



## **Guide to Non-Traditional Research Resources in Conflict Resolution, Civil Discourse, and Public Deliberation and Dialogue**

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### **I. ONLINE RESOURCES**

#### **A. Conflict resolution**

##### **1. *General***

##### **ADR Prof Law Blog – <http://www.indisputably.org/>**

A member of the law professor blogs network (blogs by professors, for professors), this site is regularly updated with general ADR information provided by law professors. The ADR Prof Law Blog combines links to updated resources with news and information of interest in the field of ADR.

##### **American Arbitration Association – <http://www.adr.org/>**

“The American Arbitration Association ... provides services to individuals and organizations who wish to resolve conflicts out of court. The AAA role in the dispute resolution process is to administer cases, from filing to closing. The AAA provides administrative services in the U.S., as well as abroad through its International Centre for Dispute Resolution. The AAA's and ICDR's administrative services include assisting in the appointment of mediators and arbitrators, setting hearings, and providing users with information on dispute resolution options, including settlement through mediation. Ultimately, the AAA aims to move cases through arbitration or mediation in a fair and impartial manner until completion. Additional AAA services include the design and development of alternative dispute resolution systems for corporations, unions, government agencies, law firms, and the courts. The Association also provides elections services as well as education, training, and publications for those seeking a broader or deeper understanding of alternative dispute resolution.”

- This website for third-party neutrals provides links to outside resources focusing on ADR issues.

**American Bar Association, Section on Alternative Dispute Resolution –**

[http://www.americanbar.org/groups/dispute\\_resolution.html](http://www.americanbar.org/groups/dispute_resolution.html)

The website for the ADR section of the ABA provides information about standards, policies, uniform and model rules, as well as links to publications, conferences, and specialized ADR committee pages with additional resources and references.

**Conflict Information Consortium (University of Colorado) – <http://conflict.colorado.edu/>**

“The University of Colorado Conflict Information Consortium ... was founded in 1988 as a multi-disciplinary center for research and teaching about conflict and its transformation. With its primary focus on difficult and intractable conflicts, the Consortium has pioneered efforts to use rapidly advancing information technologies to provide citizens in all walks of life with the information that they need to deal with conflicts more constructively. The Consortium sees such efforts to enhance and mobilize the skills of the general population as critical to efforts to deal with complex, society-wide conflicts.”

Consortium projects include:

- Governance Commons (a “knowledge base and a network of people and organizations working to improve governance – <http://www.thegovernancecommons.org/>)
- Beyond Intractability (essays, articles, interviews, case studies, etc., on “especially difficult and destructive conflicts”)

**Conflict Resolution Information Source – <http://www.crinfo.org/>**

“CRInfo ... is a free service, funded by the William and Flora Hewlett Foundation. As a “linking” site, our staff of editors maintains a keyword-coded catalog of over 20,000 Web, print, and organizational resources, as well as event listings and other conflict resolution-related resources.”

- Includes resource lists on conflicts topics, essays on conflict resolution, current awareness information on conflict resolution, case studies, forms, etc.

**Federal Judicial Center – [http://www.fjc.gov/library/fjc\\_catalog.nsf](http://www.fjc.gov/library/fjc_catalog.nsf)**

“The Federal Judicial Center is the education and research agency for the federal courts.” Its website includes, in the ‘publications and video catalog’ section ([http://www.fjc.gov/library/fjc\\_catalog.nsf](http://www.fjc.gov/library/fjc_catalog.nsf)) the full text of a variety of reports and studies on litigation and alternatives to litigation. Browse by subject, and select ‘alternative dispute resolution’ for links to articles on mediation, judicial management of cases in ADR, standards for mediators, etc.

**Federal Mediation & Conciliation Services – <http://www.fmcs.gov/internet/>**

The FMCS is an independent agency dedicated to promoting labor-management cooperation. The resource guide on the FMCS website includes links to various labor departments and agencies, as well as presentations on ADR issues pertinent to labor and employment.

