<table>
<thead>
<tr>
<th>Title</th>
<th>The Transition of Public Policy Dispute Resolution in the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Author(s)</td>
<td>Ishida, Satoshi</td>
</tr>
<tr>
<td>Citation</td>
<td>International Journal of Social and Cultural Studies, 4: 25-41</td>
</tr>
<tr>
<td>Issue date</td>
<td>2011-02</td>
</tr>
<tr>
<td>Type</td>
<td>Departmental Bulletin Paper</td>
</tr>
<tr>
<td>URL</td>
<td><a href="http://hdl.handle.net/2298/28787">http://hdl.handle.net/2298/28787</a></td>
</tr>
</tbody>
</table>

Kumamoto University
The Transition of Public Policy Dispute Resolution in the United States

Satoshi ISHIDA

Summary

This article briefly traces the transition of public policy dispute resolution practiced in the U.S. from its earliest days in the 1970s to the present, inducting the introduction of innovative practices into many areas. In the U.S., efforts of public policy dispute resolutions have increasingly evolved with experiences of environmental dispute resolution. These fields are steadily filtering into various arena of public policy, and produced demands of concerned parties and ordinary citizens who are interested in involving dispute resolution for policy issues. Also, practices and programs of public dispute resolutions have been developed in various level of the government, including the federal government, state government, local government and other agencies. Moreover, conflict resolution services provided by the government have gradually increased. In addition, many education and training programs invented by university-based programs and public agencies are provided for ordinary citizens.

Introduction

Recently, in Japan, we have been having a lot of disputes over public works projects such as dam, road, highway, railway, airport, energy plant construction, and so on. Between citizens, public agencies, business, and other concerned parties. As a result, there are many cases which became tangled for lack of consensus in harmonizing the views of various stakeholders. In response to this, some make a point of institutionalizing Public Involvement (PI) in the early stages of projects which aspire to prevent or avoid disputes.

The early experiments of PI in Japan developed in the field of transportation planning. Since the national government organized the Road Council (Road Council Douro-Shingikai) that announced an introduction of the PI process in policy-making in 1997, agencies have been experimenting, by a process of trial and error, on PI. In 2002, the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) drew up "the Guideline for Participatory Road Planning Process Shimin-Sankagata Douro-Keikaku
Process no Guideline), thereby inducting PI in the planning process. This is much more widespread has to other fields nowadays; PI from the planning stage is conducted in many public works carried out by MILT and other agencies.

The institutionalization of participatory policy making processes like PI, public hearing and workshop style meetings, however, took off in the last few years; therefore, some projects still don’t have enough of a track record of implementation. Some of these projects are now on a plateau, so we have difficulty finding avoidance or prevention of the entire dispute over infrastructure development. Meanwhile, Japan has actively proceeded toward reform of the judicial system. The revision of the Administrative Case Litigation Act is expected to consider an extensive range of standing to revocation sue. The Alternative Dispute Resolution (ADR) Act is also expected to encourage the use of alternative dispute resolution rather than court systems which are more costly, delay and inefficient. However, I hard to say the public dispute resolution system for social infrastructure issues have highly developed in Japan.

Like this, social infrastructure development in Japan has not been well established when disputes become obvious. (These two statements are contradicting each other) On the other side, in the U.S, while government agencies and others actively put an effort to use the PI process, many cases adopted mediation as third party support which can encourage dispute resolutions on public policy when disputes arise. In Japan, there is a growing interest amongst practitioners and academics who think that the approach through mediation or negotiation-based process is of value in promoting infrastructure projects effectively, but there are not enough studies on the history of public policy dispute resolution practiced in the U.S. to consider and compare the different social context between Japan and U.S. In this paper, I will briefly show the transition and evolution of dispute resolution for public policy issues in the U.S.

2. The dawn of public policy dispute resolution in the U.S.

MIT's Professor Lawrence Susskind (1999) argues that the first strings of the field can be traced to the confluence of four separate but related experiments. First, is a handful of successful attempts to resolve multi-party environmental disputes through the use of mediation. Second is a series of dialogues bringing federal, state and local officials together to negotiate public investment strategies. Third, attempts by a few federal agencies like EPA (Environmental Protection Agency) to supplement conventional rule-making with a consensus-based approach called
negotiated rule-making. Finally, the advent of community dispute resolution centers. The development of these components is followed, showing how practitioners associated with each innovation, extended emerging dispute resolution techniques into new areas, and supported the focusing on new dispute resolution systems, organizations and its challenges.

