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Synchronicity, Paradox, and Personal Evolution

By Thomas J. Stipanowich



Dispute resolution has been the overriding preoccupation, passion, and shaping influence in my adult life and career, and I am very grateful for the privilege of being a part of this field. My career coincided with four decades of the Quiet Revolution in dispute resolution, since I started law practice in 1980 and within a year was engaged in multiple major arbitrations and one of the first mediations of a complex construction dispute. Since the mid-1980s I've been a dedicated educator and scholar with a "circle of activity" that regularly included experiences as an arbitra-

Thomas J. Stipanowich is William H. Webster Chair in Dispute Resolution and professor of law at Pepperdine University as well as associate dean of the Straus Institute for Dispute Resolution, where he teaches courses in negotiation theory and practice, mediation, arbitration practice and advocacy, international commercial arbitration, and international dispute resolution. He has also taught contracts, commercial law, remedies, Anglo-American legal history, and property. A leading scholar, speaker, and trainer on conflict resolution topics as well as an experienced arbitrator and mediator, he is on the executive committee of the International Task Force on Mixed Mode Dispute Resolution Processes co-sponsored by the International Mediation Institute, the College of Commercial Arbitrators, and the Straus Institute and was an advisor on the ALI Restatement of US Law on International Arbitration. He has also served on the Advisory Board of the New York International Arbitration Center and the Academic Council of the Institute for Transnational Arbitration.

tor, mediator, or facilitator. The latter half of my career has been associated with two important institutions with educational missions—the International Institute for Conflict Prevention & Resolution (CPR) and the Straus Institute for Dispute Resolution at Pepperdine School of Law. My unique journey has involved a series of meaningful coincidences that Carl Jung might have claimed as examples of “synchronicity.” I’ve also become aware of some of the paradoxes that regularly confront and challenge actors in the fields of conflict resolution: the need for self-understanding and self-management as a critical component of constructive human interaction and the importance of personal commitment and positive action in a fraught and riven world.



I was raised in a household of teachers. Education was not only highly valued; it was—and is—our mutual calling and a way of making the most of our lives by enriching the lives of others. My first year of life was spent in a Quonset hut in the “vet village” at Northwestern University, where my father was working on his doctoral degree, but my earliest memories are of Macomb, Illinois, a college town situated midway between Samuel Clemens’ boyhood home of Hannibal, Missouri, and the region around Springfield, Illinois, where Lincoln practiced politics and rode the circuit. Family life centered around Western Illinois University (WIU), a regional center of learning in the heart of an ocean of corn and soybeans, as well as the wider community from which my parents sprang.

My parents came to WIU as the first in their families to attend college. My mother’s family funded her education as a top priority, but because my father’s family was always on the edge of poverty—a situation exacerbated by a costly court battle over family assets—he self-funded col-

lege, in part by renting and running a gas station for a year after high school. Dad's ambition produced three degrees and eventually led to a professorship in the mathematics department at WIU; Mom was an instructor in home economics. Despite their academic calling, both my parents remained active in the wider community, in their church, service clubs, and local organizations.

From the ages of 3 to 17, I attended classes on the Western campus—first at the Home Management House as a guinea pig for young women practicing parenting on preschoolers, and later in the university's Laboratory School. The Lab School was a place where future teachers could hone their skills or observe children in the educational environment; over the years I was followed around by teams of observers at least half a dozen times and was interviewed and given tests on camera. The Lab School also gave me the opportunity to take college courses and engage in a wide variety of activities including vocal and instrumental music, art, theater, creative writing, and journalism.

