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The View from the Helicopter

By Lisa Blomgren Amsler



Experiencing life as an “other” brought me to this field—not as much an “other” as is experienced by people of color, LGBTQ individuals, immigrants, or those other-abled, but enough to make me want to understand how our systems contribute to human conflict and shape how we handle it.

Family

My parents met when they were flying for Northwest Airlines (now Delta); Dad was a pilot, and Mom a stew-

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ardess. Dad was Swedish-German from Boise, Idaho. His father had abandoned him when he was 10, and at 16 Dad lied about his age to get into World War II. After the war ended, he stayed in the Pacific for five years, playing jazz sax in Manila bars and trying to start businesses with surplus military planes before coming back to the United States to attend college on the GI Bill. Mom was a Sicilian and Romanian Jew from a turbulent family who grew up in Queens, New York; like others before her in her family, she did not go to college. When they married, Northwest Airlines fired Mom because this was the 1950s, before the Civil Rights Act of 1964. Dad had low seniority, so he suffered repeated layoffs.

I was the firstborn in Michigan in 1955. Laid off and responsible for a wife and baby, Dad gave up on the airlines and took a corporate pilot job, a move that Mom complained all her life was a big mistake. My parents loved each other, and they also fought. They were both youngest children and had trouble managing money. My sister (3 years younger), brother (7 years younger), and I grew up moving from place to place like Army brats.

From the Deep South to Long Island: Culture Shock

The first home I remember is Mobile, Alabama—and the first place I felt like an “other.” Mom hid the fact she was part-Jewish, and Dad hid his serious leftie leanings. On November 22, 1963, I was in third grade when the principal announced that President John F. Kennedy had been assassinated. All my classmates clapped. I cried, because I knew my parents loved the Kennedys. Disapprovingly, my teacher said, “Go to the ladies room and compose yourself.” I did not understand—why was I crying and everyone else clapping? While I did not realize what it meant, I was in an all-White segregated elementary school in the Deep South.

Less than a year later, Dad was transferred to New York's LaGuardia Airport. We moved to an Oyster Bay rental house, and I entered an integrated fourth-grade classroom with my Southern accent and manners (stand up when the teacher calls on you, say, "Yes Ma'am" and "No Ma'am"). After school, I would face south in the back yard and cry, missing home where I could wander alone in the swamp, catch lizards, tadpoles, and crayfish, climb mimosa trees in full bloom, and eat pine nuts out of pine cones with the neighbor kids.

By spring, though, I had a new friend, Grace, who was Black and had a heart condition and an identical twin who was fine. She invited me to spend the night but despite my protests, Mom said no. Why not?

That fall, I moved away from Grace to a nearby suburb, Syosset, where I again felt "other." I remember being embarrassed in fifth grade—I tried to defend the Deep South when we talked about the Civil War. I prided myself on being a good student, but I was wrong *in school*. It was traumatic. I did not want to mediate between North and South. I just wanted to understand.

In moving to Long Island, we suddenly had close contact with all Mom's extended family, including Grandpa Bennie Bonacio, a musician and composer who played in Paul Whiteman's big band and Broadway shows. We also discovered new cultural traditions like traditional Sunday Italian family dinners, at which I heard complaints about the musician's union. Meanwhile, like Grandma's family, Mom's sister and her husband were practicing Jews active in their temple. We all celebrated Passover at their house. At our home, Easter was about the "God of Chocolate."

I loved meeting my first cousins, but we became separated after our family boycotted my cousin's bar mitzvah in a dispute Mom never explained. There was something called the "Mandel Madness," in which people would

“ghost” each other, as it is now called. Things also became challenging at home. Dad, working as a pilot, was away a lot for days at a time. Alone with us, Mom was physically and verbally abusive. I later learned that Grandpa Bonacio had hit her a lot. In an “accident” before age 2, I had ended up in the hospital with a fractured skull and broken collarbone. I think my sister bore the brunt of it because unlike me, she had no medical record of previous injury. I have survivor’s guilt for not protecting her. I did not try to mediate—I was afraid of Mom.