About 30 years ago, American citizens facing problematic public policy disputes had few options. It did not matter whether the disputes were of citizens confronting the government, angry neighbors confronting each other, or officials unable to agree on important policy decisions. At that time, options for resolving problems were limited to the traditional legislative and administrative measures. Many carried their disputes to court or opted for demonstrations, public hearings, or angry media volleys. Meanwhile dispute cases overloaded the courts, litigation dragged on, and government correspondence stalled.

Since the mid 1970s, there were changes taking place in the public policy arena. Innovative and creative approaches of conflict resolution began to grow. For example, many in the private sector began to pay attention to resolving disagreements resorting to expensive litigation. Also, some companies focused on mediation and facilitation as ways of dispute resolution. Although now the field of public dispute resolution has evolved over the years, there was little attention to these approaches then.

3. The Pioneering Period

In the late 1970s, there were a few experiments regarding dispute resolution in the public sector. Early efforts to craft new approaches to public policy dispute represented the first stirrings of an emerging field. At that time, the pioneers were dispersed throughout the country, testing ideas in relative isolation from one another (Bingham 1986). These public dispute resolution pioneers mainly worked in four activity areas; 1) environmental dispute resolution, 2) negotiated investment strategies, 3) negotiated rule-making, and 4) community dispute resolution.

The field of environmental disputes provided one of the earliest experiences for public dispute resolution practitioners (i.e. mediators). Mediation is one of the alternative dispute resolution (ADR) techniques which include negotiation, conciliation, binding and non-binding arbitration, and adjudication. Mediation is a process by which a neutral third party assists disputants in negotiating a mutually acceptable resolution to their differences. Mediation (Mediators) is not like judging (judges) or arbitration (arbitrators) because mediators have no power to
make decisions for the parties. Their role is to help the parties reach their own solutions (Leighman 1989).

Mediation on environmental issues has been used extensively in the US for several decades. Mediation was used as a means for preventing severe and protracted court battles over political environmental degradation. Mediation for environmental disputes was intended to bring key stakeholders face-to-face and they could learn and educate each other about their interests, the problems and seek mutual solutions (Susskind and Weinstein, 1980). One of the first pilot cases was a longstanding controversial issue over control of a dam on the Snoqualmie River in Washington. Project proponents including farmers and land owners were pitted against environmental groups who were strongly concerned about the protection of the river's ecosystem (Susskind and Weinstein, 1980; Adler, 1983). Two of the first environmental mediators, Gerald Cormick and Jane McCarthy, acted in this mediation and they initiated and then facilitated a dialogue among the concerned parties. After a year of mediation, an agreement was forged around plans for the construction of the dam, additional flood control initiatives, recommended land use control, and a basin-wide coordinating council (Bingham, 1986).

The successful Snoqualmie River case resulted in the first documented case of environmental mediation in 1973, the parties reached their agreement over an environmental issue through mediation. After several years of this successful experience, at least nine other major environmental disputes had been resolved through mediation techniques (Bacow and Wheeler, 1984).

Around the same time, as many agencies were increasingly paying attention to the potentiality of mediation on environmental disputes, in the late 1970s, some private foundations also began to pay attention to these efforts. For instance, staff of the Kettering Foundation decided to explore ways to overcome the difficulty process of doing intergovernmental financial transfers. They did not make outright grants of financial aid, but collaborated with other institutions on various problems of governance, education and science. In 1978 they moved the field in a new direction, sponsoring the "Negotiated Investment Strategy (NIS)" (Moore, 1998) to develop consensus agreements about policy on future investments for cities and states. The NIS represented the earliest effort to institutionalize mediation of public policy issues.

Meanwhile, at the federal level, a new approach to dealing with contentious federal agency rulemaking was being developed. For decades, the process of regulatory rulemaking had been losing credibility among
government officials, business, and citizen groups. Many parties were frustrated by the lengthy delays, huge costs, and frequent litigation that arose during the conventional process of drafting regulations to implement new legislation. Formal trial-like processes and surface participatory processes, actually initiated by the government, did not provide stakeholder groups a means of giving their input on key policy issues and technical judgments that agencies inevitably made as they developed controversial regulations.

