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A Sort of Career

By *Chris Honeyman*



A book about careers in mediation inherently invites some introspection from a contributor. And the concept of a career rattling around in the minds of most readers may be one that is relatively logical. In this conception, one starts a professional career as a result of detailed post-graduate study of relevant material, with successful passage through some kind of relevant academic institution culminating in a suitable degree (in our field, typically a

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law degree or a PhD in a social science, with some rather alarming people having achieved both). The career itself is then a canny progression through some kind of ladder of promotion, with just enough lateral or other unexpected jumps to keep things interesting. I regret to say I have none of these elements.

I've long had a vague conception that I have had two quite different careers as a mediator. Writing for this book has pushed me to make that more explicit, to myself as well as to a reader. In these terms, the "first career" consisted primarily of lots and lots of real live cases. About half of these were not nominally "mediation" cases at all, but since I always tried to settle arbitration or administrative law cases and was fairly often successful at that, I have never made a sharp mental distinction as to what the real work was based just on what the file number said.¹ The vast majority of my "straight" mediation cases, meanwhile, have been fairly typical labor-management disputes, predominantly in the public sector. From the parties' point of view I was essentially interchangeable with peers who were also mediating every week in similar cases. Later, my more practical work shifted toward consulting, but that element ramped up only after I had already been a full-time practitioner for 25 years.

My attitude to this work, however, was definitely not interchangeable with my peers': my real interest was elsewhere, not centered in the cases at all. I was basically doing the cases because (a) for reasons below, they were my entree into trying to understand a bunch of societal forces that seemed to me worth an effort, and (b) I had to make a living.

A Practical Life

My attitude toward a career may be peculiar, but at least I came by it honestly. In my family, going back at least a

couple of generations, I can find hardly anybody who has *had* a career according to the standards above, though they have often had interesting work lives. Nothing in my family history programmed me for programmatic success, in any field. So it's entirely appropriate that I encountered mediation while avoiding two other careers.

One was as a lawyer. There was family pressure on this, starting in London, where I grew up and where it took the form of encouragement to become a barrister (rather than a solicitor). The pressure centered on taking up an occupation that promised some degree of predictability and a decent living. I was unmoved, for reasons that may be entertaining but will not fit the space constraints here. The other was as a scholar. I was an undergraduate at the University of Chicago, then as now a sort of production facility for new academics. The concept that someone might theoretically want some other kind of career barely entered those cloistered precincts. I assumed upon graduation that I was doomed to become a political scientist.

I had enough respect for the brilliant members of that discipline I had already encountered to doubt whether I was their future peer. Yet none of them seemed to have a persuasive explanation for the central questions then on the undergraduate mind, which revolved around why we had to have Richard Nixon as president and why we had to be in Vietnam at all. And I was uncomfortably aware of the trenchant comment in David Halberstam's book *The Best and the Brightest*, looking around a roomful of Kennedy's advisors, that nobody in the room had ever run for sheriff (Halberstam, 1972). I thought at least I could avoid that kind of error. I resolved to try to get myself some sort of job at the sharp end and try at whatever junior level to actually govern somebody for a few years before training "properly" in political science. To me, this meant applying to join the federal civil service.

Luck enters here. When I graduated, I pursued my then-girlfriend (and now wife) from Chicago to Milwaukee, where she at least had a job and I was no more unemployed than I would be anywhere else. I took the federal entrance exam, did OK, and checked out the local offices of various federal agencies. There were not many, because there were huge regional offices of everything in Chicago, only 90 miles away. But the National Labor Relations Board had a full-scale regional office in Milwaukee, to cover Wisconsin as well as the Upper Peninsula of Michigan, because otherwise the Chicago and Detroit offices would have been unmanageably large. I interviewed there. The person interviewing me was one of the few Black professionals I had seen in the federal offices I had visited (this was Milwaukee in 1972, remember), and he had been promoted to a position of some consequence, as the compliance officer—i.e., the hard-nose who goes after repeat violators of the law. So I thought it was interesting when he appeared for the interview with an Afro out to here and a zoot suit.

