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NONPROFESSIONAL CONFLICT RESOLUTION

PAUL WAHRHAFTIG†

I. INTRODUCTION: THE GENESIS OF COMMUNITY CONFLICT RESOLUTION

The recent growth of community dispute resolution programs arises from many roots.¹ In this paper I will examine one of the most exciting of those: the attempt by everyday people to wrestle back control over their own problems. In the early 1970's, many became aware of the limitations of our formal, professionally-dominated justice system to handle adequately many important everyday disputes. To this extent the search for more simple and direct ways of resolving conflict was an antiprofessionalism movement. But is the conflict resolution movement instead falling under the control of professionals?

The modern conflict resolution movement began with the writings of a number of legal anthropologists.² They analyzed the "moots," gatherings of village elders which dispensed an informal style of justice that avoided the trappings of modern courts. These writings were picked up by legal scholars and reformers, such as Richard Danzig in his influential *Stanford Law Review* article.³ He extolled the moot, which "performed an integrative, conciliatory function," and which had "a better chance of molding consensus because it operate[d] in an everyday manner as well as milieu."⁴ Danzig argued persuasively that moots should be built into urban American neighborhoods. His article is cited frequently in early grant proposals and commentary.

The moot concept took hold in this country, but it was supported by different political concepts. Raymond Shonholtz, pioneering or-

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1. Some other moving forces behind the alternative justice movement are: providing more prompt, economical justice; reducing court overload; concern for the destructiveness of conflict on the safety and vitality of society; and a concern over the breakdown of traditional methods of social control—family, neighborhood and religion. See, e.g., Burger, *Our Vicious Legal Spiral*, THE JUDGES J., Fall 1977, at 22.

2. See, e.g., Nader, *Styles of Court Procedure: To Make the Balance*, in LAW IN CULTURE AND SOCIETY 69 (L. Nader ed. 1969); Gibbs, *The Kpelle Moot*, 33 AFRICA 1 (1963), *abridged and reprinted in* LAW AND WARFARE 277 (P. Bohannan ed. 1967).

3. Danzig, *Toward the Creation of a Complementary Decentralized System of Justice*, 26 STAN. L. REV. 1 (1973).

4. *Id.* at 42-43.

(1463)

ganizer of Community Boards, a community based conflict resolution program in San Francisco, commented on the traditional professional system of dispute resolution:

By promoting professional attention to conflicts, and controlling to a significant degree the scope, procedures, and remedies allowed pursuant to state licensing and school accreditation requirements, individuals and non-state social entities are de-skilled and made dependent upon external, state funded or state licensed entities.⁵

Similarly, I suggested three years earlier that “[t]oday, disputes have become the property of ‘professionals’ rather than the people. Citizen Dispute Resolution . . . is an attempt to return ownership of disputes to the people through an informal process.”⁶

At the same time, Chief Justice Warren E. Burger pointed out that “[t]here ought to be a clear consensus on the proposition that complex procedures, refined and developed for certain types of more complex cases, are inappropriate and even counter-productive when applied to the resolution of minor disputes.”⁷ He suggested, as an example, a small claims model using one lawyer and two nonlawyers. “The decision-makers must be trained or natural, practical psychologists, with an abundance of the milk of human kindness and patience.”⁸

Although the two concepts sound similar, the first comes from a community empowerment perspective: the people should decide which kinds of disputes they themselves can best handle. The second arises from professionals in the court finding a way to simplify procedures, even to the point of involving lay people, in order to dispose of cases that are inappropriate or do not merit full scale professional treatment.⁹

Thus, from the Third World, via academia, the idea of commu-

5. Shonholtz, *Neighborhood Justice Systems: Work, Structure and Guiding Principles*, MEDIATION Q., Sept. 1984, at 3, 14.

6. Wahrhaftig, *Citizen Dispute Resolution—Whose Property?*, THE MOOTER, Winter 1977, reprinted in *The Citizen Dispute Resolution Organizer's Handbook* 1, 1-2 (P. Wahrhaftig ed. 1980) (Available from Conflict Resolution Center, 7514 Kensington St., Pittsburgh, PA 15221).

