

# The Scathingly Brilliant Scholarship of Lisa Blomgren Amsler (Formerly Bingham)\*

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## Abstract

This essay honors Lisa Blomgren Amsler (formerly Bingham) as an International Association for Conflict Management Jeffrey Z. Rubin Award recipient (2006). Lisa is the author or co-author of over 125 path-breaking publications that span the fields of dispute resolution, negotiation, conflict management, public administration, public policy, law, philosophy, and organizational studies, among many others. She the consummate example of “thinking DaVinci” —using lateral thinking, moving fluidly across contexts and perspectives, taking knowledge from one context and applying it to another, and fostering creativity and innovation in scholarship. This article focuses on Lisa’s contributions in the areas of mandatory arbitration and the effects of mediation, justice, and justness in alternative dispute resolution and public participation, and collaborative public management. In addition, we highlight Lisa’s impact outside the United States. We give Lisa the last word where she analyzes gaps in research and practice, as well as the future of the field.

A generous scholar, teacher, mentor, colleague, and friend, Lisa Blomgren Amsler (formerly Bingham) has lavished praise on those around her, often charitably referring to their ideas as “scathingly brilliant” (quoting Hayley Mills, playing a wayward nun in the movie *The Trouble With Angels*, 1966). While appreciated, most of us recognize this praise as a reflection of her goodwill and kindness. However, to call Lisa’s scholarship “scathingly brilliant” is not an act of charity. It is simply a truth. This essay honors Lisa Blomgren Amsler (formerly Bingham) as an International Association for Conflict Management (IACM) Jeffrey Z. Rubin Award recipient (2006).

Many scholars are content to pursue the questions laid out in the work of others. This is not the case for Lisa. She has been, and continues to be, on the forefront of research in collaborative governance, public engagement, dispute resolution, conflict management systems, arbitration, mediation, and other areas of conflict studies. She is not afraid to ask tough and uncomfortable questions, to defy commonly held

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assumptions, to reveal findings that challenge the status quo, or push the frontiers of research. She is the scholar that others follow, picking up on the questions and ideas that she presents in her groundbreaking research.

Many scholars are content to meet the requirements for tenure and promotion—publishing as necessary, teaching as obligated. This is not the case for Lisa. She has been the author or co-author of over 125 publications, including books, monographs, journal articles, book chapters, book reviews, and contract research reports (with more on the way). She has been awarded dozens of grants, 16 research awards, and six teaching awards. She has mentored innumerable students throughout her career, many of whom are now leaders in their respective fields and professions around the world.

Many scholars are content to become experts in a single field. This is not the case for Lisa. She has been, and continues to be, a synthesizer and voracious consumer of scholarship from multiple fields—public administration, public policy, law, dispute resolution, philosophy, and organizational studies, among so many others. She crosses boundaries with ease, often ignoring the disciplinary borders many work so hard to secure. She is perhaps the consummate example of “thinking DaVinci”—using lateral thinking, moving fluidly across contexts and perspectives, taking knowledge from one context and applying it to another, and fostering creativity and innovation in scholarship.

Many scholars are content to close their office doors, do their work, and otherwise sit in their proverbial ivory towers. This is not the case for Lisa. Beyond her extensive service to the academy generally, and her service to Indiana University, Bloomington, and the School of Public and Environmental Affairs specifically, Lisa has dedicated a significant portion of her time and energy to making the world a better place, whether through her public service activities, her membership in professional and practitioner associations, her participation on the boards of nonprofit organizations, her provision of trainings in dispute resolution, or her translation of research for professional and lay audiences.

In these and so many other ways, Lisa reflects the best that the academy has to offer, and she does so with a kindness, humility, and generosity that is rare among scholars (and people more generally). In this article, we attempt to synthesize Lisa’s tremendous volume of scholarship, teaching, and mentoring as well as the influence she has had on multiple fields, on practice, and on people around the world. First, David B. Lipsky overviews Lisa’s impact in the area of mandatory arbitration and the effects of mediation. Second, Tina Nabatchi explains Lisa’s contributions to exploring justice and justness in alternative dispute resolution (ADR) and public participation. Next, Rosemary O’Leary highlights Lisa’s influence on the scholarship of collaborative public management. Mariana D. Hernandez-Crespo follows by offering us a glimpse of Lisa’s impact outside the United States. We save the last word for Lisa where she analyzes gaps in research and practice, as well as the future of the field. Of course, we admit upfront that this piece does not do justice to Lisa and her work (and we wonder if any piece could); however, we hope that it helps readers to better understand the scathingly brilliant scholarship of Lisa Blomgren Amsler (formerly Bingham; Figure 1).

## **Mandatory Arbitration and the Effects of Mediation—David B. Lipsky**

The influence of Lisa Blomgren Amsler (formerly Bingham) on research and practice in the conflict resolution field has been beyond measure. She is an acknowledged leader in our field and a pioneer in advancing new areas of our understanding of critical and contentious issues. Personally, I have known Lisa for more than two decades and consider her to be not only a close friend, but also an inspiration for the research I have conducted. She and I share nearly identical common interests, although she more often than not arrives on the frontier of research before I do. At the risk of neglecting the significant contributions she has made to other areas, I will focus here on only two of these topics: mandatory arbitration and the effectiveness of mediation.

Lisa had already become a prominent researcher when I first became aware of her work in the 1990s on the repeat player effect in employment arbitration. In the 1990s, the arbitration of employment



Figure 1. Ray Friedman presents Lisa Blomgren Amsler with the Rubin Award at IACM, 2006, in Montreal, Canada. [Color figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]

disputes was one of the most controversial issues in employment relations, and it continues to be highly controversial, particularly when employees are required by their employers to use arbitration to resolve their complaints rather than resorting to litigation. After the Supreme Court sanctioned the use of mandatory arbitration in *Gilmer v. Interstate/Johnson Lane Corp.* (500 U.S. 20, 1991), the adoption of this practice by employers spread rapidly across many industries. My colleague, Alex Colvin, has estimated that a larger proportion of nonunion employees are now covered by mandatory arbitration provisions, than are those covered by collective bargaining contracts (Colvin, 2011). Yet fundamental questions remain about whether mandatory arbitration is fundamentally a fair and equitable practice (Figure 2).

Central to the question of the fairness of mandatory arbitration is the so-called repeat player effect. Galanter first called attention to the repeat player effect, arguing that in any legal system (including arbitration) players who have experience using the system enjoy advantages over single-shot players for several reasons: They are more knowledgeable about the forum in which they operate; they have access to specialists on the issue; they are able to develop informal institutional relationships; and they can use their influence to lobby for more favorable rules in the forum (Galanter, 1974; Lamare, 2016; Lamare & Lipsky, 2014). By contrast, one-shot players have several disadvantages; they may have more to lose; they have no interest in long-term gains or relationships; they are unconcerned about precedent and formal rule changes; they have no knowledge of or experience with the practice on which they can draw; and they have less access to experts on the practice (Lamare, 2016).

There had been no empirical research on this phenomenon, however, until Lisa conducted her studies in the 1990s (See, e.g., Bingham, 1997a, 1998a, 1998b). Using data she had collected from the American Arbitration Association (AAA), Lisa determined that employers involved in multiple arbitration cases conducted under the auspices of the AAA fared better than employers who had engaged in only a single case. In explaining her findings, Lisa suggested that experienced employers—that is, repeat players—could more easily identify and settle unwinnable cases, proceeding to arbitration only on cases they believed they had a high probability of winning. She also asserted a more contentious claim, namely, that



Figure 2. Lisa Blomgren Amsler, 1992, Bloomington Indiana.

a pro-employer bias may exist within employment arbitration, causing arbitrators to rule in favor of employers in hopes of being selected to serve in the employers' future cases.

This contention has been challenged by other scholars (Hill, 2003; Sherwyn, Estreicher, & Heise, 2005), but to date no convincing empirical evidence has appeared to rebut Lisa's assertion of bias, which is widely shared by many scholars, practitioners, and other critics of mandatory arbitration (see, e.g., Association for Conflict Resolution, Task Force Report, 2009). Moreover, Lisa's fundamental finding of the existence of a repeat player effect has been confirmed in several other empirical studies of employment arbitration—studies, in fact, that used data sets from different sources (e.g., JAMS and FINRA, as well as the AAA) for different time periods (Colvin, 2011; Lamare & Lipsky, 2014; Lamare, 2016; Klinger, 2016). That Lisa's repeat player work is highly acclaimed is evidenced by its numerous citations, reprints, and awards—including the IACM Best Paper Award in 1994 (Lisa's first academic paper presented at a conference!)—and two more awards: The 1997a and 1998b repeat player papers both won refereed paper competitions at the Industrial Relations Research Association conferences those years and were published in the IRRA proceedings volumes.