**Interagency Alternative Dispute Resolution Working Group – <http://www.adr.gov/>**

“The seminal legislation enabling the federal government to use ADR was the Administrative Dispute Resolution Act of 1996. That statute authorized the agencies’ use of ADR process to resolve disputes with the federal government and directed the convening of an interagency task force to facilitate and encourage the development and expansion of ADR programs. The President appointed the Attorney General as the leader of the Interagency Working Group and created four sections in specific subject matter areas: workplace disputes, contracts and procurement disputes, regulatory enforcement disputes, and claims against the government. Since its inception, the Interagency ADR Working Group has broadened its scope to include subcommittees for Arbitration, Ethics, Collaborative Governance, Environmental ADR and other areas.”

- Includes links to reports to the president on ADR programs in the federal government and executive actions on ADR.
- Each working group section includes links to other resources developed by federal agencies.

**International Institute for Conflict Prevention & Resolution – <http://www.cpradr.org>**

“The CPR Institute is an independent, nonprofit that promotes innovation in commercial dispute prevention and resolution. By harnessing the collective expertise of leading legal minds and benchmarking best practices, it is the ADR resource of choice for multinational corporations with billions of dollars at risk.”

- Includes links to reports and articles about ADR in commercials setting (e.g., damages assessments, dispute prevention, risk allocation, etc.) – <http://www.cpradr.org/Resources/ADRTools.aspx>
- Provides form for ‘economical litigation agreement’ – <http://www.cpradr.org/Resources/ADRTools/EconomicalLitigationAgreement.aspx>

**JAMS – <http://www.jamsadr.com/>**

“JAMS is the largest private alternative dispute resolution provider in the world. ...JAMS specializes in mediating and arbitrating complex, multi-party, business/commercial cases – those in which the choice of neutral is crucial.” Services include “facilitative and evaluative mediation, binding arbitration, neutral case evaluation, settlement conference, mini trial, summary jury trial, neutral expert fact finding, special master, discovery referee, class action settlement adjudication, project neutral and dispute review board services.”

- The JAMS website provides examples of contract clauses calling for negotiation, mediation, and arbitration, as well as an outline of qualifications for arbitrators.

**Mediate.com – <http://www.mediate.com/index.cfm>**

Commercial site that provides links to short articles and current awareness information about mediation; organizes articles by topic (e.g., commercial, elder, community, family / divorce, public policy, workplace)

**National Center for State Courts – <http://www.ncsc.org/>**

Provides publications on ADR effectiveness in state courts, and includes a digital archive and ADR database. The archive includes comparative studies on the use of ADR within the state court system, as well as committee reports and more.

**National Conference of Commissioners on Uniform State Laws – <http://www.nccusl.org/Default.aspx>**

The Uniform Law Commission (NCCUSL) drafts non-partisan legislation for adoption by state governments to ensure clarity in the law. The site for NCCUSL includes a search engine that allows the user to find Uniform Acts covering various implementations and aspects of ADR, as well as a map of where each act has been adopted and its drafting and enactment history.

**Rand Institute for Civil Justice** – <http://www.rand.org/law-business-regulation/centers/civil-justice/pubs.html>

The Rand ICJ conducts and compiles empirical, analytical research in various areas of public policy development and dispute resolution. The search engine links to helpful journal articles and ADR studies.

**Resolution Systems Institute** – <http://aboutrsi.org/>

The mission of RSI is to support research in, and serve as a “resource clearinghouse and archive for information and data regarding, ADR systems – specifically and particularly those that are court-annexed, -related, or associated.” The RSI site houses PDF versions of judicial studies and journal articles.

## ***2. International***

**European Judicial Network** – [http://ec.europa.eu/civiljustice/adr/adr\\_gen\\_en.htm](http://ec.europa.eu/civiljustice/adr/adr_gen_en.htm)

The EJN works to improve cross-border litigation and dispute resolution, serving as a resource for rules and procedures. The site also contains a section on ADR with general information about European ADR.

**Institute for Multi-Track Diplomacy** – <http://www.imtd.org>

The mission of IMTD is to promote a systems-based approach to peace building and to facilitate the transformation of deep-rooted social conflict through education, conflict resolution training and communication.

- IMTD provides examples of the use of ADR in international peace-building, as well as definitions of ADR in a peace-building context.

**International Chamber of Commerce** – <http://www.iccwbo.org/>

The ICC has a commission dedicated to international arbitration; its website provides links to international rules, procedures, guidelines, and articles. The commission also seeks to incorporate technological advances in the use of arbitration.

**JAMS (International)** – <http://www.adrcenter.com/international/cms/>

Provides links to and information about global ADR projects in a variety of countries, in addition to results from international studies.