7. Burger, *supra* note 1, at 23. In his article, the Chief Justice advocates informal dispute resolution as an alternative to litigation, at least for minor disputes. *Id.* at 48. This would, he argued, reduce “the frustrations, tensions, and hostilities that often flow from unresolved conflicts.” *Id.* In his view, conflicts are going unresolved due to the economics of, and backlog created by, complex litigation. *Id.*

8. *Id.*

9. *Id.* at 49. Burger referred to judges and lawyers as having the power to “heal” the system. For a critique of court sponsored arbitration in Philadelphia, see

nity-based dispute resolution was introduced to a broad range of innovators. Everyday people could play a greater role in resolving urban American problems. The basic community dispute resolution process looked the same regardless of the philosophy of the organization. Community members are encouraged to bring their disputes to their neighborhood dispute resolution center. There, in an informal setting, a trained mediator helps the parties find their own resolution to their dispute. Rather than assess fault, the session focuses on how to live together in harmony in the future.

While conflict resolution projects organized along the lines of "community empowerment" and "clearing the court calendar" may have initially looked similar, it is my opinion that the ability to unleash the creative problem solving energies of the nonprofessional operating in a lightly structured situation is the exciting prize. It is more likely to be gained in a community empowerment setting.

II. THE RISE OF COMMUNITY CONFLICT RESOLUTION

A. *First Programs*

From the beginning, divergent models appeared. In 1971, John Palmer, a professor at Capitol Law School in Columbus, Ohio, established the Night Prosecutor Program. He found the court system was overloaded. It could not adequately service private citizens' complaints. Many of these were for harassment or physical assault. In the new program, law student volunteers heard the cases in the evening at the prosecutor's office. Wherever possible they helped the disputants work out their own solutions. This was the first court system-sponsored dispute resolution program. It was designed by professionals, housed in a professional setting, and staffed by professional trainees.

Around the same time, the American Arbitration Association opened its Community Dispute Services in Rochester (New York) and Philadelphia.¹⁰ In each city cases were referred from the respective court system to the association's downtown office, where hearings were often held on weekends or during the evening. They used mediators representing a cross section of the city. While this first

Nejelski and Zeldin, *Court-Annexed Arbitration in the Federal Courts: The Philadelphia Story*, 42 MD. L. REV. 787 (1983).

10. For a discussion of the roots of the Rochester and Philadelphia programs, see King, *Arbitration in Philadelphia and Rochester*, 58 A.B.A. J. 712 (1972). For a discussion of the benefits of arbitration under the American Arbitration Association program, see Anderson and Kritzer, *The Arbitration Alternative: A Comparative Analysis of Case Processing Time, Disposition Mode, and Cost in the American Arbitration Association and the Courts*, 8 JUST. SYS. J. 6 (1983).

agency-based program substituted lay people for professional trainees, it was governed by professionals, housed in a professional setting, and heard cases deemed appropriate by professional court officials who controlled referrals.

In 1972, the Community Assistance Project, a small black-controlled community-based justice agency in Chester, Pennsylvania, received a very early Law Enforcement Assistance Agency (LEAA)¹¹ grant to establish a mediation service. The proposal was designed around the activities of a very motherly staff person who had developed a practice of listening to people's problems and helping them find a resolution. The agency gave her the title "mediator" and her activity became the first community mediation program to be funded by LEAA. She received referrals from the justice of the peace or from people who came to the office or knocked on her door at home. She held hearings in her office or even in the disputants' homes. This first community-based conflict resolution program empowered a lay person to hear disputes which the people themselves saw appropriate to bring to her. She was not limited to a formalized central office setting but could take her problem solving skills directly into the community.