Evenings at home tended to follow a pattern. Dinner table conversation would hinge on the events of the day—an anecdote about a student or faculty member, a joke, song, or teaching tool my father had used that day, the challenges surrounding the latest recipe in my mother's home economics class, or my own stories from school. After supper, my father would invariably retire to the sofa with student math papers spread about him. My mother would, like as not, work on a lesson plan in the dining room. I spent many evenings drawing or doing homework at an antique classroom desk, complete with inkwell holder. As young children, we had bedtime fare that was heavy on biography; my father, when not sharing recollections of growing up in the "movie town" of Culver City, California, during the golden age of Hollywood, would regale us with episodes from the

lives of Euclid, Archimedes, Newton, Gauss, Napier, and others—a juvenile version of his History of Mathematics class.

As I grew older, however, the joy that my father had expressed about teaching was overshadowed by the weight of obligation he took on as chair of his department. For almost a decade our nightly routine was regularly marred by the pain my father shared at our evening meal about the difficult issues, personalities, and office politics he had to deal with. More than 50 years on, my brother and I still recall our own shared agony as we listened to his recapitulation of the day's challenges, battles, and betrayals. My father always had a mercurial temper, and the constant stress of his situation led to migraine headaches and outbursts that affected us all. Even my mother, who habitually sought to pour oil on troubled waters, could do nothing to remedy the situation.

Looking back, I have the benefit of a better understanding of the role of emotional intelligence in our lives and relationships. At the time, however, I was led to feel two things: a visceral desire to avoid or ameliorate conflict, and, given the gut-wrenching reverberations of my father's experiences with departmental trench warfare, a strong inclination to pursue a career outside higher education. But my parents also instilled in me a commitment to making the most of myself and an obligation to make the world a better place—as my father put it, to “pay my way.” Eventually, this commitment led to my calling as an educator.



The first momentous independent decision of my life was to leave my hometown and enter the program in architecture at the University of Illinois, from which I would eventually obtain bachelor's and master's degrees. The choice reflected my desire to find a vocation that allowed me to make

use of my diverse interests and skills, including my love of drawing and design, my fascination with history, and my strength in math and science. The rigorous and highly varied architecture curriculum was a kind of academic decathlon, and I explored several areas of concentration including architectural design, architectural engineering, city planning, and architecture history (along with design, my favorite subject, and the focus of my graduate teaching assistantship). My apprenticeships with architecture firms, however, were disappointing; I came to realize that the tedious process of design production and drafting was much less joyful than other creative endeavors. (One summer, for example, I spent my days at a drafting board in an architecture firm and nights and weekends playing featured roles in musicals with a repertory company; as I explained to an interviewer from a local newspaper, I lived entirely for the latter.) Still unsettled on a specific career path, I used the opportunity provided by a post-graduate European traveling fellowship to study planning and preservation of the urban landscape at the Institute of Advanced Architectural Studies at the University of York. There, a lecture on city planning by a noted attorney reinforced my instinct that a law degree would greatly expand my “tool box” and afford me a wider range of career choices. (Not incidentally, I had recently read and been personally moved and inspired by Carl Sandburg’s *Abraham Lincoln: The Prairie Years*, detailing that remarkable Illinoisan’s evolution as a trial lawyer and politician.) When I told the professor heading the institute that I intended to return to the United States and become a “creative lawyer,” he guffawed, “Don’t you know that’s an oxymoron!”

But while architecture school was for me a virtual smorgasbord, law school initially seemed to present me with a single cold dish, served repeatedly. The classes felt like a throwback to those overpopulated foundational

courses for college freshman, affording little personal interaction with professors. I had no creative outlets as respite from the relative drudgery of reading, class preparation, and formal writing; focused on success in law school, I had given up my outside work as an illustrator/graphic designer and my participation in vocal groups and dramatics. In desperation, I flew to Denver late in the spring of my 1L year to explore opportunities with architecture firms. Unexpectedly, my visit persuaded me that while the prospects for young architects were very poor, combining backgrounds in law and architecture was much more promising. Moreover, multiple leads directed me to an Atlanta-based boutique firm with a highly regarded national practice specializing in engineering and construction law. Thereafter, my law school experience was wholly reframed as preparation for that practice, which would eventually bring me to the cutting edge of change in the resolution of conflict. I also benefitted immensely from the mentorship of a favorite teacher, Professor Thomas Morgan, whom I assisted with research for a new edition of his widely used text on professional responsibility.