In contrast, my sister and I spent several largely peaceful summer vacations, without our parents or brother, with my Dad’s family in Idaho. His Aunt Lou had a cabin by a lake in the Rockies—it was bliss. Grandma Carrie, who was of German ancestry, did not like Mom because she was a Jew (although Mom, like her children, had never practiced any religion). The summer that I was 12, Grandma Carrie and Aunt Lou had my sister and me baptized in a Boise Episcopal church. This irritated Dad because he was an atheist. The family conflicts over culture, religion, and ethnicity made me want to understand why people cared about all this stuff. Why was there so much drama?

I was lucky—we lived in Syosset until I graduated from high school. While I was in college, my siblings lived in two more states and three more houses between middle school and high school.

Escape

I babysat and saved money to escape back to Idaho the summer after ninth grade, this time alone. Aunt Lou was a tremendous influence. She gave me the gift of freedom and introduced me to Emerson, Krishnamurti, and the Theosophical Society. I discovered Buddhism. I began to have a frame for thinking about conflict, tolerance, and peace. She took me to the Grand Tetons. She let me use

her lakeside cabin in the mountains for three weeks, driving up on weekends to make sure I was alive and did not starve. I was 15; it was the summer of 1970. I read about the long conflict between England and Scotland, the Berrigan brothers, the Kennedys. I meditated by the lake.

When I returned home to Syosset, it was back to conflict in the house, but by high school I had new friends, which made a huge difference. They introduced me to social justice, picketing for the grape workers, political protests, strikes at our school. Many in this social circle had a passion for writing and language. I also had wonderful courses—Greek tragedy, the Bible as literature, Shakespeare. My philosophy teacher, William Cawley, was a Jesuit-trained conservative with a crewcut. His capacity for logical argument gave him power over conflict, and watching him debate teenage long-haired radicals about Plato or St. Thomas Aquinas made me want the perfect 19th-century gentleman's education. After I decided to graduate a year early, a librarian at Syosset High steered me toward her alma mater, Smith College, a women's school. Smith accepted me early decision when I was 16.

College

Smith had no distribution requirements. I double-majored in ancient Greek and philosophy. It was all about conflict—the *Oresteia* and the *Iliad*, Plato's *Symposium*, the battle of ideas between Platonic forms and Aristotelian empiricism, and the New Testament in Koine Greek on Christianity and Rome. A religion course on Hegel was transformative. His dialectic gave me a language to think about conflict: thesis, antithesis, and synthesis. This was not simply logic. Synthesis meant it was possible to resolve a conflict between ideas, to take them together to a new level. The dialectic was a language for how systems evolve. I did my honors thesis translating the fragments of Heraclitus—he

who said you can never step in the same river twice, and everything is change. As have Eastern scholars, I argued that he was a mystic like Lao Tzu. Smith College was empowering. Now, in conflict I could both reason and synthesize. And my wonderful housemates became my life-long friends.

All was not peace in college, though. In the fall of my sophomore year, Dad lost his temper at work when skipped over for a long-promised promotion and he left his job of 17 years, so there was chaos at home. In January, my roommate's brother was shot to death at work. A week after that, Grandpa Bonacio died from a heart attack a few months after becoming a conductor for a small orchestra—he had no retirement pension and needed to keep working. Three generations of men struggling to earn a living, support families, or be able to retire in peace. I questioned whether the system provided workers with job security, safety, and justice.

Becoming a Lawyer and Dispute Resolver

My Smith professors in the philosophy and classics departments advised against going to graduate school. Hegel and Heraclitus were not in vogue, and I probably would not be able to find an academic job teaching ancient Greek. Realizing I did not want to spend my life talking about dactylic hexameter, I defaulted to law school, something I had first discussed with my father when I skipped a year in high school. I was engaged to my first husband, who had a year left in college in Connecticut. I got a day job as a legal secretary and attended the University of Connecticut School of Law at night, transferring to the day division after a year.

I discovered dispute resolution in law school through civil procedure, contracts, and labor law. Cornelius Scanlon, an accomplished labor mediator, taught contracts.