B. *Spreading Models*

In the late 1970's, programs like these spread around the country. In 1977, LEAA designated the Night Prosecutor Program an exemplary program and encouraged its replication throughout the country. Midwestern states in particular moved quickly. A former Night Prosecutor director, Larry Ray, moved on to staff the American Bar Association's resource center, which was then called the Special Committee on Minor Disputes.¹² The American Arbitration Association replicated its model across the country. It provided central funding and staff resource until finances forced it to cut back around 1979. The Institute for Mediation and Conflict Resolution (IMCR) opened a similar community dispute resolution program in Manhattan in 1975. With its highly developed training facilities, IMCR stimulated the establishment of a large number of programs throughout the East.

11. For a description of the Community Assistance Project's mediation role, see *Disputes Resolved in the Community*, in THE CITIZEN DISPUTE RESOLUTION ORGANIZER'S HANDBOOK 31 (P. Wahrhaftig ed. 1980).

12. This resource center is now called Special Committee on Dispute Resolution. I do not mean to imply that Ray or the Special Committee is wedded exclusively to the Night Prosecutor model. They speak supportively of community based models, but they are more comfortable with professionally structured agency and court sponsored models.

Meanwhile, the American Friends Service Committee, a Quaker group, promoted community based models. Its Grassroots Citizen Dispute Resolution Clearinghouse, which operated between 1976 and 1980, tied together the experiences of the few neighborhood sponsored programs then in existence and laid the groundwork for their future expansion.

Alternative dispute resolution programs seemed to reach their peak in popularity at just the wrong time. The Dispute Resolution Act,¹³ passed by Congress in 1980, enshrined the concept into federal law, provided for a centralized resource center,¹⁴ and, most importantly, provided federal funding for the growing field.¹⁵ Unfortunately, the Act was passed at the same time President Carter was unsuccessfully battling for re-election. It fell victim to his efforts to beat Ronald Reagan to the punch at trimming the federal budget. The new initiative was never funded.

Despite this setback, the field has expanded greatly. Today there are about 225 conflict resolution centers in the United States.¹⁶ Most programs are associated with a court or agency.¹⁷ Once program sponsors, who generally are professionals, gain the cooperation of the court and civic leaders, professionally dominated court or agency programs are more readily funded and quickly established than are community-based programs. Neighborhood projects demand lengthy and often expensive community organizational efforts to reach out and involve lay people. Thus, community-based programs have been slower in evolving. The Community Board Program in San Francisco took up the concept in 1978, and it was only around 1980 that other community-based programs began to emerge in any substantial number. They still are in the minority of the movement.

New York State has done the most to spur community-based programs. Citizens built a broad based and active lobbying effort during the 1970's which resulted in legislation funding conflict resolution centers.¹⁸ The act forbids funds from being allocated directly to courts to establish "alternatives." Rather, funds must be directed to

13. 28 U.S.C. §§ 1-10 (1982). The Act was designed to encourage state and private alternative dispute resolution and provided for funding and technical assistance. See H.R. REP. NO. 492(I), 96th Cong., 2d Sess. 12, *reprinted in* 1980 U.S. CODE CONG. & AD. NEWS 3, 3.

14. 28 U.S.C. § 6 (1982).

15. *Id.* § 8.

16. Interview with Larry Ray, staff of ABA Special Committee on Dispute Resolution (February 6, 1984).

17. See Nejeleski and Zeldin, *supra* note 9.

18. N.Y. JUD. LAW § 849-a-g (McKinney Supp. 1983).

an independent nonprofit agency.¹⁹

C. *Contrasting Cases: The Effectiveness of Community Alternatives*

The flexibility of the community based format is consistent with the initial theory behind alternative dispute forums. The concept was that rigid professional procedures and outlook prevented the kind of effective problem solving that many cases needed.

Two contrasting cases show the limits which a professional approach impose on the scope, procedures and remedies allowed in a mediation setting even though mediators were lay citizens in both instances. The first was in a professionally controlled setting. The second was in a very informally structured community based program. Both used nonprofessional community people for mediators.