A related stream of Lisa's work is her research on mediation. In several articles, Lisa has examined mediation in the context of dispute System Design. A "greatest hit" was her co-authored article published in *Harvard Negotiation Law Review (HNLR)* titled *Dispute System Design and Justice in Employment Dispute Resolution: Mediation at the Workplace* (Bingham, Hallberlin, Walker, & Chung, 2009). Not only was that article the lead article in HNLR, but it has been an SSRN Top Ten Downloads for both Human Resource Management and Conflict Resolution in 2015, 2016, and 2017 (See also Bingham & Nabatchi, 2003; Amsler, Martinez, & Smith, 2015.)

Equally noteworthy is her landmark research on the use of mediation to resolve discrimination complaints by employees of the U.S. Postal Service (USPS; see, e.g., Anderson & Bingham, 1997; Bingham, 1997b; Bingham & Novac, 2001; Bingham & Pitts, 2002; Bingham et al., 2009; Nabatchi & Bingham,

2000; Nabatchi, Bingham, & Moon, 2010). In 1994, the USPS implemented the so-called REDRESS program (Resolve Employment Disputes Reach Equitable Solutions Swiftly), which provided postal service employees with the option of using transformative mediation, rather than pursuing a complaint with the U. S. Equal Employment Opportunity Commission (EEOC), to resolve their discrimination complaints. REDRESS is now “the largest employment mediation program in the world” (Nabatchi et al., 2010, p. 258). If the use of transformative mediation failed to resolve an employee’s discrimination complaint, the employee could resort to the use of the EEOC’s usual complaint resolution process. Transformative mediation, devised by Bush and Folger (1994), “centers on providing opportunities for personal empowerment for participants, and on enabling participants to give and receive recognition of the other’s needs, concerns, perceptions and interests” (Anderson & Bingham, 1997, p. 602). Parties who use transformative mediation attach a higher priority to empowerment, participation, and the transformation of their relationship than they attach to settlement *per se*.

Bingham and her colleagues developed a multiprong approach to evaluating the REDRESS program. Two of her several studies illustrate the many useful findings that Bingham and her co-authors discovered in their in-depth analysis of REDRESS. In the first phase of her research, Anderson and Bingham conducted interviews with 42 employers and supervisors who had participated in at least one REDRESS case. Virtually all respondents reported that they were “generally enthusiastic about mediation” and preferred it to the traditional EEOC complaint process. Moreover, a clear majority experienced empowerment during the mediation process (Anderson & Bingham, 1997, p. 610). Later, after REDRESS had been adopted by the USPS as a national program, Bingham and her colleagues conducted two surveys: One was of all the mediators on the national roster in 2005, and the other was of all the participants (including complainants, respondents, and their representatives) in all of the REDRESS cases. The first sample consisted of 716 mediators, about 55% of all mediators on the REDRESS roster; the second sample consisted of exit surveys conducted with more than 260,000 (!) individuals who had participated in REDRESS cases, a response rate in excess of 75% (Nabatchi et al., 2010).

This was undoubtedly the largest study ever undertaken of a dispute resolution program. The first important finding of the study was that the mediators had, in fact, correctly used transformative mediation (rather than facilitative or evaluative mediation). The majority of the REDRESS mediators “were comfortable with conflict, viewed mediation as relational, respected the parties and their choices, were patient with the process of conflict and disputant interactions, and attended to opportunities for empowerment and recognition” (Nabatchi et al., 2010, p. 282). These results were corroborated by the results from the participant exit survey: “The majority of participants in the program reported experiences that correspond to empowerment and recognition. . .” (Nabatchi et al., 2010, p. 282). The findings obtained from both the mediators and the participants confirmed that the REDRESS program was, in fact, conforming to the transformative model of mediation and was having positive effects on the parties’ relationships. Moreover, the studies that Bingham and her colleagues conducted of the REDRESS program demonstrated that the dispute resolution field “needs theories that move beyond settlement as a measure of success; we need theories that explain mediators’ tactics and strategies when settlement is not the goal” (Nabatchi et al., 2010, p. 285).

Lisa’s body of work on the USPS was recognized with the 2002 *Willoughby Abner Award*, given by the Association for Conflict Resolution for excellence in research on dispute resolution in labor and employment in the public sector. Portions have been widely reprinted (see, e.g., Avgar & Colvin, 2016). One piece of the USPS work was also recognized by IACM through *Best Empirical Paper Award*, International Association for Conflict Management for *Disputants’ Perceptions of Interactional Justice: Mediation at the USPS*, Pittsburgh, PA (2004). And the USPS work and the arbitration work were recognized by IACM through the Rubin Award (2006).

I cannot do justice in this short note to the range of Lisa’s research, the imagination she uses in tackling the topics she studies, the full significance of the abundant findings she has obtained in her many studies, or the profound influence she has had both on the field of conflict resolution and on her many

colleagues and friends who have had the privilege and pleasure of working with her over the course of her exceptionally distinguished career.

### Exploring Justice and Justness in ADR and Public Participation— Tina Nabatchi

In 1999, I arrived as a first-year doctoral student at the School of Public and Environmental Affairs (SPEA) at Indiana University Bloomington. I was assigned to work with Lisa Blomgren Amsler, then Lisa Blomgren Bingham, also known affectionately as LBB to her students. While at SPEA, I, along with countless other students, had the honor and pleasure of learning from Lisa about research, practice, and life more generally. She was generous with her time, her funding, and her ideas. She was always ready and willing to engage students in projects. She took an active role in guiding students through the development, implementation, and completion of research, but always stepped aside to let them take the spotlight at conferences and often gave them first authorship (a coveted status among doctoral students) even when it probably was not warranted. She was also the best grammar coach I have ever had, and should you have the opportunity to work with the inimitable Lisa Amsler, please be warned that she hates passive voice, nominalization, and the clause “as such.”

While I always knew that Lisa was a highly productive scholar and amazing human being, it was not until I left SPEA to join the Syracuse University Maxwell School of Citizenship and Public Affairs that I became truly aware of her impact on the study and practice of multiple fields, from law and dispute resolution to public administration and policy. In this essay, I focus on her contributions to research on alternative dispute resolution and public participation (Figure 3).

During my time at SPEA, Lisa was the director of the Indiana Conflict Resolution Institute, which she co-founded and where she served assisted numerous federal, state, and local agencies and organizations that were designing, launching, and/or evaluating their ADR programs. Perhaps best known for her evaluation of the United States Postal Service (USPS) REDRESS program, she also worked with other agencies, such as the Department of Agriculture, Occupational Safety and Health Commission, Department of the Air Force, National Institutes of Health, Department of Justice, and Institute for Environmental Conflict Resolution.

Lisa’s work on ADR reached beyond the evaluation of outcomes, instead asking critical questions about the administration of justice. First, Lisa was concerned with how people perceived justice and



Figure 3. Indiana Conflict Resolution Institute Scholars, 2004 (seated row left to right Dr. Adrian Borbely, Clint Liveoak, Kathryn White, Dr. Tina Nabatchi, Nan Stager; standing row left to right Denise Walker, Tara Wendell, Lisa center, Dr. Won Kyung Chang, Dr. Yuseok Moon), Bloomington Indiana. [Color figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]

justness in ADR programs. Thus, much of Lisa's ADR research addressed questions of organizational justice, or perceptions of fairness in the workplace. This focus was central to her work on the USPS REDRESS program, where, following the traditional four-factor view of organizational justice (e.g., Greenberg, 1993), she and her team repeatedly found high levels of satisfaction with distributive, procedural, informational, and interpersonal justice (e.g., Bingham, 1997b; Bingham, Chesmore, Moon, & Napoli, 2000; Bingham & Pitts, 2002; Nesbit, Nabatchi, & Bingham, 2012). However, Lisa realized that no one had assessed the validity of the four-factor model in the context of workplace mediation, and questioned its operationalization in settings characterized by tripartite relationships among actors, as is the case in the disputant–disputant–neutral interactions of employment ADR programs. Thus, she and her team proposed and empirically validated a six-factor model of organizational justice for workplace mediation that included (a) distributive justice, (b) procedural justice—process, (c) procedural justice—mediator, (d) informational justice, (e) disputant–disputant interpersonal justice, and (f) disputant–mediator interpersonal justice (Nabatchi, Bingham, & Good, 2007).

Second, Lisa was concerned with questions of macrojustice, that is, whether ADR and the public justice system produce different outcomes. In one ambitious study, Lisa led a team through the first comprehensive evaluation of ADR at the Department of Justice, which compared the use of litigation and ADR in civil cases handled by Assistant United States Attorneys nationwide from 1995 to 1998 (Bingham, Nabatchi, Senger, & Jackman, 2009). Using a dataset of over 15,000 cases, the analyses showed—perhaps for the first time—that ADR can be an efficient and effective procedural solution to the problems of time and cost in the justice system and that ADR cases do not significantly differ from traditional litigation in terms of monetary outcomes. In short, the article, which was nominated by the *Ohio State Journal on Dispute Resolution* for the International Institute for Conflict Prevention & Resolution (CPR) best paper award, showed that ADR, at least as it was used by the Department of Justice, was not a form of “second class justice” as many critics had claimed.

