



ACR Environment and Public Policy Section Newsletter

MARCH 2006

MEMBER PROFILE

Co-Chair Cindy Cook: Looking for Synergy, Inclusiveness, and Fun in EPP

By Ed Moreno



Cindy Cook's profile seems a classic formula for Environment and Public Policy (EPP) Section membership: family and professional background in public policy, service as a state regulator; principal of Adamant Accord, Inc., a dispute resolution service that provides mediation and facilitation services and adjunct professor in a new ADR program at the local law school.

Now, as EPP Section Co-Chair through fall 2007, she is applying her talent and experience to advance the profession by building the membership and leadership capacity of the EPP.

"The EPP Section is a way to create all kinds of synergy and connections with people,"

she says. "Good things happen when you get a bunch of creative people together."

In these days of transition for EPP and its parent organization, the Association for Conflict Resolution, Cindy believes that strengthening the EPP Section by engaging new and inactive members is the best way for the profession to sustain itself and its members.

"I am very committed to being as inclusive as possible and to encourage people to become involved in the Section," she says. "I want to bring people in without burning them out. I want them to be energized without being overwhelmed. And I want us to have fun."

That is no small goal. As the parent organization works to streamline its activities to fit a smaller budget (due to the Hewlett Foundation's decision to stop funding the conflict resolution field and ACR), the EPP and other sections also are working through the transition with ACR. Cindy sees her goal as "finding ways to interact with ACR in ways that are mutually advantageous."

She plans to focus on EPP, ensuring annual section conferences and providing other opportunities for members to meet and

interact. "It's my tribe. I have a strong affinity to the professionals in EPP; it's a professional home for me."

Like many practitioners in EPP, Cindy has links to higher education. Her father, a chemist, was a vice president of the University of Vermont. Cindy is a graduate of Yale, an adjunct professor at the Vermont Law School and a fellow of the law school's Land Use Institute. She is helping the law school re-establish its alternative dispute resolution program.

"I love teaching. I've been bitten by the teaching bug. As I grow older, I find that I'm more and more interested in passing on ideas to younger generations," she says, "I guess it's sort of a case of Late-Onset Academia".

Another influence on Cindy's career path is her mother, a former Vermont state legislator who served on the House natural resources committee. Following her first profession as an archaeologist, Cindy returned to Vermont to see many changes occurring in land use in the Green Mountain State.

She went to work for the Vermont Environmental Board, the quasi-judicial board that was responsible for assessing development proposals. Then the inevitable happened: a mediator presented at an environmental board workshop, setting into motion events that ultimately consolidated Cindy's understanding of environmental conflict resolution and her future role in it.

"I had been using interest-based negotiation techniques before I had mediation training, but it was very much a trial and error process," she says. "I took a mediation course, and then I mediated a case and I was *hooked*."

Cindy Cook's career also proves the point that one does not need to spend days flying and facilitating hither and yon in order to grow and build a successful practice as an environmental mediator. She works almost exclusively in New England, mediating superfund site disputes, working with state agencies and municipalities on issues such as storm water management and decentralized wastewater management, and directing the Community Conversations Project, a project sponsored by the Land Use Institute that fosters community dialogue regarding potentially divisive land use issues.

Ed Moreno is an EPP member, principal of Ed Moreno Consulting, and associate with The Keystone Center, practicing in Santa Fe, NM, on various natural resources and environmental issues.

EPP SECTION NEWS

ACR Environment and Public Policy Section Mid-Year Conference, June 28-30, 2006 in Boston

By Harry Manasewich

The ACR Environmental and Public Policy Section is gearing up for what promises to be an enlightening and fun three-day conference June 28 - 30, 2006, at the Massachusetts Institute of Technology in Cambridge, Massachusetts

"Deliberative Democracy: New Directions in Public Policy Dispute Resolution" will offer participants the opportunity to network with each other while learning from top theorists and practitioners in the fields of public policy dispute resolution and deliberative democracy (democratic civic engagement without neutrals).

Larry Susskind, Director of the MIT-Harvard Public Disputes Program and Harry Manasewich, President of Human Factor Dispute Resolutions, will chair the conference.

Keynote addresses and workshops will focus on the intersection of theory and practice in resolving public disputes, and the role of ADR practitioners in resolving intractable public policy disputes around social and moral issues such as abortion, corporate responsibility, governance, and rebuilding the Gulf Coast.

Workshops will also look at public dispute resolution as a business, leveraging data gathered from surveys of the top dispute resolution individuals and firms, and hear from a panel of professionals who work to resolve conflicts outside the United States.