Peter Adomeit, a member of the National Academy of Arbitrators, taught civil procedure and labor law and became my mentor. At Smith, I had discovered Hegel; in labor law I encountered a system for workplace democracy that presented in reality the dialectic process between labor and management. I loved it.

I became a systems thinker in labor law. Later in life, after I became an academic, one of my former law partners said that listening to a talk I gave at Yale Law School was like watching someone in a traffic helicopter. I appreciated his metaphor, because in retrospect I was searching for the big picture, trying to understand the system that was producing conflict—in employment, in my family, in the North and South, nationally in the late 1960s and early 1970s—like hovering high enough to see crashes and resulting jams in the flow of traffic.

In 1978 during my second year of law school, Professor Adomeit introduced me to the Connecticut Education Association (CEA). There I worked for in-house counsel on cases of first impression argued before the Connecticut State Board of Labor Relations. Remembering my grandpa and both parents encountering work challenges related to both labor and management, I decided to become a labor lawyer. Workers' rights are political rights. A functioning labor law system can provide workplace justice. That experience brought me to mediation, arbitration, and dispute resolution.

After law school graduation in 1979, I joined a “silk stocking” general practice law firm’s labor law department as an associate. Now the largest in Connecticut, it represented primarily public-sector management (school boards, municipalities, later the state). Both my mentor Peter Adomeit and CEA colleagues reassured me it was a firm of high integrity and well regarded by unions: I would not be viewed as a union-buster. For the next 10 years, I

served as chief spokesperson and advocate in countless hours of negotiation and mediation, and in numerous grievance arbitration, fact-finding, and binding interest arbitration hearings. I argued three cases before the Connecticut Supreme Court, winning two. On two occasions, I represented employees instead of management, one in an age discrimination complaint and another in a Social Security disability case, settling one and winning the other. It was deeply satisfying to help people in individual cases—yet not enough. Individual cases rarely make for system change.

By 1983, I was getting close to the partnership decision, and my husband wanted to do his dissertation research in Sweden. We applied for Fulbright fellowships. When I approached the firm for unpaid leave to accept a six-month Fulbright, it voted to dock me a full year's credit toward partnership. Knowing that the previous year the firm had granted a two-year unpaid leave with full credit toward partnership to a male litigator to serve as a public defender, I objected. My mentor advocated for me in the partnership, which then reduced the time docked to six months. After I returned to the firm, I was made partner in 1986.

In July 1986, I also gave birth to our first son. I was the first woman partner to have a baby and return to practice. Trying to juggle motherhood, 70-hour work weeks, and a post-doc spouse commuting between Hartford and New Haven was a challenge. The turning point for me came during the annual "pie-cutting" in 1987, a full partnership meeting at which the firm set prospective percentages each partner would receive of the profits in the coming year. At that time, the firm cut the pie democratically. Each partner read aloud the percentage they set for every one of the partners. The firm then averaged all partners' votes to determine each partner's share of profits. My 1986 stats were in the top quarter of the partnership for billable hours

and cash receipts, despite my having had a baby by C-section and taking five weeks of maternity leave.

The firm voted me a compensation in the bottom quarter of the partnership. If the basis had been seniority, that would have seemed fair, but it was not. One partner voted the same compensation for all three women partners, regardless of individual productivity statistics or seniority. A litigation partner later told me that junior male partners “had a family to support.” I had a new baby and a husband on a post-doc; I, too, had a family to support. A third partner told me in the hallway, “Lisa, you can be a good mother or a good lawyer—you can’t be both.” Title VII did not apply because I was an equity partner, not an employee. In 1986, being the first woman partner in a big firm to have a baby and return to full-time law practice was no fun. I told my husband I would leave for whatever academic job he chose. In 1989, he was hired by Indiana University (IU). I had no regrets about leaving law practice.

When we arrived in Bloomington, I planned to stay home with my son, have another baby, and recuperate from law practice while my husband worked toward tenure. However, Peggy Intons-Peterson, the first female chair of the IU psychology department, was concerned about my career as a “trailing spouse” and set up networking meetings for me. Terry Bethel, a labor law professor at the IU School of Law and a National Academy arbitrator, told me it was unwise to take a complete hiatus from my professional identity. I became a lecturer in legal writing and research. IU opened a door to a new career direction: teaching, with dispute resolution practice.

