

PCI

JANUARY 2000 NEWSLETTER

PCI's agenda of projects and initiatives keeps growing. Requests for information and ideas have also increased, and new ideas stream in from state offices and practitioners around the country. This has meant a busy and rewarding schedule for PCI, and we anticipate even more growth in the coming year. Below are highlights of PCI's current projects, collaborations, and 1999-2000 initiatives:

A Practical Guide to Consensus—PCI published this 75-page step-by-step guide primarily for government sponsors of consensus building process, but it is also useful to any one else interested in convening or participating in collaborative problem solving processes. The \$15 book is now available (with quantity discounts), and can be ordered by contacting the PCI offices by phone or e-mail.

States Mediating Solutions to Environmental Disputes—This publication, which was recently posted on PCI's web site, includes examples of the ways states are fashioning better environmental solutions and policies. It contains case studies from around the country, lessons learned from those cases, and descriptions of how state officials can take advantage of collaborative approaches around these issues. Check it out at www.agree.org or contact the PCI Santa Fe office for a hard copy.

Video Project—PCI is producing a series of videotapes of actual consensus processes. The first videotape highlights a regulatory negotiation in Oregon that resolved a contentious issue over rules regarding managing access to highways. Copies of the video will be available in spring or early summer and will be marketed in conjunction with the *Practical Guide to Consensus* and Training Manual. PCI is looking for other consensus processes to feature in this video series. If you know of processes that are near successful conclusion, please let us know.

Overcoming Barriers—PCI has convened a work group of leading practitioners and scholars that is examining ways to overcome the barriers to use of dispute resolution processes in state government. The group is developing guidance regarding state legislation as well as materials on models, procedures and practices. The work group made a presentation on its findings at the 1999 Society of Professionals in Dispute Resolution (SPIDR) conference, and will present a panel at the American Bar Association ADR Conference in San Francisco in April. The theme of the conference is “Does legislation promote use of ADR by states? Or is it necessary— but not sufficient—to the task?”

Evaluation project—The evaluation work group co-sponsored by PCI and the U.S. Institute for Environmental Conflict Resolution met in mid-September in Tucson to develop self-evaluation models for public policy dispute resolution programs. The Massachusetts and Oregon programs are the two pilot states for this project.

SPIDR Symposium—At the September meeting of the Society of Professionals in Dispute Resolution, PCI collaborated with the National Center for State Courts and the Cardozo Law School’s On-line Journal of Conflict Resolution in co-sponsoring a symposium titled “The State of the States: Dispute Resolution in the Courts.” According to evaluations following the symposium, the event was a huge success. The goal of the program was to provide opportunities for state court programs to meet together and share ideas, lessons, and concerns regarding state court dispute resolution programs. Many directors of state programs attended. The proceedings are scheduled to be posted on-line in March.

State Programs’ Annual Meeting—Also in conjunction with the September SPIDR meeting, PCI convened its annual meeting for state programs of dispute resolution. Representatives from 20 state programs attended, as well as from the National Center for State Courts, the Hewlett Foundation, and the US

Department of Justice. Proceedings from this meeting are available by contacting PCI by phone or e-mail.

Presentations and training—PCI did training workshops on consensus building for the National Oceanic and Atmospheric Administration (NOAA); the University of North Carolina Institute of Government for the NC Department of Environmental Resources; and for the cabinet and state agency leaders in Maine.

PCI's Co-Directors Chris Carlson and Dick Gross also were part of the facilitation team at the Southeast Water Supply Roundtable for southeastern states. At the annual Assembly on State Issues for the National Conference for State Legislatures, PCI organized and moderated two workshops on "Building Political Will for Smart Growth."

Chris Carlson moderated the "New Mexico Water Summit I: Enlibra Workshop," in October, organized by the state Environment Department. The first of its kind in New Mexico, the summit informed New Mexico stakeholders about Enlibra principles and their application to the region's highly contentious water issues. Dick Gross was a presenter at the October meeting of the Environmental Council of the States (ECOS) in Jackson Hole, Wyo.

