1983-85). He is a past chair of the Association for Conflict Resolution's Elder Mediation and Decision-Making Section, Washington, D.C. (2008-2010), and past chair of Association for Conflict Resolution-Maryland's Family-Senior-Health Mediation Section (2005-2011). He has taught poverty law, law and aging, and legislative advocacy at the University of Iowa and University of Maryland and has provided elder mediation trainings around the country. Rhudy can be reached at 928 N. Charles Street, Baltimore, MD 21201 and bobrhudy@yahoo.com.

Appendix I

PERSONS INTERVIEWED Current and Emerging Career Trends in Conflict Resolutions

Lauren Abramson, Ph.D., Executive Director, Community Conferencing Center, Baltimore, MD; Assistant Professor, Child Psychiatry, Johns Hopkins University

Peter Adler, Ph.D., Principal in Accord 3.0, Honolulu, Hawaii, formerly Chief Executive Officer of The Keystone Center, Keystone, Colorado/Washington, D.C.

John Bickerman, Esq., Bickerman Dispute Resolution, PLLC, Washington, D.C. Former Chair, Dispute Resolution Section, American Bar Association

Juliana Birkhoff, Vice President, RESOLVE, Washington, D.C.

Susan Butterwick, Esq., Mediator, lawyer, trainer, elder mediation developer, law school and graduate school alternative dispute and conflict resolution lecturer, Ann Arbor, Michigan

Jayne Docherty, Ph.D., Program Director, Center for Justice and Peacebuilding, Eastern Mennonite University

Dan Dozier, Esq., Press & Dozier, LLC, Bethesda, Maryland

Kirk Emerson, Ph.D., Professor of Practice in Collaborative Governance, School of Government and Public Policy, University of Arizona

Clare Fowler, Ph.D., Managing editor, Mediate.com; president, Fowler Mediation, Eugene, Oregon

Howard Gadlin, Ph.D., Director of the Office of the Ombudsman, Center for Cooperative Resolution, National Institutes of Health, Washington, D.C.

Tim Hicks, M.A., Director, Conflict and Dispute Resolution Master's Program, University of Oregon

Christopher Honeyman, Managing Partner, Convenor Conflict Management, Madison, Wisconsin and Washington, D.C.

Carole Houk, Carole Houk International, LLC, Washington, D.C.

Susan Jeghelian, Esq., Executive Director, Massachusetts Office of Public Collaboration, University of Massachusetts Boston

Marvin Johnson, Esq., Executive Director, Center for Alternative Dispute Resolution, Greenbelt, Maryland

Robert Jones, Director, FCRC Consensus Center, Florida State University

Lisa Kloppenberg, Dean, Santa Clara (CA) Law School: Former Dean and Professor of Law (Alternative Dispute Resolution), University of Dayton Law School

Michael Lewis, Esq., JAMS, Washington, D.C.

Bernard Mayer, Ph.D., Professor, Werner Institute for Negotiation and Conflict Resolution, Creighton University; Partner, CDR Associates, Boulder, Colorado

Carrie Menkel-Meadow, A.B. Chettle Professor of Law, Dispute Resolution and Civil Procedure, Georgetown University Law Center; Chancellor's Professor of Law and Political Science, University of California, Irvine School of Law

Catherine Morris, Director, Energy Practice, The Keystone Center, Washington, D.C.

Forrest Mosten, Mediator, limited scope and collaborative law, and Adjunct Professor, University of California, Los Angeles School of Law

Jane C. Murphy, Professor (Alternative Dispute Resolution), University of Baltimore School of Law

Tamra Pearson d'Estree, Ph.D., Professor of Conflict Resolution; Co-Director and Director of Research and Practice, Conflict Resolution Institute, University of Denver

Matthew S. Phillips, J.D., Executive Director, National Association for Community Mediation, Palm Springs, CA

Brian Polkinghorn, Ph.D., Professor of Conflict Resolution and Director, Bosserman Center for Conflict Resolution, Salisbury University, Salisbury, Maryland

Nancy Rogers, Emeritus Michael E. Moritz Chair in Alternative Dispute Resolution, Ohio State University Moritz College of Law

Mary Rowe, Ph.D., Ombuds, Massachusetts Institute of Technology

Colin Rule, Chief Operating Officer, Modria.com, Silicon Valley, California

Ivan Sascha Sheehan, Ph.D., Graduate Program Director and Assistant Professor, Negotiations and Conflict Management Program, School of Public and International Affairs, University of Baltimore

Urska Velikonja, Assistant Professor, University of Maryland Francis King Carey School of Law

Zena Zumeta, President, Mediation Training and Consultation Institute; and Adjunct Professor, alternative dispute resolution, Thomas M. Cooley College of Law, Lansing, Michigan, and Staus Institute of Dispute Resolution, Pepperdine University School of Law, Malibu, California

Appendix II

INTERVIEW SUMMARY NOTES Current and Emerging Career Trends in Conflict Resolutions

Introduction: The thirty-two people interviewed for this report included eighteen who are primarily conflict resolution practitioners, many of who also teach conflict resolution, and twelve who are primarily professors in graduate conflict resolution and peace studies programs and law schools, several of whom also maintain conflict resolution practices. One is a managing editor of a national internet-based mediation information service who also does conflict resolution services and one is executive director of a national mediation association. Most of the interviewees have from twenty to forty years experience in their conflict resolution careers. I conducted three of the interviews in person in Washington, D.C. and Maryland, and the remainder were conducted by phone. Interviews were preceded by my review of the individual's background and perhaps some of their publications, and often followed by my receipt and review of other written materials they provided for my information. The interviews ranged from thirty minutes to about three hours. I sought to ask each person questions about three general areas: (1) What are the current and emerging trends in conflict resolution usage and careers; (2) What advice can you give for people seeking to engage in conflict resolution careers; and (3) What recommendations do you have for the conflict resolution community to increase acceptance and use of its services. I have sought to generally organize their responses in the following interview summaries in the order of these questions to facilitate the reader's review. I have generally provided brief identifiers for the persons interviewed, occasionally giving additional information about their work in the summary. I encourage interested readers to "Google" their backgrounds for additional information on their wide range of experiences, many publications, and numerous other services for a better understanding of their perspectives. I am very appreciative of their participation and contributions to this project.

Lauren Abramson, Ph.D., Executive Director, Community Conferencing Center, Baltimore, MD; and Assistant Professor, Child Psychiatry, Johns Hopkins University

The Community Conferencing Center (CCC) was established in 2000. The center's services primarily focus on court diversion for juvenile offenders, as an alternative to school suspension, to heal ongoing community conflicts, and as an aid in re-entry into family and community after incarceration. The center also provides training and technical support in community conferencing facilitation and program development, as well as in developing restorative practices in schools.

The process used by the CCC, Dr. Abramson stated, is "basically a three-part restorative conference: hearing what happened, letting everyone say how they have been affected by the situation, and then having the group come up with ways to repair the harm and prevent it from happening again."

Dr. Abramson believes that community conferencing and restorative justice, although still not widely known, are continually growing fields, "bubbling from the ground up."

She stated that a fair amount of governmental funding went into restorative justice services in the mid-

90s and declined in the early and mid-2000s, with the result that some programs did not survive. She indicated that a good number of local and county-based programs have since developed and that virtually every state has restorative justice work underway.

She stated that CCC's earlier work centered on restorative justice. There are currently increased resources directed at work in schools as an alternative to the zero tolerance discipline suspension policies.

She reported that when community conferencing is used in addressing juvenile and criminal offenses, re-offending behavior is significantly reduced at a small fraction of the cost of going to court.

She stated that there is the need for more public education and information on the role and success of community conferencing and restorative justice practices. “People don't expect themselves to be able to fix their problems. They continue to believe that going to court is the only real way to get justice. We are seeking to change the culture regarding conflict resolution. People have to change hearts and minds. That doesn't happen in ten years. It happens slowly. We are seeking to shift people from a culture that is engaging in a win-lose system.”

Lauren believes there are growing opportunities around the country to engage in this kind of work, that it is “a movement on the rise.” She cited to Grace Lee Boggs, *The Next American Revolution—Sustainable Activism for the Twenty-First Century* (2011), regarding how we interact as human beings. Lauren believes that restorative justice is a part of the essential social revolution underway in our culture

“If you are interested in social justice and reform, this is incredibly powerful work. You have the privilege of providing and bearing witness to a very powerful transformation for giving communities a sense of collective empowerment and being an agent of institutional reform.”

To get involved at her center, volunteers take a 2½-day initial training followed by an apprenticeship with the center, from which people are selected for continuing volunteer opportunities. She stated that some conflict resolution academic coursework may be helpful, but people are primarily selected on the basis of their demonstrated aptitudes and abilities in their apprenticeship experiences.

Peter Adler, Ph.D., Principal in Accord 3.0, Honolulu, Hawaii, formerly Chief Executive Officer of The Keystone Center, Keystone, Colorado/Washington, D.C.

Peter stated he encounters lots of disappointed people—recovering attorneys and other people wanting to make a conflict resolution career.