Like many aspects of life, my experience in law practice entailed a great paradox. On the one hand, I was immensely troubled by many aspects of my experience as a “litigator,” which for me consisted of long periods of mind-numbing boredom punctuated by moments of sheer terror. (Did I miss that filing deadline? Will opposing counsel blindsides us at the hearing?) All too often, my assigned role ended up being that of a mercenary in a battle of attrition rather than a constructive problem-solver; the costs and delays associated with legal process sometimes exceeded the real benefits my clients sought or obtained. For example, one of my cases involved a dispute that had been tied up in litiga-

tion for almost a decade, and I was the third lawyer who had been assigned to the case. (As my counterpart at the client's company suggested, only half-jokingly: "Perhaps this time around, you should pay me!") By the time I was able to take depositions, one key witness had passed away and others' memories had faded. Although my client, who had been pressing a claim, "won" the bench trial and at last received compensatory damages, I was appalled by the many years of delay in obtaining justice. Representing another client, we spent almost five difficult years in adjudication to resolve a host of disputes surrounding the renovation and expansion of a hospital. Despite receiving what in the legal system would be termed a "home run" (full compensatory damages, attorney's fees, and punitive damages), the president of our client company wrote to say that although he appreciated that we had obtained for his business all that the law would allow, he was disappointed. He explained that the cost, both in human terms and in lost business, had been staggering. Surely, he concluded, there had to be better ways of resolving disputes for people and businesses.

Paradoxically, these experiences were the beginning of my own wisdom regarding the limitations and pitfalls of the legal system. My client's implied admonition to seek more suitable and effective strategies for resolving conflict became the lodestar of my career. As fortune would have it, construction practice was becoming a proving ground for out-of-court dispute resolution processes, and I made the most of the opportunity to garner considerable experience as an advocate in binding arbitration and other choice-based processes. (Among other things, I observed that while arbitration offered parties opportunities to construct effective alternatives to litigation, sometimes arbitration ended up being just as expensive and time-consuming as going to court.) In 1981, my first year of practice,

I had the good fortune to participate as an attorney in what may have been the first mediation of a major construction dispute. It was a new experience for all the participating lawyers, although our client had engaged in mediation on the labor front. Given the complete absence at the time of trained mediators, the parties chose a senior partner from a noted Chicago architecture firm to facilitate negotiations. Although the mediation failed to settle the case, I understood the potential of the process for promoting more effective and appropriate ways of resolving conflict, especially in ongoing relationships. These experiences provided a critical foundation for my later work as a scholar and teacher with a foot in dispute resolution practice.



Several senior lawyers in my law firm taught courses at Emory Law School and Georgia Tech. In truth, despite my earlier resolve to avoid becoming embroiled in the kind of destructive faculty politics that my father experienced, I realized that being a classroom teacher was something that appealed and came naturally to me; the opportunity to someday teach as an adjunct was one of the things that had attracted me to the firm. Those opportunities, however, seemed a far-off dream for a young lawyer embroiled in multiple major cases around the country. So when Tom Morgan, my former law school professor and mentor who was then serving as dean of Emory Law School, inquired whether I had any desire to teach, I demurred on the basis that I was, regrettably, too busy to teach a law school class. “Tom, I am not talking about being an adjunct,” he responded, “but about becoming a full-time professor of law.” In a moment, my life changed. Nothing ever felt so right. My disillusion with trial practice was now coupled with the belief that I was called in a direction more in keeping with my personal values and my desire to make

the world a better place. From then on, I was seized with the idea of becoming a teacher/scholar, and with the help of Dean Morgan and others I bent my efforts energetically toward that goal.