**United States Institute for Peace** – <http://www.usip.org/>

The USIP seeks to “prevent and resolve violent international conflicts” and to “increase conflict management capacity.” To that end, the USIP has mediated dialogue between warring parties, disseminated information on dispute resolution practice, and conducted public education seminars around the globe. The USIP also publishes scholarly articles on international conflict resolution, many of which are available on the main website.



### 3. *By Topic*

#### **Campus Conflict Resolution Resources Project – <http://www.campus-adr.org/>**

“The primary objective of the Campus Conflict Resolution Resources project (Campus-adr.org) is to significantly increase administrator, faculty, staff and student awareness of, access to, and use of conflict resolution information specifically tailored to the higher education context.”

- Includes bibliographies of materials related to conflict resolution in the context of higher education – [http://www.campus-adr.org/Main\\_Library/content/bibsearch/](http://www.campus-adr.org/Main_Library/content/bibsearch/)
- Includes full text articles on campus conflict resolution – [http://www.campus-adr.org/Main\\_Library/content/fulltextarticles/](http://www.campus-adr.org/Main_Library/content/fulltextarticles/)

#### **National Association for Community Mediation – <http://www.nafcm.org/Home>**

“The purpose of the National Association for Community Mediation is to support the maintenance and growth of community-based mediation programs and processes, to present a compelling voice in appropriate policy-making, legislative, professional, and other arenas, and to encourage the development and sharing of resources for these efforts. “

- Includes links to current awareness resources in community mediation, list-servs, etc.

#### **Policy Consensus Initiative - <http://www.policyconsensus.org/>**

Policy Consensus Initiative seeks to promote collaborative governance systems, and provides resources on ADR use in state and local government, and links to overviews of case studies in areas such as community development, health services, transportation and more.

#### **U.S. Institute for Environmental Conflict Resolution – <http://www.ecr.gov/>**

“The U.S. Institute for Environmental Conflict Resolution, an independent and impartial federal program, has a mission and history of helping people find workable solutions to tough environmental conflicts ... anywhere in the U.S.”

- Includes information about the Native Dispute Resolution Network – <http://www.ecr.gov/Resources/NativeNetwork/NativeNetwork.aspx>
- Provides information about the Federal environmental conflict resolution policy – <http://www.ecr.gov/Resources/FederalECRPolicy/FederalECRPolicy.aspx>

#### **Victim Offender Mediation Association – <http://www.voma.org/>**

VOMA is “an international membership association, [that] supports and assists people and communities working at models of restorative justice...provid[ing] resources, training, and technical assistance in victim-offender mediation, conferencing, circles, and related restorative justice practices.”

### **B. Civil discourse, public deliberation and dialogue**

#### **American Bar Association, ABA Resolution 108 –**

Civility Resolution discusses the requirement of attorneys to engage in civil public discourse (available as a PDF at

[http://www.americanbar.org/content/dam/aba/administrative/dispute\\_resolution/civility.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/dispute_resolution/civility.authcheckdam.pdf))

**National Coalition for Dialogue and Deliberation – <http://ncdd.org/>**

“The National Coalition for Dialogue & Deliberation (NCDD) promotes the use of dialogue, deliberation, and other innovative group processes to help people come together across differences to tackle our most challenging problems. [It] serve[s] as a gathering place, a resource clearinghouse, a news source, and a facilitative leader for the dialogue and deliberation community and beyond.”

- Includes reports and articles on consensus building, resources on dialogue and deliberation approaches, a glossary of terms, and resources guides on public engagement, assessment tools, and case studies and stories – <http://ncdd.org/rc/>

**National Institute for Civil Public Discourse – <http://nicd.arizona.edu/>**

“The National Institute for Civil Discourse is a nonpartisan center for advocacy, research, and policy regarding civil discourse consistent with First Amendment principles.”