“The field continues to encounter high provider supply/low market demand/high social need.”

The legal profession has somewhat captured the mediation field—by elite lawyers and retired judges.

“I do a lot of what I'd call mediation but I don't use the term unless I'm dealing with lawyers. If outside the judicial system—including environmental, energy, health care, and other public policy work—I use terms like 'strategic planning,' 'trouble shooting,' or 'problem solving.'”

He finds that organizations are continuing to bring in an outsider to “do the dirty work” when there are

problems.

Peter stated that it is good to get an advanced conflict resolution degree if you want to be an academic; but if you want to work in the field rather than teach or do research, get a degree in something else (e.g., law, social work, psychology, business—courses that prepare for a primary field) with a certificate or course work in conflict resolution. He does not encourage a primary degree in conflict resolution and doesn't see a market demand for master's degrees in conflict resolution.

Peter encouraged me to make mention of the movement among educators to define core “21st Century Education” skills. He indicated that there is a developing agreement on promoting critical thinking and problem solving, collaboration across networks, leading by influence, initiative and entrepreneurialism, strong oral and written communication, analysis of information, and curiosity and imagination. He stated that “These trends in primary and secondary education are part of the mix.”

John Bickerman, Esq., Bickerman Dispute Resolution, PLLC, Washington, D.C. He is a former chair of the Dispute Resolution Section, American Bar Association.

John indicated that he has seen some decline generally in the use of mediation through private mediators over the past few years. Corporations are taking mediation service in-house.

He did indicate, however, that he has witnessed some slight increase in mediation work recently as the economy has begun slowly recovering.

He stated that the pressures on law firms have changed over the past few years, with the consequence that attorneys have been less inclined to use mediation.

He has spoken to many corporate clients recently who have had bad experiences with mediation and indicated they are much less likely to use mediation in the future.

He believes that court-ordered mediation is marginalizing mediation. Many less capable mediators are doing more court-ordered mediation. “It's become an event in the litigation process. Check off the mediation box before continuing with litigation.”

John stated that “We're training people for jobs that don't exist.”

Juliana Birkhoff, Vice President, RESOLVE, Washington, D.C.

Juliana believes that conflict resolution has no real coherent body of knowledge and is not a profession.

“The general public has not accepted that what we do is a clear thing and does not understand and trust the value of what we do.”

Our conflict resolution leaders have not done a good job of public education, public relations, and marketing for our field.

Practitioners have to make their own paths, have to convince their client or employer that what they have and do, their analytical and practical skills, are what the client or employer needs. They have to craft and sell themselves.

“People who are creative, opportunistic and ambitious need to network, volunteer, get known, and sell, and eventually they will find something to focus on, market, and succeed.”

She believes that a small number of persons pursuing conflict work will succeed after ten years in building such careers, while a majority will work in jobs where collaborative skills are valued but related to something the job requires in management, health care, real estate, government etc.

She recommends that starting out, figure out the substantive area you want to work in, get knowledgeable and experienced in that field, work in that field, and seek conflict resolution opportunities in that field.

She is impressed with mediation skills. One needs to mediate to learn how to mediate.

Susan Butterwick, Esq., Mediator, lawyer, trainer, mediation program developer, law school and graduate school conflict resolution teacher, Ann Arbor, MI.

A lot of employment in mediation is funded by soft money unless you work for a university or court system. Such grant funding comes and goes.

She has been involved in developing pilot elder mediation and child protective service mediation programs, and cited similar experiences with loss of funding in both types of programs that she has helped develop and other such programs around the country.

She believes there is a need to get elder mediation services institutionalized. But such services compete with geriatric care managers, social workers, nursing home ombuds, etc. Funding for elder mediation pilot projects in numerous settings around the country over the past 15+ years have depended upon the support of a small number of judicial and other champions, have demonstrated positive outcomes, but funding dried up when the champions moved on or a overall challenging funding period arose.

She stated Michigan is a poor state for public funding, similar to California recently, and it is difficult to maintain public funding now for mediation programs in state courts and human services programs.

She believes there just aren't that many conflict resolution jobs available currently around the country.

She states that some conflict resolution training programs (specifically citing community college programs) remind her of chef schools several years ago in their misleading advertising. “Take these courses and you will have a career.”

She's concerned that we are training too many lawyer mediators. She believes that lawyers and law students need to know what mediation is about and should also have courses in counseling skills, negotiations, representing a client in mediation, and related areas.

She recommends that perspective students in conflict resolution graduate programs ask their career counselors, “What career counseling resources and employment services do you provide for your graduates?”

Her advice to law students who wish to be mediators: Practice law for a while, try to do some mediation for the firm and otherwise do mediations. Volunteer for the court, write articles, join ADR sections, give speeches, work your networks.

She stated that in Michigan people with graduate degrees in conflict resolution who are not attorneys can get on court mediation rosters but generally don't get cases. She encourages them to look at human resources departments in larger companies, determine if they want someone to help handle employment disputes. Volunteer for local community mediation centers. Do internships.

She believes conflict resolution is a very hard field to get into. It is easier for attorneys who begin developing a mediation practice while continuing to practice law and get referrals from lawyers and judges.

Consistent with her professional experiences in developing elder mediation, child protection mediation and other services, she believes one has to be willing to hustle for grants and other funding, to sell yourself; to be adaptive and flexible as a mediator, and to exercise self-promotion.

Her conflict resolution career continues to combine teaching, program development and management, training, research, and mediation.

Jayne Docherty, Ph.D., Program Director, Center for Justice and Peacebuilding, Eastern Mennonite University

She came into this field from a social activist leading, seeking to help make systems less violent and more just.

She sees people in our field as conflict specialists. She believes that “We should seek to cultivate conflict resolution skills in a wide range of people. Seek to transform the entire culture so that everyone is conflict competent.” She does not see people in our field talking about this approach.

She encourages asking people looking at conflict resolution graduate school, “Is this a vocation, a calling, a way of living, or a job.” There are schools for each response.

Eastern Mennonite University has about 70 master's degree graduate students currently, producing 25-30 MA degrees annually, and has granted about 450 master's degrees to date. The school also has additional certificate programs, including specialized programs for women from Somalia, Liberia and the South Pacific. The program has graduates doing United Nations Development Program peace-building work, plus many others working in domestic areas—restorative justice, education systems, etc.

She stated that a growing number of her program's graduates are going into private practice as consultants for programs dealing with conflict. Such persons have to be entrepreneurial. Her university program is working to help in such business planning and development. It seeks to mentor each student to help them develop their professional portfolio while they are at the school.

“We tell each student, 'You have to leave here with a resume,' and it's part of our job to help them do that. We encourage self-reflection and self-awareness.”

She indicated that her program gives some emphasis to helping its students understand how to transform organizations within which they may work to be more peaceful, and that their students can

use such skills within whatever job in which they may be working.

The Center for Justice and Peacebuilding has created a graduate certificate in cooperation with the university's masters of business administration program for individuals who will be involving in leading nonprofits and nongovernmental organizations.

She stated that student practicums are very important learning and career development experiences. She indicated that organizations are approaching her graduate program asking for practicum applicants. The faculty works closely with their students throughout their practicum experiences to provide a rich learning experience and positive outcomes for the practicum hosts.

She is very optimistic about increasing growth for peace-building work opportunities domestically and internationally, while believing there will not be as many jobs for mediators hired as outside neutrals. She believes that individuals who are conflict competent and able to employ skills such as negotiating conflicts as they arise, facilitating meetings and difficult discussions, mediating informally, and helping others analyze a conflict and make decisions to use conflict positively while reducing its potential harm will be in high demand in many professions.

Dan Dozier, attorney mediator, Press & Dozier, LLC, Bethesda, MD

He began by describing the current state of work opportunities in conflict resolution as “It's the best of times, it's the worst of times.”

He believes that the development of conflict resolution over the past forty years has been a huge success for society in regard to access and cost-savings—but only a niche field where people work full-time as neutrals and conflict resolvers. In his opinion, most people working in the field are hurting currently, even many who have recently been successfully doing environmental and other public policy collaboration work.

He stated that conflict resolution has changed society but has not created a profession.

He believes that much alternative dispute resolution training has been mislabeled and mis-marketed. “Take 40 hours, get certified, become a professional mediator.” It doesn't make you a professional or get you a job, but can teach you some useful life skills.

Dan believes you are hired for your content experience—experience in a field like diplomacy, environment, a legal specialization, recommending first develop the substantive expertise and then get some process skills in conflict resolution.

He encourages anyone to stay away from graduate school unless you want to teach or do research.

He believes there is a shrinking number of people who are going to make an alternative dispute resolution career. He does not see growth with some exceptions: ombuds, mediation in divorce/family matters, or mediation provided as an adjunct to a law practice especially by senior lawyers and retired judges. He stated that maturity and gray hair help increase work for lawyer mediators.

He thinks the federal government is primarily taking the conflict resolution service in-house to be provided by staff as part of their job description.

He stated that the practice of law is changing toward less civil litigation and more negotiated settlements. He believes the trend is not necessarily toward more mediation but toward more negotiated settlements, usually between lawyers occasionally using mediators when needed for their clients.