A year and a half later I joined the law faculty at the University of Kentucky in Lexington. From the very start, I never doubted that my decision to become a teacher was the right one—indeed, that I was an educator “in my bones.” I loved being part of an academic community and eventually developed a repertoire of courses including contracts, commercial law, mediation, dispute resolution, construction law, and legal history (a parallel to my father’s course on the history of mathematics). I relished the chance to create a classroom environment that was challenging but pleasurable rather than intimidating and to encourage students to reflect carefully upon the human costs and consequences of legal advice. I felt privileged to play the role of mentor and advisor to students, and I was enthusiastic about developing a respected and coherent body of scholarship on alternatives to litigation. Finally, I found that the role of teacher/scholar provided diverse opportunities to give play to my wide-ranging interests and energies and still gave me time for my family. My life became a continuous cycle of teaching, researching, writing, consulting and policymaking on a national stage, arbitrating, and, eventually, mediating (with emphasis on construction and commercial cases).

Early on, I had no concept of what lay ahead, or how fortunate I was to be riding the wave of major movements in the landscape of conflict resolution—but my intuition was that I was onto something important. The 1976 Pound Conference and Frank Sander’s evocation of the “multi-door courthouse” were still recent events, and only a handful of scholars and teachers were beginning to focus on dispute resolution topics. My own experience in practice equipped

me with a long list of potential writing topics; whatever other challenges I might have had as a young scholar, I never lacked for challenging subjects that were receiving growing attention among practitioners. Most of these concerned hot topics in commercial arbitration that drew directly on my own practical experience, including arbitral awards of punitive damages and the handling of multiparty disputes in arbitration. I also took steps to overcome the dearth of information on perceptions and practices regarding arbitration by garnering and analyzing data from hundreds of experienced lawyers. My work caught the attention of two eminent scholars at Northwestern University, Ian Macneil and Richard Speidel, who invited me to join them in writing what eventually became an authoritative five-volume treatise on US arbitration law and practice entitled *Federal Arbitration Law: Agreements, Awards and Remedies under the Federal Arbitration Act*. My own contributions to this massive project focused on many aspects of arbitration process and procedure and were mightily influenced by my own experience with arbitration. When the treatise was published in 1995, I noted with irony that my only encounter with arbitration in law school had been a single paragraph on the final page of the textbook used in civil procedure class, which described arbitration as a simpler, more efficient adjudication process that permitted parties to avoid crowded court dockets and other incidents of litigation in the courts. As our book evidenced, its expanding use as a private alternative to litigation was also changing the very character of arbitration. In another paradox, this evolution tended to move arbitration processes closer and closer to a litigation model.

As noted above, actual experience in the field always provided a critical foundation for my understanding of the dynamics of dispute resolution procedures. Although my clear and abiding priority was my educational role, I could

not imagine writing about or teaching arbitration topics without having personal experiences in practice. My own views on the importance of experience may, however, be something of a rarity among law professors. One evening at dinner with a prolific arbitration scholar, he asked, “You actually do this stuff, don’t you? I mean, arbitrate?” Only after I responded did it occur to me that my questioner had little or no firsthand practical experience.

By the mid-1990s I was convinced I knew pretty much all I needed to know about arbitration and was thus primed for a rude awakening. I was appointed as one of several “public members” (representing the interests of public investors) on the Securities Industry Conference on Arbitration (SICA), a policy-making body that debated and proposed reforms in the rules governing investor-broker arbitration regulated by the US Securities and Exchange Commission. I quickly came to realize that the experiences and expectations I brought from the arena of commercial arbitration—that is, of arbitration as a choice-based process—were often of little or no value in an arbitration system in which individuals found themselves battling with major companies in a forum that they had no choice but to accept. My involvement in SICA served as a crucial counterpoint to my commercial experience and forced me to wholly readjust my image of the dispute resolution landscape to acknowledge the fundamental dichotomy presented by negotiated commercial dispute contracts and contracts of adhesion. My fully awakened concerns about fairness issues in consumer and employment arbitration systems—systems made possible by a series of Supreme Court decisions stretching federal arbitration law beyond its original intended scope—prompted me to accept the role of academic reporter and chief drafter of the Consumer Due Process Protocol developed by a diverse group brought together by the American Arbitration Associa-