I mediated or arbitrated dozens of labor cases. Most challenging was an expedited *pro bono* Olympic sports arbitration over an elite athlete’s allegedly positive drug test. If I ordered that the athlete be permitted to compete, the International Olympic Committee (IOC) had the

authority to reject my decision and could even disqualify the entire track and field team. I had never before encountered an arbitration system that lacked finality *and* allowed my award to harm innocent third parties. I published my first article as an academic about this system.

Becoming a Scholar

In 1992, I was invited to apply for a tenure-track position across campus at Indiana University's O'Neill School of Public and Environmental Affairs. By then, in addition to my position at the law school, I had two sons (a 5-year-old and an 8-month-old) and a practice on the side as a negotiation trainer, facilitator, mediator, and arbitrator. The deans of both the O'Neill School and the law school wanted to develop a dispute resolution curriculum and research on the IU campus. Ironically, until then, I did not think of what I did as "alternative dispute resolution" but as a way to stay in collective bargaining as a system.

I started as a tenure-track assistant professor at O'Neill in 1992, teaching new and different classes—two graduate and two undergraduate courses, one in constitutional and administrative law and the other a survey in negotiation and dispute resolution. Teaching forced me to learn; it broadened my understanding of how context shapes process and steered me further toward systems thinking, contrasting public justice in court and private justice in dispute resolution. The more I learned about how different systems produce varying outcomes, the more I became concerned about fairness and justice. What if there was no union? What if the system was undemocratic? This raised the question of how control over system design affected function, justice, and fairness. There was the potential for structural bias in dispute resolution systems.

Initially, I wrote articles about labor and employment that appeared in well-ranked law journals, which are not

refereed. As a lawyer and not a social scientist, I was in the minority on this faculty. Most of my colleagues published work in scholarly journals with blind peer review. Adapting, I audited graduate statistics courses for a year. A colleague told me to research what I knew. I thought I knew arbitration and started attending conferences—the Society of Professionals in Dispute Resolution (SPIDR), the International Association for Conflict Management (IACM), the Industrial Relations Research Association (IRRA), and the Law and Society Association (LSA).

Arbitration Systems and the Repeat Player Effect

The US Supreme Court had recently decided *Gilmer v. Interstate/Johnson Lane Corp.* (500 US 20, [1991]), reinterpreting the Federal Arbitration Act to require a securities dealer claiming age discrimination in employment to arbitrate his claim pursuant to a mandatory, forced, or adhesive arbitration clause in his Securities and Exchange Commission registration form. As a labor arbitrator, I still thought arbitration was a fair system and a benefit for employees, whether or not there was a union. However, I wondered if it might be different without a union's institutional memory on specific arbitrators. I contacted the American Arbitration Association (AAA), and George Friedman gave me access to non-union employment arbitration case files. I began exploring employment arbitration decisions under the AAA Commercial Rules empirically, using multivariate regression, and comparing employees and employers as complainants. I did not control for repeat players. I presented it at the 1994 IACM conference, where most attendees had doctoral training in organizational behavior and social psychology and worked in business schools or psychology departments. I was an “other,” but

the IACM recognized the work as the best applied conference paper and made me feel at home.

At LSA conferences, I learned about Marc Galanter's "Why the Haves Come Out Ahead: Speculations on the Limits of Legal Change," about the civil justice system, game theory, and repeat players and one-shot players (Galanter, 1974). I began to suspect that non-union arbitration and labor arbitration were different animals because they exist in different systemic contexts. I applied Galanter's repeat play/one-shot play dichotomy to non-union arbitration. Taking a sample of non-union arbitration cases (under AAA Commercial and Employment rules), I defined repeat player as an employer that appeared in more than one case. Using simple frequencies and chi-square tests, I found that employers as repeat players won non-union employment arbitration cases statistically significantly more frequently than employers as one-shot players. In labor arbitration, where labor and management are both repeat players, the awards generally split 50/50 between labor and management. What I named "the repeat player effect" was a smoking gun, and it suggested the need for future research. I presented findings at the IRRA's 1997 and 1998 conferences, winning refereed conference paper competitions each year. I had found another empirical intellectual home.