Kirk Emerson, Ph.D., Professor of Practice in Collaborative Governance, School of Government and Public Policy, University of Arizona

She teaches and works primarily in collaborative governance. Her primary practice field is environmental natural resources management.

She stated that conflict management and collaborative problem solving are skill sets increasingly recognized and valued as important for managers, lawyers and others in federal, state and local government and the private and nonprofit sectors.

She described one career path as integrating conflict management and collaborative problem solving skills into an expertise area or professional field, with the understanding that one does not have to do such activities on a full-time basis.

She sees increasing traction for conflict resolution skill sets in public and nonprofit arenas, citing as one major example the growing usage in the health care field.

In the corporate world, she believes that leaders bring in retired judges and well-known specialized lawyers to do settlements, mediations and arbitrations.

She stated that recent and continuing funding reductions in the public sector make it harder to fund outside neutrals. Public agencies are increasingly bringing these services in-house. She believes that a range of conflict resolution functions are being internalized into a lot of large private organizations.

She stated that it is good to combine one's conflict resolution training and skills with education and experience in law, public policy, public administration, business administration, and other fields.

To sell one's conflict resolution skills, she recommends focusing on evaluation and performance outcomes. "Individuals and programs need to be able to articulate the likely outcomes and values of their services and be able to demonstrate an ability to deliver the goods."

"You need to be a business person and have the data to support your claims."

Clare Fowler, Ph.D., Managing editor, Mediate.com; president, Fowler Mediation, Eugene, Oregon

Clare was formerly manager of the career program at the Straus Institute for Dispute Resolution, Pepperdine University School of Law.

She described working with three groups seeking careers in conflict resolution:

- Recent college or graduate school graduates with little or no prior work experience wanting to go straight into mediation/conflict resolution. Such people need to be very clear about

what they need to do to get there. Those working in the legal field for 15-20 years who want to transition into full-time mediation. For retired judges, the transition may be fairly simple. Lawyers need career advice on how to market and rebrand themselves.

- Professionals working in other fields (human resources, etc.) who want to transition into full-time mediation. They have experience resolving conflicts in their current office and business environments, have gotten conflict resolution education and training, and want to do it full-time.

In each case the issue is how to go from where you are to where you want to be. For people in each group, it is necessary to develop a career plan and to execute that plan. “Develop a clear plan, know who to talk and work with to make that plan happen, be specific, and be persistent.”

She agrees that more and more of conflict resolution work formerly done by private practitioners is being taken in-house to a staff position as a full or part-time portion of their responsibilities. In some instances companies may keep a private conflict resolution specialist on retainer.

She believes ombuds positions are growing in some fields—large private organizations and government entities—but she believes they may recently be on the decline in universities.

She noted the big growth in conflict resolution graduate programs outside of law schools, attracting students with interest in international relations, public policy, business, etc. She stated many such programs have been doing heavy marketing to international students—now up to 20% foreign students in some U.S. graduate programs.

She stated that most conflict resolution graduate programs have a 3-month internship requirement.

She said the American Red Cross has an excellent 6-month international internship program that provides certification for people seeking to enter peace-building work.

She agrees that people seeking to develop careers in conflict resolution should “specialize, specialize, specialize.”

She stated that people seeking to enter conflict resolution careers can go to the career department of a university conflict resolution program even if not a student there and say “Here’s the exact project I want to do” and can get good career assistance.

She said that she has seen examples recently of young graduates of conflict resolution programs who have developed a specialty and used social media to successfully develop and market their services in a short period of time.

Howard Gadlin, Ph.D., Director of the Office of the Ombudsman, Center for Cooperative Resolution, National Institutes of Health, Washington, D.C.

Howard stated that most employers prefer to hire their ombuds from within their ranks. Government is somewhat the exception, with broader searches for their ombuds positions.

He believes it is very important to have an understanding of the culture within which you serve as ombuds.

He thinks it is unclear whether the number of ombuds positions is currently growing in this economy. It is still perceived as a position that can be done without.

He is concerned that ombuds have been relegated generally to “a mid-level complaint office,” not given the responsibilities deserved and not involved in conflicts involving top leadership. (See similarly, B. Mayer interview summary, below.)

He thinks that a positive result from the growth of academic conflict resolution programs is a movement toward more serious research and publication regarding the dynamics of conflict and the processes of conflict resolution.

He has concern regarding the extent to which the dispute resolution field had been annexed by the courts—reducing the service to a cost-savings approach.

The National Institutes of Health Office of the Ombudsman no longer has the budget to pay ombuds interns, but still gets lots of high-quality applicants. “Anything that looks like you have experience helps with career development.”

“Kids are being raised from at least middle school on with mediation being used for student disputes. It's in the culture.”

Tim Hicks, M.A., Director, Conflict and Dispute Resolution Masters Program, University of Oregon

His program has been in existence for nine years, with 28 graduate students/year pursuing master's degrees, several of whom are pursuing concurrent degrees in law or other areas.

He started his career in business and got a masters in dispute resolution when he was 42 after substantial other experience. He ran a business with 150 employees. He began his work in conflict resolution doing divorce mediation, adding workplace mediation, training and consulting. He had credibility with clients in workplace settings because of his work experience.

He believes the career growth areas in conflict resolution are organizational conflict management and ombuds programs. He sees ombuds positions growing in local government, health care, and universities. He also thinks that environmental public policy collaborative decision-making is growing, particularly in the western U.S.

He believes that family and divorce alternative dispute resolution is continuing to grow, but that the number of practitioners is also growing and such work is very competitive. He stated that it helps to be an attorney in order to get the work and have other income streams.

He stated that “The supply of conflict resolution practitioners exceeds demand for services has been the story on the street since the early 1990s,” but he believes there has recently been a positive change in job postings for conflict resolution positions and skills particularly in hospitals, corporations, nonprofit organizations, and for ombuds. He believes that job demand is growing both in conflict resolution jobs and jobs seeking people with conflict resolution skills as part of the job description.

He indicated that his program graduates are “working broadly” in the field, using their conflict resolution skills in nonprofit organizations, human resources offices, etc., and are not necessarily doing

what they initially wanted or planned when they began graduate school. Some students have successfully used their internships to get jobs in ombuds or environmental planning positions. He estimated that about eighty percent of his program graduates are working in fields more or less related to their academic backgrounds.

He believes that concurrent degrees generally are a good idea along with a conflict resolution degree, whether with international studies, environmental studies, public planning and administration, nonprofit management, business administration, or other fields.

Christopher Honeyman, Managing Partner, Convenor Conflict Management, Madison WI and Washington, D.C.

He does not feel this is a welcoming field for people to make a career in any conventional way. Generally one starts becoming viable maybe at age 40 or 50 after lots of experience in other fields.

Parties expect you to show up with some gray hairs. “You're not going to get lots of opportunities at an early age.”

His research in the 1980s indicated that you can't train people in a short course to do mediation. It has more to do with how people developed their skills over time outside of any formal training---perhaps over as many as 30 or 40 years, though some younger people have made a success of this work. He stated there is a social good in guiding people who are good at such work and providing them with the imprimatur to advance in such work.

Chris thinks the field is more competitive now than 25 years ago. He believes that a “staggering number of people are looking for work in this field,” while labor relations cases in particular are shrinking and even civil litigation seems to have reached a plateau.

But there continues to be a lot of conflict in lots of areas. “Someone who is creative can do a lot of work by upending the usual career search” [i.e., applying for existing job postings and after being hired, then analyzing the opportunities created for conflict handling in all organizations] by discerning problems, developing solutions and promoting their services.

His central recommendation is that whatever field you are in—accounting, law, health care, etc.--work in that area and look for conflict where you can do conflict resolution after you've proven yourself.

“Get a job in an organization that has conflict, and you've got a paying job in the meantime. Go from there to expand the amount of time you devote to conflict management.” (Note: In my discussion with Chris and others, I learned that this is essentially a continuation of the career path through which many present-day conflict resolution leaders entered the field under the aegis of the Federal Administrative Dispute Resolution Act of 1996, which required all federal agencies to designate a “Dispute Resolution Specialist” but did not provide funding for this position, with the result that an existing staffer with other duties volunteered to do this function in addition to their other responsibilities.)

It's important to the conflict services field that more jobs expect a conflict resolution skill set.

His personal long-term goal is to learn how to take this kind of knowledge and spread it more broadly through organizations.

Carole Houk, Esq., Carole Houk International, LLC, Washington, D.C.

She consults in the fields of collaborative problem solving, organizational development, strategic planning, roster management, ombuds services, and integrated conflict management systems design for private and public sector organizations.

During early implementation of the Federal Administrative Dispute Resolution Act of 1996, Carole was the U.S. Department of Navy's first Dispute Resolution Counsel, using ADR to address contractual disputes, environmental issues, and workplace conflicts. Toward the end of her tenure at the Navy, she developed a conflict resolution program for use by the National Naval Medical Center in Bethesda, MD. This program offered an internal ombudsman/mediator to respond to adverse clinical events, offering early resolution to patients, families and providers outside of litigation.