As her work on ADR progressed, Lisa became increasingly interested in dispute systems design, which focuses on the composition, arrangement, and structure of dispute resolution procedures and processes in organizations. One premise underlying her work in this area was that the design of a dispute system affects justice and justness, by shaping the opportunities for and nature of settlements, and influencing the satisfaction of parties, their perceptions of fairness, and their willingness to use and trust the system (e.g., Bingham, 2002a, 2004; Bingham & Nabatchi, 2003). This premise led to the development and testing of numerous propositions about dispute systems design broadly (e.g., Bingham, 2008–9, 2010a), as well as within specific contexts such as arbitration (e.g., Amsler, 2014a; Bingham, 2002b, 2004) and employment mediation (Bingham, Raines, Hedeem, & Napoli, 2010; Nabatchi & Bingham, 2010).

Lisa also brought together scholars of dispute system design. In 2004, she financed, through a Hewlett grant, a double issue of *Conflict Resolution Quarterly* where she invited scholars to follow a framework and collect data evaluating programs in environment, education, employment, courts, community, family, and restorative justice. Tricia Jones offered her a co-editorship, but Lisa declined, saying that she did not deserve it because she did not edit all the articles! Lisa's influential work in this area soon will culminate in a book, *Dispute System Design: Preventing, Managing, and Resolving Conflict* (Amsler, Martinez, and Smith under contract with Stanford University Press).

There is no doubt that Lisa's research on ADR was groundbreaking. She conducted what was and remains the largest and most comprehensive evaluation of a federal agency (and perhaps any organization's) ADR program. She changed the way scholars think about organizational justice. She demonstrated that ADR outcomes are as good as, or even better than, litigation outcomes and that ADR can improve dispute processing without sacrificing the quality of justice. She significantly enhanced understanding about the connections of dispute system design to outcomes. In these and many other ways, her research on ADR shaped the work that scholars are now doing in law, conflict resolution, and public administration and policy. Such work would be the lifetime achievement for most scholars, but not for

Lisa. Indeed, her research in the area of ADR prompted her to branch out and look at other public decision and policymaking processes.

In 2005, Lisa and her colleagues published *The New Governance: Practices and Processes for Stakeholder and Citizen Participation in the Work of Government* (Bingham, Nabatchi, & O'Leary, 2005), which was named one of the 75 most influential articles in the history of *Public Administration Review*, a flagship journal in the field. In the article, she and her co-authors argued that governance was evolving from hierarchical decision-making to also incorporate new structures for horizontal decision-making that engaged public, private, and nonprofit actors as well as citizens. These new horizontal decision-making structures include both legislative or quasi-legislative activities (e.g., participatory decision-making processes) and judicial or quasi-judicial (e.g., alternative dispute resolution processes) activities. This article paved the way for Lisa to embark on a new avenue of research that sought to articulate the many connections between ADR, collaborative public management, and public participation. Much of Lisa's work on collaboration was done in collaboration with Rosemary O'Leary (e.g., Bingham & O'Leary, 2008; O'Leary & Bingham, 2007a, 2007b, 2009) and is discussed in the next essay. Here, I focus on her work related to public participation and engagement.

As Lisa would explain, the leap from ADR to public participation is not as large as one might think. Both sets of processes engage those affected by a decision in the making of the decision: ADR engages disputants in a retrospective and quasi-judicial determination of how to address a past conflict and its effects, and public participation engages citizens in a prospective and quasi-legislative determination about how to address a current issue of broader concern. Moreover, and probably influenced by her work on multiparty dispute resolution (e.g., O'Leary & Bingham, 2003; O'Leary, Bingham, & Nabatchi, 2004; O'Leary, Nabatchi, & Bingham, 2005), Lisa readily asserted that issues of justice and justness were (or at least should be) of paramount concern in the government's use of such processes.

An unparalleled synthesizer and analyzer of research from multiple fields, Lisa helped make significant contributions to what we know about public engagement and participation in a review article on direct public participation in local government (Nabatchi & Amsler, 2014). In addition to offering terminological clarity, Nabatchi and Amsler (2014) introduced a framework for exploring variations in direct public engagement that identifies key variables, including context and setting, conveners, sponsors, and their motivations, process design, and outcomes. They then used that framework to examine the literature on why, how, and to what effect direct public engagement in local government is used, to identify gaps in knowledge, and to propose a research agenda about how design choices shape outcomes.

To Lisa, the advancements in ADR, collaborative public management, and public participation represented "part of a single phenomenon, namely the changing nature of citizen and stakeholder voice in governance," and demanded that scholars address "questions of transparency, accountability, and the extent to which delegation adequately constrains administrative action within the rule of law" (Bingham, 2009, p. 273). Thus, Lisa set off to explore, explain, and enhance the legal infrastructure for the new governance (e.g., Amsler, 2016; Amsler & Nabatchi, 2016; Bingham, 2009, 2010b, 2011). She mapped the federal, state, and local laws pertaining to the new governance (e.g., Bingham, 2009), and generated ideas about how to integrate those laws and "broaden agency authority to innovate through a Collaborative Governance Act (CGA) that defines public participation to include an increasingly rich variety of deliberative and participatory democratic practices" (Bingham, 2010b, p. 297). She proposed "to model the CGA in structure on the Administrative Dispute Resolution Act by providing for an agency specialist, broad agency discretion to innovate in the use of participatory processes, and encouraging innovation by limiting judicial review" (Bingham, 2010b, p. 297).

Unsatisfied with just speaking to legal scholars, Lisa made similar arguments to public administration (e.g., Amsler, 2016), and perhaps more importantly, to practitioners. Through her involvement with the Working Group on Legal Frameworks for Public Participation, an effort led by several practitioner organizations, Lisa explained the legal framework and context for voice through participation in local government (Amsler, 2013) and helped draft a *Model State Public Participation Act* and a *Model Municipal*

*Public Participation Ordinance* (Amsler, Huggins, Moore, Stout, & Willis, 2013). Her connection with deliberative democracy practitioners also led to co-authoring a white paper for President Obama's 2008 transition team on collaboration and participation that contributed to his 2009 Executive Memorandum on Transparent and Open Government.

In her work on public participation, Lisa was once again at the forefront of research. She made explicit the connections between ADR, collaborative public management, and public participation. She clarified terminology and outlined variables of empirical interest. She mainstreamed issues of justice and justness and furthered work on the relevant legal infrastructure. In these and other ways, Lisa significantly advanced the study of public participation in multiple fields and for both academics and practitioners.

To be clear, Lisa Amsler's contributions to ADR, public participation, and other topics extend well beyond what I have covered here—this is only the proverbial tip of the iceberg. She has contributed significantly to multiple academic disciplines, and is perhaps the penultimate “pracademic,” seeking in her work to advance both practice and scholarship. Though many strive to achieve what Lisa has accomplished in her career, few attain her status as a preeminent scholar in one field, let alone in many, and even fewer do so with such grace, humility, and generosity. What is perhaps most amazing is that there is more to come from Lisa. With tireless intellectual curiosity and more stamina than most, Lisa's contributions to understanding justice and justness in ADR, public participation, and other areas will undoubtedly continue.

### **Collaborative Public Management—Rosemary O'Leary**

I was hired by the School of Public and Environmental Affairs (SPEA) at Indiana University right out of my Ph.D. program in 1988. Part of my course load included teaching Law and Public Policy. At that time, Lisa was teaching at the Indiana University Maurer School of Law. Our paths never crossed. When I left SPEA for family reasons in 1990, SPEA hired Lisa to teach Law and Public Policy as well as ADR.

Fast forward to 1994: I returned to SPEA where Lisa and I met for the first time. Part of our course loads included teaching separate sections of Law and Public Affairs. I also returned with a four-month-old child and a frenetic workload. My first day at the office, Lisa greeted me with a one-foot-high stack of her lecture notes for the new Law and Public Affairs class, which she had creatively revamped, updated, and honed to perfection. As an exhausted, overwhelmed, new parent who had just moved across the country and had not begun to unpack my boxes of books, my sense of gratitude was overwhelming. On top of the stack of lecture notes was a baby blanket. Our friendship and intellectual partnership were born.

During those four years working together, Lisa founded the Indiana Conflict Resolution Institute (ICRI) which included jump-starting decades of highly innovative research funded by the Hewlett Foundation, the U.S. Postal Service REDRESS Program, the American Bar Association, The U.S. Department of Agriculture, the U.S. Institute for Environmental Conflict Resolution (USIECR), the U.S. Occupational Safety and Health Review Commission, the U.S. Airforce, the Indiana Department of Environmental Management, the National Institutes of Health, and Indiana University. The Ph.D. students who joined ICRI during those years received the highest level of mentoring and attention (though many commented on Lisa's ruthless pruning of passive voice in prose) as they worked on research topics as far ranging as employment mediation at the U.S. Postal Service, state ADR programs, ADR at the U.S. Environmental Protection Agency, what environmental attorneys really think about ADR, and the evaluation of mediation, ombuds, and other ADR programs (Figure 4).