More details will be announced on the EPP website at <http://www.mediate.com/acrepp/> as the conference nears.

For more information, please contact Anne Mansfield at 802-831-1338, or via email at eppinfo@vermontlaw.edu.

Harry Manasewich is on the EPP Interim Leadership Council and principal of Human Factor Dispute Resolutions in Arlington, MA, specializing in complex multi-party public, environmental, and family issues.

First Participants in EPP Section's Diversity Mentoring/Coaching Pilot Project

By Catherine McCracken

With contributions from the Diversity Mentoring/Coaching Pilot Project Work Group, especially Juliana Birkhoff, Dana Mason, and John Stephens.

Thanks to the hard work of a number of EPP Section members, the Diversity Mentoring/Coaching Pilot Project (DMPP) is underway. The DMPP matches senior environmental third party interveners in formal mentoring relationships with third party interveners from under-represented racial and ethnic backgrounds (learning partners) who have dispute resolution experience in other substantive areas.

Four learning partners have been selected and will be matched with mentoring teams comprised of two or three mentors. The learning partners are Robyn Moore-Johnson of Dallas, TX; Tina Patterson of Euless, TX; Selina Low of San Francisco, CA, and Bruce Coleman of Columbus, OH.

The DMPP is the EPP Section's highest priority and its largest single commitment of program resources. In addition to the EPP Section allocation of \$20,000 to the DMPP, individuals in the DMPP Work Group, the individual learning partners and mentors are contributing significant amounts of their time to DMPP development and implementation. The DMPP Work Group is seeking additional resources from EPP members to fully implement the project (see "How to Help" section below).

Background of DMPP

The DMPP is the culmination of over a decade of engagement with diversity issues by the EPP Section ACR and its predecessor organization SPIDR. ACR and the EPP Section recognized that the lack of racially and ethnically diverse practitioners in our field, and that interveners need a variety of perspectives on an intervention team to help groups collaborate, make plans and decisions, and resolve differences about environment and public policy issues. Diversity mentoring is a proven technique to increase diversity in a profession.

Building on this emphasis and the adoption of the Diversity and Equity Policy of ACR, the EPP Section adopted diversity as a focus in the late 1990s and a dedicated group of EPP members began development of the DMPP concept.

How Will the DMPP Work?

The DMPP has been designed as a one-year pilot. The goals of the DMPP are to:

- Increase the number of third party interveners from diverse and under-represented ethnic and racial groups in the environmental and public policy field;
- Provide the learning partners with opportunities to gain substantive experience in resolving environmental and public policy conflicts;
- Establish relationships and contacts that can help participants obtain work in the environmental and public policy dispute resolution field.

A mentor works with a learning partner in a structured one-to-one relationship that focuses on the needs of the learning partner, beginning with a goal-setting discussion and contract for learning. Learning partners and mentors will learn from each other and the mentors will work with the learning partners for at least 20 hours on an actual case.

The DMPP will include tools to support peer learning such as facilitated conference calls, e-mails and interactions on a Project web site. Group learning activities will involve Work Group members, the learning partners and the mentors, including a training planned for April. Learning partners and mentors will take part in monthly conference calls to discuss significant cases in the field and challenges and lessons from their experience.

The Work Group will develop an assessment protocol, collect information to assist in evaluating the project and assess whether the pilot should be continued as an on-going project.

How to Help the DMPP

EPP Section members who wish to contribute to the success of the DMPP can do so in the following ways:

Volunteer your time and expertise. If you would like to become part of the overall DMPP Work Group or one of its subgroups (fundraising, training, evaluation, or peer review/learning opportunities), please contact Dana Mason, DMPP Work Group Coordinator, at RESOLVE: dmason@resolv.org or 202.965-6209.

Donate money or miles. EPP Section members who wish to offer the DMPP with financial support, air or hotel miles contributions should also contact Dana Mason.

Catherine McCracken is a mediator and trainer based in San Francisco. Her practice focuses on environmental and public issue dispute resolution, collaborative problem solving, and facilitation.

EPP Professional Development Strategy Team

By Carolyn Penny

The EPP Professional Development Strategy Team is well on its way to developing strategies for the EPP Section to increase opportunities for professional development.

The team has agreed that enhancing the credibility of the field is the primary goal of Section professional development. We are examining a variety of approaches and tools and expect to make recommendations to the Leadership Council before the EPP Section conference June 28-30 in Boston.