This was promising: it suggested that the NLRB was not a typical federal agency. The interviewer also laid emphasis on the fact that the NLRB's field professionals, even at the most junior levels, had labor-law alleged-violation cases of their own to investigate, and in union representation matters, ran their own hearings as well as on-site elections. This, moreover, involved an array of every kind of industry that was "in commerce" (the standard for which was low enough that it could be met by a large gas station). This, too, was promising: it suggested that I would be working with (and studying) a pretty diverse cross-section of the society and the economy.

I concentrated my efforts thereafter on the NLRB. I offered to work in any of its 30-plus regional offices, with very few exceptions, one of which was Detroit. They offered me a job, in Detroit. I took it. In one of many career ironies,

I thus learned to practice law without a license; or at least, to apply labor law as a neutral, including conducting my first federal hearing at the age of 24.

I would have conducted that first hearing at 23 if I had not discovered I was reasonably good at mediating cases so they did not have to go to hearing. At this remove, I hesitate to speculate on why I developed quite early on a good record at settling cases. Perhaps it had something to do with conspicuous interest in hearing what everyone had to say—for which I deserve no credit, since it fit my underlying (and undisclosed) reason for being there. I deserve no credit for the second quality—conspicuous neutrality—either, since my neutrality could reasonably be seen as the product mostly of indifference to labor-management relations. Indeed I was probably the rare NLRB hire who had not only not majored in any related subject but had never bothered to take a single course in it. The self-confidence (or at least the ability to fake it) gained from having been born in one capital city and having grown up in another, with sophisticated rhetorical combat the default mode at family dinner parties, also helped. In Detroit, I felt up to the challenge of dealing verbally with just about anybody.

So I learned the law by learning the law, following the famous formula; and though I never found the law to be something I particularly wanted to pursue, legal work pursued me, for more than two decades in all. (Without a whole lot of enthusiasm, during about one-third of my work time in a later job I served as an administrative law judge. For 19 years.)

But to be out and about with the parties, investigating cases, hearing the stories that the parties and their witnesses told me—many of them true!—and then trying to settle each case rather than have it go to a formal disposition: this was entertaining, and much of the work was mediation, no matter what the agency called it. The

mediation aspect was especially fun because it allowed for applying some creativity and responsiveness to the parties' peculiar (sometimes *very* peculiar) circumstances, which the legal solutions definitely did not. The work also usefully involved learning something about the world beyond the federal government. The life and times of the people who managed, worked in, and fought each other in meat-packing plants, retail stores, hospitals, trucking fleets, and lots of other places—even all the department chairs of a liberal arts college, once—leavened the central element of heavy industry. For an education in the basics of conflict and how it's handled, I could have done worse.

Yet the point of this analysis is, virtually no analysis was involved: I was not organized enough to actually have a plan, or a theory, much less a career in mind. I was just putting one foot in front of the other. But in the way of first jobs everywhere, I tired of this after a few years, and began seeking alternatives.

The chief federal mediator in Detroit at that time was David Tanzman. He was good enough to talk to me and tell me how his profession worked, though he plainly thought a fellow who came from the rule-oriented NLRB was unlikely to make a good federal *mediator*. But his key phrase, if it was intended to dissuade me, had the opposite effect: "Mediation is the only profession that has no tools, and no rules." I was the child of a photographer and a writer; grandchild of an actress; nephew of a Mississippi towboat captain; and so on. An occupation that combined a regular paycheck and health insurance (both of which I had come to appreciate) with opportunities for creativity seemed more promising than most.

I went off to pursue a job as a mediator elsewhere. I found one, with the state of Wisconsin. And the next time I saw David Tanzman he proceeded to prove his point. Back in Detroit a year or two later for a conference, I ran into

Mr. Tanzman in the hotel corridor even though I had just seen his name all over the papers as mediating the city-wide teachers' strike, which had been going on for days. This case was a big deal, because thousands of people staying home with their children disrupted production across the whole auto industry. The union had offered to go back to work if the employer agreed to refer all unresolved contract items to binding arbitration. But the publicly elected school board was damned if it was going to turn over its authority to some unelected arbitrator.

I approached Mr. Tanzman with all the deference customarily given in labor relations to persons of authority and seniority: "What the hell are you doing here? You're supposed to be *working*." He was good-humored: "Oh, we're done for now. They're going back to work tomorrow. It'll be in the papers tonight."