In response to that situation, in the early 1980s, federal agencies recommended trying new rules based on the principles of negotiation. The first agency to experiment with the negotiated rulemaking process was the Environmental Protection Agency (EPA). Negotiated rule-making is lauded for its potential to avoid delays and to diminish the contentious regulatory atmosphere typical in environmental rule-making while enhancing the fairness, speed, and even legitimacy of agency actions. In 1984, EPA announced that it would use negotiated rulemaking to develop a rule noncompliance penalty for classes of heavy duty vehicles with engines that exceeded allowable air quality emission levels. Although there was resistance from within the EPA itself as well as from some of the stakeholders, after four months of productive negotiation and joint fact-finding facilitated by a neutral conflict resolution expert, the participating stakeholders reached their consensus (Mills et al., 1990).

The fourth arena where new approaches to managing disputes were developed and tested was community dispute resolution or community mediation. The practice of community dispute resolution facilitating dialogue among competing members did not exist until the last several decades.

One of the earliest practices was experiences of The National Civic League. The National Civic League has actively promoted collaborative, participatory processes of dispute resolution, including advocacy for grassroots efforts for social change. They sponsored CIVITEX, a computerized database containing several hundred profiles of successful community problem-solving efforts. Their publication National Civic Review has a regular column "Conflict-Management", and it often publishes articles about dispute resolution on public policy issues vii.

Another notable practice was the effort to institutionalize neighborhood-based centers that were staffed by volunteer mediators specially trained in the use of emerging conflict resolution techniques. Neighborhood Justice Centers (NJC) were the first organizations promoting conflict management in the same community and
neighborhood, founded by the U.S. Department of Justice in 1978. NJCs operated on the principle that new ways of resolving disputes were needed to relieve over-burdened and back-logged courts. By recruiting community volunteers to mediate in civil cases before they became litigations, the program aimed to empower communities with an ethic of communication that could transform the quality of relationships among community members.

Some pilot NJCs opened in Kansas City, Atlanta, and Los Angeles in 1978. All the centers recruited and trained volunteer mediators from a wide range of socio-economic backgrounds in an effort to assemble staffs that reflected the full diversity of communities they were serving. Each center adopted a different model to secure the diversity of their dispute resolution services. As these programs increasingly grew and expanded, other communities across the country followed suit and inaugurated their own neighborhood justice centers (Abel, 1982).

4. Growing Interest on Public Policy Dispute Resolution

Many early practices had difficulties to getting good reputations in the beginning. Despite these new measures to deal with, most individuals and institutions continued to use political confrontation and the courts to resolve conflicts in the public sector. However, once pioneers began to share information, reflect on their experiences, and publicize their efforts, dynamic synergy was activated.

This trend began appearing in the mid-1980s. Individuals and institutions that had been working in relative isolation began to meet and plan collaborative policy making designed to strengthen the new foundations of public policy dispute resolution. Susskind and MacKearnan (1999) exposed five core initiatives to illustrate the growing development of the field.

First, several authors published books describing recent efforts to apply mediation and consensus building and offering a new body of theoretical and empirical analysis to demonstrate the value of these experiments. Prominent examples include Resolving Environmental Disputes; A Decade of experience (Bingham, 1984); Environmental Dispute Resolution (Bacow and Wheeler, 1984); Breaking the Impasse; Consensual Approach to Resolving Public Disputes (Susskind and Cruikshank, 1987); and Managing Public Disputes (Carpenter and Kennedy, 1988).

Second, an expanding group of individuals honed their skills as neutral facilitators and mediators. For example, as groups of professional practitioners, the Center for Dispute Resolution (Boulder, Colorado), The
Mediation Institute (Seattle, Washington), and Endispute, Inc. (Boston and Washington) were able to survive and grow. Their early efforts to communicate with each other and to foster an informal network led to the establishment of a Public/ Environmental Dispute Resolution (SPIDR) in 1985 (Susskind and MacKearnan 1999).

Third, many private foundations greatly contributed to build an organization with the mission of supporting growth and innovation in the field of public dispute resolution, in particular, through funding community and environmental dispute resolution programs for over a couple of decades. The National Institute of Dispute Resolution (NIDR) was officially established in 1981, by a consortium of foundations (Ford, Hewlett, MacArther and others) in order to foster dispute resolution experimentation across the United States. The NIDR’s role has evolved over the years from funding dispute resolution innovations to its current role of supporting the field through information and convening groups to review emerging issues of concern, supporting researchers and practitioners who wanted to analyze the progress of dispute resolution or carry its methodologies into new arenas.

