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■ Barbara A. Nagle Lechman

CONFLICT AND RESOLUTION

SECOND EDITION



Wolters Kluwer

Law & Business

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Conflict and Resolution

Second Edition

Barbara A. Nagle Lechman
Associate Professor
Montclair State University



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Law & Business

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Preface

The goal of this book is to provide students with an understanding of conflict and a working knowledge of the three major forms of dispute resolution — negotiation, mediation, and arbitration. It is my hope that students will apply the theory and practice of dispute resolution to their personal as well as their professional lives.

The first two chapters concern the nature and diverse sources of conflict, and offer an overview of conflict resolution processes. Then, in chapters 3-5, more careful consideration is given to negotiation, mediation, and arbitration, respectively. The last two chapters serve as an introduction to other forms of dispute resolution in the legal context and to selected policy and ethical issues in the field. Each chapter concludes with a summary and exercises designed to engage students in knowledge application, integration, and expansion. Some chapters include role plays to allow students to experience how the theories of dispute resolution are practiced. The confidential information for each role play, plus additional role plays, can be found in the Instructor's Manual.

There are a number of ways this book can be used. It has served as the basic text in an undergraduate course. It could also be used in a section of a course. Finally, it could be the basis of a unit on dispute resolution in a course of study.

This new edition brings some international references, reflecting a greater appreciation for our global existence as well as my broadening international experience. Since writing the first edition, I have had the benefit of teaching in Nepal and presenting in Spain. I have also participated in the United State Institute of Peace's faculty seminar on international conflict resolution, thereby accessing a wonderful resource and learning a great deal more about international conflict and peace making.

There are more web references in this edition, based on an ever-increasing web presence in our lives. My students engage in online real time negotiation and mediation role plays. I plan on expanding my online experience to Second Life and applying that

to my students' learning experience. I urge students and faculty alike to continue exploring both web resources and the tools of technology in conflict management.

We as mediators and educators have seen the discipline of mediation expand since the first edition, with the emergence of new models, greater application of mediation in various disciplines, and more research available to students. That expanded knowledge base permeates Chapter 4.

The second edition includes further changes and additions arising from continuous learning, practicing, reflection, and teaching in the full field of Conflict and Conflict Resolution. The literature has greatly expanded, and Codes of Conduct and ethical guidelines have changed. Some role plays have been modified based on classroom experience, and others have been added to enhance the students' active learning experience.

I would like to thank my colleagues and teachers at the Hewlitt Institute for Socio-Legal Dispute Resolution at The Ohio State University in 1993, several of whom read preliminary drafts: Carol King, Tom Grexa, and Theresa Hagen. I would also like to thank friends and colleagues closer to home who have looked at drafts and made suggestions: Joseph Ryan, Rosalie Cannone McGill, Sheila O'Shea Criscione, and Marilyn Tayler. My students at Montclair State University have been a great source of inspiration and continue to teach me and improve my teaching in this field. My graduate assistant, Rich Adams, and several students who worked with me at various stages in the process, including Viki Giammarella and Dina Sadik, all contributed to the final product. The individual who contributed the most to the production of this book is a former student and now a colleague, attorney and adjunct professor Louis A. Chiafullo. Finally, I want to thank my husband, George Lechman, who always helps me experience conflict and its resolution from a very personal perspective and who provides ongoing support in so many ways that make life beautiful.

In connection with this revised edition, I would like to thank Quatey Franklin, a graduate student who assisted with research, Rhiannon Cunnah, a student who did some proofreading, and faculty who used the text and gave valuable input, including Joanne Bochis, Sheila Criscione, Paula Eisen, Cort Engelken, and Tom Zeringo, as well as Auram Segall for his contribution of several new role plays. On a personal level, I want to again thank my dear husband, George Lechman, for his *daily* support and my friend Winsome Tennant for her friendship and prayer.

Barbara Nagle Lechman

September 2007

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