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ADR Pathfinder

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Alternative Dispute Resolution

General

ADR Personalities and Practice Tips. Edited by James J. Alfini and Eric R. Galton. Washington, D.C.: American Bar Association, Section of Dispute Resolution, 1998.

Offers insight into the practice of alternative dispute resolution. Provides a variety of approaches and discusses the day-to-day necessities of running an ADR practice.

Barriers to Conflict Resolution. Edited by Kenneth J. Arrow...[et al.]. New York: W.W. Norton, 1995.

In this book, members and associates of the Stanford Center on Conflict and Negotiation address the complex issues that prolong disputes in the negotiation process.

Conflict resolution quarterly. New York, NY : John Wiley & Sons.

Conflict Resolution Quarterly publishes scholarship on relationships between theory, research, and practice in the conflict management and dispute resolution field to promote more effective professional applications. Conflict Resolution Quarterly is sponsored by the Association for Conflict Resolution (formerly the Academy of Family Mediators, the Society for Professionals in Dispute Resolution, and the Conflict Resolution Education Network).

Goldberg, Stephen B. **Dispute Resolution: Negotiation, Mediation, and Other Processes.** Gaithersburg : Aspen Law & Business, 2003.

Presents the latest developments in the three main processes for settling legal disputes without litigation. Provides a thorough, systematic approach, moving from overviews to critical analyses, then to application, evaluation, and practice.

Grenig, Jay E. **Alternative Dispute Resolution with Forms.** St. Paul, Minn.: West Pub. Co., 1997. (With current supplements.)

A one-volume, comprehensive discussion of alternative dispute resolution. Examines techniques, procedures, and underlying statutory and case law.

Nolan-Haley, Jacqueline M. **Alternative Dispute Resolution in a Nutshell**. 2nd ed. St. Paul, MN: West, 2001.

This comprehensive guide provides an overview of alternative dispute resolutions and settlements.

Rau, Alan Scott, et al. **Processes of Dispute Resolution: the Role of Lawyers**. New York : Foundation Press, 2002

Provides detailed information on processes of dispute resolution. The casebook provides the tools for fast, easy, on-point research. Includes selected cases designed to illustrate the development of a body of law on a particular subject.

Stone, Katherine Van Wezel. **Private Justice: the Law of Alternative Dispute Resolution**. New York : Foundation Press, 2000

In-depth discussion of the various aspects of alternative dispute resolution, such as mediation; the role of ombudsmen; settlement; and due process, remedies, and judicial review. Case studies, case notes, and examples illustrate points under consideration.

Yarn, D. **Dictionary of Conflict Resolution**. Jossey-Bass, 1999.

The first and only dictionary for the field of conflict resolution. Defining 1,400 terms, the Dictionary of Conflict Resolution offers common and varied uses of terms, clarifies differences between terms, and recommends accurate usage.

Mediation

Alfini, James J. **Mediation Theory and Practice**. New York: LEXIS Pub., 2001.

Provides excerpts from the key books and articles, relevant cases, statutes, rules and regulations to provide a systematic look at the historical background, theory, ethics, and policy underlying mediation in the United States. Also provides practice guidance for mediators.

Cooley, John W. **Mediation Advocacy**. 2nd ed. Notre Dame, IN: National Institute for Trial Advocacy, 2002.

Provides a step-by- step examination of the particular stages of the mediation process.

Cooley, John W. **The Mediator's Handbook: Advanced Practice Guide for Civil Litigation**. Notre Dame, Ind.: National Institute for Trial Advocacy, c2000.

Provides a full range of features geared to assist the mediator in systematically performing his or her duties from the preliminary stage to post-mediation duties.

Doyle, Michael. **How to Make Meetings Work!** New York : Berkley Books, 1993.

Reveals a new method of conducting profitable meetings as well as providing insight for the facilitator.

Moore, Christopher W. **The Mediation Process: Practical Strategies for Resolving Conflict**. San Francisco : Jossey-Bass, 2003.

A landmark resource for mediation practitioners, trainers, students, and professionals in corporate, legal, health care, education, and governmental arenas.

Schwarz, Roger M. **The Skilled Facilitator: A Comprehensive Resource for Consultants, Facilitators, Managers, Trainers, and Coaches**. San Francisco : Jossey-Bass, c2002.

Provides the essential materials for facilitators and includes simple but effective ground rules for group interaction. Filled with illustrative examples, the book contains proven techniques for starting meetings on the right foot and ending them positively and decisively.

Negotiation

Fisher, Roger. **Getting to Yes : negotiating agreement without giving in**. 2nd ed. New York, N.Y. : Penguin Books, 1991.

This best selling book popularized basic ADR concepts in the 1980s and is a universal guide to the art of negotiating personal and professional disputes. Frequently used today as an introductory text for the field of negotiations, Getting

to Yes offers a concise strategy for coming to mutually acceptable agreements in every sort of conflict.

Kolb, Deborah M. **The Shadow Negotiation : how women can master the hidden agendas that determine bargaining success.** New York : Simon & Schuster, 2000.

Provides women with a whole new way to think about the negotiation process. Kolb identifies the common stumbling blocks that women encounter and presents a game plan for turning their particular strengths to their advantage.

Kremenjuk, V. **International Negotiation: Analysis, Approaches, Issues.** Jossey-Bass, 2002.

The first edition of International Negotiation became a best-selling classic in the field of global conflict resolution. This second edition has been substantially revised and updated to meet the challenges of today's complex international community. Developed under the direction of the International Institute for Applied Systems Analysis, this important resource contains contributions from some of the world's leading experts in international negotiation, representing a wide range of nations and disciplines. They offer a synthesis of contemporary negotiation theory, perspectives for understanding negotiation dynamics, and strategies for producing mutually satisfactory and enduring agreements that is particularly relevant in these times.