Based on the last public positions of the parties, I expressed surprise. Mr. Tanzman beamed: "They've agreed to *binding* mediation." Now the arbitrator in me was more than surprised: "That's a contradiction in terms. It can't exist!" His reply was "It does now!" (Anecdotally, I'm informed that some people today treat that as a term of art, describing a particular kind of practice. But that was the first I, and to judge by Mr. Tanzman's evident pleasure at his ingenuity, anyone else, had heard of it.)

No tools, no rules indeed. That moment has come back to me many times since, when I've been confronted with parties who *could not* be persuaded to do anything that had the remotest connection with logic. On those occasions I've tried to honor his wisdom.

I arrived at the Wisconsin Employment Relations Commission in its heyday. The year 1978 represented a sea change in the agency's domain: new legislation had suddenly given rural public-sector unions real power; the legislature knew this was coming and actually funded the

agency to double its staff. All the new hires were designated mediators by job title, but it's far from irrelevant to my "mediation career" that the job was never more than roughly half mediation, and that's if you count mediating cases that started out with quite a different kind of docket number. The administrative-law work represented a promotion compared to the role I had held at the NLRB but was conceptually related. The arbitration work was more fun because it allowed for more variation in style to accommodate the parties' realities, and it was surprisingly autonomous by comparison with the legal role. It was also entertaining that, then as now, there were very few 29-year-old labor arbitrators around. (A good 15 years later I complained once to one of the best-known arbitrators in the United States that most of his peers still regarded me as a young pup. He replied that they still regarded *him* as a young pup. He would then have been a bit over 60.)

But the mediation work was the most creative part of all, and the part I enjoyed most. Along with my equally junior colleagues, I was out six or seven nights a month, generally to hamlets on back roads and generally till way after midnight, mediating between extremely liberal teachers' unions (or rural county-employee unions) and extremely conservative school boards (or rural county governments). The new legal structure banned strikes but allowed either party to force the other into package-final-offer arbitration. A burst of game-playing and strategic creativity on both sides promptly ensued. Our elders and betters had learned mediation when final-offer arbitration was available only to big "bargaining units" such as the Milwaukee police, and told us the great thing about it was that the parties hated it because of the loss of autonomy involved—so the threat of final-offer arbitration worked like a charm for getting them to be realistic enough to settle.

We new mediators had a different experience: we found ourselves in tiny places where there were no rewards on the public-employer boards for saying yes to the unions. Militancy on the union side meanwhile reflected years of hearing “Our position is no to everything” (the verbatim response of at least one employer I remember from that era). In our junior but, we thought, more situation-specific view, the parties *loved* the opportunity to grandstand, almost as much as they loved the opportunity to blame the result on an unelected arbitrator. So getting them to actually agree on a contract involved a lot more creativity than we had been led to expect. This learning helped develop skepticism toward the received wisdom of our field, which in turn paid off not only in my approach to subsequent writing about principles of mediation ethics and qualifications and so on, but even before that—especially the first time I had to decide a case that challenged all the accumulated “knowledge” of my field. More on that shortly.

Within a few years, however, I had learned the job. My mediation track record was considered at least adequate, my contested-case decisions ditto; and in contrast to some of my peers, my decisions were almost always on time. In short, the job was no longer a huge challenge and I was getting a little bored.

A novelty offered itself: a tiny Wisconsin state environmental agency had recently been set up to handle the increasingly difficult problem of starting new landfills without triggering years of NIMBY disputes. Borrowing concepts from Wisconsin labor law, the enabling statute required negotiations between the landfill operator and a committee of affected local governments, with final-offer arbitration at the behest of either party if the other proved unreasonable—but also with a legal process available, one that could result in obliterating one party completely if they did *not* negotiate. When the agency got its first case

of the legal-challenge type, it had no staff member who could conduct the hearing and issue a proposed decision. They asked if they could borrow one of ours, *ad hoc*. The commission offered the case to the staff, with the *proviso* that the person taking the case would not be paid extra—and there would be no corresponding reduction in regular caseload. No one else on the staff was bored enough to take that deal, but I was. The case became my introduction to “context matters.”

It took me many more days than my usual to write that decision.² Not just in the state but nationally, this was a “case of first impression,” as far as I was ever able to find out—and my attempts to apply the superficially analogous reasoning and precedents in labor law failed a basic concept of workability under these new circumstances. I wrote, after all, as a by-now experienced mediator who had often had to navigate the real world of bargaining. So I found myself laboriously writing my way around the labor law “precedents,” meticulously parsing the history back to 1935, and articulating why I felt the apparent precedents did not apply. I issued the (proposed, but public) decision with some trepidation and awaited the inevitable appeal from the losing party and the probably scathing disposition of the Waste Facility Siting Board (an august body whose members were appointed directly by the state’s governor).