Fourth, growing public interest in the field produced a demand for training in conflict management skills. In recent years, various educational programs on conflict management including courses, workshops, and seminars have been widely prevalent. On the academic side, students and professors worked together to create new programs specifically geared towards training public dispute resolution professionals. For instance, The Program on Negotiation (PON) at Harvard Law School is one of the well-known programs, similar university-based programs in Virginia, Georgia, Hawaii, New Jersey, and Minnesota provided impetus to these academic efforts.

Finally, researchers and practitioners have regular access to a wealth of information about new developments in the field through newsletters like Consensus, published by the Public Dispute Network and the Program on Negotiation. Improving accessibility to new projects and programs, offering profiles of organizations specializing in public dispute resolution, and presenting a comprehensive listing of organizations and solo practitioners in all regions of the United States, has helped to foster an informed “demand” for public dispute resolution services.

5. Recent and Current Trends
The nexus of various activities as mentioned above since the late 1970s transformed dispute resolution and consensus building in the public
sector. The areas of public dispute resolution have drastically developed.

Some community dispute resolution centers began to respond to the growing public interest in conflict management by significantly changing their objectives. Initially, these centers were created as mechanisms for alleviating pressure on the court system and by providing an alternative forum where minor misdemeanor cases and civil suits could be settled by trained volunteers. Some centers, however, evolved to include new territory when they expanded their activities to include setting highly visible and controversial policy disputes, and facilitating consensus building processes among multiple parties on issues of public policy. While many community dispute resolution centers focussed on interpersonal disputes between neighbors or among several community members, they have also fostered opportunities to enhance community and citizen participation in complex decision-making processes such as areas of city planning and environmental planning (Susskind and MacKearnan 1999).

We can see some development on this evolution at the neighborhood justice center. According to Edith B. Primm, who was Director of Research and Development at the Justice Center of Atlanta, the center created new forum in settling small disputes led a court to recommend its services for resolving a protracted battle over a proposed four lane highway in the metropolitan Atlanta area (Primm 1992-1993; MacGills 1997). With the assistance of an out-of-state facilitator, the Center convened a dialogue among representatives of the City of Atlanta, the State of Georgia, and twenty-four neighborhood coalitions to develop a consensus on the fate of the proposed $ 27 million project (Primm 1992-1993).

Similarly, San Francisco Community Boards, the Neighborhood Justice Centre of Honolulu is a nonprofit, volunteer-based organization that was formed, grass roots-style, in the late 1970s to enlist and train volunteers for mediating a variety of disputes in the surrounding community. They were involved in disputes between family members, neighbors, tenants and landlords, and consumers and merchants. After several years, the Center in Honolulu expanded its scope to include a “Conflict Management Program”, which utilized trained volunteers to help government agencies, community groups, and private developers build agreement on contentious policy decisions. In the field, mediation was seen as a conflict activity that has great potential in facilitating this kind of change (Merry 1995).

Organizations and individuals who want to apply mediation to issues of environmental disputes also responded to the nexus of activity in public
dispute resolution by broadening their missions. Although at first many practitioners had focused on applying mediation skills to site-specific environmental disputes, as their fields of practice expanded, their widespread negotiation created a demand to facilitate negotiations involving increasingly complex and geographically far-reaching environment conflicts such as the adoption of regional and statewide growth management politics.

For example, the leading organization of practitioners in the West Coast, Center for Collaborative Policy (CCP) at the California State University Sacramento\textsuperscript{11} initiated growth management state policies among 50 powerful California constituencies from 1990 to 1991. The State Legislature sponsored this effort and requested the University to provide a neutral mediator / facilitator to manage this project (CCP 2003).

These practitioners gradually ensured the sustainability of their practices. Many organizations that launched with a mission to solve environmental disputes have expanded the scope of their practices to include issues of public policy more generally. This shift became a key factor in rousing demand for experienced practitioners. In addition, one of the earliest efforts to develop and institutionalize the mediation process for public issues is the Negotiated Investment Strategy (NIS) as already explained above.

Finally, negotiated rulemaking earned growing legitimacy and acceptance as greater numbers of people became familiar with the value of involving representatives of the public in public policy decision making. I will highlight some significant cases that contributed to the evolution of public policy dispute resolution in the United States.