tion. The protocol was intended to be developed as a set of guidelines governing any arbitration administered by the American Arbitration Association (AAA) under the terms of contracts for consumer goods or services. I jumped at the chance to play a central role in the protocol's development because I believed that for cases in the AAA system, the protocol could serve as a bulwark against overwhelming corporate leverage in the contracting process. I also envisioned the protocol as a establishing a basic "floor" of procedural fairness—a kind of community standard—that could influence the development of other rules and standards, and perhaps even encourage judicial decisions interpreting and enforcing arbitration agreements. I am convinced the protocol had an important impact on consumer arbitration, including some aspects of the Revised Uniform Arbitration Act, for which I served as an academic advisor. But although the protocol was a force for the good of the general public, we drafters sadly failed to anticipate the development of class-action waivers in connection with arbitration under standardized consumer and employment contracts.



Having been impressed by the potential of mediation upon my first experience back in 1981, I watched with great interest as mediation came to the fore as a strategy for resolving cases in litigation and was captivated by the concept of neighborhood justice centers and other community mediation programs. These, I believed, embodied the spirit of the Pound Conference and our Quiet Revolution by opening up the justice system and engaging not only disputants but the entire community. Toward the end of 1990, I concluded a speech by suggesting that our region, the bluegrass region of Kentucky, would benefit by having a community mediation center. With the backing of lawyer and non-law-

yer volunteers and the Kentucky Supreme Court, I took the lead in establishing a 501(c)(3) nonprofit entity called the Mediation Center of Kentucky, created a board, began visiting court-connected mediation programs in Atlanta and other cities, sought out expert guidance on procedures and protocols, and brought in leading trainers to prepare the first cadre of mediators. Once the center was up and running, I stepped back from a leadership role but continued to mediate cases. Almost three decades later, the center is still in operation under the auspices of the administrative office of the courts; my only personal regret is that, like many court-connected programs, the “gravitational pull” of the legal profession has severely limited opportunities for non-lawyers as mediators.

My own mediation practice developed around my expertise in resolving engineering and construction disputes and expanded into the larger commercial realm. I loved the flexibility of mediation and the room for creativity in helping parties devise solutions, including tailored process options such as final-offer arbitration. What I most enjoyed, however, was facilitating parties’ efforts to restore or improve personal and working relationships—something that was not always uppermost in parties’ minds by the time they had “lawyered up” and positions had hardened. Focused on the special opportunities of early, “real-time” mediation in the context of long-term relationships, I took on work as a “standing neutral” during the course of construction projects and facilitated resolution of jobsite issues before they spiraled into legal disputes. My “upstream” focus eventually extended to facilitating project partnering by bringing together key members of the design and construction team to share organizational and individual priorities and specific concerns, laying the groundwork for early resolution of issues during the progress of the project. At the time, my own experience and

broad-based surveys of lawyers, architects, engineers and other construction professionals and construction gave me reason to believe that real-time approaches like these would be the future of construction conflict management and the ultimate evocation of the Quiet Revolution.

By the late 1990s, I strongly felt the need for a new challenge. Through the Mediation Center and other initiatives I'd hoped to construct an institutional framework in which law students could develop skills and insights for conflict resolution, and eventually to establish a multi-faceted academic program. It became clear, however, that my very hidebound law school was unlikely to support such a venture—at that place, I would remain a “one-man band.” I concluded, moreover, that for all of the effort I had spent trying to make a difference in the culture of dispute resolution practice, I felt I was reaching only a relatively small and self-selected audience. It was time for a big change.