And it sailed through. “*Of course* that’s how it has to work” said the board’s sole professional staffer, when I was later free to talk with her about the case. I went on hearing and proto-deciding the occasional case for the Waste Facility Siting Board for several more years. But it was this first case that forced me not just to grumble (as in our early mediation experience) but to articulate in writing that what my peers and I had been told by our superiors was eternal verity was so until just one or two of the parameters of circumstance changed.

The discovery that I could write in this vein and survive led quite directly to my first academic writing. And though almost all of my subsequent writing has been on mediation or negotiation rather than law or arbitration, it was the fact that I had a job that mixed all these functions in any given workweek that made writing seem a natural extension of my mediation role. In turn, many years' rapid switching between neutral roles has made each type of work inform the others, so I am more likely to this day to perceive commonalities and overlaps than hard distinctions between these forms of work.

A Practitioner Starts to Theorize

About the same time as the case just mentioned (i.e., 1984), the then-Society of Professionals in Dispute Resolution (SPIDR) attempted a code of ethics for mediators across our increasingly sprawling field. The code, as initially drafted, was influenced by the perceptions of some leading family and environmental mediators, and set terms for what a mediator should do that included notions such as a mediator's responsibility to balance power between the parties where it was drastically unequal and a mediator's duty to go find parties of interest who did not seem to be represented. Power-balancing and hauling in unrepresented parties were things my labor mediator colleagues found *unethical*. In our world, one operative phrase was "the lion's share goes to the lion." And to us, employees who did not think the union represented their interests had the right to try to organize a new union or to vote the union out, or alternatively, to get political within the existing union and try to replace its leadership—but no right to intervene at the bargaining table otherwise. A schism was threatened in a profession that had barely formed as a profession.

Emboldened by my practical case decision on "context matters," I wrote a couple of papers about biases and other

ethical issues in mediation, arguing in part that in so diverse a field, a principle of disclosure (rather than more specific ethical commands) would be the only workable basis for such a code. I was slightly surprised to find the papers accepted for publication.³ The SPIDR ethics code, when completed shortly after these articles were published, also shifted in the direction of disclosure as the core ethical principle—though it contained no cites, so I cannot claim to have been influential in the matter. However, the combination of circumstances encouraged me to tackle a new problem.

Back at the shop, trouble had been brewing for a while. As noted already, and uniquely among our peer agencies around the country, every staff member was expected to serve as an arbitrator and an administrative law judge in addition to mediating. This meant the agency had to have people who could not only keep a roomful of factions working together but write intelligible decisions when mediation was not going to work. The agency paid badly, and the night-after-night mediation work, with limited promotion opportunity and no compensation for overtime, took a toll. Almost all my contemporaries were lawyers who were readily employable by management- or union-side law firms. There developed a high level of turnover. But not all their replacements were of equal talent at our specialized work, despite good records in law school and in their prior employment. The agency discovered the hard way that it had hired a clutch of mediator-arbitrators, some of whom did OK with the parties but seemed unable to get a coherent decision together, let alone get it out the door on time, and some of whom could write OK but could also meet extensively and earnestly and kindly with parties in mediation without anything much happening.

By that time, I had been appointed to a semi-supervisory role with an urgent current assignment to try to

retrain several of our newer hires. I proposed to the agency chieftains that I actually *study* mediation and try to figure out what we were doing wrong in training. They agreed, though of course with no reduction in my caseload.

I started by scheduling myself to take two weeks of experienced-practitioner summer crash courses at Harvard Law School, largely because I had heard of the Program on Negotiation's use of role-plays in training and wanted to learn how to design them. I took the opportunity to go and talk to two of the most famous scholars our field had produced, then or now—Roger Fisher and Frank Sander. I explained my agency's practical problem and asked them how one might go about responsibly studying how mediation actually worked. They considered the problem—and said they had no idea.