1. **At the federal Level**

At the federal level, the Federal Highway Administration (FHA) was required to introduce the ADR process in implementing the environmental streaming review because section 1309 (c) of the Transportation Equity Act for the 21st Century (TEA-21), enacted in June 1998 calls for the creation of Alternate Dispute Resolution (ADR) procedures as part of a national environmental streamlining initiative\textsuperscript{12}. In 2002, FHA issued the guideline “Collaborative Problem Solving: Better and Streamlined Outcomes For All”\textsuperscript{13}. The guideline shows concrete methods for managing disputes on transportation planning such as procedures required by the National Environment Protection Act (NEPA).

The Intermodal Surface Transportation Efficiency Act Of 1991 (ISTEA) specifically identifies various segments of the public and the transportation
industry that must be given the opportunity to participate, including “citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation and other interested parties. As a result, there are some community advisory committees consisting of representatives of local residents that introduced the mediation process. Furthermore, FHA and Department of Federal Transit Administration (FTA) introduced negotiation and mediation as a process of public involvement in the report of Public Involvement Techniques for Transportation Decision-making.

The Environment Protection Agency (EPA) launched a negotiated approach to develop new mechanisms at the state, federal, and local level turning their attention to the successes of these pilot projects. EPA has six ADR policy goals as follows:

- Promote understanding of ADR techniques
- Encourage routine consideration of ADR approaches to anticipate, prevent, and resolve disputes
- Increase the use of ADR in EPA business
- Highlight the importance of addressing confidentiality concerns in ADR processes
- Promote systematic evaluation and reporting on ADR at EPA
- Further the Agency’s overall mission through ADR program development

In priority policies, the EPA emphasized information-sharing, education and training, and budgeting. In the 1980s, the EPA took the lead in the realm of negotiated-rulemaking. In the Carter Administration, the notion of using a negotiated approach to rulemaking at EPA when procedural reforms akin to negotiated rulemaking were tested (Ashford et al., 2008). The EPA’s approach to negotiated rulemaking appears to hold great promise for remedying the crisis of regulatory legitimacy based on their “behind closed doors” traditions through collaborative decision making process to build consensus among all affected stakeholders (Ashford et al., 2008).

As for public works such as dam projects and water resource management, the Army Corps of Engineers was also recognized as a leading agency with interests in dispute resolution on public policy in early stages. The Corps is particularly famous for introducing the “partnering” method. The purpose of partnering is the prevention of disputes with developers concerning construction contracts.
The Corps developed the first construction partnering experiments about 35 years ago in its Pacific Northwest region. Frustrated with a growing list of overbudget and beyond schedule projects, several Corps managers got the notion to pilot teambuilding on some of their projects. With their own professional roots in engineering, they developed an approach to teambuilding that differed in key ways from teambuilding rooted in human resources and organization development.

Since the Corps produced its initial guidelines, various facilitators and managers have adapted and refined it. Still, many current construction partnering efforts share consistent agenda items, content, and structure. Most of partnering processes focus on a partnering workshop or series of workshops. Participants discuss the goal of the project, their role and responsibility, and options of conflict management in the face of disagreement. In many cases, a neutral third person (mediator or facilitator) will support the progress of workshop meetings. One or two days long, depending on the complexity of the project, the workshop brings together key project players from each of the organizations working on the project. For a typical $ 30 million building, the group can engage 20 to 30 people: a diverse and usually quite vocal group of architects, engineers, plumbers, electricians, subcontractors, clients, building users, facility managers, government officers, and so on. In 1992, partnering style became an established system and a matter of policy by the Chief of Engineers.

(2) State and Local Level

Today, many state governments, particularly in offices of dispute resolution are working towards managing disputes related to public policy. The role of these state offices is dealing with disputes associated with state government policies such as social infrastructure development like dams, highways, airports, water resource management and so on. However, each agency has a different structure. For example, the Massachusetts Office of Public Collaboration (MODR)\(^{vii}\), established in 1985 continued to provide mediation services on environmental disputes, conflict assessment and training for public participation. For close to 25 years, MODR has been a “neutral forum” and state-level resource providing mechanisms that enable government officials to engage public and private institutions and citizens in inclusive, deliberative, and consensus-oriented approaches to planning, problem-solving and policy-making (now referred to as “collaborative governance”). MODR mainly focuses on inter-organizational collaboration, between public agencies and
levels of government and across sectors. MODR has managed more than three hundreds cases of environmental disputes (natural resources, agriculture, land use and transportation etc). About 85% of their cases referred used the mediation process, and more than 70% of them have achieved an agreement.