In transitioning to the private sector, she used the healthcare ombuds program as one element of her business model, promoting it at health care conferences to private health care providers.

She said that she had good timing with changes underway in health care delivery. Kaiser Permanente saw her presentation at a conference and said "We want it." For three years, she served as the principal consultant in the design and implementation of over 30 healthcare ombuds/mediator programs for Kaiser Permanente Medical Centers. She also provides intensive training for healthcare risk managers in early resolution techniques in both acute and long term care markets, and disclosure training to physicians and other providers.

Carole said, "Define a problem, solve it, and market your solution."

"I try to identify needs and figure out how to take care of them."

"You have to create your job."

She believes that our trade associations have done an inadequate job of promoting conflict resolution, in large part through an over-emphasis on mediation.

She describes conflict management as an exciting field, and sees herself as a systems designer.

"Our field has been too narrow, with a focus on mediation. It's ten percent of what I do. But where do I get training in systems design?"

She likes to focus on "how to address and resolve adverse events to the best interests of all the parties at the earliest and cheapest manner and stage."

She believes in having a focus—in her case, health care. She recommends identifying your niche and specializing. She also encourages assessing and using your strengths—i.e., she's a convenor who can bring people together.

Susan Jeghelian, Esq., Executive Director, Massachusetts Office of Public Collaboration, University of Massachusetts Boston

The Massachusetts Office of Public Collaboration was established by statute and created initially within state government over twenty-five years ago to assist state and local public agencies as a neutral forum and resource center for dispute resolution. Over the years the office's mission has expanded to consensus-building and public engagement as well.

Susan said that her office helps to create a structure for conflict resolution work in the state. It helps to describe and promote collaborative governance and build the infrastructure for providing the service.

The program suffered an eighty percent cut in its base state funding in 2003, which funding has not been restored. She stated that the office is now located within the state university system. In addition to a state appropriation, the office is funded through government and private grants and fee-for-service contracts with public agencies. She stated that state and local agencies are able to engage the program's services without having to go through a competitive procurement process.

“We have to demonstrate the value of the money we are being given,” Jeghelian said. “We're doing more evaluation and research to demonstrate the value of our services and the impact of collaborative processes.” According to Jeghelian, “This approach is essential to successful fundraising and to maintaining investment in conflict resolution programming as a sustainable source of work for practitioners and academic researchers.”

She also indicated that in Massachusetts private practitioners have been qualified to provide services on public contracts through her program as a strategy to get work and build their practices. She said that this approach to career-building has also happened in relation to public and university-based programs similar to hers in other states.

Marvin Johnson, Esq., Executive Director, Center for Alternative Dispute Resolution, Greenbelt, Maryland

Marvin is optimistic about the field of conflict resolution. He states that our field touches everything. Human beings have conflict in everything they do. “Wherever there are human beings, there is conflict.”

He agrees that the conflict resolution skill set is being used in other fields. These skills are appropriate for other areas. When more people understand this work, they will better appreciate its value.

He believes the conflict resolution community needs to do better public education regarding conflict resolution services. We need to do a better job of explaining to the public what we are doing.

He also stated that, while progress has been made, this community needs to increase the diversity of providers of conflict management and resolution services and in its public education to diverse populations regarding the value, availability and use of such services.

He believes recent economic conditions have caused some problems in conflict resolution funding and usage, citing as examples public policy facilitation and court-based mediation services.

Marvin states that conflict resolution practitioners are moving into increasing specialization, which he sees as a problem. He thinks this trend is being driven in part by lawyers who are accustomed to specialization in their work, and who look for a mediator who has a specialization in their conflict area.

He also understands that young people entering the field seek credentials of specialization as a career enhancement. He acknowledges that the current trend is that people who want to get into the field are not going to get selected unless they are deemed to have the special training, education, background, and experience.

As a counter-balance to this trend, Marvin prefers to see people working in conflict resolution as process experts who can do anything. He advises people to stretch themselves to all types of alternative dispute resolution and processes within ADR—fact-finding, assessments, evaluations, etc. He believes that the more tools you have, the more options you have.

He believes that developing multi-skill sets provide more professional opportunities. “I was mentored and I learned how to be proficient in a wide range of conflict resolution skill sets that could be applied to various ADR mechanisms. I have seen people with only one or sometimes two conflict resolution skill sets have an extremely difficult time attempting to become a full-time ADR practitioner.

We agreed that we each know a number of conflict resolution professionals who do mediation, facilitation, negotiations, training, consulting, private legal counsel, coaching, and other services around a conflict resolution core that combine into a successful career. This continues to be prominent model in our field.

He advocates learning as much as you can and believes there is much work to be done. Don't rely simply upon court-ordered mediations, but “go downstream” before a conflict has turned into litigation and seek to develop a remedy.

He said that the lack of an understanding of the business aspect of the profession is an additional obstacle that has caused some to give up or lose interest in an ADR career.

Robert M. Jones, Director, FCRC Consensus Center, Florida State University, Tallahassee

His office was created at Florida State University in 1990 by state legislation to build consensus on growth conflicts. It is one of about 12 such programs across the U.S. inspired or funded by the National Institute for Dispute Resolution to provide neutral services for public policy issues among public and private stakeholders, state regulators and local officials. Its services have broadened in Florida to other issues like Everglades restoration, water management, regional and local visioning, health care, and other areas.

“The field of public policy facilitation has been constantly expanding its reach, experimenting with hybrid approaches and processes and changing in its definition and description.”

He sees increasing collaborative decision-making and leadership activities in the public and private sectors, creating the need and opportunities for people with dispute resolution and collaborative skill sets. He believes that organizations are increasingly seeing the need to build collaborative capacity in order to meet their missions and employers will expect employees to know how to collaborate effectively.

“This will be part of one's job rather than a discrete career path in many instances.”

He reported continuing growth in court mediation in Florida chiefly involving attorney mediators.

Lisa Kloppenberg, Dean, Santa Clara (CA) Law School; former Dean and Professor (Alternative Dispute Resolution), University of Dayton (OH) Law School

She described the continuing law school curriculum reform around the country resulting in more law students and lawyers getting exposure to modes of alternative dispute resolution. This ADR movement in law schools began over twenty- five years ago but seems to be increasing again.

Dean Kloppenberg cited me to her new article, Lisa A. Kloppenberg, “Training the Heads, Hands and Hearts of Tomorrow's Lawyers: A Problem Solving Approach,” 2013 Journal of Dispute Resolution 101 (2013) in which she discussed the increasing emphasis on conflict prevention and resolution training in American legal education.

Dean Kloppenberg cited to the high-profile example of Kenneth Feinberg's facilitating the World Trade Center and Texas Gulf oil spill settlements in exposing the public to the use of ADR in complex cases.

She believes that there is a growth in work opportunities for people with conflict resolution backgrounds and experience in business, universities, health care, and government.

Michael Lewis, Attorney mediator, JAMS, Washington, D.C.

Regarding the advice he gives when asked about how to build a career in dispute resolution, Michael said he consistently says, “Gain some credibility in an area in which you have an interest. This generally takes a few years. Build credibility as a person of fairness and even temper, then announce that you're going to begin mediating. Build prestige from those who know you best. This applies whether you are a lawyer, social worker, psychologist, or working in other professions or areas.”

An interesting trend he's been seeing is the increasing use of mediation techniques by people who stakeholders would not view as neutral within government agencies and with large public disputes. “Some of the holiness of neutrality may be more in the eyes of mediators.” There is a trend to training a core of people in organizations who deal with disputes and help people to reach agreements. He mentioned seeing this particularly in environmental issues.

Michael said he did not have statistics, but believes that there is currently less work generally at the federal level than there was a few years ago when the Justice Department was leading the charge to expand the use of mediation in resolving public disputes. He feels that federal agencies across the board now have less money than they used to have for such services.

He believes that conflict resolution services are becoming embedded in state and federal agencies rather than contracted out to external providers.

Michael is aware of some contraction of state court-ordered mediation in some states around the country because of funding reductions to state judiciaries but doesn't have national data. He feels that private attorneys have continued using ADR in non-court-ordered settings at about the same level as before the recent recession. He doesn't think there has been any major increase recently but that such usage is probably holding the course.

He reported that JAMS has been doing very well recently, with higher earnings in the past year by a considerable amount than at any time in its history. He said that JAMS had some reduction in cases and fees around 2008 or 2009, after which its service demand and revenues came back very strongly and has been on an upward trajectory ever since.

When I asked Michael what the dispute resolution field should be doing to better promote its services, he stated that the field had over-sold itself at times in the past and he was glad that it was not continuing in that mode. He feels that the current challenge is determining how to highlight our achievements without one again over-selling our services.

He stated that “We've been involved in settling disputes that have had real public interest significance,” giving settlement examples specifically in environmental conflicts over air and water quality and related matters. He stated that post-settlement press releases by involved agencies did not mention the mediation or facilitation service without which the settlements would likely not have been achieved. “How do our services get credit for helping to resolve such conflicts so that stakeholders consider mediation and facilitation as a matter of course?”