PCI Board - The PCI Board of Directors met in Pasadena, Calif., on Jan. 14 and 15 at the Western Justice Center (WJC). Fredie Kay, Director of the Massachusetts Office of Dispute Resolution, has joined the PCI Board. Kirk Emerson, Director of the US Institute for Environmental Conflict Resolution, and Kathleen Severens, Director of Community Dispute Resolution for the US Department of Justice, attended the meeting to discuss with the board federal dispute resolution programs and their relationship to the states. A panel discussion on the landscape and future of California's dispute resolution programs included Heather Anderson, California Judicial Council; Bill Drake, WJC Executive Director; Rick Franke, Office of the Attorney General; and Marcelle DuPraw, California Center for Public Dispute Resolution.

NEWS FROM THE STATES

Alabama - Thirty-second dubs of **the Alabama Center for Dispute Resolution's** promotional pieces on mediation for television and radio are available to borrow. According to Judy Keegan, these dubs may give other offices ideas about their own promotional video, or offices may wish to "voice-over" the Alabama video to save on production costs. The 20-minute video from which the promos came won a national video award for its Birmingham producers, who are available to work with other offices to customize the segment.

Also in Alabama, the Governor will proclaim Feb. 7 through 11 as Mediation Week, and the Legislature will recognize a Mediation Day on Feb. 9

California - The **California Center for Public Dispute Resolution** is seeking exceptionally qualified candidates to apply for the position of Senior Public Policy Mediator/Program Manager. There are two open positions, with anticipated start dates of early 2000 and late 2000, respectively. A well-qualified candidate will bring at least six years experience in managing public policy consensus building processes as well as experience in training and program development. These positions are full-time with reappointment made on an annual basis. The expected salary range is between \$65,000 and \$80,000 per year, commensurate with qualifications and salary history. Attractive university management benefits are provided. Interested individuals may find a full description of the position and information on how to apply at www.csus.edu/ccpdr or can call 916-445-2079. While application review began September 15, 1999, the positions will remain open until filled. Additional applications are welcome and encouraged.

Colorado - **Colorado's Office of Dispute Resolution (ODR)** has launched a parenting education program for the state's rural districts, including development of curricula for managing conflict. ODR was a presenter at the state's second

annual training for state agencies, sponsored by the Colorado Bar Association's ADR Forum Committee, in November. This year's focus was ADR systems design. The ODR is also in the process of revising its Policies and Procedures Manual and would appreciate any advice other states may have.

Florida - The **Florida Dispute Resolution Center** and the Florida Academy of Professional Mediators invite other state offices to join them in obtaining proclamations in support of mediation from their governors and then inviting school children to create pictures of what "Peace Through Mediation 2000" looks like to them. The pictures will be made into "quilts" by punching holes in the corners and using yarn tying them together. Schools can turn the pictures in individually or "stitch" them together and send completed quilts. During the Mediation Celebration 2000, the "quilts" will hang in the state houses and all public buildings. For more information or to let Sharon Press know you are participating, please email her at pressS@mail.flcourts.org. Also, please let Sharon know if you already have a date selected for a mediation celebration. "It would be great to coordinate the dates so we can achieve some synergy," says Press. **When?????**

Hawaii - Within the next few years, the **Hawaii State Judiciary's Center for Alternative Dispute Resolution** hopes to develop a pool of trained state employees to provide facilitation services in their own departments and agencies and, upon request, to other participating departments and agencies. The first class of trainees recently "graduated" and was well received by participants. The training covers the basic principles of facilitation, effective communication, elements of building an agenda, and facilitator challenges. The Center will continue scheduling classes throughout the coming year.

Indiana - The **School of Public and Environmental Affairs (SPEA)** at Indiana University received an endowment creating the Keller Runden Chair in Public

Service daughter. Congratulations to Lisa Bingham, who has been named the first chair and will serve a five-year appointment. Bingham says her goals are to foster internships and mentoring relationships between graduate students and nonprofit, state, and federal dispute resolution offices and programs. She has devoted some resources to create Keller Runden Fellowships, which will provide partial support to students for internships in conflict resolution.

SPEA welcomes contacts from any of PCI's constituency who may be interested in having an intern or in seeing resumes of potential placements. Preference for the fellowships will be given to students who can leverage some matching funds from the potential agency placement, since that seems the best way to spread the resources fairly and farthest.