In 1997, I published the repeat player article entitled "Employment Arbitration: The Repeat Player Effect" in the inaugural issue of a refereed journal, *Employee Rights and Employment Policy* (Bingham, 1997). This was the first-ever empirical study of the repeat player effect in non-union employment arbitration. The repeat player findings have been replicated by multiple other researchers with larger datasets and more sophisticated multivariate analyses. While scholars do not agree on an explanation for why it happens, I predicted correctly that mandatory, forced, or adhesive arbitration would come to pose a major public

policy issue. It also triggered my interest in how a dispute system's design can shape justice—or the lack thereof.

I teach all my students about the mandatory, forced, or adhesive employment and consumer arbitration favored by corporate America. The vast majority of US voters have lost access to class actions and the courts more generally—even though they pay taxes to support courts to enforce the public laws that their democratically elected representatives in Congress passed. These arbitration clauses also can shift transaction costs, like attorney's fees, to the employee or consumer and thus deter and suppress claims and gut the enforcement of many public laws—e.g., the Fair Labor Standards Act, which mandates minimum wage, Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination, and laws that provide consumer protection against defective cars or drugs.

The critical issue is control over dispute system design. While I did several additional analyses of AAA cases, in 2002 I lost access to the data. Others also took up the work, and my research priorities changed.

Research on Dispute System Design: Mediation at the US Postal Service

In 1994, I started parallel research on mediation. An O'Neill mentor, James Perry, had suggested I look at the Administrative Dispute Resolution Act of 1990, which authorized and encouraged federal agencies to use dispute resolution. Another mentor, then-Associate Dean Charles Wise, offered to collaborate on an interview study and teach me qualitative research. I was an assistant professor on the tenure track while my colleagues were training me in social science like a doctoral student—a cause for gratitude.

In 1994, I called the US Postal Service (USPS) Law Department to interview Cynthia Hallberlin, a litigator,

shortly after she had settled a class-action race discrimination lawsuit by agreeing to establish a mediation program. Before I could finish the interview, she had asked for my CV and offered to take me to dinner wherever I was going to be the following week. Our serendipitous meeting in Dallas turned into an Indiana University-USPS collaboration that lasted from 1994 to 2006 and evaluated a workplace mediation program named REDRESS (which stands for Resolve Employment Disputes, Reach Equitable Solutions Swiftly). Using procedural justice literature, I designed an exit survey and data collection system that became a national program in every zip code. IU's evaluation employed dozens of students from 1994 to 2006.

The USPS goal was to move conflict management upstream, resolving cases early in the life of a dispute. In 1997, the USPS received about 28,000 equal employment opportunity (EEO) complaints a year, half of which proceeded to a formal administrative law judge hearing; however, the USPS ultimately prevailed in 95 percent of these complaints, as most employers do in EEO cases. By law, any federal agency EEO ADR program had to be voluntary.

I came to see mediation as an essential process step in any dispute system design, especially for conflicts between employees, or employees and their supervisors. However, I also saw how large institutions could use mediation to suppress conflict, depending upon the structure of the overall design. The USPS had control over how to design REDRESS; it selected mediators for the roster, trained them, assigned them to individual cases, and paid them. Mediators sometimes offer to assess a case's strengths and weaknesses or likely outcomes as a form of reality-testing. What would happen in caucus if these mediators told complainants they did not have a case? Even if the mediators were objectively correct, there might be the appearance of bias—employees might go back to the mail sorting

floor and tell coworkers that the mediation program was a setup. Alternatively, it might cause employees to give up, discourage them from going forward to a formal hearing or litigation, and thereby suppress claims. ADR programs in EEO cases were not a mandatory subject of bargaining with USPS unions.