He believes that research is a future career path in conflict resolution.

He agreed that there is increasing pressure on mediators to specialize by focusing on one or two areas.

Bernard Mayer, Ph.D., Professor, Werner Institute for Negotiation and Conflict Resolution, Creighton University; Partner, CDR Associates, Boulder, Colorado

Bernie is author of *Beyond Neutrality* (2004), *Staying with Conflicts: A Strategic Approach to Ongoing Disputes* (2009), and numerous other publications on conflict resolution.

He stated that we are taking more seriously providing academic training in conflict resolution, but believes we are “pouring out too many people.” He stated that the graduate programs need to do some research on where their graduates are working.

Conflict resolution professionals “ought to have a seat at the decision-making table.” We don't necessarily have all the answers but we should be at the table when decisions are being made. We still are not involved in most instances when discussions are underway and decisions are being made regarding critical conflicts at the local, national and international levels.

“We are best at creating the conversation that needs to happen” in a wide range of conflict situations. Beginning with his social work background, he created child protection mediation programs in an area in which he had substantial background. He said he needed to use all of that experience to help people talk with each other in a matter in which they would have preferred to not have that kind of conversation.

We help people have conversations with whom they are ready to talk through a range of approaches—mediation, coaching, facilitation.

He believes that people in conflict generally do not want a neutral. They want an ally to help them think through their problem.

We need to continue working on how to tell our story about how to help people get involved in conversations. If you are in a conflict, who do you go to? People need help in a conflict. We haven't developed well how to tell our story about what we do.

“We have a richer, more humane story to tell but the narrative is much subtler.”

Regarding specialization, “What do we bring to the table? The more you know the better, not just process, but also substantive knowledge. It's what the market demands.”

Bernie states that his “mediation signature” (Forrest Mosten's term) is conflicts that are fundamentally relationship-based.

He is married to Julie Macfarlane, author of *The New Lawyer: How Settlement is Changing the Practice of Law* (2013), cited by a number of the other people (primarily law school teachers) I interviewed.

In *Staying with Conflict*, he stated, “The most significant conflicts people face are the enduring ones—those struggles that are long lasting and for which a resolution is either irrelevant or is just one in a series of partial goals in service of a long-term endeavor.” He encourages in such conflicts what he calls developing “constructive engagement” approaches, particularly in public policy and government decision-making arenas.

Carrie Menkel-Meadow, A.B. Chettle Professor of Law, Dispute Resolution and Civil Procedure, Georgetown University Law Center; Chancellor's Professor of Law and Political Science, University of California, Irvine, School of Law.

She began with the “good news” that the field is growing enormously all over the world. Academic programs in conflict resolution at the graduate and law school level are growing. Peacekeeping activities and employment activities internationally are growing. The European Union has directives on using mediation on civil and trans-border cases, with lots of training going on. Every member state is required to have mediation protocols. Mediation is being used routinely there in high-end probate, trust, family and other cases. Mediation development is also underway in Moscow. She has encountered some increase in arbitration and perhaps mediation recently in Singapore and other Asian countries.

Lawyers in big cases are much more familiar with mediation now and more willing to use mediation.

Sophisticated lawyers are using high-end mediation a lot, looking for a mediator who fits their needs and confidence levels.

She stated that interest in conflict resolution is very high at the law school level, with every law school teaching some kind of alternative dispute resolution courses.

Carrie believes there is a high need for conflict resolution because of all of the conflicts in the world.

Unfortunately diplomats and government officials still have not studied or been using current conflict resolution skills in their work.

She listed the “bad news” as centered on public funding cuts. The federal government has been freezing conflict resolution funding and jobs, retarding growth. State government funding in California for court services and conflict resolution has been awful. The state has closed lots of family and other courts, with budget cuts recently to all court mediation programs statewide. She believes that courts are in trouble all over the country because of declining public revenues, with big cutbacks of mediation staff. She reported that recent law grads are not getting conflict resolution jobs.

Carrie said her law students ask her “Can I make a living as a mediator?” She tells them, “Absolutely—but practice law first, get some experience and credentials and credibility.”

She also reported that her former students who are 5-10 years into their legal practice ask her how to get into alternative dispute resolution. “I tell them to go somewhere there isn't the service.”

She agrees there is a growth in in-house ombuds programs and other internal conflict management systems in business and the public and nonprofit sectors.

Carrie cited me to a couple of her recent publications that were very helpful in regards to my insecurities over difficulties gathering statistical data on ADR usage in courts, public agencies, and particularly private arenas in the U.S. See, Carrie Menkel-Meadow, “Doing Good Instead of Doing Well? What Lawyers Could Be Doing in a World of 'Too Many' Lawyers,” 3, 3 Onati Socio-legal Series [online], (2013), pp. 388-389, available from <http://ssm.com/abstract=2269818>, where she stated:

Efforts to document and report on the dimensions and market share of these new professions have been largely unsuccessful, in large part because so much dispute resolution (mediation, arbitration and hybrids) is conducted in the private sphere without any requirements for reporting to public agencies in the United States Nevertheless we know that a vast number of cases filed in the American courts are settled through one of these processes, whether in the courts themselves (through mandatory settlement conferences, court annexed mediation or arbitration programs) or through private processes. . . . In the United States (which so far stands alone in this controversial practice), arbitration is now mandatory (and pre-emptive of litigation) in almost all consumer and employment disputes as mandatory pre-dispute assignment to arbitration is found in almost all contracts, and the practice has been sustained by the United States Supreme Court against virtually all constitutional and statutory challenges. . . . Most family courts (a matter of state, not federal law in the United States) require divorcing parents to attend mandatory mediation or conciliation programs. . . . Clearly the use of arbitrators and mediators has increased in high stake matters like the BP oil spill, the September 11 Victims Compensation Fund, other major class actions, and in the use of court adjuncts as special masters, designers and implementers of other mass tort, mass disaster and similar claims.

See further, Carrie Menkel-Meadow, “Regulation of Dispute Resolution in the United States of America: From the Formal to the Informal to the Semi-formal,” in Felix Steffek et al., editors, *Regulating Dispute Resolution—ADR and Access to Justice at the Crossroads* (2013), pp. 419-454. Regarding efforts to gather data about ADR usage in the U.S., she reported:

I reviewed a sample of federal and state court systems for whatever data were available on cases actually referred to ADR and whatever data were available on disposition. The

data available are scanty (it appears the Administrative Office of the Courts at the federal level is not keeping track of ADR statistics by court on a regular basis) At the state level, most states do provide some statistical summaries of the uses of the various forms of ADR, but methods of data collection, categories about which data are collected and outcome measures vary considerably. . . . (pp. 441-442)

Although the use of contractual arbitration has now been federally 'legitimated' by a series of Supreme Court cases sustaining such clauses, how those arbitrations are actually conducted remains essentially private, determined by contractual provisions or by the private rule systems of the leading arbitral tribunals and administering organisations, such as the American Arbitration Association and JAMS. . . .

Mediation is increasingly used in more and more settings (internal family issues without dissolution, education matters, probate, internal business relationships without lawsuits, organisational dispute resolution) that are far removed from courts and not subject to any reporting or regulatory schemes. Thus, the ability to generate any accurate accounting of just how much mediation or ADR there is is virtually impossible.

Whatever data and formal rules may be available from the formal and semi-formal arenas, the largest sector of 'ADR' is clearly private (involving voluntary and now contractually mandated mediation, arbitration or choices to use some of the newer hybrids), and the private sector remains fiercely private. . . . Although a few studies have now appeared in some sectors . . . , most information from the largest private providers of dispute resolution services remains relatively obscure, with no formal requirements to report information. (pp. 444-445)

Catherine Morris, Director, Energy Practice, The Keystone Center, Washington, D.C.

She is a public policy/multi-stakeholder facilitator whose primary working field concerns energy and environmental public policy formulation.

She thinks collaborative decision-making and public policy facilitation will continue to grow as a career field.

Budget constraints recently have had a negative effect on public contracts in the public policy facilitation work field.

She believes the public policy facilitation community needs to continue doing public education to tell its story. "We need to make the case that our services can lead to better policies and solutions; that we can help translate science into policy."

She continued to explain that her consumer groups, especially federal and state regulatory agencies, have a bias for academic expertise as the foundation for the type of answers it wants to hear in establishing public policies. Her field has to make the case how it helps translate scientific and other data into policy for the best solutions.

She indicated that mid-sized public policy facility organizations like The Keystone Center are currently struggling with determining the right business model for a sustainable cash flow. She explained that

their boards of directors want to change the world, while their executive officers must manage organizational sustainability. We agreed this issue deserved much more consideration by a broad range of conflict resolution professionals seeking to develop and sustain economically viable service systems.

Catherine recommends getting a degree in such areas as public policy, social science, economics, and natural science. She believes clients want subject matter expertise.

Forrest Mosten, Mediator, limited scope and collaborative law, and Adjunct Professor, University of California Los Angeles School of Law.