I found this oddly encouraging: if *they* had no idea, this meant (to me) there was no set methodology, which meant (to me) I could invent my own and not be clearly wrong from the outset. No tools, no rules, why not? Of course, it did not occur to me to ask any of the esteemed senior scholars in the Program on Negotiation who came from disciplines *other* than law. Perhaps an economist or a psychologist might have given me a different answer.

I did talk to an organizational studies scholar: Sander said I might profit by talking to a younger woman who had recently gotten her PhD at MIT by studying mediators at work—Deborah Kolb. I followed his advice. I have asked Debbie's advice many times since and have profited from it greatly. But Debbie did not tell me how to conduct the study.

The study I actually concocted led to a lot of writing elsewhere, and the details are not necessary here.⁴ What is necessary to note is that the publication of the first resulting article in the house journal of the Program on Negotiation at Harvard became pivotal to my career, in two contradic-

tory ways. I was a midlevel staffer at an agency that had a definite pecking order. This had been tacitly acknowledged to depend primarily on (a) one's personal reputation with repeat-player parties and (b) one's professional adroitness in managing political self-promotion in state government while appearing devoutly nonpolitical. Publication in a "prestige" venue was not within this scheme of things. Plainly, it gave me a new source of some sort of influence, but one that was hard for my superiors to gauge, let alone re-establish their superiority over. Not all of them reacted well. Perhaps this reflected the fact that unlike my three earlier published articles that had passed without local alarm, this one actually talked about our agency. Who was I to dare to describe our agency's functioning—even in terms more flattering than otherwise?

Retribution followed promptly, though it proved more comic than serious: I was informed that my use of the office secretaries for typing these academic works was improper and was henceforth disallowed. (This particular gambit died of absurdity within a year.) But the palpable envy of some (not all) of the people I had to report to, when this paper was published in the *Negotiation Journal*, did not go away. It became the first stone in a wall that eventually separated me from them professionally to the point where I had to leave. At the same time, that article became a turning point in a gradual process of developing credibility and contacts among scholars, and eventually I gained enough of these that I was able to construct a whole new career-within-a-career.

There is a step-by-step quality to this which, if someone were to study it in retrospect, might look as if it were planned. Thus, for example, talking with Debbie Kolb about her first book and about my observations over the time I was preparing a publishable version of my own study led her to suggest that I join the Law and Society

Association. I did, and after sitting in the back at two of their conferences, decided it was time to introduce myself properly. I thought a bit of research *on researchers*, done “live” at their next conference, might be different enough to interest them. A colleague from Wisconsin, Dan Nielsen, was willing to play opposite me in a role play we concocted together; a federal mediator who was more research-friendly than most, Christina Sickles Merchant, was willing to mediate the case “cold” in front of an audience. Now we needed researchers who were willing to put their own perceptions of what was happening to the test, again “cold” and in public. I was able to persuade four of the leading mediation researchers of the day to join in this effort only because one of them—Debbie Kolb!—agreed first. The others trusted her (they certainly had no reason to trust me, at the time). The resulting sessions were, I think I can honestly say, original, and they were videotaped. The Program on Negotiation decided to sell copies of those tapes and kept them in their catalog for 20 years.

I have met academics who became lifelong colleagues after they bought those tapes to use in their own teaching. Of the four scholars who had participated, I later worked with three multiple times over many years (I would have loved to work with the fourth, too, but she shifted her research interests away from mediation). And some of the people who formed the audience became colleagues later, too. But I cannot credit myself with any foreknowledge or even strategy here. One foot in front of the other . . .

At roughly the same time, however, the quality control work that I had just published started to take off—first, in the Commission on Qualifications that SPIDR had set up to follow its Commission on Ethics, then, in a very practical effort in the Boston courts. By the time the Boston effort had succeeded, it became possible to mount a national project, with me as laboring oar and general dogsbody and

three nationally renowned public-policy mediators on the initially small steering committee.⁵ Frank Sander served as steering committee chair.

We had no idea then that what became known as the mediation Test Design Project would run for five years or grow to a cross-disciplinary and practically diverse steering committee of more than two dozen. In the event, the project produced multiple publications including a full special issue of *Negotiation Journal* (Vol. 9/4, October 1993), and had the side effect of introducing me not only to an array of scholars in different disciplines concerned in one way or another with mediation but to the entity that was then the central funder of innovation in the field. I will not belabor the point that after a few years of very tentative and economical funding of the Test Design Project, the Hewlett Foundation very kindly proceeded to fund me for a substantial, and increasingly well-resourced series of other projects. These varied in topic, but all depended on the ability to draw quite diverse kinds of professionals into working together, and on mediating the inevitable disagreements.