- Includes research briefs on civil discourse, campaign rhetoric, and ‘political polarizations’ – <http://nicd.arizona.edu/node/27>

**II. ADR AND CONFLICT RESOLUTION TREATISES IN THE LIBRARY – SAMPLE CALL NUMBERS AND SUBJECT HEADINGS**

US ADR: KF 9084-9085

Comparative and international ADR: K 2390

ADR in business: K 2390

UK ADR: KD 7644

Conflict resolution: HM 1126, BF 637, KF 9085

Conflict resolution (international): JZ 6010

Environmental conflict resolution: KF 3775

Subjects: Dispute resolution, conflict management, problem solving, restorative justice, mediation, compromise, negotiation

**III. SAMPLE ARTICLES**

Lisa B. Bingham, *Control Over Dispute System Design and Mandatory Commercial Arbitration*, 67 *Law & Contemp. Probs.* 221 (2004).

Lisa Blomgren Bingham, *Designing Justice: Legal Institutions and Other Systems for Managing Conflict*, 24 *Ohio St. J. Disp. Reso.* 1 (2008).

Susan D. Franck, *Development and Outcomes of Investment Treaty Arbitration*, 50 *Harv. Int’l L. J.* 431 (2009).

Richard E. Wagner, *Dispute Resolution when Rationalities: Cost & Choice in a Mixed Economy*, GMU Working Paper in Economics No. 11-34 (9/3/11).

#### **IV. SELECTED JOURNALS**

##### **Conflict & Communication Online**

The journal seeks to encourage about a dialogue among varied perspectives including social-scientific, intellectual and cultural disciplines and professional experiences which will reach beyond the topics of current fields of conflict and strive to establish basic research on peace science.

##### **Conflict Management in Higher Education Report – <http://www.campus-adr.org/CMHER/Newsletter.html>**

A free, quarterly online periodical serving higher education constituencies interested in conflict management. The goal is to provide useful resources, information, news, and brief feature articles that will be of interest to people working on conflict resolution issues in higher education contexts.

##### **Conflict Management & Peace Science**

Features original & review articles focused on news & events related to the scientific study of conflict & peace.

##### **Conflict Resolution Quarterly**

The Association for Conflict Resolution (ACR) is a professional organization of practitioners and scholars whose mission is to enhance the practice and understanding of conflict resolution. ACR is dedicated to supporting and improving the field of alternative dispute resolution.

##### **Family Court Review**

Published by the Association of Family and Conciliation Courts (<http://afccnet.org>), this is an interdisciplinary academic and research journal for all family law professionals.

##### **International Journal of Conflict Management**

Publishes research in conflict management including original theoretical and empirical articles (quantitative or qualitative) and critical or integrative literature reviews relevant to the substantive domains served by the journal, including conflict, conflict management, dispute resolution, fairness, justice, mediation & arbitration, negotiation, peace studies, and other related topics.

##### **Journal of Conflict Resolution**

Peer-reviewed and published bi-monthly, provides scholars and researchers with the latest studies and theories on the causes of and solutions to the full range of human conflict. JCR focuses on international conflict, but also explores a variety of national, intergroup and interpersonal conflicts that may help in understanding problems of war and peace.

##### **Journal of Public Deliberation**

The principal objective of this journal is to synthesize the research, opinion, projects, experiments and experiences of academics and practitioners in the emerging multi-disciplinary field and political movement called by some "deliberative democracy" in an effort to improve future research endeavors in this field and aid in the transformation of modern representative democracy into a more citizen friendly form.

### **Studies in Conflict & Terrorism**

Journal featuring theoretical and empirical studies on the causes of conflict and proposals for resolution. Aims to cast new light on the origins and implications of conflict in the 21st Century, including "moribund peace processes, ethnic and religious strife, disputes over natural resources, and transnational organized crime."

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Traditional legal research resources relevant to ADR are described in Georgetown Law Library's Alternative Dispute Resolution & Mediation Research Guide ([http://www.ll.georgetown.edu/guides/adr\\_mediation.cfm](http://www.ll.georgetown.edu/guides/adr_mediation.cfm)), Treatise Finder (<http://www.ll.georgetown.edu/guides/tfadr.cfm>), guide to Resources Related to Alternative Dispute Resolution ([http://www.ll.georgetown.edu/research/browse\\_topic.cfm?50](http://www.ll.georgetown.edu/research/browse_topic.cfm?50)), and International Commercial Arbitration research Guide (<http://www.ll.georgetown.edu/guides/internationalcommercialarbitration.cfm>).

Cases relevant to ADR can be located using Westlaw Key Number topic 25T.

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Wiener-Rogers Law Library, William S. Boyd School of Law, University of Nevada, Las Vegas. October, 2011