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A Conflict Counter-Story: How a Puerto Rican Woman Ended Up in a Field Dominated by Anglo Men

By *Jacqueline N. Font-Guzmán*



“That explains a lot!”

This was the response of a colleague when I told her where I had attended grade school. Her comment got me thinking: what, exactly, was being “explained?”

Jacqueline N. Font-Guzmán is professor of law and conflict studies and director of the Negotiation and Conflict Resolution Program in the Department of Interdisciplinary Studies at Creighton University. A Fulbright Scholar and recipient of the 2017 Nova Southeastern University Distinguished Alumni Achievement Award, she is a mediator and arbitrator certified by the Puerto Rico Supreme Court. Her book *Experiencing Puerto Rican Citizenship and Cultural Nationalism* was selected as the Puerto Rico Bar Association 2015 Juridical Book of the Year in the category of Essay Promoting Critical Thinking and Analysis of Juridical and Social Issues. Font-Guzmán’s research focuses on health care disparities, law, citizenship, and conflict engagement—specifically, how people construct meaning at critical points in their lives to explore how meaning-making leads them to productively engage with conflict. She also explores how marginalized individuals create alternate stories and counter-narratives to address institutional/structural injustices. Font-Guzmán has a BA from Coe College in Cedar Rapids, Iowa, a MS in health care administration from Saint Louis University, a JD degree from the Interamericana University of Puerto Rico, and a PhD in conflict analysis and resolution from Nova Southeastern University in Fort Lauderdale, Florida.

That conversation reinforced what I have always felt to be true. Our past, our history, and the people we encounter in life matter. They matter because they shape our experiences, our stories, our identities, what we choose to do (or not do), our present, our future, and our ethical stance. This is my story of who I am as a conflict practitioner and scholar. This chapter is not a chronicle of my work in the conflict field. Those achievements can be found in my *curriculum vitae*; they are not who I am.

In the late 1960s and early 1970s, between the third and seventh grades, I went to a Montessori school in the Condado neighborhood in San Juan, Puerto Rico. My experiences in the Montessori school positively influenced my life. How I got there is memorable.

Through the start of third grade, I went to a private Christian school. My last day at that school began like every school day. My mother knocked on my bedroom door at the ungodly hour of 6:00 a.m. I struggled to wake up, dragged myself out of bed, took a shower, put on my uniform, ate something (reluctantly), and got in the car. This is where the routine ended. Instead of dropping me off, my mom walked me straight into the principal's office.

She looked at the principal and said, "I am curious. When I drop off my daughter at school every morning, does she stay in the classroom or does she wander off?"

"No!" said the principal. "Of course she does not wander off. We would never allow that to happen! We take security seriously."

"Then I need you to explain why every evening when I get home from work and check my daughter's notebook I read notes like, 'Jacqueline needs to learn how to count and subtract.' My daughter may not be a genius, but I am certain she is capable of counting numbers."

“We have many students in the classroom,” the principal said, “so mothers come to help their children with the assignments and class participation.”

My mother did not hesitate before responding. “I pay this school to teach my daughter,” she said, “and since you cannot do it, I am withdrawing Jacqueline from this school right now.”

The principal seemed stunned and told her she couldn’t possibly do that.

“Yes, I can,” my mother said. “Watch me.”

My mom demanded to know the tuition balance, whipped out her checkbook, wrote a check, grabbed my hand, and just like that, we walked out of the principal’s office. As we drove away in silence, I felt that something extraordinary had just happened. I also felt uneasy. What was next? Where would I go to school? What about my friends? After a few minutes of silence that felt like an eternity, I must have uttered my questions out loud because I heard my mother’s reassuring voice.

“Don’t worry,” she said. “You will be in a new school with friends by the end of the week.”

And I was. Within 48 hours I was in a Montessori school. No uniforms, learning at my own pace, small classes, and only minimum rules to facilitate learning. Creativity was encouraged, homework was done at school, and the playground was the beach. That day in the principal’s office might have been my first lesson in how to engage with conflict at an uneven table (Kritek, 2002). I was not in a fair competition with my peers; I was competing with my peers’ mothers. This dysfunctional power imbalance was unacceptable to my mother. Had my mother gone to my classroom as suggested by the principal, she would have been complicit in perpetuating institutional mediocrity and reinforcing unjust power structures. She chose to name the injustice—and find a better school.