This kind of work became the center of my self-definition as a mediator, and so it has remained, long after the foundation declared victory for its conflict resolution program and went home. But that project, together with Hewlett's insistence that it was working to build institutions that could survive, not to fund individuals, also taught me to build teams and work with ongoing institutions. This counterbalanced my "cowboy" tendencies.

Technically, this "second" mediation career has mostly been as a mediator of transactions rather than disputes. Its overall objective is to help build up systems and structures of conflict handling rather than to dispose of open conflicts as such. In other words, I have been trying to get people to work together, and sometimes build enduring relation-

ships, who ordinarily would never have met each other, let alone entered into multiyear projects together. I stayed engaged in my original variety of mediation work for quite a while; there were 20-plus years, all told, in which case-handling remained my central focus. But as of this writing, I have been in the field for 47 years. So, again in retrospect, my self-image as primarily a case-handler accounts for less than half of my time in this field. Another way of saying this is that as “mediation career #2” gradually emerged, the traditional cases began to fade in personal importance to how I saw myself as a professional.

Mediating “Intellectual Transactions”

By the late 1990s, I had gone into private practice and gotten out of all my quasi-legal and most of my mediation casework (and, in at least the first part, without regrets). I went on arbitrating (at a lower cases-per-year rate) for another 15 years or more and mediated those cases whenever the parties would let me, and enjoyed that. But over time, that work, too, gradually faded in personal importance. Six years ago at this writing, I took my name off the last panel I was on.

I might have remained in that whole line of practical work as long as I did partly because something in helping actual parties with concrete problems still resonated, but certainly the fact that it was a part of my economic existence was a strong factor. In the several years since “the numbers” showed that I really did not need that source of income any more, I have not felt my sense of self to be suffering any. (Full retirement could turn out differently, but that’s a bridge I have not yet had to cross.) Meantime the work I might characterize as “intellectual transactions” or “systems and structures” continues to fascinate me.

The *Theory to Practice* project,⁶ with its many subprojects over five years, crystallized my approach to working

with mixed groups of scholars and practitioners to produce something new. Two subsequent long-term projects, each of which took on a single huge topic, have become central to this effort. Both have had a quality of intellectual investigation about them, as well as systems/structure building, perhaps because you can take the kid out of the University of Chicago but you cannot take the U of C out of the kid. Both have also had long-term individual and institutional partners—Andrea K. Schneider and Marquette University for one project, James Coben (along with Sharon Press and a rotating cast of others) and the Dispute Resolution Institute at Mitchell Hamline School of Law.

The first, the *Canon of Negotiation* initiative,⁷ has been the result of a whole lot of mostly academic colleagues agreeing that we had yet to really try to integrate the wisdom of all of the many disciplines and practice specialties that make up negotiation, and therefore mediation. A first phase, 16 years ago and starting with 20 younger, “second-generation” scholars and practitioners, found two dozen subjects that were not being taught outside their domain of origin—law, international relations, business schools, or planning, or whatever—but should be. The second round netted 80 such topics, from almost 30 disciplines and subject fields. By 2017 that 800-page text in turn had been replaced—with two volumes, and 1,500 pages (Honeyman and Schneider, 2017).

The other large-group project was *Rethinking Negotiation Teaching*.⁸ This set out partly to address the overrepresentation of American ideals in the field and the consequent failure in application of many of our teachings when they became exposed to very different societies. So the team structured that project around three meetings, deliberately moving farther and farther from US culture; thus Rome, then Istanbul, finally Beijing. In not much more than five years this resulted in four books, several

special issues of journals, and a whole lot of experimentation in teaching in multiple countries.