The first, reported by Felstiner and Williams,²⁰ takes place in a setting referred to as Fosterton. In reality, it is the Urban Court Program in the Dorchester section of Boston. This project, sponsored by the district court, uses volunteer mediators from the neighborhood served. In "The Case of the Adjacent Gardens," the complainant, arriving to visit her boyfriend, was shot at by a neighbor. She brought a complaint against the neighbor, and her boyfriend came along as a witness. As the hearing progressed, it appeared the main smouldering conflict was between the boyfriend and the neighbor. The problem really involved a barking dog. The neighbor-assailant was so upset about losing his temper and firing the shots that he already had dismantled his gun and buried the parts. The mediators, while recognizing that there was a real problem between the respondent and the witness-boyfriend, did not explore that direction. Instead they sought and obtained an agreement from the respondent to apologize and promise never to shoot again. Felstiner and Williams conclude:

Fosterton mediators see their charter as resolving the dispute embedded in a criminal charge levied against a respon-

19. *Id.* § 849-a-b. To the author's knowledge, the only other states to mandate funding mechanisms to date, Texas and Minnesota gear their funding more towards court system-based programs. Texas enables county level courts to assess additional filing fees and allocate the proceeds to mediation centers. Minnesota funded a bar association/citizen-backed center in St. Paul to train nonlawyers in conflict resolution, and allocated additional funds to the court administrative officers to encourage conflict resolution activities. See generally LEGAL SERV. ADV. COMM. MEMBERSHIP R. 5A (1982) (promulgated under MINN. STAT. § 480.242(2)(b) (1982) (mandating funding for "programs for qualified alternative dispute resolution").

20. Felstiner and Williams, *Mediation as an Alternative to Criminal Prosecution: Ideology and Limitations*, 2 LAW AND HUMAN BEHAVIORS 223, 230 (1978).

dent by a specific complaint. They consider relevant any controversies between these two parties, even if the connection to the presenting complaint is tenuous. But they are reluctant to get involved in disputes between the respondent and a third party even when the third party is present and the specific behavior which led to the criminal charge involved the third party as much as the complainant.²¹

Since the mediators received the case from the court on papers listing two parties, there was a built in expectation that they would report a resolution back to the court involving those two parties. While there was no rule to the contrary, there was no structure for recording agreements involving others.

The second example is reported in the August 16, 1983 "Summary Report" of the Community Association for Mediation program in Pittsburgh, Pennsylvania.²² This project operates in a black Pittsburgh community. It trains conflict resolvers to handle disputes where they find them rather than within the confines of a structured program.

A dispute arose in a public housing project over children dropping trash on the ground rather than placing it in the trash cans. This litter then became scattered by winds, pets and children. A first floor resident accused second and third floor parents of allowing their children to litter. Each denied responsibility.

Upon hearing the dispute, a mediator, who lives in the same building, went out to see what the disturbance was about. She invited the disputants into her home and made the session a semi-social occasion. After exploring responsibility, which was disputed by all three, they came to an initial agreement. Each would pay close attention to all who are taking rubbish out and try to find how and when it is being thrown on the ground. Each also agreed to caution her children again about making sure that everything goes into the cans.

During the next few weeks the parties made their observations. They learned the problem was different from what they had first seen. There were not enough cans for the amount of garbage being thrown out and garbage pickup was irregular. The residents took the problem to the management. More cans were issued and pickup schedules were altered.²³

21. *Id.* at 235.

22. Summary Report of the Community Mediation Program of Pittsburgh, Pa. 25 (unpublished) (available from Community Association for Mediation, 511 Junilla St., Pittsburgh, PA 15219).

23. *Id.*

In both cases the dispute involved more than the initially identified parties. In "Fosterton," even though the mediators were volunteers from the community, they felt constrained by the professional structure in which they operated to limit the focus of their inquiry to professionally defined relevant parties and issues. In Pittsburgh, with mediation built right into the fabric of a neighborhood, the mediator felt comfortable working with the disputing parties to broaden their focus. Rather than write up a limited resolution of the dispute among the parties, the mediator enabled them to join together in resolving an environmental issue that affected them all.