In addition to Tina Nabatchi, the ICRI incubator also “hatched” many other notable scholars and practitioners under Lisa's tutelage, including Susan Raines, Editor of *Conflict Resolution Quarterly*; Gina Viola, Associate Director of the American Bar Association's Section of Dispute Resolution; Rebecca Nesbit, Associate Professor at the University of Georgia School of Public and International Affairs; Kirk



Figure 4. Final Meeting of Hewlett Theory Center Directors Thinking Big Thoughts, June 3, 2004 (from left to right, Maria Volpe, Donna Stienstra, Chris Honeyman, Howard Gadlin, Jeanne Brett, Lisa second from right, and Douglas Yarn), Washington, DC.

Emerson, founding director of the U.S. Institute for Environmental Conflict Resolution, now a professor at the University of Arizona School of Government and Public Policy; and Lisa-Marie Napoli, Associate Director of the Program on Political and Civic Engagement in the Indiana University College of Arts and Sciences (Figures 5 and 6).

**The Explosion of Collaboration Research in Public Administration**

It was around this time that the topic of collaboration was about to explode in the field of Public Administration. With the evolution from government to governance, public management scholars began to give renewed attention to forms of organization that cross agency boundaries. The collaborative public management scholarship of this time responded, in part, to the growth of collaborations among public, private, and nonprofit organizations; the context, environment, and constraints within which they work; the situation of the public manager in a network; the governance processes and decision rules collaborators use; the ways they define their work, tasks, and goals; and their impact on public policy and the policy process. The collaborative public management literature uses a variety of sound bites to describe the importance of this phenomenon to our field. Sometimes, scholars talk about the public manager’s “toolkit,” or “strategies.” Sometimes, they talk about collaborative public management as an “option” or a “choice.” Sometimes, they refer to collaborative networks as “models” or “structures” within which managers find themselves. There is a tension between literature on a manager’s (or his/her organization’s) individual choice to collaborate, contrasted with literature that looks at intentional or fortuitous collaborative collective design.

Lisa and I quickly discovered that there were (and still are) 101 definitions of collaboration. We used the following definition, adapted from Agranoff and McGuire (2003):



Figure 5. Some Ph.D. students who worked with Lisa (L to R) Tracy Yandle, Lisa-Marie Napoli, and Susan Raines, May 1999, at Lisa's home in Bloomington, Indiana. [Color figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]



Figure 6. Lisa throws a wedding shower for Gina Viola and Casey Brown (Gina's mother Nancy Viola on the left), May 1999, Bloomington Indiana. [Color figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]

Collaborative public management is a concept that describes the process of facilitating and operating in multi-organizational arrangements to solve problems that cannot be solved or easily solved by single organizations. Collaborative means to co-labor, to achieve common goals, often working across boundaries and in multi-sector and multi-actor relationships. Collaboration typically is based on the value of reciprocity and can include the public. Collaboration can be voluntary or mandated. (O’Leary & Bingham, 2009, p. 3)

After a decade of working together on collaboration research, Lisa helped Catherine Gerard and me launch the Collaborative Governance Initiative at the Maxwell School of Citizenship and Public Affairs at Syracuse University. Lisa helped us to see the possibilities of bringing the public administration world together with the conflict management world. Lisa, Catherine, and I co-edited a special issue of *Public Administration Review* (PAR) on collaborative public management that today is the most successful special issue ever published of any public administration journal in recorded history. A recent study of the highest impact public administration journal articles had this to say about our special issue:

Table 3 exposes an interesting anomaly in the data. In 2006, PAR had a very good year. Ten articles in the top 70 appear in that journal in that year. A deeper look at this volume and the articles in the top 70 shows that seven of these 10 high-impact articles came from a symposium on collaborative public management edited by Rosemary O’Leary, Catherine Gerard, and Lisa Bingham (Vol. 76, Issue S1). Within the symposium, seven of the 12 substantive articles made it into our top 70, with the remaining five articles *and* the introduction and conclusion all appearing in the highest 10% of cited articles in the field. This is a remarkable result given the perception that special issues yield lower quality articles. (St. Clair, Hicks, & Isett, 2017, p. 15)

Tied in with this, at the 75th anniversary of PAR, the editor chose to laud the top 75 articles ever published in the journal, in his opinion. Four of those 75 articles came from our special issue.

When I shared the good news of the high impact of our special issue to Lisa, her comment centered on mentoring and growing the next generation of scholars: “I am so proud of that special issue and the younger careers it helped. It was a wonderful piece of work resisting reviewers to include what we thought belonged!” And resist reviewers we did. Many of our public administration reviewers did not see the relevance to the field in 2006. We were grateful to then PAR editor, Richard Stillman, for giving us free reign over the special issue.

In the conclusion to that special issue, (Bingham and O’Leary, 2006) Lisa masterminded a scathingly brilliant essay where we viewed the articles in the symposium through a lens that looked for gaps or voids. This is where Lisa—writing for a public administration audience—introduced many of the readers to what were for them the alternate universes of conflict resolution, dispute resolution, negotiation, consensus building, and international relations, citing Arnstein (1969); Lax and Sebenius (1986); Gray (1989); Fisher, Ury, and Patton (1991); Zartman (1994); Costantino and Merchant (1996); Moore (1996); Elliott (1999); Carpenter (1999); Straus (1999); Carlson (1999); Laws (1999); Susskind, McKernan, and Thomas-Larmer (1999); Dukes, Pisolish, and Stephens (2000); Lewicki and Wiethoff (2000); Coleman and Deutsch (2000); Chaiken, Gruenfeld, and Judd (2000); Krauss and Morsella (2000); Bunker (2000); Dukes et al. (2000); Gruber (2000); Zartman and Rubin (2000); Emerson and Carlson (2003); Lipsky, Seeber, and Fincher (2003); Lewicki, Gray, and Elliott (2003); Senger (2004) and Gastil and Levine (2005) (Figure 7).

The rationale underlying the essay was that at that time, the literature on collaborative public management and collaboration did not generally address—or often even mention—the role of the citizen or the public as distinct from the public, private, or nonprofit organizational participants in a network or collaborative. Similarly, the literature on civic engagement and public participation did not generally address the cross-sector context and institutional framework within which civic engagement takes place. There is no other document like it published in the public administration literature. It is uniquely creative and insightful, demonstrating Lisa’s amazing talent at bringing together disparate fields, seeing gaps, and building intellectual bridges—all hallmarks of her brilliant career (Figure 8).



Figure 7. Lisa (top center) and her husband Terry Amsler (top right), a long-time conflict resolution professional, at the National Coalition for Dialogue and Deliberation conference where he won the “Hero of the Field” Award, Hyatt Regency, Reston, Virginia, October 17, 2014 (from left to right, John Gastil, Katie Knobloch, Lisa, Terry, Tyrone Reitman and Susanna Haas Lyons).



Figure 8. Matt Leighninger, Lisa, Mike Huggins, and Kevin Curry at *Strengthening Legal and Technological Frameworks to Grow Civic Participation and Public Engagement*, Brookings Institution Panel, Washington, DC on October 23, 2013.

Lisa and I followed the special issue with a conference held in Washington, DC where we deliberately did not bring together the top collaborative public management scholars. Instead, we brought together the top mainstream public administration scholars, representing many subfields. We asked them to analyze their work through the lens of collaboration.

It was at this conference that Lisa wowed the audience with her ideas linking not only the worlds of public administration and conflict management, but also law. As Tina Nabatchi wrote in the earlier essay, Lisa had already written quite a bit about law and dispute resolution. For example, while Lisa had written about the Administrative Dispute Act of 1990 and administrative law (Bingham & Wise, 1996), this audience heard the seeds of her ideas that eventually made her the foremost scholar writing about the legal aspects of collaboration. Most of her works in this area have been mentioned in other sections of this article, but it should be pointed out that 10 years later, in a 2016 article in *Public Administration Review*, Lisa published a masterful article that argued, in part, that “while scholars have made substantial contributions to our understanding of the design and practice of collaborative governance, others suggest that we lack theory for this emerging body of research. Law is often omitted as a variable. Scholarship generally does not explicitly include collaboration as a public value” (Amsler, 2016, p. 700). Lisa then presented an overview of the current legal framework for collaborative governance in the United States at the federal, state, and local levels of government and identified gaps. She concluded that “future research on collaborative governance should incorporate the legal framework as an important variable and collaboration as a public value” (Amsler, 2016, p. 700).

Our Washington, DC conference resulted in a special issue of *International Public Management Journal* in 2007b as well as two edited books, *The Collaborative Public Manager* (Georgetown University Press 2009) and *Big Ideas in Collaborative Public Management* (M.E. Sharpe 2008).

Lisa and I also wrote a monograph for IBM called *A Manager’s Guide to Resolving Conflicts in Collaborative Networks* (2007a) where we again sought to show the public administration world what the conflict management literature could do for them. The monograph began as follows:

At a recent national conference the two authors of this monograph convened on collaborative public management, the 40 top public administration scholars and practitioners present concluded after two and a half days of deliberation and debate that given the prevalence of networks, the most important skills needed for today’s managers are negotiation, bargaining, collaborative problem solving, conflict management, and conflict resolution. Yet many public managers find themselves ill-equipped for management in a shared power world. The purpose of this monograph is to help managers manage and resolve conflicts in collaborative networks. (O’Leary & Bingham, 2007a, p. 1)

The monograph presented a collaborative problem-solving approach based on principled or interest-based negotiation. We emphasized how to become an effective negotiator within a network, communication skills for managing conflict, preventing conflict by designing network structures, and the topic of networks and conflict with the public.