At my new school I had a fair chance. There were no moms in the classroom, and I could deviate from conventional norms without being labeled a problematic child. I loved it. I could play kickball (which in my old school had been reserved for boys), and I could express my individuality by wearing trousers (also for boys only at the Christian school) instead of skirts.

But even at my new school, the table was not always even—it rarely is. For example, complaints I raised were not always given the same credibility given to those raised by boys. One boy in the class constantly pulled my ponytail, and when I mentioned this to a teacher, the boy denied it, and somehow his version of events became the controlling narrative. (The vicious cycle stopped when I socked him with my Samsonite briefcase when he was yanking my ponytail. He never pulled my ponytail again. I'm happy to say that I have significantly improved my conflict resolution skills since then.)

I did not know it back then, but the day my mother removed me from the Christian school, I learned two powerful lessons that shaped who I am today. First, not taking a side or not intervening can reinforce power imbalances, so you need to be aware of who benefits—and who gets hurt—by your decision to stand aside. Second, systems of domination matter. By systems of domination I mean social environments that sanction domination by the most powerful or privileged. Who is missing from the table or at risk of being effaced may be the result of systems of domination that disadvantage some and privilege others. At the Christian school, I was clearly at a disadvantage, and to this day, I am grateful that my mother took a stand.

These lessons were reinforced throughout my upbringing. As a child, when I was not at school (or being pulled from a school), I was in my grandfather's law office, which was located in his home. My mom and I lived next door.

I would spend hours at my grandfather's office at a desk (which was exclusively mine), drawing, doing homework, and listening to him prepare his clients for hearings and trials. My grandfather, an immigration lawyer, dedicated his life to taking stands and making invisible people visible. I was surrounded by a family of social justice advocates.

After completing my undergraduate degree in political science and my master's degree in health care administration and then working in health care for many years, I decided to go back to school to become a lawyer. As a health care administrator, I had seen my share of injustices and inequities; women and the poor usually received less than adequate treatment (Font-Guzmán, 2019). I wanted to use the legal system to advocate for the most vulnerable (Font-Guzmán, 2019).

Although I had earned my undergraduate and master's degrees in the United States, I returned home to Puerto Rico to study law and then litigated in Puerto Rico for more than 10 years. I enjoyed it. I certainly had frustrations with the legal system's lack of agility, and the inequities I saw in health care were also present in the legal system. The privileged and wealthy still had an upper hand. However, I found partnering with my clients—to help them get compensation and move from slum-like apartments to better housing, leave abusive relationships, get reinstated to jobs they had been unlawfully dismissed from because of their political affiliation, or make sure that people in prison received adequate medical treatment—especially gratifying. I treasured the relationships I developed with my clients. What a privilege to be with them in their space of desperation and see them slowly move out of it!

“Have you lived with a schizophrenic person?”

As an administrator working in health care institutions and the insurance industry, I was in settings where people were sick and desperately trying to access service. Many times their lives depended on it. I always chose the side of the patient and their families. I saw my role as making sure the system worked for them.

My legal practice was also centered around advocating for those who are often easily forgotten. More than half my legal practice focused on providing legal services of a non-criminal nature for persons involuntarily or voluntarily confined in custodial, correctional, or penal institutions and institutions for the mentally ill or mentally disabled. This was the population I chose to serve. It was my calling, and I have always felt joy in servicing those most in need.

If you are attentive to your surroundings and you work in health care and the legal system, you cannot help but be changed by what you see and learn. As an attorney and as an administrator, I usually entered the lives of those I served when they were at their lowest. They were angry, exhausted, confused, frustrated, fearful, vulnerable, and often desperate. They were entangled in a system where marginalization, unfairness, and structural violence (among many other types of violence) were normalized. By structural violence, I mean the processes and systems set up in our institutions that harm those who are supposed to be served or prevent them from accessing needed services (Galtung, 1990). Basically, if people were poor, minority, Black, LGBTQ+, or deemed different, their odds of successfully obtaining what they needed were significantly reduced.

I will always remember the day I met with the mother of a potential client in Puerto Rico. I was part of a team of lawyers working on a class action filed on behalf of patients who were institutionalized in a state psychiatric institu-

tion, and this woman represented a group of mothers who had organized to advocate for their mentally ill children. Her son was schizophrenic and institutionalized in the hospital.