Forrest “Woody” Mosten is author of *Mediation Career Guide—A Strategic Approach to Building a Successful Practice* (2001); “The Future of Collaborative Practice: A Vision for 2030,” 49 Family Court Review 282 (April 2011); and “Mediation in 2030: Twenty Predictions,” Advocate—Journal of Consumer Attorney Associations for Southern California (September 2012), among many other publications.

When I interviewed Woody, he indicated that he remains “absolutely confident that the market for mediation services in the United States will continue to grow substantially over the next few years. Given the crisis in the courts across our country, mediation is essential to providing access to justice.”

Many of Woody's projections about the development and expansion of mediation services in the epilogue entitled “The Evolving Field of Mediation” in his 2001 *Mediation Career Guide* (pp. 190-210) have been accurate, including the adoption of a “Uniform Mediation Act” and adoption by several states, the increasing adoption of professional standards for mediators by state courts, legislatures and administrative agencies, an emerging duty of attorneys to advise their clients about mediation, and increasing development of “multi-door courthouses” across the country.

He was also prescient regarding “Turf Wars,” stating that “Now that mediation is on the rise, some conflicts are emerging within the profession and between mediation and other professions. These conflicts are having a major impact on the quality, accessibility, and development of the profession and the ability to offer conflict resolution help to those who need it.” (p. 201)

Mosten's *Guide* is an excellent tool for anyone considering establishing a mediation or other conflict resolution practice, with sections on “Is Mediation Right for You,” “Education and Training,” “Defining Your Target Market,” “Strategic Planning and Investing in Yourself,” “Marketing Your Practice Effectively,” and other topics. He includes a “Mediator Self-Survey” form as a great starting place for self-analysis.

Woody is often cited for his encouraging mediators to develop their “Mediation Signature.” He states:

The twin foundations of a mediation practice are craft and clients. Without a developed set of skills at the mediation table, you will not be able to maximize your effectiveness to help people who entrust you to help them solve their problems. Yet without clients who are prepared to pay for your services, your mediation skills will get rusty and may never be used.

If craft and clients are the symbiotic components of your practice foundation, the mortar that binds them is your mediation signature—the way you are known among your peers,

your referral sources, your clients, and the community at large. . . . It is becoming commonplace for parties to shop for a mediator by interviewing three, five, or even more candidates, comparing mediation style, background and experience, availability and price. A clear mediation signature gives prospective clients more information about you and increases the chances that they will select you. . . . A mediation signature is how you describe your approach at the mediation table and how you attract clients. (*Mediation Career Guide*, pp. 75-76)

His 2011 and 2012 articles on collaborative practice and mediation (above) further detail his “bullish” (his word) exuberance in the continued expansion of mediation specifically and conflict resolution practice generally. He began the 2011 article with “Mediation and peacemaking is a growth field and the future has already arrived.”

His career experience is a good example of the often-heard story in my interviews that developing a conflict resolution practice is rarely an overnight success:

In 1979, I opened my private mediation practice in a storefront on Sepulveda Boulevard near LAX [Los Angeles International Airport], between a pet store and the Loyola movie theater. I had resigned my position as Federal Trade Commission Assistant Regional Director for Consumer Protection and invested the proceeds of my house sale to follow my dream of making a living through mediation. Most of the calls I received that first year were for 'meditation' or 'medication' and I billed a total of 90 hours for mediation. It took seven years for me to finally match my mediation revenue with my expenses. The good news is that since 1986, my life's work of peacemaking has provided a comfortable living and has been a continual source of personal fulfillment. (“Mediation in 2030: Twenty Predictions.”)

See also, Woody's recent article, “Beyond Mediation Toward Peacemaking,” [ACResolution](#) (Summer 2013), Pp. 30-32, where he states:

I still believe strongly in the value of mediation. But I think there's a need for further innovation in what we do. Specifically, I think we need to develop a practice of **peacemaking** that augments our mediation work. . . .

Peacemaking means creating a sense of peace and mindfulness within our own lives and in our work by harnessing our core values and our best personal attributes. It means making a commitment and using our skills to impact the colleagues and institutions with which we work as well as those in our wider professional communities and beyond. It means devoting our mediation efforts to the improvement and repair of parties' individual lives, repair of their relationships and prevention of future conflict

Perhaps the greatest difference peacemakers can make is by adding **conflict prevention** into their mediation work I believe it is our duty and opportunity to help mediation participants to minimize future recurrence of conflict and maximize harmony in their lives.

Jane C. Murphy, J.D. Professor of Alternative Dispute Resolution, University of Baltimore School of Law

Jane teaches mediation and related courses in clinic and class room settings. She reported encountering lots of interest by law students in doing mediation.

She advises her students that, while there are limited opportunities to work full time as a mediator, today's lawyers spend substantial time representing clients in court ordered or private mediation. She believes that lawyers need to develop new skills to counsel and represent their clients in mediation.

She also reported increasing interest in collaborative lawyering by law students. She indicated that there is some expansion in collaborative legal services being provided, but that such is only a small percentage of their practice even by many leading collaborative practitioners.

She stated there is increasing emphasis in law schools around the country on developing problem-solving skills. She cited to Julie Macfarlane's *The New Lawyer: How Settlement is Changing the Practice of Law* (2013) and Richard Susskind's *Tomorrow's Lawyer: An Introduction to Your Future* (2013) as works having substantial influence currently within the legal academy.

Tamra Pearson d'Estree, Ph.D., Professor of Conflict Resolution; Co-Director and Director of Research and Practice, Conflict Resolution Institute, University of Denver

She stated that currently, compared to 20 years ago, there are more opportunities for conflict resolution specialists, particularly serving in-house in businesses, agencies, corporations, and organizations.

She explained that formerly practitioners were more likely to set up a solo practice, but much less so currently. She believes that it is generally better for persons seeking to begin conflict resolution careers to begin in-house in government agencies, corporations, universities, health care providers, and nonprofit organizations, to work within their professional framework, get experience, and make connections before seeking to go into private practice.

She explained that conflict resolution is a very broad field, with work opportunities in domestic and international areas. Students may come into her graduate program with a passion to save the world and become excited about promoting restorative justice in inter-city schools.

She encourages her students to ask themselves, "What am I interested in? What am I good at?" to help guide their career decisions.

Tamra stated that some of her students have recently done internships and gotten jobs at such agencies as the Federal Mediation and Conciliation Service, U.S. Department of Justice's Community Relations Service, and the National Transportation Safety Board.

Regarding international peace-building jobs, "There are so many people chasing these jobs, one has to volunteer for a first job. It is very unusual to get paid initially." Current contraction in the economy means less paying jobs in this area at the moment, but you may be able to get work if you're willing to volunteer. She said this was "not fair but the way it is."

One of her recent graduates went to work immediately after graduation for the United Nations

Development Program's Latin America Office developing a "Democratic Dialogue Manual" promoting policy dialogues and civil discourse. This individual is now doing similar work in Haiti. She had multi-language capabilities (English, French, and Spanish) before beginning graduate work in conflict resolution. Tamra states there are similar jobs at the World Bank and other international agencies.

If you have special training it may make you more marketable for international positions. She listed examples of good specializations for international peace building work as including program evaluation, geographic information systems (GIS), foreign language, technology skills, international law, health care, education, and regional specializations.

She stated that it was preferable that students have life experience (work, travel, etc.) before beginning conflict resolution graduate school. It's good to work for a couple of years at least after undergraduate school before beginning graduate school. Such students can make better use of the graduate program.

She described one student who began her graduate program immediately after undergraduate work who was an excellent student but still "too young for the market" when receiving her master's degree. She is now fulfilling two years in "Teach for America."

She stated that it is very good to have a specialization in addition to a generic conflict resolution degree. Her graduate program encourages students to create a specialization through their internships and practicums, required for the degree, placing them with mentors in their desired specializations.

She indicated that students need to develop a special focus of the organization or field in which they wish to work--know the law, structures, people, services, lingo, etc. She starts networking her students into professional networks relevant to their identified specializations during their graduate school program.

"Many students today don't understand the importance of professional networking even though they use social media," she said. "It's a critical piece in getting a job. Some students understand this naturally, while others do not."

Matthew S. Phillips, J.D., Executive Director, National Association for Community Mediation, Palm Springs, CA.

Matthew has been National Association for Community Mediation (NACFM) executive director since March 2013. He was formerly executive director of Western Washington's Volunteers of America's Dispute Resolution Center, Everett, WA, 2006-2013.

According to NACFM's "State of Community Mediation Report" (2011), there were over 400 community mediation centers in the United States, with more than 1,300 staff members and 20,000 volunteer mediators.

Community mediation centers, primarily nonprofit organizations with a smaller number operating as projects of local governmental agencies, employ staff to recruit and provide mediation training to volunteers reflecting the diverse composition of the communities they serve to provide mediation and related services in a range of local conflicts. They have governing or advisory boards also reflecting the populations of their service communities.

Matthew affirmed that community mediation is helping to increase the diversity of mediator practitioners through its values on reflecting the composition of its service communities.