We took our work one step further by designing a course to teach collaborative public management to public administration graduate students. We published our ideas in the *Journal of Public Administration Education* with our co-author, Ph.D. student Yujin Choi (O’Leary, Bingham, & Choi, 2010). It was a heady time as both Lisa and I totally changed the way we teach collaboration to a public administration audience, revamping the curriculum at our respective universities. In 2013, Angela Evans, the president of the Association for Public Policy Analysis and Management (now Dean of the LBJ School of Government at the University of Texas) said in a conference speech that the curriculum we had designed was a decade ahead of any other program in the world.

### **Lisa’s Impact Outside the United States—Mariana D. Hernandez-Crespo**

Our globalized economy, with its unprecedented speed of change and levels of interconnectivity, has had a strong impact on both the public and private sectors. While the private sector has intrinsic incentives

to adapt and to change due to its competitive nature, the public square faces more complex challenges, in part because of the diversity of stakeholders. Lisa's scholarship contributions have been pivotal to addressing the challenge of governance in diverse settings.

When analyzing the effect of an expert in a field, one criterion that could be used is to consider where the field would be if the scholar's work had not been produced. In this regard, both the field of dispute resolution and the field of public policy would be significantly lacking without Lisa's scholarly work. This loss would affect not only the United States, but also other regions around the world. This section refers concretely to Lisa's contributions and their impact on scholarship regarding civic participation in Latin America.

As an American law professor with training in both civil law in Venezuela, and common law in the United States, I can attest to the significance of her ideas in the development of innovative options for civic participation in the region. Specifically, Lisa's work has been a cornerstone when conceptualizing systems and structures that can serve as the foundation for the way forward in a continent with significant political instability.

Historically, many Latin American countries have oscillated from dictatorships and revolutions to democracies and then back to revolutions and dictatorships. Writing new constitutions and significantly modifying old ones is considered normal. In this context, it is necessary to create structures that channel citizen participation (Hernandez Crespo, 2008). That way, organized stakeholders will be able to gain the civic power necessary to control political power *ex ante*, rather than *ex post facto* (Hernandez Crespo, 2012). Hernandez Crespo (2012) relied upon Bingham (2002, 2009, 2010, and 2011).

The next chapter for Latin America requires new processes to allow citizens to write their own history together with their elected officials. In a region dominated by "*caudillo*" (strongman) mindsets, the checks and balances of power will not suffice to prevent authoritarianism. Only civic power will be able to control political power. To this end, Lisa's scholarly work has been vital.

For example, Rafael Alves de Almeida, the Director of Postgraduate Degrees at Fundação Getúlio Vargas (FGV) in Rio de Janeiro, Brazil, and National Coordinator of the International Dispute Resolution Research Network (IDRRN), used Lisa's work significantly in writing his Ph.D. thesis at the Institute of Economics at the Federal University of Rio de Janeiro in Brazil. In his work, he explored Lisa's ideas of collaborative governance as a way to develop a more democratic and collaborative model of public governance (de Almeida, 2015). In particular, Almeida focuses on decentralizing state administration, which allows citizens the chance to establish new cognitive capacities for coordinated action in the State's planning cycle, most notably in the policymaking process. To reach his conclusions, de Almeida (2015) relied upon Bingham (2008, 2009, 2010), Bingham, Hallberlin et al. (2009), Bingham, Lee, and Chang (2007), and Bingham, Nabatchi et al. (2005).

For Latin American countries to gain political stability, citizen participation cannot be limited only to voting and protesting. Rather, citizens need to be able to engage in setting up the agendas and decision-making processes for the decisions that affect their lives. Lisa's scholarly contributions in the areas of Collaborative Governance and Dispute System Design (DSD) have played a critical role in the development of conceptualized alternatives to accomplish this level of citizen engagement in public decision-making for the region.

One of the areas where the lack of System Design in the public square is evident is Foreign Direct Investment (FDI). For example, before a foreign investor can operate in an area where its investment will affect indigenous or Afro-descendant communities, there are generally constitutional mechanisms that require consulting with the community on whether the investment operation is welcome. Yet, this level of consultation tends to be unavailable for all citizens. Additionally, in most countries there are no mechanisms to facilitate cooperation with the local government when setting up policies on further interactions between the foreign investor and the community. This lack of cooperation has contributed to Latin America becoming the "world champion" of investment treaty violations. These violations can result

in significant financial penalties, which are ultimately paid by countries that are already in economic difficulty.

To address this issue, I have suggested systems be designed to strengthen investor-state and community relationships by engaging their differences outside the conflict zone, producing the synergies necessary to enable innovation and growth. Shared Decisions System Design (SDSD) is a relationship-focused methodology, which aims to craft decision-making mechanisms to empower parties to address their differences outside the conflict zone based on what is most important to them (i.e., their values).

Lisa's contributions to the area of Collaborative Governance and DSD have been foundational for the development of these concepts, which have been called shared decisions system design (SDSD; Hernandez Crespo, 2017a). In describing and deriving these concepts, Hernandez Crespo (2017a) relied upon Amsler et al. (2015), Bingham (2008, 2009), and Bingham, O'Leary, and Nabatchi (2005).

In collaborative governance, the different stages suggested by Lisa for citizen participation across the policy spectrum—upstream (policy rule-making), midstream (policy implementation), and downstream (policy enforcement and dispute resolution)—have played a critical role. These stages help determine the different phases in which citizens, community members, local governments, and foreign investors need to be brought to the table to produce the cooperation necessary for strengthening the investor-state relationship through SDSD. Similarly, the Analytical Framework in DSD, originally created by Janet Martinez and Stephanie Smith, and then further developed with the contribution of Lisa, has also been essential for both analyzing the current systems in place and conceptualizing new ones (Hernandez Crespo, 2017b). Lisa's influence in this field is evinced by Hernandez-Crespo (2017b) reliance upon Amsler et al. (2015), which applied Eleanor Ostrom's concept that structures are nested to dispute system design, Bingham (2008-9, 2009), and Amsler, Martinez, and Smith (forthcoming).

In summary, Lisa's scholarly contributions have been seminal for reimagining channels for citizen participation in Latin America. To build a nation, or a continent, elected politicians and citizens demonstrating on the streets are not enough. Academia has a role to play. Without scholarship, there is no way to learn or conceptualize the path ahead. The scholarship of Lisa Amsler has been instrumental to these endeavors (Figure 9).

### **The Last Word: Lisa Blomgren Amsler (Formerly Bingham)**

We asserted at the beginning of this article (and even in the title) that Lisa Blomgren Amsler (formerly Bingham) is a scathingly brilliant scholar, teacher, colleague, mentor, and friend. We defended that assertion with an incomplete, and perhaps inadequate, review of her work in arbitration, mediation, dispute systems design, public engagement, collaborative public management, and other areas, and with testimonials submitted by her colleagues and former students. We stand behind our assertion—Lisa is indeed the exception in the academy—but know that she is and will be far more humble in articulating her impact and influence on multiple fields, on practice, and on people around the world. As is the tradition with articles about Rubin Award winners, we asked Lisa to provide the last word about her career and the field. Specifically, we asked her to answer the following questions: (a) What do you see as the future of the field? (b) Where are the holes in research and practice that you would like to have filled? As a final piece of evidence supporting our laudatory remarks, we offer the following essay by Lisa (Figure 10).

### **Where are the Holes in Research and Practice That You Would Like to Have Filled?**

*Lisa Blomgren Amsler:* Unlike the great majority of my colleagues at IACM, I do not have a doctorate; I am a lawyer who came to the academy after ten years negotiating labor contracts. I sat in on graduate statistics as an assistant professor. I warn doctoral students by using my favorite line from Charlotte Bronte, when Mr. Rochester says to Jane, "My principles were never trained, Miss Eyre" (Brontë, 2001,



Figure 9. Lisa (front row center) attending with (alphabetical order) Yann Duzert, David Fairman, Hideaki Irie, Alain Lempereur, Hideaki Shiroyama, Lawrence E. Susskind, Hans Van Zijst, Taigi Kim, Oh-Seok Hyun, Joon-Hyung Hong, Chin-Seung Chung, Il-Chong Nam, Jin Park, Yoo-Hwan Kim, Kang-Shik Choi at Korea Development Institute September 22, 2005, Sejong City, South Korea.

p. 9). In 1994 at my first IACM conference, I talked with people how to do social science research. As a Trekkie, I believe we should “boldly go where no [one] has gone before.” This means looking for the dark matter in scholarship.