III. THE PROBLEM OF CREEPING PROFESSIONALISM

Examples abound where, by being able to lift the dispute beyond the initially legally recognizable questions, by involving a broader interpretation of relevant parties, and by focusing on cooperative problem solving, people who entered the process as antagonists ended up bringing about change in their communities. However, community-oriented conflict resolution practitioners repeatedly express fears of creeping professionalism:

[The nonprofessional orientation of the Neighborhood Justice Center of Honolulu] is in contrast to the impetus in American society to see new and successful social innovations turned into paying jobs and centralized bureaucratic routines. Leisure, recreation, medicine, education, and law all tend to illustrate this cycle. A potential innovation is tried, tested, and evaluated. If it proves successful or is popular the new idea is then "colonized" by professionals and monopolized by a fee-for-service system. In turn this often requires that the successful ideas then be subsidized through public dollars to keep them available to the poor.²⁴

There are strong indications that the field is becoming professionalized. In the area most likely to generate fees, divorce mediation, the race is on to become established as "professional." Both the Academy of Family Mediators and the Family Mediation Association recommend that one have at least a masters degree in behavioral sciences or a law degree before entering the field. Some local councils (protoperfessional organizations), like the Family Mediation Council of Western Pennsylvania, are currently debating whether nonlawyers or nonbehavioral scientists can be certified as family mediators, even

24. Adler and Chandler, *Alternative Dispute Resolution: The Hawaii Model* (to be published in 30 *Social Process in Hawaii* (1983)).

if they are expert mediators. It is unclear why an M.A. or a J.D. is a more appropriate base upon which to build mediation skills than degrees in cosmetology or mixology. Meanwhile, the Neighborhood Justice Center of Honolulu is demonstrating that family and divorce mediation can be done by its regular volunteer mediators, with some additional training.²⁵

Should conflict resolution people be required to meet certain standards, be certified, in order to use their skills? This question arises at each major conflict resolution conference held in the 1980's. Should Community Association for Mediation's mediator who settled the trash dispute in her living room be subject to censure for unauthorized practice of mediation?²⁶ In the community conflict resolution field professionalizing forces are at work. Many court sponsored community conflict resolution centers in Florida and human relations commission sponsored projects such as the one in Philadelphia are staffed by professional mediators.

Even where volunteer lay mediators are used in these programs, they are structured and trained to act like professionals. They perform their services within the confines of the program, and are not encouraged to use their new-found skills in their own life—although many probably do so. If the mediators know the parties, they usually disqualify themselves from the case in favor of an unknown "neutral" mediator. Thus the parties are deprived of learning that someone they know has useful conflict resolving skills that might be drawn upon in other settings.

In contrast, community oriented programs such as Community Boards in San Francisco and the Honolulu Neighborhood Justice Center extoll the ways in which their trained mediators use their skills in their everyday lives. Community Boards uses large panels of conflict resolvers, consisting of three to five persons, which may include people known to the parties. The program philosophy is that individual and community problems are closely linked. "The assumption of individual and community responsibility is a positive value that serves to enhance the vitality and stability of the neighborhood."²⁷

I documented an example of Community Boards bringing together individual and community problems:

25. *Center Refines Divorce Mediation*, 1 THE CENTER LETTER, Summer 1983, at 1 (Neighborhood Justice Center of Honolulu).

26. This question is not as rhetorical as it sounds. Until recently, divorce mediators faced threats from the bar of being called in for unauthorized practice of law. The question arises when the volunteer nonprofessional mediator moves beyond "trash" issues to ones which might have generated a fee.

27. Shonholtz, *supra* note 5, at 14.

An umbrella organization of community groups in Visitation Valley [a Community Board neighborhood] was planning its annual meeting. The format was to bring in people from the various groups to talk about community problems and to help the agencies set priorities for action in the coming year. They specifically requested Community Board panelists to serve as small group facilitators at the meeting. They saw the panelists as having developed useful skills in working with small groups in a way that everyone is encouraged to participate.