If you would like to participate or have any questions, please contact me at clpenny@ucdavis.edu or 530-754-5060.

Carolyn Penny is co-director of Common Ground: Center for Cooperative Solutions, at the University of California at Davis.

TRENDS

Promoting Public Policy Facilitation: Some Lessons Learned in Maryland

By Ramona Buck

The Maryland Mediation and Conflict Resolution Office (MARCO), housed within the state judiciary, promote and support alternative dispute resolution in the courts, schools, communities, criminal and juvenile justice systems, businesses and local and state governments.

Through our work in the past five years, by funding and supporting various public policy facilitation and mediation projects, we have had the opportunity to view a situation before the facilitation starts, and after it ends, and to reflect upon lessons learned. Here are three:

A Strong Agency Presence

When a relevant government agency supports a project, it is usually able to persuade people to become involved. One such project in Maryland was initiated by a county department of planning over development of part of the designated rural area of the county.

Facilitators brought together farmers, environmentalists, developers, citizens' groups, rural land owners and others for nine meetings on the course at a time. The group came up with recommendations for an urban village pilot site and a plan for the

transfer of rural development rights, incorporated in new legislation.

The continuing support and sponsorship by the county planning department, along with skilled facilitation, kept people involved to the end. People with diverse views communicated and worked together. One participant said in his evaluation, "There is nothing more important than 'un-demonizing' the opponents ... it is best to get people there, looking at each other."

Lesson learned: A strong agency sponsor provides a strong foundation for a collaborative process by bringing the relevant parties to the table.

No Agency Presence

Another facilitated planning process funded by MACRO ended much differently. The group worked for a year on statewide growth and development recommendations. The participants were committed, people representing many different viewpoints were involved, the group hired a facilitator and met regularly, and a set of recommendations was developed.

However, since no state agency had requested recommendations on the subject, the completed recommendations were presented to a newly-elected state official who had no inclination to adopt them.

Lesson learned: A party that would be responsible for carrying out the recommendations need to be at the table or strongly invested in the process from the start.

Politics Trump

A variation on the second lesson was provided by our work with another state

agency that asked MACRO to fund a project involving conflicts between group homes, neighbors, schools and other agencies in a neighborhood.

With strong backing and help from the agency, MACRO embarked on an ambitious project that included training of facilitators, interviewing residents and agencies in the community, and drawing up options for a collaborative process.

However, when the assessment phase had concluded, the state agency responsible for implementing the recommendations was unexpectedly overhauled and re-designed. It turned out that the results of the successful collaborative process were inappropriate for a newly re-organized agency.

Lesson learned: Even with a committed agency prepared to follow-through on the results of a collaborative process, there is no guarantee that the political winds from higher up will not start blowing in a completely different direction.

Even so, the participant facilitators in this project benefited from acquiring new skills. One said, "I appreciate being allowed to work on this project, and I want to thank the staff of MACRO for affording me this opportunity."

It is encouraging that whether or not complete agreement or recommendations are reached, people are willing to take time to participate in well-conducted, facilitated processes.

Summary of Three Lessons Learned

1. A strong sponsor helps get people to the table.

2. Those who will carry out the agreement or recommendations should be involved at the front end.
3. The political winds may change – so hang on to your philosophical hat!

Ramona Buck is Public Policy Director for the Maryland Mediation and Conflict Resolution Office (MACRO)

EPP SECTION REPORT

Letter to a New EPP Practitioner: Finding Your Niche in EPP

By Robin Harkless

Just a few months into my professional involvement with public policy and environmental mediation, a colleague asked, "So, how'd YOU get in?" I was taken aback, feeling as though I had been asked how I sneaked into an exclusive club or secret society.

Five years later, my contemplation continues: How DOES a person get into EPP mediation? I have observed others face challenges trying to get started. While it may at first glance seem exclusive, the EPP profession encompasses far-reaching issues, processes and expertise.

The following are suggestions from one new professional in the field to another, on how to approach and enter the wide world of EPP conflict resolution.

Study Up!

Search for experts in the field, starting locally and expanding. Seek out educators, mediators, funders and participants in mediated public policy dispute and conduct informational interviews. Ask questions that will help you develop an historical perspective and understand current trends in environmental issues and public policy processes.

Find out which agencies have embraced and/or scrutinized mediation and collaboration, what 'collaboration' means to them. What their key public policy issues have been; and identify gaps that might be filled.

The more you listen and learn from established experts, the better chance you have to promote yourself as you interview or write a proposal.