SPEA's graduate students include masters- and doctoral-level degrees in public affairs with concentrations in policy analysis, public management, environmental policy and natural resource management, public finance, environmental science, and other interdisciplinary fields. The school also has a number of students doing joint programs with the School of Law. Many of those interested in conflict resolution aspire to become mediators or to run dispute resolution agencies and programs. Those pursuing law degrees are interested in court-annexed dispute resolution programs and court administration.

These students bring formidable skills to an internship because SPEA's curriculum requires that they become conversant in information systems, applied statistics, administrative law, and public management, as well as their policy field of choice. In addition, many students have experience working with the **Indiana Conflict Resolution Institute (ICRI)**, a Hewlett ADR-theory center concentrating on evaluation of dispute resolution programs.

The time period for interns is flexible. Some may be interested in a summer placement while others may be placed following the December graduation.

ICRI is collaborating with a number of Indiana state agencies to create an inter-agency shared neutrals pilot program. This program is modeled on the federal shared neutrals program in which agency staff members trained in conflict resolution techniques are assigned to mediate disputes in other agencies. In addition, the Institute has launched a Web database in which users can search for evaluations of conflict resolution programs. This database (which is still a work in progress) can be accessed at <http://www.spea.indiana.edu/icri/datalist.htm>.

Kansas - The **Kansas Supreme Court's Advisory Council on Dispute Resolution** is considering recommendations to the Court to tighten requirements on who can be used as a mediator in state courts. The issue before the Council is what process is best in determining who will make a good mediator. The Council's Standards and Ethics Committee recommended increasing the number of supervised co-mediators required to become a court certified mediator from three to four. They also would require that only mediators who have completed at least 25 mediations could be co-mediators. These co-mediators would be called "advanced" mediators. The Committee recommended that grants be made to develop a circuit riding system to provide advanced mediators to co-mediate in the state's rural areas.

These recommendations and others have been submitted to the public for comment. The Council would appreciate any comments or suggestions from other states who have already gone through this process.

Maryland - Having completed its "Practical Action Plan", with input from approximately 700 people statewide, the **Maryland ADR Commission** has shifted from planning to action. It is initiating pilot programs, evaluation projects, and training and outreach efforts. Some highlights of the Commission's progress since the last fall include:

- Working with advertising agencies to develop an overarching theme and "look" for the state's ADR public awareness campaign

- Working with the University of Maryland's Institute for Policy Analysis to devise evaluation components for ADR programs
- Bringing the state's 10 community mediation centers together to create the Maryland Association of Community Mediation Centers and funding a part-time executive director
- Working with circuit courts to develop civil and family mediation pilot projects
- Partnering with administrative law judge/mediators to develop workplace mediation programs
- Developing a public policy ADR project with the state's Department of the Environment
- Helping develop a pilot parent-teen mediation program in a rural county
- Creating an adaptable ADR presentation and a speakers' bureau to promote ADR in the business community
- Working on an EEOC mediation conference for state government agency heads and others
- Creating a collaborative project with state ADR trainers to train the Administrative Office of the Court's staff and all circuit court clerks' office staff

Pleased with this progress, Chief Judge Bell has proposed that the Commission evolve into a state office of dispute resolution, funded by the judiciary, with an oversight board reflecting the Commission's diversity.

Massachusetts - The **Massachusetts Office of Dispute Resolution** hosted the kick-off event for Massachusetts Mediation Week, celebrated Nov. 14-21, sponsored by 36 organizations from around the state. A Mediation Week Dinner attended by about 160 people began the celebration, followed by special events throughout the week held by the sponsoring organizations. Highlighting the week was the Governor 's approval of an executive order!

"As some of you may know, I borrowed many ideas from your wonderful Executive Orders/practices, as well as from the federal executive order to develop and draft ours," said executive director Freddie Kay. "I had suggested that

if the Governor were to adopt it, it would be great to announce it at Mediation Week.” Soon after, the Governor's office called Freddie to say the Governor had agreed to attend the Mediation Week event and issue a proclamation and, ultimately, the executive order. “Needless to say I was thrilled!” says Kay.