Secondly, C.B. members pointed out that their experience in helping people resolve disputes gives them important information about problems in their community. They intend to feed that information into the community coalition at the meeting. For example, panelists who heard [a case in which neighbors complained about a fire-gutted house which was not boarded up, but incidentally discovered that there were fire code violations built into all of the houses in the housing tract] might raise the issue to the coalition of the need to do some organizing around the fire code violations.²⁸

The mediating style used in many court and agency programs encourages mediators to “act professionally” to the point of fostering dependency on their expertise. Felstiner and Williams document the communication structure used in “Fosterton” mediation hearings: “This case generally followed the typical IMCR pattern—introduction, recital by the complainant, recital by the respondent, a series of individual sessions and caucuses, and a second joint session at which the agreement is signed.”²⁹ In short, the parties are brought together for an initial session in which they tell their stories and blow off steam. The mediator then acts as a shuttle diplomat, going from party to party until she works out the outlines of an agreement. The parties are then brought together for the mediator to present to them their agreement. The main learning experience for the disputants is that if they want their problem solved, they should come to the conflict resolution center, and a mediator will help them work it out.

The Community Board model, which they call conciliation, represents the other end of the spectrum. Other informal community

28. Wahrhaftig, *Community Boards: How a Community Based Dispute Resolution Program Can Affect a Community*, THE MOOTER, Winter 1978, reprinted in *The Citizen Dispute Resolution Organizer's Handbook* 49 (P. Wahrhaftig ed. 1980).

29. Felstiner and Williams, *supra* note 20, at 239.

oriented programs use a similar style. There, the parties are seldom separated. They present their case to a hearing panel. The panel then uses its skills to help the parties begin to communicate with each other, to probe together the real nature of the problem, the level of each of their responsibilities, and the outcomes upon which they can agree. In these sessions, one of the major agenda items is teaching conflict resolution skills to the disputants as well as resolving the specific problem.

IV. THE SPREAD OF COMMUNITY CONFLICT RESOLUTION PROGRAMS

The community conflict resolution program movement has spread, at least to other parts of the English speaking world. There are a few Canadian programs, some in such nonurban and exotic sounding places as Moose Jaw and Yellow Knife. Canadians have established a resource center for conflict resolution programs.³⁰ A group of Australians toured American conflict resolution projects in the late 1970's and established a center in New South Wales.³¹ There are now about three centers in Australia, and the idea is spreading to a new center in New Zealand. Generally, these are court sponsored or agency models, more likely to be professionally dominated.

England appears to be moving parallel to the American experience by using a variety of models. They began later, however, around 1980. A recent survey reported these findings:

Locally based mediation services are being explored in a number of places. These schemes have adopted a wide variety of models ranging from a court-related service for a large urban area to a small centre run by local citizens helped by the odd professional as advisor or consultant. The largest current proposal is for a city-wide mediation service in Liverpool, a city suffering major problems of economic decline, inner city decay and worsening race relations.

At the other end of the scale are two small, grassroots services which are beginning to take shape in two of the larger London Boroughs: Newham and Lewisham (an area which contains Brixton, where there were a series of destruc-

30. Community Justice Initiatives, 298 Frederick St., Kitchener, Ontario.

31. For a full discussion of the Australian experience, see J. SCHWARTZKOFF & J. MORGAN, COMMUNITY JUSTICE CENTRES: A REPORT OF THE NEW SOUTH WALES PROJECT 1979-81 (1984).

tive race riots during the summer of 1981) Another . . . is being planned by a Quaker group in Brent, fulfilling the traditional Quaker role as peacemaker, as well as applying new ideas about problem-solving approaches in their neighborhood.³²

