I was concerned about problems of social justice and decided to go to law school as a way to study the legal system from the inside. I thought that Daniel Ellsberg had greater credibility as a critic of the Vietnam War because he had initially been sympathetic to it and he had detailed knowledge about it. I thought that I might use legal training to do legislative policy work. I correctly anticipated that I wouldn’t like the adversarial approach in law school. As I graduated in 1980, I realized, however, that I needed to get some practice experience much like doctors do internships, so I decided to practice law for a while. In 1982, I attended a CLE program about mediation sponsored by the San Francisco Bar Association and immediately felt that this would fit my interests and personality much better than traditional practice. Gary Friedman was one of the panelists and I participated in several trainings that he conducted. In a short time, I quit my job and opened my own practice so that I could mediate.

G: If you knew earlier what you know now, would you still have pursued the same career path?

J: Absolutely. I have been fortunate to find a series of opportunities that have allowed me to do work that I enjoy. In 1982, the “field” didn’t really exist as such and I have had the wonderful chance to live through the exciting period of great growth. In my first article, I anticipated many of the issues we would face and I think it is still worth reading. It is 

**EXPLORING INNOVATIVE LAWYERING:**

**JOHN LANDE**

John Lande is Director of the LL.M. Program in Dispute Resolution and Associate Professor at MU. He began mediating in 1982 in California. He teaches courses on Mediation and Non-Binding Methods of Dispute Resolution. His scholarship focuses on institutionalization of mediation in the legal system and how lawyering and mediation practices affect each other.

**A Personal Career Path**

Gini: Good morning, John. Thank you for taking the time to share your thoughts and experiences with us. What attracted you to the field of conflict management in the first place?

John: I came of age in the 1960s and 1970s and, like many others at that time, I wanted to help solve major social problems. Although the slogan “if you are not part of the solution, you are part of the problem” was obviously an oversimplification, it reflected a sense of duty I felt to make a positive contribution to society. I thought that many of the debates of the time distorted reality and were designed to gain political advantage rather than to incorporate the merits of the various perspectives. Although I thought that various forms of conflict were sometimes necessary and productive — including legislative, electoral, and legal battles and public demonstrations — I had a strong intuition that the optimal solutions would ultimately be devised through quiet negotiation rather than high-volume clashes. I was disappointed that many people — including many who shared my particular views — seemed uninterested in understanding others’ perspectives, which I thought would be important to understand the problems and build political support for any resolutions.

I was disappointed that many people — including many who shared my particular views — seemed uninterested in understanding others’ perspectives, which I thought would be important to understand the problems and build political support for any resolutions.
Movement for Justice?, Mediation Quarterly, June 1984 (Issue 4), at 19. Fortunately, our field still has many problems. I think that’s fortunate because grappling with these problems makes it interesting and worthwhile to be in our field.

G: What is the best advice you have been given, and what advice would you give a budding conflict specialist?

J: A lawyer I worked for noticed that I worried a lot about national and international problems that I couldn’t affect very much and he encouraged me to focus on things I could influence more. I am keenly aware of my limited time and energy and so I try to focus my efforts on things that I think can actually make a difference and that I find stimulating.

For my advice to others, I suggest that people do a candid analysis of their abilities, interests, and limitations. Then, take a long view, listen to others, volunteer to help in the field, be patient, persistent and open to changing their perspective, and have a sense of humor.

Institutionalization is difficult and presents the challenge of how to tailor principles and processes to fit the institutions and still maintain the integrity of the institutions and conflict management processes. This is really hard work.

Conflict Resolution Heroes

G: Who are your “conflict resolution role models” and why?

J: There are many people in our field who I greatly admire and enjoy. I have had the good fortune to know Jim Alfini, Bob Bailey, Lisa Bingham, Jim Coben, Jonathan Cohen, Tim Hedeen, Tim Heinsz, David Hoffman, Chris Honeyman, Ron Kelly, Michelle LeBaron, Lela Love, Julie Macfarlane, Bernie Mayer, Bobbi McAdoo, Craig McEwen, Michael Moffitt, Woody Mosten, John Phillips, Sharon Press, Len Riskin, Peter Salem, Jean Sternlight, Donna Stienstra, Nancy Welsh, Jim Woodward – and many others. I admire their deep commitment to productive principles, determination to master the details, hard work to reach practical consensus, willingness to examine themselves honestly, and sense of humor.

The Biggest Questions

G: What do you think are the big questions to be answered next in the conflict management field?

J: The big challenge I am concerned about is how to incorporate good principles and processes in the various institutions in our society. It is good to do our work on an ad hoc basis – and I would like to see us continue to institutionalize it. Institutionalization is difficult and presents the challenge of how to tailor principles and processes to fit the institutions and still maintain the integrity of the institutions and conflict management processes. This is really hard work.

Thrills and Spills

G: What has been your biggest thrill in being a conflict specialist?

I suggest that people do a candid analysis of their abilities, interests, and limitations. Then, take a long view, listen to others, volunteer to help in the field, be patient, persistent and open to changing their perspective, and have a sense of humor.
Sometimes I put my foot in my mouth and other times I am too cautious. My willingness to be silly at times is both a strength and weakness. I wish that I was a better listener and consensus builder.

G: Thank you, John.

ENGAGING CONFLICTS ANNOUNCEMENTS

Stephanie West Allen announces that the streaming video of her Neuroscience of Conflict Resolution program recently recorded at Portland State University will be available for purchase at the human services discount rate through November 30. The seminar is six hours long. To sign up, call 1-800-547-8887. Hit O and dial extension 4832. Tell them you are registering for the Neuroscience of Conflict Resolution at the human services discount.

Topics include:

- The brain’s need for structure in the conflict resolution process
- The critical role of purpose — In the brain, and between participants in a dispute resolution, including the mediator or negotiators
- Stepping back: The essential key to harnessing the brain’s power

COMING UP IN ENGAGING CONFLICTS TODAY

In The Negotiator’s Fieldbook Series, an interview with Jayne Docherty. Jayne is professor of conflict studies at the Center for Justice and Peacebuilding at Eastern Mennonite University. She is author of Learning Lessons from Waco: When the Parties Bring Their Gods to the Negotiation Table and The Little Book of Strategic Negotiation: Negotiating During Turbulent Times and articles on negotiation and conflict transformation. She has worked with numerous partner organizations to help communities strengthen their capacity to harness the positive energy and minimize the negative consequences of conflict. She is particularly interested in the challenges facing communities and organizations experiencing sudden changes that demand rapid adaptation to new realities, such as a changing population, economic restructuring, changes in laws or regulations, or the losses associated with natural disasters or catastrophic events.

RECENTLY IN THE ENGAGING CONFLICTS BLOG

- Confronting Psychological Challenges: Daniel Shapiro Engaging Conflicts Today Interview
- Wild Turkeys, and Happy Thanksgiving!

TIP OR TOOL FOR TODAY


QUOTE FOR TODAY

Almost all our faults are more pardonable than the methods we resort to to hide them.

— Francois de la Rochefoucauld

I encourage you to share this newsletter with anyone who is interested in timely and interesting negotiation, mediation and conflict management-related issues. The information in this newsletter may be copied and distributed without charge and without permission, but with appropriate citation to me and the Engaging Conflicts blog. A free subscription to the newsletter is available at EngagingConflicts.com.