In celebration of IACM’s 30th Anniversary, NCMR has published a rich series of review articles on the research and contributions IACM Lifetime Achievement and Rubin Award recipients. It records how conflict management as an interdisciplinary field has moved far from Dustbowl empiricism to theory-building and testing, methodological innovation, and to examining the complex systems within which people and organizations function and manage conflict. In 2006, I had the great privilege of speaking to IACM members in accepting the Rubin award. I argued for doing field research on the context in which those in power use conflict management processes, and spoke to the danger of corporations imposing mandatory arbitration on nonunion employees. As a system, union grievance arbitration bears little resemblance to the way contemporary employment arbitration suppresses conflict instead of managing and addressing it. IACM continues to recognize the challenges and value of doing interdisciplinary applied and field research.

Researching the context for conflict management in a system in all of its networked complexity is even more important now. Big data and evolving network modeling methods may also make it easier to do. We do not need to reinvent the wheel. The late Elinor Ostrom, trained as a political scientist and an interdisciplinary scholar of political economy, was the first woman to receive the Nobel Prize in Economics. With her husband the late Vincent Ostrom, she founded a workshop at Indiana University that brought together scholars from these disciplines with scholars from sociology, anthropology, geology, public policy, law, psychology, cognitive science, and more to study how humans develop cooperative



Figure 10. Lisa Blomgren Amsler, teaching Dispute System Design at University of Nevada Las Vegas Boyd School of Law, June 20, 2015.

systems for managing common pool resources like water, land, forests, and fisheries (Ostrom, 2011). They contributed the Institutional Analysis and Development (IAD) Framework (Ostrom, 2005); Ostrom defines a framework as the level of analysis necessary to identify the elements and relationships among those elements in order to engage in institutional analysis, and which provides the most general set of variables that therefore should apply to all settings and institutions. Nested in the framework is the

concept of theory in social science. She lists a wide variety of theories that have framed research and policy analysis on institutions: microeconomic, game, transaction cost, social choice, public choice, constitutional and covenant theories, as well as theories of public goods and common pool resources. Various of these theories have emerged in legal scholarship about disputing and dispute systems, such as Galanter (1974) using game theory and transaction cost theory to examine the strategic advantages of repeat players in the civil justice system. Nested in theory is a specific model with hypotheses predicting what a particular action arena will produce as outcomes given its structure.

Ostrom (2005) examined cooperative systems and developed a syntax for describing human rules and institutions; IAD provides key concepts for examining context. Ostrom describes an action arena using a set of universal building blocks: participants or actors, positions filled by participants, allowable actions and their linkage to outcomes, the range of potential outcomes, participant control, accessible information, and costs and benefits. An analyst can focus on the simplest unit of analysis—the action situation (p. 13)—which can vary from smallest to largest in scale and can be nested one in another. Families, firms, communities, industries, states, nations, transnational alliances, and others can be viewed in isolation or nested as part of a larger whole. Ostrom suggests three categories of exogenous variables that affect an action situation: “(a) the rules used by participants to order their relationships, (b) the attributes of the biophysical world that are acted upon in these arenas, and (c) the structure of the more general community within which any particular arena is placed” (p. 15).

An action situation or arena describes context, whether it is the context within which a negotiator makes an offer, or a mediator employs a strategy, arbitrators issue an award, or legislators design a truth and reconciliation commission (Amsler, 2014b). Ostrom’s vision requires interdisciplinarity. It can help advance our research on managing conflict in complex organizational and institutional contexts. Ostrom’s work on IAD provides a parallel intellectual foundation for dispute system design in addition to Ury, Brett, and Goldberg (1988), and also for collaborative governance, the subjects of my current work (Amsler et al., 2015). Scholars are using Ostrom’s distinction between formal legal rules and rules-in-use (working rules or practices that may or may not conform to formal legal rules, Ostrom, 2005) to analyze how laws or policies shape the action arena or context for action (Cole, 2017). Much research on conflict management looks at negotiation, mediation, and arbitration in terms of behavior; IAD suggests that rules on paper and rules-in-use are important exogenous variables for understanding the context for human behavior in these processes.

Ostrom’s work on IAD suggests a gap or hole in the field of conflict management that we need to fill. The field may need broader and more interdisciplinary collaborative teams to address both substantive and methodological challenges posed by the complexity of context. At IU, some of us are taking on the challenge of systems-level research for local governance in Indiana, including collaboration across public, private, and nonprofit organizations, stakeholders, and the public. Communities are complex systems. The group asks whether we can strengthen democracy by empowering communities to better use inter-sector collaboration and public engagement to make plans and resolve conflicts over tough policy choices in adapting to climate change, public health, housing, food systems, and other areas. We would like to combine IACM’s deep contributions to collaboration research and practice with deliberative public engagement in political theory. We are all motivated by the paucity of constructive discourse across political differences; we look to de Tocqueville for inspiration and Ostrom for the framework to analyze the system of local governance.

## What Do You See as the Future of the Field?

*Lisa Blomgren Amsler:* The holes to fill in research and practice require bridging the silos of academic and professional disciplines. Conflict management scholars help lawyers and judges understand how institutional designs affect human perceptions of justice and fairness. Anthropologists help conflict management scholars work across cultural boundaries. Economists and psychologists evaluate how humans

behave in response to rules. Public affairs scholars bring perspectives from other disciplines to governance. Practitioners ground theory in their reality. All should work together to study complex contexts.

While universities pay lip service to interdisciplinarity, crossing boundaries means scholars face career challenges in publishing in journals their home disciplinary departments may not adequately value. While we know how important, even central to the survival of the species, is our work on managing human conflict, our current political and historical moment does not recognize the peacemakers. Our field needs more visibility. We need to help those in our own institutional context, whether in research or practice, understand the field's contribution.

It is an amazing and humbling experience to have your co-authors, students, and colleagues summarize your career. However, I cannot take credit for all this work. The scholarship they describe would not exist without them. The joys of the work are in sharing it. I will be forever indebted to my co-authors, students, and colleagues for what I learn from them and in collaboration with them.

This article is a lifelong gift for which I thank NCMR, IACM, and especially all those who contributed their time and efforts to create it. I am deeply grateful for the Rubin Award. Jeffrey Rubin's memory and my wonderful colleagues at IACM motivate my continuing work.

## References

- Agranoff, R., & McGuire, M. (2003). *Collaborative public management: New strategies for local government*. Washington, DC: Georgetown University Press.
- Amsler, L. B. (2013). Local government: The legal framework and context for voice. In Working Group on Legal Frameworks for Public Participation (Ed.), *Making public participation legal* (pp. 27–30). Washington, DC: National Civic League.
- Amsler, L. B. (2014a). Combating structural bias in dispute system designs that use arbitration: Transparency, the universal sanitizer. *Yearbook on Arbitration & Mediation*, 6, 32–55.
- Amsler, L. B. (2014b). The evolution of social norms in conflict resolution. *Journal of Natural Resources Policy Research*, 6(4), 285–290. <https://doi.org/10.1080/19390459.2014.947837>
- Amsler, L. B. (2016). Collaborative governance: Integrating management, politics, and law. *Public Administration Review*, 76(5), 700–711. <https://doi.org/10.1111/puar.12605>
- Amsler, L. B., Huggins, M., Moore, S., Stout, M., & Willis, W. (2013). A model state public participation act and a model municipal public participation ordinance. In Working Group on Legal Frameworks for Public Participation (Ed.), *Making public participation legal* (pp. 13–20). Washington, DC: National Civic League.
- Amsler, L. B., Martinez, J. K., & Smith, S. E. (2015). Christina Merchant and the state of dispute system design. *Conflict Resolution Quarterly*, 33(S1), S7–S26. <https://doi.org/10.1002/crq.21149>
- Amsler, L. B., Martinez, J. K., & Smith, S. E. (forthcoming). *Dispute system design: Preventing, managing, and resolving conflict*. Menlo Park, CA: Stanford University Press.
- Amsler, L. B., & Nabatchi, T. (2016). Public engagement and decision-making: Moving Minnesota forward to dialogue and deliberation. *Mitchell Hamline Law Review*, 43, 1629–1681.
- Anderson, J. F., & Bingham, L. (1997). Upstream effects from mediation of workplace disputes: Some preliminary evidence from the USPS. *Labor Law Journal*, 48, 601–615.
- Arnstein, S.R. (1969). A ladder of citizen participation. *Journal of the American Institute of Planners*, 35, 216–224.
- Association for Conflict Resolution, Task Force Report (2009, October 28). *An examination of the arbitration fairness act of 2009*. Columbus, GA: ACR.
- Avgar, A. C., & Colvin, A. J. (Eds.) (2016). *Conflict management: Critical perspectives on business and management*. Abingdon-on-Thames, UK: Routledge.
- Bingham, L. B. (1997a). Employment arbitration: The repeat player effect. *Employee Rights and Employment Policy Journal*, 1, 189–220.
- Bingham, L. B. (1997b). Mediating employment disputes: Perceptions of REDRESS at the United States postal service. *Review of Public Personnel Administration*, XVII(2), 20–30. <https://doi.org/10.1177/0734371X9701700203>