V. THE PERCEPTIONS OF CONFLICT RESOLVERS

In my role as President of the Conflict Resolution Center, Inc., a resource to people who try to resolve neighborhood disputes or racial, ethnic or religious groups disputes, I recently conducted a worldwide survey of conflict resolvers. I received 128 survey responses, primarily from the United States and Canada, with about ten from overseas. While slightly over half of the respondents (53.5%) defined themselves as professionally involved in conflict resolution, only a quarter (28.5%) filled in the blank "List your occupation" as a mediator, arbitrator, or other form of conflict resolver. Professionals in conflict resolution tended to identify themselves first as administrators³³ of conflict resolution projects (42.6%), then professors (6.6%) and attorneys and mental health workers (8% each). They either saw conflict resolution as part of their profession or, probably more commonly, to the extent they saw conflict resolution as a separate profession, they saw it as a side job—a moonlighting occupation. Hence, many a labor arbitrator's full time occupation is college instruction. Many divorce mediators are supplementing their primary occupation—attorney or therapist. Often, respondents are involved in building conflict resolution skills into traditional professional settings in an effort to humanize institutions. An Australian, for example, reports that he is running courses for public servants to know how to deal with difficult people.

Nonprofessional conflict resolvers abound. An English respondent to the survey observed: "I feel there are a lot of people around who carry out 'conflict resolution' in the everyday course of their lives without ever formally thinking of their activities in these terms. Personnel officers, shop stewards, community liaison officers are only some examples." A profile of people who define themselves as non-

32. Mitchell, *Accepting the Idea of Conflict "Resolution" in Britain*, 1 CONFLICT RESOLUTION NOTES 26, 27 (1984).

33. Administrators included program directors, supervisors, and trainers. The proportion of these answers may be distorted since the sample was readers of the Conflict Resolution Center's publication, *Conflict Resolution Notes*. When a survey or journal is sent to an agency, it is most likely to be the administrator who sees it first and responds.

professional mediators includes a large group of attorneys.³⁴

Nonprofessional conflict resolvers were involved in a wide variety of tasks applying conflict resolution skills to problems they confront in their lives. For example, one man in Northern Ireland operates a camplike retreat where his group brings together Protestant and Catholic youth in an attempt to begin breaking down sectarian barriers. Many reported using their conflict resolution skills while teaching in high school classes. A common use was expressed by one respondent: "Sometimes I am called upon to help soften out differences within my agency and/or with other organizations." A number use their skills on internal conflict within their church.

VI. CONCLUSION

It is clear that conflict resolution will become more of a profession with its own identity. The base exists as evidenced by the number of professional organizations attracting conflict resolvers. Among them are the American Arbitration Association, The Society of Professionals in Dispute Resolution, the Academy of Family Mediators and the Family Mediation Association. Similarly, the American Bar Association's involvement represents an effort to bring this emerging area of professionalism under the wing of an existing profession.

Building conflict resolution skills into existing or new professions should provide for more gentle, people-oriented service. As one criminal attorney responding to the Conflict Resolution Center's survey put it, "I make [conflict resolution] a part of my work even though the system intends otherwise." However, if the field becomes the exclusive province of professionals, then society will have lost the creative potential evidenced by homemakers, social activists, carpenters, and retired people who are actively involved in their society's problems.

As the United States enters its second decade of alternative conflict resolution activity, there is a wealth of diversity in the field. The fact that so much conflict resolution activity is taking place in this era of scarce funding is testimony to its perceived importance. Presently there are exciting roles for professionals and nonprofessionals.

As Shonholtz points out, it amounts to a policy decision:

34. These attorneys, as with many of the mental health workers, tended to be volunteer mediators at neighborhood conflict resolution centers. Other occupations included professors, mental health workers, clergy, social service or social action people, teachers, a small collection of housewives and a carpenter.

A dispute resolution process related directly to individual and neighborhood responsibilities for conflict resolution taps the neighborhood's own resources to understand and reduce fears and conflicts. As a policy norm in a democratic society, the principal failure of the alternative justice movement has been its agency focus and its expansion of justice agencies to the civil or social areas of community life.³⁵

35. Shonholtz, *supra* note 5, at 16.