We sat on a bench outside the hospital where I could feel the embrace of the hot Caribbean breeze. I asked fact-eliciting questions; she answered. After about a 20-minute exchange, I shared some possible plans of “attack” to expose the public hospital’s substandard conditions. She looked into my eyes, placed her hand on my arm, and in a soft-spoken tone asked, “Have you lived with a schizophrenic person?”

I told her I had not.

She went on to share her experiences living with her son’s schizophrenia and enlightened me about how my proposed legal strategies would lead to shutting down the hospital. “And then what?” she asked.

She had no other place where her son could receive treatment. I realized I had been listening to the facts—but not to her story. Facts told me what happened and when. Her story was richer. Her story painted a fuller picture of her situation: her context, her needs, the impact of schizophrenia on her life and her loved ones, her emotions, her relationships, who she was, and what she needed to heal and continue with her life. It was a humbling experience.

I thought the public psychiatric institution was reminiscent of Dante’s circles of hell, but my potential client could not afford a private institution for her son. She was a poor working woman desperately trying to advocate for her son within health care and legal systems that had not been designed with her in mind and in many ways reinforced inequity. She could not spend months and even years meeting with attorneys, attending hearings, and waiting to have her day in court. She was not willing to have her soul crushed again, this time by the legal system.

I was struck by how the rules of engagement in the legal system were preventing this woman—and many other affected parties—from securing justice and a speedy solution to her legal problems and needs. I learned that day that listening to my clients' stories was just as important as fact-finding interviews. The fact-finding legal interview allowed me to build a better legal case. Listening to her story allowed me to establish a relationship and direct her toward places where some of her needs could be addressed.

The case lasted more than 20 years, and I had joined toward the end of the process. The leading and more senior lawyers changed their legal strategies, in part, as a result of the stories they were also hearing. From my perspective, three of the most significant changes were: 1) convincing the judge to hold status conference meetings at the psychiatric hospital instead of in court; 2) entering into a constructive dialogue with all the parties involved, especially government officials; and 3) considering system-wide issues in the health care state institutions, including those that were not part of the complaint, that needed to be addressed to provide redress to all the patients in the public psychiatric system. For example, overcrowding in the psychiatric hospital could not be solved unless outpatient psychiatric units were available to admit patients once they were discharged from the hospital. This was only possible thanks to the collaboration of all parties involved.

Like most things in life, my future client's predicament was not an "either-or" situation; it was a "yes, and" situation. She was on an uneven playing field. If I had known about conflict engagement processes at the time, I could have designed a process with my client to address some of her immediate needs while the legal system took its time vindicating her rights. Mediation is not a panacea. There would still be power imbalances between our client and government officials, but some of her needs could

have been met sooner. We could have explored constructive ways of staying with those conflicts that could not be solved immediately (Mayer, 2008).

“You really should go. ADR is the future.”

I crossed paths with ADR, specifically mediation, midway through my litigation years. A colleague told me about a mediation training in the Postal Service, which was launching its transformative mediation program in Puerto Rico. I was skeptical: how could we possibly achieve justice by “just talking?” But on the other hand, what if we could?

At the time the training started, in August 1998, I was swamped with legal work. Clients were back from their summer vacations and ready to reengage with their legal battles. My husband, a lawyer, suspecting I was going to bail out of the training, said, “You really should go. ADR is the future.” He knew how busy my schedule was that week, but he also knew me well enough to know I would end up loving it. I did not know it then, but attending the workshop changed the course of my professional future. I also like to think it made me a better person, professional, friend, and colleague.

My introduction to mediation did not begin well. I knew about two-thirds of the trainees in the room. Most of them were lawyers. The trainers had set their agenda and structure for the next three days. Within the first two hours, we revolted. (I might have been one of the instigators.) We challenged the utility of the trainers’ role plays, and we were adamant that their processes would not work. We had a visceral feeling that their model and the method of delivery needed to be adapted to our culture. We felt the agenda was constraining and culturally insensitive because it did not consider that as part of our learning process, we needed to spend time building and cultivating relationships among ourselves.

Our mini-insurgence had nothing to do with the trainers' experience and knowledge of the subject matter; they were impressive. And the trainers' reaction to our coup attempt was inspiring. They asked for feedback, called a break, met privately, and came back with a restructured agenda for the day and a promise to do the same for the next two days of the training. The trainers knew, like my mom way back when she decided to pull me out of school, that structures could be constraining and not conducive to learning. Unlike my mom, who did not expect the structure to change and therefore had to move me to a different school, the trainers viewed structure as much more malleable, something that could be modified to free us from our felt coercion.