At local level, there were many other examples of experiments with negotiated approaches to policy issues. Some state legislatures have been enacted that require builders of hazardous waste sites to enter into assisted negotiations with communities that are under consideration as potential facility hosts (Blackburn and Bruce 1995). Other states used negotiated-rulemaking to formulate a fair allocation and funding of affordable housing projects (Lubbers 2006). It has been reported that facilitated negotiation processes have successfully worked at city council level with representatives of neighborhood groups and scientists to explore a technical controversy over the risks posed by a proposed trash-to-energy plant. Other city and local municipalities have used mediation processes for managing disputes on zoning and growth management (Nolon 2001).

(3) University-based Education

Finally, regarding human resource development for dispute resolutions on public policy, a demand for training and education in conflict management skills has increased. In recent years, courses, workshops, conferences and seminars have mushroomed across the United States. In academic settings, students and professors worked together to create new programs specifically geared towards training a cadre of public dispute resolution professionals (Susskind and MacKearnan 1999).

University-based education on public policy dispute resolution has its roots in studies and practices of environmental dispute resolution. As mentioned above, the field of environmental dispute resolution developed in the wake of the successful case of the Snoqualmie Dam project in Washington. This feedback gradually penetrated into university-based education exemplified by the MIT and Harvard University programs (MIT-Harvard Public Disputes Program) on environmental dispute resolution from 1979 (Susskind 1989).

Generally, graduate alternative dispute resolution (ADR) and conflict resolution programs are rather young. In 1985, there were four established graduate programs in the United States as well as a handful in Canada and Europe. Only one of them awarded a degree that specifically stated it was in conflict management. As of spring 2000, there are approximately 130 graduate programs internationally that offered certificates, minor
concentrations, masters and doctorates. Of the 130 programs the largest number, 80, are located in the United States. There are a large number of programs in private universities. In total 28 states and Washington D. C have graduate ADR or CR programs. California has 11 programs; Indiana 8, Massachusetts 6, Texas 6, Ohio 5, New York 4, Pennsylvania 4 and the rest are scattered throughout the country (Polkinghorn and Chenail 2000). Today approximately 30 universities are working on programs on conflict management of urban planning and environmental dispute resolution.

Conclusion

Today, there are many signs that the field of public policy dispute resolution is flourishing. For the last 30 years, the field of public policy dispute resolution has increasingly developed with experiences of environmental dispute resolution in the U.S. Still, these fields are steadily filtering into various arena of public policy as a result of demands from diverse actors. Practices and programs of these dispute resolutions are expanded in the national and local government, and government agencies providing their own conflict resolution services have gradually increased. In addition to government efforts, a lot of education and training to ordinary citizens is provided by university-based programs and public agencies.

These efforts are expected to provide options for creating more participatory decision-making, not dominated by the government, that all interested parties can effectively access and the partnership between citizens and government can jointly contribute for better solutions and policy outcomes. Recently in Japan, practices and studies on public dispute resolution are just beginning to be applied with Japanese Planning, especially in transportation planning and civil engineering\textsuperscript{xviii}. However, Japanese experiences have a shorter history of dispute resolution on public policy than the U.S., and empirical studies are still not enough. For further research, we should analyze their theoretical basis and more detailed history, including reviews of various case studies to examine the inspiration through comparative studies between Japan and the U.S., and the possibility of policy transfer to be applied in the Japanese context.

References

Adler. P (1983), Mediations and Lawyers the Pacific Ways: View from Hawaii, Hawaii Bar Journal No.18


Center for Collaborative Policy (CCP)(2003), Scope of Work and Facilitation Team for the Collaborative Process Support of the South Bay Salt Ponds Restoration Project, Center for Collaborative Policy, September 2003


Daniel McGillis (1997), Community Mediation Programs: Developments and Challenges, Diane Pub Co: pp.76-77

David Kovik (2005), The Hewlett Foundation’s Conflict Resolution Program Twenty Years of Field-Building 1984-2004, Hewlett Foundation


John R. Nolon (2001), Well Grounded: Using Local Land Use Authority to Achieve Smart Growth, Environmental Law Inst