The 2011 report described the data collected on mediation case types from community mediation programs around the country. The report stated:

As with the broad expansion of its overall service portfolio, the community practice area has also undergone an impressive diversification in the mediation case types it serves. Traditionally, community mediation was narrowly focused on and understood within the neighbor-to-neighbor context. . . . They have matured to include divergent spheres of conflict where, increasingly, the key commonality is less about a particular relational dynamic or parties' proximity but, rather, on the mere potential for mediation services to enhance a dynamic or an outcome. As a result, community mediation services now reach beyond the disputing neighbor dyad and into over 100 distinct conflict case types. This catalog of conflict can be broadly categorized into community, family, court-connected, housing, school, and workplace context.

I asked Matthew about articles describing how community mediation programs throughout the country were experiencing substantial declines in funding, staffing and services beginning in 2008. He cited me to NAFCM's November 2013 "2013 State of Community Mediation Supplement" describing how five community mediation programs around the country have increased their funding over the past two years in the midst of very challenging economic and funding circumstances. "2013 State of Community Mediation Report Supplement—Profiles of Growth" (NAFCM, 2013).

The 2013 Supplement "collected five case studies where community mediation centers of various budget size achieved financial stability including the development of completed new revenue streams. . . [W]ith traditional government funding becoming less reliable, one often hears it stated that nonprofits need to diversify their funding sources. . . . [T]hese successes in the field of community mediation all occurred since the downturn in the economy demonstrating the field's resilience and ability to grow under the most difficult of circumstances." The 2011 annual reports and 2013 supplement can be obtained through NAFCM's website, www.nafcm.org.

Regarding how to get employment in community mediation, Matthew stated that it was essential to first become take a basic mediation training and become a volunteer with a community mediation center. "The overwhelming majority of staff hired at our center in Washington state were first volunteers at our center."

He stated that there are currently different types of positions available in community mediation than ten years ago, when new staff persons normally began as intake assistants or in similar positions. The centers are becoming more innovative and entrepreneurial. They are seeking people with more specialized skills and experiences in such areas as low-income housing, homelessness prevention, prisoner re-entry, and numerous other areas in partnership with local government or other special-purpose nonprofit service organizations. This reflects the emerging focus of community mediation services to support special-purpose community services. Community mediation programs are also seeking persons with community mediation training and experience who bring in a resource development expertise to help develop funding.

I asked Matthew about conflicts between private mediators and community mediation programs

encountered around the country regarding competition and turf. Regarding such relationships, he stated, "We're seeking to work together and utilizing the different strengths we have." He cited as an example his former experience at Everett, Washington's Volunteers of America Dispute Resolution Center where his and other programs established a foreclosure prevention center which created a referral system where some conflicts went to a public dispute resolution center, others went to community mediators and others were referred to private mediators. The community mediation program performed the intake and split the fees charged by the private mediators. He believes that such partnerships will increase around the country.

He stated that some community mediation volunteers establish private mediation practices after spending some time in community mediation, and believes that it is mutually beneficial for the centers and private mediators to establish and maintain supportive symbiotic relationships.

He strongly recommends that persons interested in working in conflict resolution volunteer to take community mediation training and volunteer to do mediations for the community center. He urges interested people to "Take a basic community mediation training. Such training help make you a better human being. That alone is a huge reason to explore it and use in your personal life. It also helps you determine if this is something you want to do."

"Start with a 40 hour training and if it feels like a fit, do a practicum and do volunteer mediation and get to know the family on a deeper level and get into the culture and community."

He urged people interested in entering the field to be flexible. Explore any opportunities you get. The people who become successful often don't start off in their dream position, but they get experience, get inside the network, and work themselves up to that position.

"Be excited. It's a matter of timing. Work your way through the system, starting as a volunteer, do intake, training, develop different skill sets. There are so many places mediation and community mediation can go."

"It feels like there are unlimited opportunities for community mediation. We should have centers in every community. We're going to try to create opportunities for community mediation to move into different directions."

Brian Polkinghorn, Ph.D., Director and Professor, Bosserman Center for Conflict Resolution, Salisbury University, Salisbury, Maryland

[Much of my background and information on graduate conflict resolution education is based in B. Polkinghorn, H. La Chance & R. La Chance, "Constructing a Baseline Understanding of Developmental Trends in Graduate Conflict Resolution Programs in the United States," in *29 Recent Developments in Conflict Resolution and Collaboration Research in Social Movements, Conflicts and Change* 223-265 (2008), supplemented and updated though my interviews with Professor Polkinghorn and other graduate and law school professors.]

Brian stated that there are currently approximately 105 graduate conflict resolution programs in the U.S., compared to 54 in 1995 and 94 in 2008. This number includes graduate peace studies degree programs and presently 17 law schools offering graduate degrees in alternative dispute resolution.

Brian described several approaches to get graduate credentials in conflict resolution at schools across the country. A master's degree in conflict resolution generally requires approximately 36 semester hours, including credits for courses, internships, and major research papers. Some schools offer graduate certification for between 15-21 semester hours if not taken as part of a joint degree program with some other discipline, and for between 9-15 semester hours if part of a joint degree in another graduate field such as law, social work, public administration, business administration, planning, or international relations.

He described three general types of graduate students in his program at Salisbury University:

- Young entry-level students with little prior work experience
- People at mid-career in their work who want to get more tools and stay in their field
- People at mid-career who want to eventually transition into full-time conflict resolution careers

Brian stated that there are currently great employment opportunities for people with conflict resolution degrees, but that many people are still “looking at a very narrow well” for employment rather than being creative and entrepreneurial in marketing their skills. He says there is an increased consciousness of collaborative problem-solving approaches across many sectors, with conflict resolution skill sets being requested in a wide range of job descriptions in business, public agencies, nonprofits, and other areas.

As one example, he stated that a number of his recent graduates are working for law enforcement, including at such federal agencies as the Secret Service, FBI, and National Security Agency.

He identified people working in public policy facilitation as the “All Stars” in conflict resolution, but this area is still not well organized or well used in many states.

He described the importance of having particular qualifications or experience to get work overseas in conflict resolution, peace building, and related fields. A couple of his graduates who have been successful recently in getting favorable overseas assignments grew up outside the U.S. with parents in the State Department and have multi-language skills and multi-cultural experiences. He cited one way to get useful foreign experience is by teaching English overseas. He said there are various programs providing such work experience, but urged caution as some of the programs are fraudulent.

He contends that the conflict resolution community continues to need to do a better job of research and education regarding the value of its approaches and services.

Nancy Rogers, Emeritus Michael E. Moritz Chair in Alternative Dispute Resolution, Ohio State University Moritz College of Law

Nancy Rogers cited me to a new book she has written and published with Robert C. Bordone, Frank E.A. Sander, and Craig A. McEwen, *Designing Systems and Processes for Managing Disputes* (2013) which describes and analyzes the design of processes and systems for preventing and managing disputes and the skills needed by systems designers in such work. The authors state in the preface:

It is our belief that tomorrow's professionals and leaders would do well to understand how to design dispute management processes and systems that:

- help identify and capture opportunities for mutual gains;
- build and enhance relationships between individuals, constituencies, communities;
- advance the cause of justice;
- promote peace and reconciliation;
- support appropriate structural reform as indicated by advancing the rule of law, meeting the interests and the rights of less powerful stakeholders, or curing systemic deficiencies in currently prevailing dispute management practices; and
- adapt to changing times and needs of stakeholders. (p. xvii)

The authors further stated:

Once you know how to work collaboratively to design a new process or system of processes [for managing disputes], you may be surprised by the opportunities you will then recognize to bring about an improvement in the ways that people, organizations, communities, courts, and governments manage their conflicts. . . . As a designer, you frequently will need to take 'design initiative' because people may find it hard to step back to see the potential value of doing things differently and, if they do, may not realize that they might secure process or design assistance. Ultimately, what you contribute as a designer may improve the quality of life—sometimes even save lives—and represent the most personally rewarding contributions of your career.” (p. 11)

She stated during our interview that people are comfortable with working with mediators who they know and have an awareness of their experience, expertise and character. This is how a mediator gets referrals--one works their way over time to that position.

One gets experience by volunteering, establishing relationships with judges and lawyers, taking court referrals, doing community mediation, and otherwise performing conflict resolution services within the community one seeks to serve.

She believes that government agencies and other entities are hiring more people, including younger people, into in-house conflict resolution positions.

Mary Rowe, Ph.D., Ombuds, Massachusetts Institute of Technology

Mary was working at a consulting firm 41 years ago when a new president and chancellor were selected at MIT. One of their goals was to diversify the racial, cultural, religious and gender composition of the university. Mary was asked to work with them (in a position that turned into the ombuds office) in part to help with that mission.

She has been in that position now for 40+ years. “It's the best job in the world.”

The number of ombuds positions has been increasing slowly in the United States over the past forty years, and the profession is growing around the world within government agencies, corporations, health care organizations, academic institutions, school systems and faith-based organizations.