My skepticism about mediation began to dwindle. I thought, "How cool is this! As a mediator I have the power to co-create with those in conflict a process that, while it may not guarantee a fair outcome, could allow for all voices to be heard in a fair way."

The workshop's lead trainer, Andrew Thomas, had a profound impact on my decision to get into the conflict engagement field. He modeled what he was teaching in a way I have seen few people do. Later, I had the privilege of co-leading a training with him.

Unlike the legal system, the mediation process provides opportunities to brainstorm, in a non-adversarial setting, about ways to improve clients' situation. In the case of the schizophrenic patient's mother, for example, mediation would have made thinking outside the box, and perhaps reaching an agreement that addressed system-wide challenges, possible. This possibility for systemic change becomes evident when we envision mediation as a social space embedded in a web of relationships that has the capacity to build and nurture relationships that have the potential for affecting societal change (Lederach, 2005).

And this change is possible when stories disrupt the *status quo* and create counter-narratives that eventually enter and transform the legal system to create systemic change (Font-Guzmán, 2019).

Such change was impossible for the patient's mother in the legal system not because she could not share her story—she had actually been voicing her concerns for a long time—but because others in positions to provide redress were not actually listening to that story. It suddenly struck me that advocating on someone's behalf at a trial was gratifying, but creating a safe space for someone to advocate for themselves and be listened to was exhilarating. As a mediator, the power to co-create a space that allows people to actually be heard and seen, to this day, is one of my main fascinations with mediation.

I went on to take many other workshops on diverse mediation models and dialogue processes and eventually obtained a PhD in conflict analysis and resolution from Nova Southeastern University. And that mother's story has accompanied me in every conflict intervention I have designed or led. Throughout my journey as a conflict specialist, I have never forgotten the importance of eliciting stories, understanding how they differ from facts, and being ready to listen.

I also strive to never let the conflict between parties distract me from the systemic power dynamics that negatively impact their situations outside the mediation. Like the mother of my potential client, they may be struggling with racism, misogyny, unfair housing regulations, poverty, or limited access to health care. Being aware of these dynamics allows me to have more empathy for the parties, consider the context in which their conflict is happening, effectively use the power of acknowledgment, and serve them better as they navigate through their conflict. At my

mediation table, there is always time for these difficult conversations if parties wish to have them.

The Importance of Diverse Emerging Stories

When I joined the conflict resolution profession in the United States, however, I noticed that as an African American, Andrew Thomas, who had led my first training, was one of the few non-White professionals in the field. This saddened—and still saddens—me. The conflict field strives for openness, diverse ways of thinking, and social justice. Yet when I attend conferences and trainings, I see limited diversity among the scholars and practitioners in the conflict field. I fear that this lack of diversity and inclusion could lead our discipline toward a monolithic professional environment in which the discussion of different perspectives is stagnated, and I am hopeful that conflict practitioners and scholars will proactively seek more diversity. Slowly, but surely, I think, we are moving in the right direction.

My experiences in the Caribbean and Latin America showed me that the mediation models imported from the United States did not always fit those environments, a disconnect that flagged the lack of diversity in our field. Why would I expect US-centric processes, developed by people who were probably completely unaware of the cultural nuances of the Caribbean and Latin America, to be effective in those regions? Nonetheless, many of the US mediation models seemed to assume “universal truths” in terms of appropriate conflict intervention skills (Lederach, 1995).

One example of these “universal truths” in mediation training programs across the United States is the value of using “I statements,” which are supposed to send a clear message of your needs in a non-threatening manner so that the other person will be more receptive to hearing what you are saying. In one training I co-led in Puerto Rico, a

participant had great difficulty using “I statements,” which she considered to be rude and confrontational, in addressing the person engaging in unwanted behavior. She experienced cognitive dissonance between what the statements were supposed to accomplish and what she was feeling. It turned out that within her cultural context, sharing a story was less confrontational and more effective. So we changed the exercise. We substituted “I statements” with storytelling. The trainee told about a time she had witnessed someone engaging in the unwanted behavior that she wanted the other person to change, and she talked about how the behavior had hurt the protagonist of her story. This took longer and was more indirect than any “I statement,” but the trainee was heard, and the other person understood why changing the behavior was important.