I had heard Robert A. Baruch Bush speak about transformative mediation at a 1996 LSA meeting and suggested to Cindy Hallberlin that she look at his book coauthored with Joseph Folger, *The Promise of Mediation* (Bush and Folger, 1994). The transformative model prohibited a mediator from evaluating the strengths and weakness of a case or expressing an opinion on the likely merits or outcome. This set of ethics precluded a mediator from pressuring or trying to persuade a complainant to accept a settlement; instead it focused on empowering disputants and helping them recognize each other's perspectives. Settlement was not a goal, although it might be a byproduct. From a dispute system design standpoint, I felt that this mediation model could reduce the risk of a mediator appearing biased in favor of the USPS.

We started in 1994 with pilots in three cities. In October 1997, it was surreal and exciting to have 30 minutes to present our pilot employee interview and procedural justice survey research on mediation in REDRESS before the postmaster general and his management committee. When we finished, there was a moment of silence. Then the postmaster general said to the general counsel and our law department team, "Sounds like a good program. I think we should go national. I want a plan on my desk Monday." The management committee was all male, with one Black man; the law department team was all female, with one Black woman.

Ultimately, the USPS adopted the transformative model for mediation and rolled REDRESS out nationwide

over 18 months in 1998 and 1999. Ramping up nationwide data collection was hugely challenging, but I had an amazing team of graduate students who pulled it off and have gone on to become leaders in the dispute resolution field, including Gina Viola Brown, Susan Summers Raines, Tina Nabatchi, and Lisa-Marie Napoli.¹ To determine whether there was evidence that the EEO conflict management system changed after mediation was implemented, we collected five years of EEO complaint filing data before and after REDRESS, organized by zip code area (there were 85), month or accounting period, and date of implementation in each zip code area. We found the formal EEO complaint rate dropped by over 25%, a drop that correlated with implementing the mediation program in each zip code area in a given month or accounting period.

Over the 12-year evaluation in the exit surveys, there was no statistically significant difference between employee and supervisor satisfaction with the process (91-92% on average) or with the mediators (98%). The median settlement was \$0, but in 30% of cases there were apologies or other actions such as reinstating leave, transfers, or temporary appointment to higher positions. Unions received copies of settlements to ensure they comported with collective bargaining agreements.

While a majority of employees and supervisors were satisfied or highly satisfied with their outcomes, there was a statistically significant difference. Supervisors were more satisfied than employees, a finding that replicated studies on grievance mediation in labor relations and on mediation in litigation—and a pattern also found in the tort litigation and labor-management contexts (Brett and Goldberg, 1983, and Lind, Kanfer, and Earley, 1990). Under expectancy theory, plaintiffs expect more and defendants less, so the former are disappointed and the latter relieved by settlement. In other research, we compared outside con-

tractors versus USPS employees as mediators and found that employees were more satisfied with the outside independent contractor mediators.

We explored new models of organizational justice. Graduate student coauthors presented papers at conferences of the IACM. We determined that workplace mediation involved six factors in mediation, contrasted with the four-factor model for in-house grievance procedures (Nabatchi, Bingham, and Good, 2007). We found when disputants reported interpersonal justice with each other during mediation, they were more likely to reach a full resolution (Nesbit, Nabatchi, and Bingham, 2012). When they corroborated each other's reports of their communication behaviors during mediation, they were also more likely to settle. Lastly, those who received an apology from the other party were more likely to report a settlement. These findings supported the theory behind transformative mediation. Fostering disputants' communication with each other through empowerment and recognition in mediation might aid settlement, even if that is not a goal.

Indiana Conflict Resolution Institute

The O'Neill School hired me in 1992 to replace Rosemary O'Leary. However, Rosemary returned to IU in 1994 and I found a lifelong friend, research partner, and coauthor. In 1997, we co-founded the Indiana Conflict Resolution Institute (ICRI) at O'Neill with IU Strategic Initiatives funding. ICRI was a program evaluation research laboratory. It received funding from 1998 to 2006 from the William and Flora Hewlett Foundation Conflict Resolution Program as a special project. Hewlett ADR Theory Centers generally did not do applied program evaluation research, and we filled a gap. Together, Rosemary and I combined research on dispute resolution in public and private sector employment, administrative agencies, environmental

conflict, and public policy. Rosemary had the environmental law expertise, and our co-edited book *The Promise and Performance of Environmental Conflict Resolution* (O’Leary and Bingham, 2003)² collected researchers’ best thinking on program evaluation in that field.