Lawrence Susskind, Cruikshank J (1987), Breaking the Impasse: Consensual approach to public disputes, New York; Basic Books

Lawrence Susskind, Jeffrey Cruikshank (1989), Breaking The Impasse: consensual approaches to resolving public disputes, Basic Books


National Institute for Dispute Resolution (1993), A decade of progress, Washington DC; NIDR

Neil Sipe (1999), Environmental mediation in Australia: comparisons and contrasts with the US, ADR Bulletin, Volume 2, Number.4


Peter H. Khan Jr (1993), Resolving Environmental Disputes: Litigation, Mediation, and the Courting of Ethical Community, Education and Human Development, Colby College, Waterville ME


Susan L. Carpenter, W.J.D. Kennedy (1988), Managing the Public Dispute, Jossey-Bass

Theodore Lewis Becker (1996), Teaching Democracy by Being Democratic (Praeger
It was revised in 2005.

According to NIDR (National Institute for Dispute Resolution), there were only 12 neighborhood justice centers which aimed to enhance capacity of community involvement in the justice system and alternative dispute resolution (ADR), but now there are more than 400 centers (NIDR 1993).

This case was the first Ford-Foundation-sponsored attempt at using mediation in an environmental dispute concerning proposed flood control dams in the United States. For details, see Atlas et al., (2000), pp.217-218


The use of these approaches in the environmental area was promoted by the Ford and Rockefeller Foundations which began to support trial efforts in the early 1970s.

This foundation rooted in the American tradition of inventive research, seeks to understand the way political bodies function or fail to function. The foundation which has offices in Dayton, Ohio; Washington, D.C.; and New York City—produces “issue books” that encourage serious deliberation on policy choices facing the public. It formulates the “rules of engagement” that citizens and government officials can use to turn unproductive relationships into more constructive ways of working together. Also, it designs, in collaboration with nongovernmental groups in other countries, such as Russia and China, methods for improving relationships between nations with substantial differences. For use by the parties in conflict themselves and not third parties, there processes are designed for situations where traditional negotiation and mediation are of limited usefulness.

In conjunction with several other associations, the National Civic League initiated the Program for Community Problem Solving. See Daniel McGillis (1997), Community Mediation Programs: Developments and Challenges, Diane Pub Co: pp.76-77

For example, The Atlanta program maintained close ties to the court system, which provided the center with a source of volunteers and the majority of its case referrals. The Los Angeles program opted to remain independent of the court system, and instead focused on developing strong ties to well-defined neighborhoods. The Kansas City program was established as a department of the city government, with a mandate to work closely with police and prosecutors.

For details, See U.S. Dept. of Justice, National Institute of Justice, Office of Program Evaluation (1979), Neighborhood justice centers field test: final evaluation report

For more information about private foundations and corporations which funded conflict resolution practices in the field of public policy, see David Kovik (2005), The Hewlett Foundation's Conflict Resolution Program Twenty Years of Field-
The Transition of Public Policy Dispute Resolution in the United States

Building 1984-2004, Hewlett Foundation

At the same time, Griffin Bell, attorney general in the Carter administration, nationally advocated for the establishment of alternative dispute resolution (ADR) centers across the country. After his statement, the Administrative Office of the United States Courts obtained a congressional application to expand the pilot program (Becker 1996).

The center was originally funded as a joint program between California State University Sacramento and McGeorge School of Law, University of the Pacific. And the name of the center was "the California Center for Public Dispute Resolution" when they conducted the growth management project.


For example, Maine Department of Transportation (Maine DOT) makes good use of mediators for crafting the state comprehensive transportation plan with Transportation Policy Advisory Committee (T-PAC). See Sondora Bodgonoff (1995), "Consensus Building to Write Environmentally Responsive Rules for Maine’s New Transportation Policy", in J. Walton Blackburn, Willa M. Bruce (1995), Mediating Environmental Conflicts: Theory and Practice, Quorum Books: Chapter.11


Because the previous name of the office was the Massachusetts Office of Dispute Resolution, the abbreviated name shows MODR. For details of the services, see their website: http://www.modr.umb.edu/

For researches on policy transfer of the U.S. public dispute resolution to be applied in the context of Japan, See Masahiro Matsuura (2006) “Localizing Public Dispute Resolution in Japan: Lessons from experiments with deliberative policy-making”, Submitted to the Department of Urban Studies and Planning on August 9, 2006 in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Urban and Regional Planning.