Minnesota - Roger Williams, Director of the **Minnesota Office of Dispute Resolution** is retiring February 29th. Roger is one of the longest tenured directors of a state office; we will miss him! Congratulations and best wishes, Roger!

Montana - The **Montana Consensus Council** has three 1999 publications that your office may consider well worth ordering. *Negotiated Rulemaking: Involving Citizens in Public Decisions* was published in conjunction with the Montana Law Review. The article examines the disparity between the theory and practice of negotiated rulemaking in Montana, and offers suggestions for improving citizen participation through “reg neg.”

Responding to Growth: Building Consensus on Land-use Issues is a handbook written in partnership with the state's Department of Commerce, Association of Planners, League of Cities and Towns, and Association of Counties.

Governing Western Resources: A Confluence of Ideas, by Matthew McKinney, looks at the history of environmental dispute resolution in the west. Contact the Montana Consensus Council to obtain copies of these publications.

North Dakota - The **Consensus Council** in North Dakota took 30 ranchers, farmers, conservationists, environmentalists, federal, state, and local officials on a bus trip to Wyoming on Dec. 10-12 to explore what similar groups have done to build agreements on rangeland issues. What to do about future multiple uses of the grasslands has become a major state issue, and the Consensus Council was asked to determine whether it is possible to build agreements among such diverse groups. The trip to Wyoming indicated to the Council that the issues **IS /**

IS NOT? ripe for a consensus building effort. **HAS ANYTHING COME OF THIS?? IS THE CC GOING TO FACILITATE A PROCESS??**

The Council also recently convened a group of representatives from the North Dakota Bar Association, Supreme Court, Attorney General's Office, and others, to advance consensus building and conflict resolution in North Dakota. The group meets monthly to develop strategies and legislation for the 2001 legislative session.

Virginia The **Virginia Coalition of Community Mediation Centers** is seeking funding from the Virginia General Assembly for a public-private partnership that will provide conflict resolution services for issues impacting the community. The kinds of community conflict resolution services to be provided will be decided on a local basis to meet local needs and priorities. Examples of the kinds of issues with community impacts that may be addressed are:

- Schools, e.g. peer mediation, violence prevention, truancy prevention
- Community policing, e.g. citizen complaints
- Victim-offender and accountability conferencing
- Economic development, e.g. business/neighborhood disputes
- Local government, agency, and community disputes
- Community conflict resolution education
- Other needs, e.g. elderly and multicultural tensions

Other News

The Council of State Governments' Innovation Awards - The application deadline for the Council of State Governments' Innovation Awards is March 31. To download an application in PDF format, go to www.statesnews.org/clip/innovations/application, or contact Debbie Powell at (606)244-8249 or dpowell@csg.org.

The awards recognize best practices in state government programs and policies. CSG established the program to bring greater visibility to exemplary state

programs and policies, and to facilitate the transfer of those successful experiences to other states. It is the only national comprehensive awards program that focuses exclusively on state programs and policies and that selects winners based solely on evaluations by state government leaders.

1999 Innovations Award Winners included Michigan's Read, Education and Develop Youth (READY) program; Ohio's Library and Information Network (OhioLINK) Electronic Journal Center (EJC); Georgia's Results Driven Supervision program; North Carolina's Smart Start; and Arizona's Family Builders program.

Uniform Mediation Act - Elizabeth Kent (??? Let's talk about this)

Calendar Events (Kate - need contact info???)

March 30-31: SPIDR Environmental and Public Policy Sector Meeting, Providence, RI

April 6-7: American Bar Association ADR Conference, San Francisco

May 16-19: U.S. Institute for Environmental Conflict Resolution conference, ***Alternative Dispute Resolution (ADR) and Natural Resources: Building Consensus and Resolving Conflicts in the Twenty-First Century*** to be held at Tucson, AZ. Proposals need to be submitted by January 18, 2000. For more information, contact Sarah Palmer at palmer@ecr.gov or get the proposal submission form from the Web site: www.ecr.gov or call (520) 670-5299.

June 8-10: Council of State Governments Summit, Lexington, KY

September 12-13: Annual Meeting of State DR Programs in Santa Fe, New Mexico

September 14-16: SPIDR's Annual Conference, Albuquerque, New Mexico