Get Involved

Mediation organizations, or 'clubs,' connect you with support groups and provide opportunities to learn and sharpen your mediation practice.

Enroll in mediation/facilitation trainings (regardless of their connection to public policy). Volunteer to mediate at a community dispute resolution center. Become a member of your state's mediation organization. Join the national and international circuit through organizations like ACR and the US Institute for Environmental Conflict Resolution. Contribute to environmental and mediation newsletters.

While not all the contacts you make through your volunteer work will be directly involved in your specific area of interest, you might find connections in unexpected places, and this network could provide the support you will need for your practice.

Find a Mentor

Discover your interest in joining the public policy/environmental arena. This could be a passion for mediation, civic engagement, environmental stewardship, academic curiosity or otherwise. Carry that intention with you as you talk with potential mentors. Share with them your excitement about the field and your willingness to contribute toward a mutually beneficial relationship. Establish a relationship with a mentor and create a process to help prepare for meetings, observe and take notes, debrief, and co-mediate or co-facilitate.

Be Innovative and Open

Link the skills and knowledge you already have with your interests in EPP mediation to find an opening. Use your community involvement, project management, reporting and fieldwork expertise to and find a niche.

Do not limit yourself to one path. Think innovatively to become involved as a mediation practitioner, coordinator, researcher, administrator or writer.

Environmental and other public policy issues are increasing in breadth and complexity. Alternative energy, health care, and water resources are just a few of the acute issues impacting our current and future generations.

Modern needs resulting from the changing environment and evolving technology will require the field to adapt and grow. This flexibility will only be met if the field embraces a new generation of innovative and dedicated practitioners: The field needs you!

Robin Harkless is a mediator with DS Consulting in Portland, Oregon. She can be reached at robin76@cnnw.net.

REPORTS

Reports for Grantmakers on Community Development, Collaborative Democracy and Environmental Conflict Resolution

By John Stephens

The William and Flora Hewlett Foundation concluded twenty years of making grants in the conflict resolution field with three reports of interest to grantmakers and individuals or organizations seeking financial support. All are listed at <http://www.hewlett.org/ECRguide.htm>.

Following is an overview of each report.

Environmental Conflict Resolution: Strategies for Environmental Grantmakers

Environmental grantees face challenges that involve multiple parties, multiple issues, technical complexity, scientific uncertainty and asymmetry in power and resources.

This guide shows environmental grantmakers how they can help grantees meet these challenges with the tools of environmental conflict resolution. It covers various types of environmental disputes and the advantages of environmental conflict resolution over other more traditional processes.

Community Development: A Guide for Grantmakers on Fostering Better Outcomes through Good Process

This guide describes the tools grantmakers can use to make community development work better. It includes a description of the elements of good collaborative community development processes, examples of the challenges to collaboration and strategies to overcome those challenges. It offers guidance and additional resources for funders to help their grant making.

Collaborative Governance: A Guide for Grantmakers

From improving environmental quality to providing a quality education and strengthening disadvantaged neighborhoods, solving difficult problems requires the collaboration and resources of many different players, including government, the private sector, community leaders and others.

This guide focuses on collaborative governance, an emerging set of concepts and practices that offer prescriptions for inclusive, deliberative, and often consensus-oriented approaches to planning, problem solving and policymaking.

John Stephens teaches at the University of North Carolina at Chapel Hill - Institute of Government, and is co-chair of the EPP Section of ACR.

NEWS YOU CAN USE

Dates and Places

- The American Bar Association Dispute Resolution Section Conference is April 5-8, 2006, in Atlanta, GA. See the details at www.abanet.org.
- Canada's national conflict resolution conference, Interaction 2006, will be held June 7-10, 2006 in Winnipeg, Manitoba. Visit www.crnetwork.ca/conference/registration.asp for registration instructions.
- U.S. Environmental Protection Agency's National Community Involvement Conference will be June 27-30, 2006 in Milwaukee, WI. More information is at www.epancic.org.
- Don't miss the ACR Environmental and Public Policy Section meeting, June 28-

30, 2006 in Boston. See article in this newsletter for more information.

- American Bar Association Annual Meeting will be August 3-8, 2006, in Honolulu HI. Check it out at www.abanet.org.
- The 2006 National Conference on Dialogue & Deliberation will be held

August 4-6, 2006 in San Francisco, California. For more information: www.thataway.org.

- The International Association for Public Participation conference will be in Montreal, Quebec, Canada on November 10-15, 2006. Details at www.iap2.org