In 2004, the Hewlett Foundation ended its Conflict Resolution program. My sons were approaching college and high school. My first husband and I mutually agreed to divorce.

The USPS funding for the IU REDRESS program evaluation ended in 2006. The REDRESS program lives on as of this writing, making it more than 25 years old. IU’s USPS REDRESS research has been characterized as the most comprehensive evaluation of a workplace mediation program. Arguably, it was a positive force for change in how the USPS handled workplace conflict. In retrospect, Cindy Hallberlin and the USPS achieved my life goal of systems change. By taking research to scale, we created knowledge people can use to improve systems (Bingham, Hallberlin, Walker, and Chung, 2009). The USPS system was not perfect, but it gave employees voice they did not have before.

My research interests in systems continued to evolve. Elinor Ostrom’s work drew me to look at the institutions and governance structures within which dispute resolution systems are embedded (Ostrom, 2005). In her Institutional Analysis and Development (IAD) framework, law and rules are important independent variables. My research on dispute resolution had long made me an “other” in the field of public administration; it was not mainstream. However, collaboration with Rosemary changed that. We argued that the federal Administrative Procedure Act and Administrative Dispute Resolution Act provide a legal framework for citizen and stakeholder voice in governance (Bingham, Nabatchi, and O’Leary, 2005).³ An international rock star in public affairs, Rosemary invited me to co-edit special

issues of two journals and two books (Bingham and O’Leary, 2008; O’Leary and Bingham, 2009) on collaborative public management and networks. She welcomed me into a field I knew little about when O’Neill hired me.

I retired from dispute resolution rosters 20 years ago and no longer practice mediation or arbitration. I teach it, research it, and write about the big picture—the systems. In 2007, Janet Martinez, Stephanie Smith, and I embarked on a 13-year adventure trying to write a comprehensive book about dispute system design. Our work culminated recently in the publication of *Dispute System Design: Preventing, Managing, and Resolving Conflict* (Amsler, Martinez, and Smith, 2020). The missing link in much of the mediation, arbitration, and dispute resolution literature is the context in which a process occurs. Dispute resolution professionals move from case to case, and from organization to organization. They might (or might not) understand or have access to information about the dispute system design in which they are working and who controls it. For dispute resolution to provide access to some form of justice, the dispute system design in which it occurs must reflect stakeholder participation and voice. If one powerful party controls system design, the result is more likely to be skewed in that party’s favor or to serve its interests. The future use and institutionalization of dispute resolution requires systematic rigorous research on the relationships among system design, outcomes, and justice.

Through the field, I met my husband, Terry Amsler—we married in 2013. A steward of the field, he introduced me to public engagement and the importance of people’s perspective on and in conflict over policy and governance. I am grateful for his generosity of spirit, compassion for the human condition, creativity, and continuing support. Together, we are working on how to strengthen democracy through people’s voice in the local, state, and national

governments in a project about engaging the public and underserved communities in dialogue about policy in public health. Starting with the legal and policy framework for public engagement, we hope to improve the system by scaling up a more inclusive model for the public's voice state-wide in Indiana.

I am deeply grateful to all my colleagues, coauthors, students, and friends in the field of dispute resolution. Our collective and critically important work in this shared community has given my life meaning.

Notes

¹ Gina Viola Brown is now associate director of the American Bar Association's Section of Dispute Resolution and editor of its *Dispute Resolution Magazine*. Susan Summers Raines is professor at Kennesaw State and past editor-in-chief of *Conflict Resolution Quarterly*, Tina Nabatchi is now a chaired professor at the Maxwell School of Syracuse University, and Lisa-Marie Napoli is director of Indiana University's Political and Civic Engagement Program.

² This was cited as Best Book by the American Society for Public Administration Section on Environmental and Natural Resource Administration for 2005.

³ This is in the top 1% of the most-cited articles in public administration in the past 30 years (St. Clair, et al., 2017).

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