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The Future of the Profession(s)

by
Susan S. Raines, Ph.D.

About the Author



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is a Professor of Conflict Management at Kennesaw State University in suburban Atlanta and the Editor of Conflict Resolution Quarterly. She regularly engages in mediation, facilitation, and organizational interventions, and is the editor of *Conflict Resolution Quarterly*.

In 2004, Bernie Mayer wrote a book entitled, *Beyond Neutrality: Confronting the Crisis in Conflict Resolution*. He made a cogent and passionate argument indicating the need for those with mediation and conflict resolution training to work not only as neutrals but to take positions as advocates, diplomats, policymakers, and organizational leaders. Mayer and others have argued that the skills and processes of Alternative Dispute Resolution (ADR) need to be dispersed more broadly through society so as to have a deeper impact on the prevention and early resolution of conflict. Diffusion of these skills throughout society also has the potential to improve the processes of negotiation and collaboration that are part of our daily lives. For both good and ill, he was right.

While the skills and processes of ADR/CR are becoming more widespread, the trend among ADR/CR career practitioners is running in the opposite direction.

The skills and processes of ADR are indeed more broadly dispersed throughout society. Over the past decade, ADR and Conflict Resolution (CR) concepts and skills have been added to the core curricula and continuing education trainings in most fields, from law and medicine to engineering, education, and business management. The term "mediation" is rarely confused with "meditation" as it once was. Increasingly, terms like "mediation", "arbitration", and "ombudsman" are used in the media without the need to define them for the general public. Children have learned peer mediation in schools along with the interest-based negotiation model and listening skills. Indeed, information that was previously contained primarily in mediation training has now become mainstreamed. Workers and children alike are trained in methods to stop bullying, while pop culture books teach us how to apply CR concepts to improve our daily lives at work and at home. This is not to say we are "there yet." Many people have yet to learn how to "listen for understanding" or interest-based bargaining. Yet, the trend toward the diffusion and adoption of these concepts is clear and undeniable.

While the skills and processes of ADR/CR are becoming more widespread, the trend among ADR/CR career practitioners is running in the opposite

direction. Although ADR/CR's founding practitioners and those who immediately followed them continue to practice in multiple areas (e.g., family mediation and workplace), the current trend among their successors seems to be specialization by both process type and application area. For example, one might be a workplace mediator or an arbitrator for commercial disputes only. Environmental and public policy conflict resolution (ECR/EPP) specialists facilitate contentious public meetings and help design processes to make complex decisions. However, they often specialize in only one or a few substantive areas such as clean air, water, or land use. Small claims court mediators remain the triage nurses of the field—handling a wide variety of case types—but, in the end, the cases usually boil down to one party paying the other(s) some amount to resolve the matter.

What does the future hold for ADR/CR? I believe these two centrifugal forces will continue: the use of ADR concepts and skills will continue to become increasingly widespread throughout society, while the practice of ADR/CR professionals will become increasingly specialized. There are benefits and costs to these trends that are worth noting.

The widespread use of ADR processes means that there are a variety of ways to learn ADR skills. Members of the public often become aware of mediation or other ADR processes when they experience divorce, file an Equal Employment Opportunity complaint, engage in conflict with their homeowners association, or seek out their organizational ombuds with a concern. Increasingly, human resource managers (and managers in general) are receiving training in conflict prevention and early resolution. In turn, they are often training others through either formally or informal coaching, as they navigate through particular conflicts or negotiations. In all of these arenas, the concepts of interest-based negotiation and related skills are central and becoming more broadly understood.

There are few downsides to the diffusion of this knowledge throughout society except that some key terms might become viewed with mocking glibness as detractors sarcastically use the term "win-win" or "let me help you to help me to help you." In fact, at a recent peer mediation I heard a student exclaim, "Don't pull that conflict resolution stuff on me. I just want to fight!" The good news is that she recognized she had a choice to make between these two options. The spread of ADR/CR knowledge does not mean that professionals will be less needed. It means that when we are called upon for help, those we work with

will be more prepared for what they will experience, and we will share some common vocabulary, making our work much easier.

As for the impact of increased specialization for professional conflict resolvers, a few trends seem clear. First, the past ten years have witnessed the rise of professional organizations aimed at these narrow areas of practice. There are professional associations at the regional, national, and international levels which aimed at ombuds, facilitators, conflict resolution educators in K-12 settings, higher education conflict resolution, court-based mediators, arbitrators, community mediators, internationally-focused mediators, and online mediators. More are cropping up every day. Likewise, there has been an explosion of journals, blogs, newsletters, and magazines which aimed at these same audiences.

While it is helpful to gather together with others who practice in the same specialty, if we interact only other specialists we reduce our exposure to new knowledge, process innovations, or ethics concerns that may arise first in a different specialty but apply broadly. By bringing professionals together from diverse fields, an organization like ACR allows us to learn from each other, share our challenges, gain new framings and perspectives, and investigate alternative areas of practice we might want to consider. At the same time, ACR must ensure that there is adequate specialized content to compete with the offerings of these more narrowly focused organizations.

Another downside to increased specialization is that the incomes and livelihoods of these practitioners can become much more precarious. For example, in 2013 the U.S. economy ran over the "fiscal cliff," and the federal sequestering of funds resulted in the end of many neutrals' contracts for facilitation,

public outreach, negotiated rulemaking, and other ADR/CR services. ECR/EPP specialists who had worked for years as full-time neutrals found themselves unemployed overnight. Projects that had been ongoing for years came to a halt, or at least the ADR/CR portion did so. Practitioners who worked in multiple areas of practice were better able to shift their time to doing more court mediation, organizational conflict resolution, training, etc. Working across domains can provide more stability when a particular sector experiences a set-back or slow-down.

As ADR/CR practice becomes increasingly specialized and requires greater content knowledge (e.g., environmental law, special education rules, etc.), the calls for greater regulation and barriers to entry increase. Many practice specialties and jurisdictions already require neutrals to meet certain educational and training requirements to gain entry to various rosters. These requirements are likely to increase and become more objective. They might even use tests or apprenticeships to provide some quality control to those who are eligible for certain types of work. This is already common in Europe, where training, education, and experience standards are typically more formalized and complex than in the U.S.

As both ADR and CR become more widely understood and more narrowly practiced, it will be critical for those reading this magazine to take an active part in the evolution of these trends. Debate and discussion are the precursors to the creation of policies and financial supports that can shape changes to our standards of practice and the milieu in which we all operate. I look forward to what the next ten years will bring and hope to revisit these pressing questions periodically as we assess where we came from and where we are headed. ■



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