The Center for Public Resources was a Manhattan-based nonprofit organization founded by a group of Fortune 1000 corporate counsel in 1979. Its amorphous title reflected the fact that the founders envisioned several discrete missions for CPR, but it was not long before the organization's focus was on promoting alternatives to the high cost and perceived risks of litigation. As the CPR Institute for Dispute Resolution, the organization engaged and received financial support from more than 400 of the world's leading corporations and law firms. It convened leading lawyers, academics, and thinkers in topical working groups; developed books, guidelines, and procedures for the resolution of business-related conflict; hosted national and international conferences; sponsored panels of distinguished neutrals; gave awards for outstanding initiatives and writings in the field of dispute resolution; and published a magazine,

Alternatives. This unique organization first came to my attention when a young in-house lawyer loaned me copious materials from a CPR-sponsored workshop on mini-trial, which I promptly photocopied; I was astounded at the quality and breadth of information on private dispute resolution processes, and I resolved to become involved with CPR. My opportunity came in 1987, when one of my early writings received the prize for best professional article at CPR's annual meeting at the University Club in Manhattan (a truly heady experience for a young scholar), and I was invited to be an affiliated scholar of the organization. My engagement with CPR eventually resulted in my designation in 1998 as academic director of a Hewlett Foundation-funded commission of more than 50 leading arbitration experts that produced the book *Commercial Arbitration at Its Best: Successful Strategies for Business Users*, co-published by CPR and the ABA Sections of Dispute Resolution and Business Law.

In 2000, I was recruited to replace Jim Henry at the helm of CPR, and at the beginning of 2001 I left my chaired professorship to become the second president and CEO of the organization. It was a dramatic leap, requiring me to give up tenure, but I was confident that CPR would provide an unparalleled platform for promotion of creative conflict management in law and business practice at a high level. My romanticized image of the position had emphasized its scholarly, creative, and educational aspects, but very quickly I found myself immersed in other things: leadership, management, and administration, fundraising, and maintaining relationships with a wide range of people. The organization I inherited needed new momentum, new sources of revenue, improved staff morale, more effective teamwork, and a revamped board of directors. To effectively address these needs I had to work and act differently. Learning to manage myself was the first and greatest chal-

lenge, especially in the months following the September 11 attacks, when everyone in New York City seemed to exist under a cloud of despondency. Although the first two years at CPR were among the most difficult and challenging of my life, working alongside colleagues old and new (including my friend and mentor Peter Kaskell and my remarkable right hand, Peter Phillips), and with the immeasurable support of my wife, Sky, I was able gradually to promote critical changes and move CPR forward. The board of directors was transformed by bringing on an outstanding and fully engaged group of general counsel, and we were able to launch a number of new initiatives, including an International Business Mediation Congress in The Hague aimed at promoting greater use of mediation in the European Union. We also sought to build partnerships in other parts of the world and responded to the request of the China Council for Promotion of International Trade to cooperate in the creation of a new US-China Business Mediation Center. To recognize the role of corporate counsel whose companies were using effective conflict management practices as well as to address serious revenue concerns, we created an annual Corporate Leadership Award; Ernst & Young's Kathryn Oberly and General Electric's Brackett Denniston were among the first awardees. CPR's financial picture improved dramatically, and when our Madison Avenue lease was up we were able to move to new and larger offices elsewhere in midtown.

In the course of five years at CPR I changed markedly and developed new capabilities as a leader. The reality, however, was that despite being at the head of an international dispute resolution "think tank," I felt I was losing touch with developments on the ground: I profoundly missed the opportunity to teach, write about, and practice dispute resolution. As president of CPR I made many dozens of speeches and conducted workshops for leading companies

and law firms, participated in national and international initiatives, and even co-authored a new dispute resolution text for law schools. Deep down, however, I realized that my true calling was as a full-fledged, dedicated teacher and scholar; I still longed for the experience of leading a major academic program uniting dispute resolution theory and practice.