Lax, David A. and James K. Sebenius. **The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain.** New York: The Free Press, 1986.

Provides invaluable techniques for negotiators who need to master the abilities of cooperation and confrontation.

Lynch, Eugene, et al. **Negotiation and Settlement.** Rochester, NY: Lawyers Cooperative, 1992. (With current supplements.)

An in-depth look at negotiating civil cases for settlement, from dealing with insurance adjusters to settling and enforcing the claim.

Mnookin, Robert H. **Beyond Winning : Negotiating to Create Value in Deals and Disputes.** Cambridge, Mass. : Belknap Press of Harvard University, 2000.

A step-by-step guide to conflict resolution that describes the many obstacles that can derail a legal negotiation, both behind the bargaining table with one's own client and across the table with the other side. Mnookin offers clear, candid advice

about ways lawyers can search for beneficial trades, enlarge the scope of interests, improve communication, and minimize transaction costs

Raiffa, Howard. **The Art and Science of Negotiation**. Cambridge, Mass. : Belknap Press of Harvard University Press, 1982.

Using a vast array of specific cases and diagrams, *The Art and Science of Negotiation* not only provides a step-by-step process of negotiation, but also a deeper understanding of its practical applications.

Shell, G. Richard. **Bargaining for Advantage : negotiation strategies for reasonable people**. New York : Viking, 1999.

Provides a unique combination of lively storytelling, useful lessons gleaned from the tactics used by some of the world's leading business strategists, and the latest insights from negotiation research.

Watkins, Michael. **Breakthrough Business Negotiation : a Toolbox for Managers**. San Francisco : Jossey-Bass, c2002.

Breakthrough Business Negotiation is a definitive guide to negotiating in any business situation. Presents principles that apply to any negotiation situation and tools to achieve breakthrough results.

Labor Arbitration

Elkouri, Frank. **How Arbitration Works**. Washington, D.C. : BNA, 2003.

This textbook contains a logical and reasonable explanation of the complexities of arbitration in the labor management relations process. It includes viewpoints from chosen arbitrators on different issues that help to provide insight into the thought process that arbitrators use in determining the relevance of various contract provisions in the arbitration process.

Fairweather, O. **Fairweather's Practice and Procedure in Labor Arbitration**. Washington, D.C. : BNA, 2003

Fairweather's *Practice and Procedure in Labor Arbitration* has assists parties, representatives, and decision makers by revealing the methods arbitrators use to solve practical and procedural problems. The book addresses each step in a case

from submission of the case to arbitration and selection of the arbitrator; through the hearing, evidence, and witnesses; to the standard of review and vacation. A table of awards, table of cases, and index are included.

Frascona, X. **The Lawyer's Guide to Negotiation: A Strategic Approach to Better Contracts and Settlements**. Chicago, IL: American Bar Association, 2001.

A comprehensive resource of effective tactics and strategies to help you gain the advantage when negotiating a legal or business matter.

Leslie, D. **Labor Law in a Nutshell**. St. Paul, Minn.: West Pub. Co., 2003

A succinct exposition of labor law, covering landmark labor legislation, NLRB structure and procedure, selection of a bargaining representative, picketing, employer responses to concerted employee activity, the duty to bargain, enforcement of collective bargaining agreements, etc.

Nolan, D. **Labor Arbitration Law & Practice in a Nutshell**. St. Paul, Minn.: West Pub. Co., 1999.

Authoritative coverage provides a description of the origin, development, and practice of labor arbitration. Text focuses on the fundamentals of the labor arbitration process and explores the major arbitration law issues, their importance, and the conflicting opinions on them.

Nolan, D. **Labor and Employment Arbitration**. St. Paul, Minn.: West Pub. Co., 1996

Discussed in detail are the key issues in arbitration law. By supplying both the positive and negative aspects, the text provides a complete assessment of the magnitude of each issue. The reader is provided with a comprehensive background covering the origin, development, and practice of labor and employment arbitration in America.

Internet Resources

[American Bar Association Section of Dispute Resolution](#)

Provides members and the public with creative leadership in the dispute resolution field by fostering diversity, developing and offering educational programs, providing technical assistance, and producing publications that promote problem-solving and excellence in the provision of dispute resolution services.

[ADR & Mediation Resources](#)

This site contains substantial on-line materials for alternative dispute resolution and mediation.

[Alternative dispute resolution: a resource guide prepared by the United States Office of Personnel Management](#)

Provides an overall picture of how the most common forms of ADR are being implemented in Federal agencies.

[American Arbitration Association](#)

Provides up-to-the-minute information about all forms of dispute prevention and resolution including mediation, arbitration, fact-finding, partnering, dispute review boards and other related alternative dispute resolution processes.

[Association for Conflict Resolution](#)

Professional organization dedicated to enhancing the practice and public understanding of conflict resolution. Publications include Conflict Resolution Quarterly; a quarterly ACR magazine; Section newsletters, an annual membership directory, and special reports. Also provides an interactive website with a wealth of resources for members and the public.

[Cornell University: Alternative Dispute Resolution](#)

Features federal and state arbitration statutes, regulations and links to other Internet ADR sites.

[The National Academy of Arbitrators](#)

The National Academy of Arbitrators (NAA) is a non-profit professional and honorary organization of arbitrators.

Program on Negotiation at Harvard Law School

The Program on Negotiation at Harvard Law School (PON) is an applied research center committed to improving the theory and practice of negotiation and dispute resolution.

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