What's next? Well, I have some ideas, and even plans, but since this book is about the contributors' personal motivations and experiences, those are for another day and a different venue. Here I will simply say that my personal enthusiasm for mediation has been centered in using its skills to do something new. I honor those mediators, no doubt the vast majority, for whom it's all about the people, whether defined as the immediate parties or in grander societal or "bringing peace" terms. But I should acknowledge that my own motivation is different, tied to the opportunity to work on something in which intellectual output may have some useful practical consequences. If I had arrived at my professionally formative early 20s at a different time, my attention might have been drawn by some other line of work entirely.⁹

Thus it was a matter of luck, not talent, that I happened on mediation just as it was breaking out of its twin straitjackets of labor relations and traditional diplomacy and becoming applied more generally. It was luck that the first mediator I met had so engaging a way of describing his work, and luck that the agency that then hired me combined sophistication and dysfunction in ways that encouraged new thinking. And if the field, like so many, had then become thoroughly developed and "routinized,"¹⁰ I might not have had enough fun with it to keep at it.

Or perhaps my personal motivation is not quite as distinctive as I may think. I can remember exactly when I first articulated a theory of how a mediator actually worked. It was a summer night in 1985, three o'clock in the morning, at an all-night coffee shop on the outskirts of Stevens Point, Wisconsin. I had been observing one of my colleagues mediating a labor dispute that night, the same Dan Nielsen mentioned above. He was one of five media-

tors—all of whom, I thought, were better labor mediators than I was—who were part of the study I had concocted. He asked whether I had any conclusions yet. I did. I laid them out—or at least the first, tentative, incorrect-in-many-ways oral draft. He considered this, and responded, “If you’re right about this, you’re going to take all the fun out of this profession.”

His answer suggests something about mediators other than me. My belated riposte is, “Oh, no, I’m not.” And on behalf of all the creative colleagues I’ve worked with since then to try to improve our understanding of mediation, *we’re* not going to take all the fun out of this, either. There’s still far too much doubt about what the right thing to do is in any given circumstance; far too much room for creativity; and plenty of room, too, for personality and just plain weirdness. With any luck at all, mediation as a field will learn to do still better work for the parties and the public than it already has, and with any luck at all, for the mediators ourselves, it will go on being, well, fun.

Notes

¹ In that, I was typical of my working milieu, so there was nothing distinctive about my approach thus far. I have written elsewhere about the reasons behind my then-agency’s peculiar habit of allowing or even encouraging a case to mutate from an arbitration or legal case into a mediation; see Honeyman 2006.

² See *Troy Area Landfill v. East Troy*, “Selected (Public) Decisions,” Convenor, accessed April 5, 2020, <https://www.convenor.com/selected-public-decisions.html>.

³ Along with subsequent papers on the same theme, they are reproduced at <https://www.convenor.com/mediation-ethics.html>, accessed April 5, 2020.

⁴ See “Key Publications,” Convenor, accessed April 5, 2020, <http://www.convenor.com/assessing-mediators.html>; see also “Assessing Mediators: A Bibliography,” International Mediation Institute, accessed April 5, 2020, <https://www.imimmediation.org/practitioners/feedback-guidelines-reviewers/>.

⁵ Two of them, Linda Singer and Michael Lewis, were respectively also the chair and a member of the SPIDR commission. The third, Howard Bellman, is one of the contributors to this book.

⁶ See “Theory to Practice,” Convenor, accessed April 1, 2020, <https://www.convenor.com/theory-and-practice.html>.

⁷ See “Canon of Negotiation,” Convenor, accessed April 1, 2020, <https://www.convenor.com/canon-of-negotiation.html>.

⁸ See “Rethinking Negotiation Teaching,” Convenor, accessed April 1, 2020, <https://www.convenor.com/rethinking-negotiation-teaching.html>.

⁹ And in fact, in the months before fatefully taking the federal service entrance exam, I had toyed with becoming a city planner, to the point of writing up a theory of a new urban transportation system based on wide-spread distribution of city-owned bicycles. (This went nowhere, of course. I thought I had a solution for the inevitable theft problem, predicated on fleet orders big enough to justify manufacture of a model on which no part would fit any other type of bike. But a solution to the cost problem was decades away, and as history has shown, depended on Internet billing; meanwhile the vandalism problem self-evidently has yet to be solved.) I quit the urban planning field before even starting in it, though: a few days at the field’s main national conference persuaded me this was not going to be fun.

¹⁰ Routinization threatens, but has not yet taken over, perhaps partly because of efforts to alert our colleagues to the threat. See “Penn State Law Review Special Issue, Vol. 108, No. 1,” Convenor, accessed April 5, 2020, <https://www.convenor.com/penn-state-law-review-special-issue.html>.

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