- Bingham, L. B. (1998a). An overview of employment arbitration in the United States: Law, public policy and data. *New Zealand Journal of Employment Relations*, 23(2), 5–19.
- Bingham, L. B. (1998b). On repeat players, adhesive contracts, and the use of statistics in judicial review of employment arbitration awards. *McGeorge Law Review*, 29, 223–243.
- Bingham, L. B. (2002a). The next step: Research on how dispute system design affects function. *Negotiation Journal*, 18(4), 375–379. <https://doi.org/10.1111/j.1571-9979.2002.tb00273.x>
- Bingham, L. B. (2002b). Self-determination in dispute system design and employment arbitration. *University of Miami Law Review*, 56, 873–908.
- Bingham, L. B. (2004). Control over dispute system design and mandatory commercial arbitration. *Law and Contemporary Problems*, 67(1&2), 221–251.
- Bingham, L. B. (2008-9). Designing justice: Legal institutions and other systems for managing conflict. *Ohio State Journal on Dispute Resolution*, 24(1), 1–50.
- Bingham, L. B. (2009). Collaborative governance: Emerging practices and the incomplete legal framework for citizen and stakeholder voice. *Missouri Journal of Dispute Resolution*, 2009(2), 269–326.
- Bingham, L. B. (2010a). Elinor Ostrom, institutional analysis and development, and dispute system design. *Transnational Corporations Review*, 2(1), 27–36. <https://doi.org/10.1080/19186444.2010.11658220>
- Bingham, L. B. (2010b). The next generation of administrative law: Building the legal infrastructure for collaborative governance. *Wisconsin Law Review*, 10(2), 297–356.
- Bingham, L. B. (2011). Reflections on designing governance to produce the rule of law. *Missouri Journal of Dispute Resolution*, 2011, 67–89.
- Bingham, L. B., Chesmore, G., Moon, Y., & Napoli, L. M. (2000). Mediating employment disputes at the United States postal service: A comparison of in-house and outside neutral mediators. *Review of Public Personnel Administration*, 20(1), 5–19. <https://doi.org/10.1177/0734371X0002000102>
- Bingham, L. B., Hallberlin, C. J., Walker, D. A., & Chung, W. T. (2009). Dispute system design and justice in employment dispute resolution: Mediation at the workplace. *Harvard Negotiation Law Review*, 14, 1–50.
- Bingham, L. B., Lee, S. W., & Chang, W. K. (2007). Participatory governance in South Korea: Legal infrastructure, economic development, and dispute resolution. *Pacific McGeorge Global Business and Development Law Journal*, 19(2), 375–399.
- Bingham, L. B., & Nabatchi, T. (2003). Dispute system design in organizations. In W. J. Pammer Jr & J. Killian (Eds.), *The handbook of conflict management* (pp. 105–127). New York, NY: Marcel-Dekker.
- Bingham, L. B., Nabatchi, T., & O’Leary, R. (2005). The new governance: Practices and processes for stakeholder and citizen participation in the work of government. *Public Administration Review*, 65(5), 547–558. <https://doi.org/10.1111/j.1540-6210.2005.00482.x>
- Bingham, L. B., Nabatchi, T., Senger, J., & Jackman, M. S. (2009). Dispute resolution and the vanishing trial: Comparing federal government litigation and ADR outcomes. *Ohio State Journal on Dispute Resolution*, 24(II), 225–262.
- Bingham, L. B., & Novac, M. C. (2001). Mediation’s impact on formal discrimination complaint filing: Before and after the Redress™ Program at the US postal service. *Review of Public Personnel Administration*, 21(4), 308–331. <https://doi.org/10.1177/0734371X0102100403>
- Bingham, L. B., & O’Leary, R. (2006). Conclusion: Parallel play, not collaboration: Missing questions, missing connections. *Public Administration Review*, 66(6s-1), 161–167. <https://doi.org/10.1111/j.1540-6210.2006.00686.x>
- Bingham, L. B., & O’Leary, R. (Eds.) (2008). *Big ideas in collaborative public management*. Armonk, NY: M.E. Sharpe Inc..
- Bingham, L. B., O’Leary, R., & Nabatchi, T. (2005). Legal Frameworks for the New Governance: Processes for Citizen Participation in the Work of Government. *National Civic Review*, 94(1), 54. [https://doi.org/10.1002/\(ISSN\)1542-7811](https://doi.org/10.1002/(ISSN)1542-7811)
- Bingham, L. B., & Pitts, D. W. (2002). Highlights of mediation at work: Studies of the national REDRESS® Evaluation Project. *Negotiation Journal*, 18(2), 135–146. <https://doi.org/10.1111/j.1571-9979.2002.tb00256.x>
- Bingham, L. B., Raines, S. S., Hedeem, T., & Napoli, L. M. (2010). Mediation in employment and creeping legalism: Implications for dispute systems design. *Missouri Journal of Dispute Resolution*, 2010(2), 129–150.

- Bingham, L. B., & Wise, C. R. (1996). The Administrative Dispute Resolution Act of 1990: How do we evaluate its success? *Journal of Public Administration, Research and Theory*, 6(3), 383–414. <https://doi.org/10.1093/oxfordjournals.jpart.a024318>
- Brontë, C. (2001). *Jane Eyre*. 1847. Ed. Richard J. Dunn. New York: WW Norton & Company.
- Bunker, B. B. (2000). Managing conflict through large-group methods. In M. Deutsch & P. T. Coleman (Eds.), *The handbook of conflict resolution: Theory and practice* (pp. 546–567). San Francisco, CA: Jossey-Bass.
- Bush, R. A. B., & Folger, J. P. (1994). *The promise of mediation: The transformative approach to conflict*. San Francisco, CA: Jossey-Bass.
- Carlson, C. (1999). Convening. In L. Susskin, S. McKernan & J. Thomas-Larmer (Eds.), *The consensus building handbook: A comprehensive guide to reaching agreement* (pp. 169–197). Thousand Oaks, CA: Sage Publications. <https://doi.org/10.4135/9781452231389>
- Carpenter, S. (1999). Choosing appropriate consensus building techniques and strategies. In L. Susskin, S. McKernan & J. Thomas-Larmer (Eds.), *The consensus building handbook: A comprehensive guide to reaching agreement* (pp. 61–97). Thousand Oaks, CA: Sage Publications. <https://doi.org/10.4135/9781452231389>
- Chaiken, S. L., Gruenfeld, D. H., & Judd, C. M. (2000). Persuasion in negotiations and conflict situations. In M. Deutsch & P. T. Coleman (Eds.), *The handbook of conflict resolution: Theory and practice* (pp. 144–165). San Francisco, CA: Jossey-Bass.
- Cole, D. H. (2017). Laws, norms, and the Institutional Analysis and Development framework. *Journal of Institutional Economics*, 2017(2), 1–19. <https://doi.org/10.1017/S1744137417000030>
- Coleman, P. T., & Deutsch, M. (2000). Some guidelines for developing a creative approach to conflict. In M. Deutsch & P. T. Coleman (Eds.), *The handbook of conflict resolution: Theory and practice* (pp. 355–365). San Francisco, CA: Jossey-Bass.
- Colvin, A. J. (2011). An empirical study of employment arbitration: Case outcomes and processes. *Journal of Empirical Legal Studies*, 8(1), 1–23. <https://doi.org/10.1111/j.1740-1461.2010.01200.x>
- Costantino, C., & Merchant, C. (1996). *Designing conflict management systems: A guide to creating productive and healthy organizations*. San Francisco, CA: Jossey-Bass Publishers.
- de Almeida, R. A. (2015). Gestão democrática na formação de políticas públicas. In R. A. de Almeida (Ed.), *Governança colaborativa em políticas públicas* (p. 341). Rio de Janeiro, Brazil: Tamanduá Publishing House.
- Dukes, E. F., Piscoilish, M. A., & Stephens, J. B. (2000). *Reaching for higher ground in conflict resolution*. San Francisco, CA: Jossey-Bass.
- Elliott, M. (1999). The use of facilitators, mediators, and other professional neutrals. In L. Susskin, S. McKernan & J. Thomas-Larmer (Eds.), *The consensus building handbook: A comprehensive guide to reaching agreement* (pp. 199–240). Thousand Oaks, CA: Sage Publications. <https://doi.org/10.4135/9781452231389>
- Emerson, K., & Carlson, C. (2003). An evaluation system for state and federal conflict resolutions programs. In R. O’Leary & L. B. Bingham (Eds.), *The promise and performance of environmental conflict resolution* (pp. 192–206). Washington, DC: Resources for the Future.
- Fisher, R., Ury, W., & Patton, B. (1991). *Getting to yes: Negotiating agreement without giving in*. New York, NY: Houghton Mifflin Company.
- Galanter, M. (1974). Why the “haves” come out ahead: Speculations on the limits of legal change. *Law & Society Review*, 9(1), 95–160. <https://doi.org/10.2307/3053023>
- Gastil, J., & Levine, P. (2005). *The deliberative democracy handbook: Strategies for effective civic engagement in the 21st century*. San Francisco, CA: John Wiley & Sons Inc.
- Gray, B. (1989). *Collaborating: Finding common ground for multiparty problems*. San Francisco, CA: Jossey-Bass.
- Greenberg, J. (1993). The social side of fairness: Interpersonal and information classes of organizational justice. In R. Cropanzano (Ed.), *Justice in the workplace: Approaching fairness in human resource management* (pp. 79–103). Hillsdale, NJ: Lawrence Erlbaum Associates.
- Gruber, H. E. (2000). Creativity and conflict resolution. In M. Deutsch & P. T. Coleman (Eds.), *The handbook of conflict resolution: Theory and practice* (pp. 345–354). San Francisco, CA: Jossey-Bass.
- Hernandez Crespo, M. (2008). Building the Latin America we want: Supplementing representative democracies with consensus building. *Cardozo Conflict Resolution Journal*, 10(2), 426–490.