As we debriefed about this trainee’s experience, I remembered my own similar feelings in my first mediation training. My pushback, like hers, was not about the process itself or the trainers but about a clash of worldviews. My own view of how to interact in a conflict had made it difficult for me to consider new information and adapt, but from Andrew Thomas’s modeling of careful consideration, improvisation, and the importance of recognizing and empowering trainees, I learned the importance of being flexible. We do not need to dismiss models that have been developed in other cultural contexts, I realized. We just need to adapt them.

Even with such understanding, however, I still experienced the potential effects of imperialistic Western models of conflict intervention years later, when I was invited by the US Department of State’s Bureau of International Information Programs to offer a series of conflict engagement workshops in a Latin American country that was in political turmoil.

The atmosphere was highly polarized. The news media had reported that students on some university campuses were burning cars and throwing rocks, and I was asked to “mediate” among different student organizations. The program coordinator, an American who worked for a private US entity that was organizing the process, was my contact person but did not participate in the conflict intervention process.

Intercultural differences were evident before I even met the parties. From my perspective, the coordinator was excessively concerned with security and had inappropriately labeled the students as violent, volatile, and dangerous. The student leaders, the coordinator said, were “resisting” authority, and we needed to preserve “democracy” and “peace,” terms I considered value-laden. The coordinator was afraid that if “order” were not “imposed” through strict guidelines, such as who was allowed to talk when, the mediation would be chaotic (as if there were any other kind).

In my frame, the students were being proactive and passionate about their interests. Through my cultural lens, the students’ activist behavior was an integral part of being a university student. I had been there and done that. When problems arise, you discuss them in a passionate way, not taking turns to talk. Reflecting on my reaction and giving the coordinator the benefit of the doubt, perhaps she was not cold and emotionless; perhaps she was just operating from a worldview that was very different from mine. I suspect she meant well, but she had some deep misunderstandings about how to design a conflict intervention or process and assumed that I would set specific goals at the start, without first finding out what the parties wanted and needed.

My praxis was different. I knew that the context in which a conflict takes place matters. I did not endorse vio-

lence, but I decided to follow my intuition rather than the coordinator's suggestions for "keeping order" and her other rules, which felt controlling, dictatorial, and arrogant.

The meeting with the students took place in a house in the Andean mountains. We ate lasagna together and shared stories about who we were and where we came from. I talked about what growing up in Puerto Rico had been like, and about my culture and political challenges. The students talked about growing up in their country, their culture and their political challenges. We shared what mattered in our lives. We connected through our similarities and our differences.

Because I wanted to be in a mental space that would allow me to flex my conflict intervention style based on what the student leaders needed, I was especially interested in participants' interactions with each other. As it turned out, they did not need mediation; they needed a dialogue. This was not the type of conflict that would be resolved, but it could be de-escalated.

The disputes among the student organizations, I found, were not the root of the conflict; they were symptomatic of deeper problems. This was a socio-political intractable conflict that was riddled with decades of inequities, unfairness, injustices, physical and emotional violence, and hostilities. In fact, I remember thinking that only through constructive conflict would real change happen. I realized through our conversations that what they needed was not to problem-solve but to have a safe space to name the problems, regroup, and brainstorm ways of escalating conflict constructively and peacefully (Kriesberg, 2003). As a result of this conversation, relationships strengthened and new stories could emerge. Eventually, these conversations could lead to the systemic changes the students were demanding. Sometimes all you can do is support people so they can constructively stay with conflict—for the time

being—and this is fine (Mayer, 2008). And that is what we did as we ate lasagna and enjoyed the local beer.

This experience taught me that mediation has its limits and every problem cannot (and should not) be solved in the moment. Sometimes our role as conflict practitioners is to support those who are navigating life's mysteries. This was also a reminder that I am at the service of those who ask for my help, not vice versa. I refused to use my conflict intervenor role to deprive the parties of self-determination.

As a Puerto Rican, I am intimately familiar with the painful reality of colonialism and how it can lead to erasing your agency (or self-determination) and sense of identity. I have experienced what it is like to have limited or no participation in the rules and laws that govern you (Font-Guzmán, 2015). I was not about to allow this to happen in my conflict intervention process. The student representatives would have meaningful participation in determining how they wished to proceed, be heard, and be listened to. We could then jointly agree on the design of the process or I could gracefully bow out if I found it was unacceptable. We did design a process, and although we didn't resolve all the students' concerns, we made a significant start.

“If I got the job, would you move to Omaha with me?”