Some ombuds created their own jobs or are “discovered” by an organization that already knows of their work. Rowe described a process by which someone is already working for a large organization and

doing some conflict resolution work. These would be people who are respected and trusted by their colleagues and seen as “kind of a natural” as helping to resolve internal conflicts. The field needs people who are seen to have very good judgment and are naturally discreet.

She said that ombuds might also come from a law, management, or conflict resolution graduate program background—or from many other kinds of jobs and training. She described the job as working within an organization and helping to develop internal conflict management options.

Mary stated that mediation training is a good background for an ombuds primarily for the skills of mediation and the emphases on neutrality and confidentiality. She indicated, however, that formal mediation is only rarely chosen from among all of the options offered by an ombuds.

She said that about once a month an employer calls saying their organization is creating an ombuds office and asking her advice on how to choose an ombuds. They posit the options of selecting someone who is already working elsewhere as an ombuds versus selecting someone working within the organization but without direct ombuds experience and training. She said she often recommends someone within the organization if there is an available individual with many of the desired characteristics (trust, integrity, judgment, conflict management skills, appropriate experience).

She recommended taking an Ombudsman Foundations Course through the International Ombudsman Association and attending the national IOA conference.

Colin Rule, Chief Operating Officer, Modria.com, Silicon Valley, California

He is author of *Online Dispute Resoution for Business* (2002) and numerous other works.

Colin's specialization is online dispute resolution, creating such systems for eBay and PayPal. He initially worked for these programs in other capacities then applied his interests and skills to develop and implement on-line dispute resolution systems for their services.

He stated that “We haven't created a good pathway for persons to enter the conflict resolution field.”

“You need to get experience, do mediations, get on panels, apprentice, volunteer.”

He strongly recommends specializing. Focus on one thing. He has focused on using technology for mediations. He believes that once you have chosen your specialization, you can figure out your pathway.

He believes that conflict resolution is a skill set, not a field. He recommends getting a job in a field you like, then use your conflict resolution skills as needed for conflicts within that field.

Colin asserted that “Every manager in the U.S. is doing conflict resolution.”

“We want to put conflict resolution skills in everyone's hands.”

Ivan Sascha Sheehan, Ph.D., Graduate Program Director and Assistant Professor, Negotiations and Conflict Management Program, School of Public and International Affairs, University of Baltimore

He is very optimistic regarding career growth and development in conflict resolution. Enrollment in conflict resolution graduate programs in the U.S. from peace studies to alternative dispute resolution continues growing. Students are drawn to the field, seeing utility in their lives and work.

He stated that University of Baltimore's graduate program has about 135 graduate students enrolled, making it one of the largest in the country with one of the most diverse student bodies. Nearly all of his program's students are working outside of the classroom on a part-time to full-time basis. Classes are in the evening. The students range in age from the early 20s to 70s, with most in the 25-40 range.

His graduate program has developed what he described as the first ever course in the field on “The Conflict Management Profession” for students who aren't quite sure what they want to do with their degree in Negotiation and Conflict Management. The course was created to provide students an opportunity to explore the range of careers they can pursue with a degree in the field.

“Since conflict is everywhere, I see the utility of this degree as vast.”

The areas in which he projected conflict resolution job growth locally are in the nonprofit sector and state and federal government, and he believes U. of Baltimore's program is well positioned to take advantage of such growth. He also identified international conflict resolution and institutional/organizational conflict management as growth areas. Although he indicated that many students are drawn to the field through an interest in mediation, he does not see mediation as a growth area in relation to other approaches to managing conflict. He expects that the exploration of conflict, including indigenous conflict resolution mechanisms around the world, will lead to new insights into creative practices for promoting understanding, resolving conflicts, and addressing the structural factors complicit in conflict.

University of Baltimore's program has historically had a domestic focus, with a majority of students arriving with an interest in domestic and urban conflict. The University's College of Public Affairs, in which the Negotiations and Conflict Management program is housed, has recently established a new Global Affairs and Human Security graduate program, with the result that students are taking classes cross-program and increasingly benefiting from exposure to global issues with conflict and security dimensions.

His advice to students is to first become passionate about the study of conflict, whether in the context of business, international relations, domestic issues, urban policy, or other areas, and to follow that passion. “To grow professionally, you have to be engaged. All a master's program provides is the opportunity to find your purpose.”

He stated that it is essential to have a specialization. He encourages doing an internship in one's interest area, doing research and a graduate paper on one's desired niche to demonstrate experience and knowledge in the intended area of specialization. Demonstrate what the job seeker can bring to the task.

He stated that entrepreneurial and communications skills are very helpful in career advancement in conflict resolution areas.

He encourages students and others entering conflict resolution work to find problems that are in need of solutions and find ways to solve those problems.

He sees students being successful in making use of this degree in relation to their particular backgrounds. “One hundred percent of our graduates benefit from and use their degrees personally and professionally.”

He emphasized that conflict resolution graduates need to “Network, network, network! You've got to go out and talk to people, conduct informational interviews, and develop functional skills that can be leveraged in the workplace.”

Urška Velikonja, Assistant professor, University of Maryland Francis King Carey School of Law

[The following remarks are taken from my interview with Professor Velikonja in April 2013 and from her articles “Making Peace and Making Money: Economic Analysis of the Market for Mediators in Private Practice,” 72 Albany Law Review 257 (2009) and “Making Peace and Making Money,” 17 Dispute Resolution 20 (American Bar Association, Dispute Resolution Section, Winter 2011). I especially commend her law review article. Both are available without charge on the internet.]

Urška stated that the private mediation market in this country is similar to U.S. markets for entertainers or professional athletes. The supply of mediators exceeds the demand for their services. More mediators want to enter the market than there are mediator jobs.

She stated that of the few thousand mediators in private practice in the U.S. who are able to mediate full-time, the majority earn \$50,000 or less. Probably only a few hundred earn high incomes grossing \$200,000 or more per year.

She stated that “There are about 10,000 full-time providers of ADR services in the U.S. today dwarfed by 1.4 million lawyers admitted to practice in the U.S. For the most part mediators mediate part-time because they cannot support themselves solely with mediation.”

“Mediation is well suited for situations where maintaining a healthy relationship is important, while conflict is common,” she stated.

She stated that many mediators in private practice rely upon court referrals as their primary source of mediation work.

“In Florida there are currently [2009] 6,000 registered mediators. According to a court administrator, probably 10% . . . do 90% of the work,” she stated.

Her suggestions: Focus on a niche, specialize in a field you already know well. Get a solid reputation with lawyers and business people in that field before starting a mediation practice.

She said that she believes there were big disparities around the country in the volume of court-ordered mediation in 2011, but that overall growth nationally in such mediation has been continuing since 2011.

She said that she believes there is evidence that jurisdictions with active community mediation

programs show more mediation utilization overall, but feels more research would be helpful to demonstrate if community mediation is helpful to the overall mediation community. She is aware of no research or data documenting that community mediation presence and activities increase overall public understanding, acceptance and use of mediation or conflict resolution. She believes this would be a good research project.

Zena Zumeta, President, Mediation Training and Consultation Institute; Adjunct Professor, alternative dispute resolution, Thomas M. Cooley College of Law, Lansing, Michigan, and Straus Institute of Dispute Resolution, Pepperdine University School of Law, Malibu, California

Zena stated that thirty years ago almost no one had heard of mediation. There was a period where mediation was tied to the consumer movement and government funding expanded for community mediation.

Now people are under the impression there are a lot more mediation opportunities, but in most places courts and lawyers have taken control and institutionalized the program.

She stated that now a few people get a lot of work and many get little or no work. You must get into the stream of people getting mediations. In Michigan it's very difficult to break into the stream.

Zena stated that there used to be conflict resolution jobs in schools in Michigan but the money has dried up.

She stated that the central question should be “What are the career opportunities to help people resolve a conflict.”

She thinks that state and local government may be doing more with conflict resolution, with perhaps some job growth in this sector. She believes that having a conflict resolution degree may be useful in getting such jobs.

She said that law firms in Michigan have started to have people who are mediators within their firms.

Zena also cited (in common with three other people interviewed) to Julie Macfarlane's *The New Lawyer: How Settlement is Changing the Practice of Law* (2013) for her description of the continuing paradigm shift in the law and legal profession toward conflict resolution and the increasing impact of alternative consensus-seeking strategies.

Zena believes that lawyers who are problem solvers are very valuable. She stated that “We should be conflict resolution specialists rather than mediators.” (She stated that this was first articulated by Bernie Mayer in his book *Beyond Neutrality*.)

“We may have made a mistake teaching mediation in law schools. We need to teach how to work for negotiated settlements.”

Zena positively cited Bernie Mayer as saying most people don't want someone who is neutral but rather someone to help solve their problem.

She likes conflict coaching as an approach to helping people through their conflict.

To work in private mediation, she advised getting into a field like law or social work. Work in that field, get expertise and credibility and develop referral sources. It is essential to obtain and demonstrate life experience.

She encourages her law students wanting to work in conflict resolution to intern for a law firm rather than do an internship in conflict resolution.

She concluded that to succeed in a conflict resolution career, one needs to get experience, develop credibility, and establish networks and referral sources.

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