- Hernandez Crespo, M. (2012). From noise to music: The potential of the multi-door courthouse model to advance systemic inclusion and participation as a Foundation for Sustainable Rule of Law in Latin America. *Journal of Dispute Resolution*, 2012(2), 335.
- Hernandez Crespo, G. M. (2017a). A new chapter in natural resource-seeking investment: Using Shared Decision System Design (SDSD) to strengthen investor-state and community relationships. *Cardozo Journal of Conflict Resolution*, 18(3), 551.
- Hernandez Crespo, G. M. (2017b). Introduction to the Symposium: Leveraging on disruption: The potential of dispute system design for justice, accountability, and impact in our global economy. *University of St. Thomas Law Journal*, 13(2), 159.
- Hill, E. (2003). AAA employment arbitration: A fair forum at low cost. *Dispute Resolution Journal*, 58(2), 8–17.
- Klinger, J. W. (2016). *Employment arbitration in the 21st century: A look at JAMS*. A Thesis Presented to the Faculty of the Graduate School of Cornell University in Partial Fulfillment of the Requirements for the Degree of Masters of Science, August 2016.
- Krauss, R. M., & Morsella, E. (2000). Communication and conflict. In M. Deutsch & P. T. Coleman (Eds.), *The handbook of conflict resolution: Theory and practice* (pp. 131–143). San Francisco, CA: Jossey-Bass.
- Lamare, J. R. (2016). Beyond repeat players: Experience and employment arbitration outcomes in the securities industry. In D. B. Lipsky, A. C. Avgar & J. R. Lamare (Eds.), *Managing and resolving workplace conflict* (pp. 135–160). Bingley, UK: Emerald Group Publishing Limited. <https://doi.org/10.1108/ailr>
- Lamare, J. R., & Lipsky, D. B. (2014). Employment arbitration in the securities industry: Lessons drawn from recent empirical research. *Berkeley Journal of Employment & Labor Law*, 35(1), 113–133.
- Laws, D. (1999). Representation of stakeholding interests. In L. Susskin, S. McKernan & J. Thomas-Larmer (Eds.), *The consensus building handbook: A comprehensive guide to reaching agreement* (pp. 241–285). Thousand Oaks, CA: Sage Publications. <https://doi.org/10.4135/9781452231389>
- Lax, D. A., & Sebenius, J. K. (1986). *The manager as negotiator*. New York, NY: Free Press.
- Lewicki, R. J., Gray, B., & Elliott, M. (Eds.) (2003). *Making sense of intractable environmental conflicts: Concepts and cases*. Washington, DC: Island Press.
- Lewicki, R. J., & Wiethoff, C. (2000). Trust, trust development, and trust repair. In M. Deutsch & P. T. Coleman (Eds.), *The handbook of conflict resolution: Theory and practice* (pp. 86–107). San Francisco, CA: Jossey-Bass.
- Lipsky, D. B., Seeber, R. L., & Fincher, R. D. (2003). *Emerging systems for managing workplace conflict: Lessons from American corporations for managers and dispute resolution professionals*. San Francisco, CA: Jossey-Bass.
- Moore, C. W. (1996). *The mediation process: Practical strategies for resolving conflict* (2nd ed.). San Francisco, CA: Jossey-Bass.
- Nabatchi, T., & Amsler, L. B. (2014). Direct public engagement in local government. *American Review of Public Administration*, 44(4 suppl.), 63S–88S. <https://doi.org/10.1177/0275074013519702>
- Nabatchi, T., & Bingham, L. B. (2000). Transformative mediation in the USPS REDRESS program: Observations of ADR specialists. *Hofstra Labor and Employment Law Journal*, 18(2), 399–427.
- Nabatchi, T., & Bingham, L. B. (2010). From postal to peaceful: Dispute systems design in the United States postal service REDRESS program. *Review of Public Personnel Administration*, 30(2), 211–234. <https://doi.org/10.1177/0734371X09360187>
- Nabatchi, T., Bingham, L. B., & Good, D. H. (2007). Organizational justice and workplace mediation: A six factor model. *International Journal of Conflict Management*, 18(2), 148–176. <https://doi.org/10.1108/10444060710759354>
- Nabatchi, T., Bingham, L. B., & Moon, Y. (2010). Evaluating transformative practice in the US postal service REDRESS program. *Conflict Resolution Quarterly*, 27(3), 257–289. <https://doi.org/10.1002/crq.259>
- Nesbit, R., Nabatchi, T., & Bingham, L. B. (2012). Employees, supervisors, and workplace mediation: Experiences of justice and settlement. *Review of Public Personnel Administration*, 32(3), 260–287. <https://doi.org/10.1177/0734371X12436981>
- O’Leary, R., & Bingham, L. B. (Eds.) (2003). *The promise and performance of environmental conflict resolution*. Washington, DC: Resources for the Future Press.
- O’Leary, R., & Bingham, L. B. (2007a). *A manager’s guide to resolving conflicts in collaborative networks*. Washington, DC: IBM Center for the Business of Government.

- O'Leary, R., & Bingham, L. B. (Eds.) (2007b). Collaborative public management. *International Public Management Journal*, 10(1), 1–111.
- O'Leary, R., & Bingham, L. B. (Eds.) (2009). *The collaborative public manager: New ideas for the 21st century*. Washington, DC: Georgetown University Press.
- O'Leary, R., Bingham, L. B., & Choi, Y. (2010). Teaching collaborative leadership: Ideas and lessons for the field. *Journal of Public Affairs Education*, 16(4), 565–592.
- O'Leary, R., Bingham, L. B., & Nabatchi, T. (2004). Environmental conflict resolution. In R. Durant, D. Fiorino & R. O'Leary (Eds.), *Building common purpose: Challenges, choices, and opportunities for environmental governance in the 21st century* (pp. 323–354). Cambridge, MA: MIT Press.
- O'Leary, R., Nabatchi, T., & Bingham, L. B. (2005). Assessing and improving conflict resolution in multiparty environmental negotiation. *International Journal of Organizational Theory and Behavior*, 8(2), 181–209. <https://doi.org/10.1108/IJOTB-08-02-2005-B003>
- Ostrom, E. (2005). *Understanding institutional diversity*. Princeton, NJ: Princeton University Press.
- Ostrom, E. (2011). Background on the Institutional Analysis and Development Framework. *The Policy Studies Journal*, 39(1), 7–27. <https://doi.org/10.1111/j.1541-0072.2010.00394.x>
- Senger, J.M. (2004). *Federal Dispute Resolution: Using ADR with the United States Government*. Jossey-Bass Inc. Pub.
- Sherwyn, D., Estreicher, S., & Heise, M. (2005). Assessing the case for employment arbitration: A new path for empirical research. *Stanford Law Review*, 57(5), 1557–1591.
- St. Clair, R., Hicks, D., & Isett, K. R. (2017). An investigation into the characteristics of papers with high scholarly citations in public administration: The relativity of theory and method. *Review of Public Personnel Administration*, 37(3), 323–350. <https://doi.org/10.1177/0734371X17698188>
- Straus, D. A. (1999). Designing a consensus building process using a graphic road map. In L. Susskind, S. McKernan & J. Thomas-Larmer (Eds.), *The consensus building handbook: A comprehensive guide to reaching agreement* (pp. 137–168). Thousand Oaks, CA: Sage Publications. <https://doi.org/10.4135/9781452231389>
- Susskind, L., McKernan, S., & Thomas-Larmer, J. (Eds.) (1999). *The consensus building handbook: A comprehensive guide to reaching agreement*. Thousand Oaks, CA: Sage.
- Ury, W., Brett, J., & Goldberg, S. B. (1988). *Getting disputes resolved: Designing systems to cut the costs of conflict*. San Francisco, CA: Jossey-Bass Books, a Wiley Imprint.
- 500 U.S. 20 (1991). *Gilmer v. Interstate/Johnson Lane Corp.*
- Zartman, W. (Ed.) (1994). *International multilateral negotiation: Approaches to the management of complexity*. San Francisco, CA: Jossey-Bass.
- Zartman, W., & Rubin, J. Z. (Eds.) (2000). *Power and negotiation*. Ann Arbor, MI: University of Michigan Press.

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