It was Friday evening, and I was crossing out a few items on my to-do list before leaving the office when I received an email. A friend who was doing a one-year fellowship at Creighton University in Omaha, Nebraska, had sent a link to a job announcement for the position of associate director of the newly established Werner Institute for Negotiation and Dispute Resolution at the Creighton School of Law. I was not looking for a job. My husband and I were doing well in our litigation, mediation, facilitation, and training practice. Yet an inner voice said, why not?

I shared the email with my husband, prefacing it with: “This looks interesting. If I were to apply and get the job, would you move to Omaha with me?” After reading it, he said, “Yes, why not? Where is Omaha?”

And thus another journey began. I arrived at Creighton University in February 2006 eager to start my new job, although once again I found myself, a Puerto Rican woman, in a faculty where women and underrepresented groups were glaringly absent, on an uneven playing field.

From conversations with faculty administrators I learned that the School of Law was transitioning toward the twenty-first century and that the institute was a crucial element of this effort, intended to develop an innovative and interdisciplinary curriculum that would be available to graduate and law students.

What I saw as simple initiatives to advance the field and form better lawyers turned into insurmountable tasks. The law faculty consistently voted against cross-listing cutting-edge negotiation and conflict resolution (NCR) courses that addressed issues of culture, gender, power inequities, and social justice (Mirkay and Strand, 2019). Most law faculty saw conflict resolution skills and processes with a social justice focus as not “real law.” The NCR courses were full, but not with law students.

I chose to focus on the good energy of the amazing colleagues I was collaborating with in the institute and the few allies I had among the School of Law faculty and the university at large. I had already learned to work around the system, within the system, and, when appropriate, leave the system. I eventually became the director of the institute and the NCR program. As director, with support from faculty and administrators outside the law school, I was able to sustain and expand our interdisciplinary master’s and certificate program and to partner with other dis-

ciplines across campus that welcomed the expertise of the NCR faculty.

After 11 years in the School of Law, the provost moved the NCR program to the department of Interdisciplinary Studies in the Graduate School, where I continued to direct the program. It had turned out that the NCR program's progressive and interdisciplinary approach grounded in social justice were not a good fit for Creighton's School of Law; disrupting the *status quo* was terrifying for most members of the law faculty. Like that morning when my mother pulled me out of school, it was time to find another system and continue to do the work.

My experiences at Creighton reminded me that systems thinking and nurturing authentic relationships are essential to advancing our field. By listening, connecting, being curious, and exploring how the NCR program could fit and interconnect with other programs, departments, and schools at Creighton University, I found a way to move the program forward. But this could not have been done alone; relationships with faculty in the NCR program, across campus, and with the community were essential.

Like many other colleagues, I am concerned about the sustainability and development of innovative dispute resolution and conflict engagement programs in law schools and higher education. In the current political and social environment, academic institutions have a responsibility to change the world for the better. As I write this chapter, I often feel that we are failing law students by promoting a narrow view of the law. Law schools and academic institutions should increase conflict engagement courses in their curricula, provide tenured positions in dispute and conflict resolution, and hire more tenured faculty from underrepresented groups.

Looking Ahead

Our field has come far, but it can go much further. When I look ahead, many big questions come to mind, ones that I think can elicit new stories.

What if:

- We bring more underrepresented groups and more diversity into the field? (Expressed another way, what if we start seeing who is not in—and who *should* be in—our field? What if we look at who is in our field but feels under threat of becoming invisible? What if we reflect on the conditions that have led to repeatedly hearing the same voices?)
- We stop using disempowering language (such as “helping parties”) and begin to use empowering language (such as “being of service” to parties)?
- We become less concerned with neutrality and more concerned with solidarity?
- We focus more on equity and less on equality?
- We more actively engage with socio-political conflicts?

For now, my story comes to an end. Or maybe it is more of a pause? As I think about all that our field can accomplish, I return to what I have learned, from my own mother, from the mother of the schizophrenic patient, from my first mediation trainer, and from many others: the playing field is rarely level, and taking a stand at the right time, especially when systems of domination are hurting people, is crucial.

Everyone has an important story, and if you really listen with understanding, curiosity, and creativity, you can design conflict engagement processes that allow people to navigate (and possibly disrupt) systems of domination so that they can find solutions that meet their needs and recognize their individual dignity. Perhaps most important:

we are all the sum of our own cultures, world views, and experiences.

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