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Evolution in a Global Society*

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Foreword

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PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

FOREWORD

The Symposium entitled *Negotiating, Mediating and Managing Conflict: Evolution in a Global Society* was held at Pepperdine University School of Law in April, 2008 under the joint sponsorship of the Straus Institute for Dispute Resolution and the Pepperdine Dispute Resolution Law Journal. This special symposium edition of the Journal is comprised of several papers presented at that event, all of which reflect important trends in the evolution of conflict management.

A “quiet revolution” has wrought dramatic changes in the resolution of conflict since the late nineteen-seventies. These developments may be observed in all sectors of society, including courts, communities, corporations and government agencies. Many organizations have embraced opportunities to move beyond so-called “alternative dispute resolution”—a label which at its most narrow denotes reactive lawyer-dominated approaches aimed at steering legal disputes away from public trial—to promote effective, integrated, proactive management of conflict. Such an approach is exemplified by Steve Gates’ “*Ten Essential Elements of an Effective Dispute Resolution Program*.” The author, who until recently was Vice President and General Counsel of ConocoPhillips, received the Corporate Leadership Award of the International Institute for Conflict Prevention & Resolution. But as Phil Armstrong, who heads one of the nation’s most innovative early dispute resolution programs at Georgia-Pacific, points out in his insightful “*Why We Still Litigate*,” traditional “win-or-lose” mentalities still prevail at many companies.

A few organizational leaders have come to understand that managing conflict is a matter of corporate culture, and inextricably intertwined with the values espoused by the organizations. In their groundbreaking piece on “*The Strategic Relationship between Ethics and Dispute Resolution*,” Air Force General Counsel Mary Walker and Deputy General Counsel Phil Deavel explore this important nexus and point the way to a whole new realm of strategic thinking, research and scholarship. Empirical studies have shown that creative and thoughtful organizational leadership is a critical factor in the development of effective methods for addressing conflict—leadership exemplified by all of the foregoing contributors.

Today the revolution experienced in the United States over the past three decades is becoming a global phenomenon. However, as the Institute’s recent experience in China has indicated, our very recent Anglo-American experience with interest-based negotiation, mediation and conflict

management offers useful lessons for the handling of cross-border conflict, but care must be taken in imposing our own expectations and models on those from other cultures and traditions, as illustrated by John Barkai's "*Cultural Dimension Interests . . .*" and Michael Zacharia's reflections on his experience as a corporate counsel negotiating business deals in Korea.

Most of these authors and nearly all of the speakers at the symposium were members of the Institute's new "brain trust"—a group of leaders and scholars at the cutting edge of conflict management who comprise our Council of Distinguished Advisors. With their guidance and support, the Straus Institute intends to play an expanding role in the national and international trends explored in this symposium.

Institute co-director Professor Peter Robinson and I thank Professor Maureen Weston and Journal editors Annalisa Peterson and Matt Kraus for their assistance in making this symposium a reality. We hope it will serve as a template for future collaborative ventures.

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