

5-15-1987

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Recommended Citation

L. Randolph Lowry *Essays on The Future of Alternative Dispute Resolution: Introduction*, 14 Pepp. L. Rev. 4 (1987)

Available at: <http://digitalcommons.pepperdine.edu/plr/vol14/iss4/2>

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Essays on The Future of Alternative Dispute Resolution

Introduction

L. RANDOLPH LOWRY*

While some may differ on the moment the "Dispute Resolution Movement" began, the progress of its diverse activity is readily apparent to all observers. Hundreds of communities now have community mediation programs. At least 130 law schools now have course work in non-litigation dispute resolution processes such as negotiation, mediation, and arbitration. Legislatures have institutionalized alternative dispute resolution processes for family matters and civil disputes. Corporations have opted to handle complex legal disputes by employing innovative settlement techniques. Even elementary schools are requiring conflict resolution as an integrated part of the curriculum. In the legal profession and throughout society, the programs of the movement are evident.

Although the recent progress of the movement is of interest to many, the future of the movement should be of even greater interest to those who are involved in or care about our future systems of dispute resolution. That future will reflect a broad range of dispute resolution services available to diverse clients. It will see a modification of the institutions that presently provide dispute resolution assistance, specifically the courts and administrative agencies. Procedural

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and substantive rights of parties in both the civil and criminal realms will be redefined. Changes will take place in the manner in which professionals in dispute resolution, including lawyers, provide services. These predictions, thoughts, and ideas pertaining to the future of dispute resolution are the focus of this collection of essays.

The following is a compilation of comments from a diverse group of writers. Each was asked to share observations about the future of dispute resolution, focusing on any dimension that the writer chose. Some comments were written by those who are recognized authorities in dispute resolution. Others were written by individuals who are less known to the movement, but qualified to comment due to their extensive work in particular aspects of the field. The latter group was solicited specifically to diversify the group discussing the topic. However, they all direct us to the future of a movement which Harvard's President Bok described in his now famous speech as "[T]he most creative social experiment[] of our time."¹

1. Bok, *A Flawed System*, HARV. MAG., May-June 1983, at 45 (the article is President Bok's 1981-82 Report to Harvard University's Board of Overseers).