In the spring of 2005 I met with the leadership of the Straus Institute for Dispute Resolution at Pepperdine School of Law for the purpose of exploring a joint training venture. Not long after we initiated discussions, Straus Director Professor Randy Lowry announced his resignation to assume a university presidency, and the talks about institutional cooperation gradually evolved into a personal discussion with his associate director, Professor Peter Robinson, who raised the possibility of my joining the Pepperdine faculty and working together at Straus. Peter's openness and willingness to explore a collaborative role impressed me greatly. When approached by Pepperdine regarding the faculty position some time later, I felt encouraged to propose that Peter and I jointly engage in a rather unconventional "co-directorship" of the institute; this arrangement would enable me to leave day-to-day administration to an able and trusted partner while concentrating on my own teaching, scholarship, and projects. In mid-2006 that vision became a reality, and Sky and I moved from the East Coast to the Pepperdine campus on a mountainside in Malibu, California.

My years as a chaired professor of law at Pepperdine and academic director of the Straus Institute have been among the happiest and most fulfilling of my adult life, thanks in large part to the wonderful community of which I've been a part. My renewed participation as a teacher and

scholar was a privilege and blessing; I had the opportunity to reflect regularly on approaches to teaching dispute resolution skills and to encourage constructive and reflective approaches to problem-solving by tomorrow's lawyers and make fuller use of my creative energies. I also experienced greater satisfaction with my impact on our field and its future.

At Pepperdine, my scholarly work focused heavily on trends in the evolution of arbitration and mediation practice in the United States and internationally, with special emphasis on the unintended consequences of procedural developments as well as the impact of globalization, the revolution in information technology, and current research on human cognition. In my renewed practice as an arbitrator, for example, I observed that arbitration procedures were "drifting" increasingly toward a litigation model. My 2007 keynote speech on that subject set the stage for an important national initiative that eventually led to the *College of Commercial Arbitrators Protocols for Expeditious, Cost-Effective Commercial Arbitration*. The protocols were distributed by DuPont general counsel Tom Sager to all the top lawyers at Fortune 1000 companies and played an influential role in US arbitration practice. This "modern" work is juxtaposed against several historical research projects regarding conflict and its resolution. These included a study on relational conflicts between Warner Brothers Studios and each of three famous actors (James Cagney, Bette Davis, and Olivia de Havilland) during the golden age of Hollywood—a project that benefitted greatly from Olivia de Havilland's sharing of personal recollections. Most personally satisfying, however, is my research on Abraham Lincoln as a problem-solver and manager of conflict during his life and career, a project inspired by his admonition to fellow trial lawyers to "discourage litigation" in favor of

efforts toward informal problem-solving and negotiated resolution.

These scholarly efforts are just one aspect of my engagement as co-leader of the Straus Institute, a unique center comprising a broad academic curriculum and vaunted professional skills training. The Straus Institute's academic curriculum consists of more than 40 courses on conflict management and dispute resolution, none of which were regularly taught when I was in law school. I could comfortably teach no more than a handful of courses—negotiation, arbitration practice, international commercial arbitration, courses immersing students in international dispute resolution practice in Europe and in China, and, most recently, a capstone course on ethical and practical challenges in dispute resolution. As a teacher, my greatest joy is engaging with and preparing young graduate students from all over the world to be responsible and reflective lawyers, dispute resolution professionals and problem solvers. At recent proceedings celebrating the signing by nation states of the Singapore Convention, I was pleased to see that I was in a room with no less than six of my former students who are practicing or teaching in places such as Ecuador, Korea, Hong Kong, Serbia, Singapore, and Qatar. I have also taken the lead in organizing and hosting conferences and symposia on diverse topics: women negotiating their way in the entertainment industry, efforts at forgiveness and reconciliation in South Africa, innovative conflict management approaches in business, and teaching dispute resolution. In addition, I conducted a series of filmed interviews with Archbishop Desmond Tutu, special master Kenneth Feinberg, and others. These projects and others benefited from the involvement of more than 50 individuals who make up the Straus Institute's Council of Distinguished Advisors, a group of lawyers, dispute resolution professionals, corporate general counsel, and leaders of dispute

resolution organizations from all over the United States and abroad that I brought together in my first months at the Institute to help credential, enhance, and offer valuable advice for our program. It was also during this time that I began drawing and painting again in the service of the institute, producing posters of Lincoln, Gandhi, and others with quotations that I am told have inspired mediators and problem-solvers around the world.

After a highly productive and satisfying decade at Pepperdine, new challenges emerged. In 2016, acknowledgment of the Institute's reputation and continued success prompted university directives to significantly increase the number of students in our graduate programs and collaborate in the establishment of three new online master's degree programs, two of which were solely focused on dispute resolution. In addition, the relatively streamlined and autonomous decision-making processes to which we were long accustomed were replaced with new layers of administration and stricter regulation; having for so long piloted a highly maneuverable frigate, it sometimes felt as though we were submerged in the command chain of a lumbering aircraft carrier. Meanwhile, a valued colleague began stepping back from his role as day-to-day manager of the institute after many years of service, necessitating the development of a new leadership team to meet new challenges. During the current period of transition and change, I've again focused on reflective self-management as a critical part of my efforts to employ the same skills in interpersonal communication, problem-solving, and conflict resolution that we teach in the classroom. In these efforts as in the classroom, my ongoing studies of the life and career of Abraham Lincoln as an exemplary lawyer and leader are an invaluable source of insight and inspiration.



Four decades into the Quiet Revolution in dispute resolution, it is natural for those of us who have shared the experience to examine and reflect upon our era and our personal and institutional legacies. For me, the greatest joy has come from engaging with many outstanding individuals in efforts aimed at improving human interaction, moderating or ending conflict, and restoring or enhancing relationships. Our greatest accomplishments as a field include the development of mediation, which is sometimes employed as a highly flexible and valuable method of dispute resolution and relational transformation, and the establishment of academic and professional training programs that promote reflective and effective practices in negotiation, mediation, arbitration, and other approaches.

Yet despite unprecedented study and experience with the promotion of peacemaking and problem-solving, our successes are limited. Although we have devoted substantial attention to the employment of mediation and arbitration, lawyers have too often severely limited the flexibility and utility of these processes by imposing a “litigation mentality,” and in-house counsel too often abdicate their choice-making role. In addition, the challenges we face are seemingly more daunting than at any time in recent memory. For the typical US citizen, the ability to obtain “justice” may be as elusive as ever, both in the public and private realm (although recent experimentation with online platforms suggests new ways of overcoming the barriers of time, distance, and cost). Moreover, even those who have devoted considerable time and effort to the resolution of conflict seem unable to narrow the vast divisions—economic, political, social, cultural, religious—in our society and in the world at large. Current national and global trends are alarmingly evocative of historical periods

of mounting hostility leading to armed conflict, such as the years preceding our own Civil War or the two World Wars.

Although I am often tempted to throw up my hands in the face of current events, I tell myself that it is precisely now that I must take heart and act. I have been given skills and insights to influence and constructively channel human interaction and must press forward even if I sometimes feel that my impact is limited to individuals or small groups. I think of my teacher parents, especially my father, and I am grateful for their example. As an educator and facilitator of conflict, I have the opportunity to influence (directly or indirectly) other practitioners and teachers around the world, to focus attention on outstanding exemplars of ethical living and leadership (such as Abraham Lincoln), and to model the behaviors this field seeks to inculcate. In these efforts, self-awareness and self-management are central. Who I am and who I intend to be—my essential makeup, my core beliefs, and the themes that animate my life—are more important than ever.