

BOOK ENTRIES ALPHABETIZED BY AUTHOR LAST NAME

JAMES ALFINI ET AL., *MEDIATION THEORY AND PRACTICE* (2001).

This book is designed to serve as the text for a law school mediation course and contains discussions on many of the mediation theories, policy concerns, and practice skills. Discussions also include the historical context and conceptual framework of mediation, mediation processes and skills, negotiation, mediation styles, legal issues in mediation, mediator certification and ethics, the institutionalization of mediation, and the use of mediation in a variety of contexts.

{21} MED: RELATED PROCESSES—GENERAL

{138} ETHICS: GENERAL

{151} ROLE OF LAWYERS

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL

CONNIE J. BECK & BRUCE DENNIS SALES, *FAMILY MEDIATION: FACTS, MYTHS, AND FUTURE PROSPECTS* (2001).

This book addresses mediation in family law, including recent scholarship and research in the field. A discussion of the goals and benefits of mediation in divorce includes analysis of the choice of mediator, reduction in adversarial nature of proceedings, satisfaction, compliance, and reduction in costs. Future directions of research are considered in light of current theory. The book includes extensive references, with indices to authorities, authors, and subjects.

{136} ECONOMIC ADVANTAGES OF ADR

{21} MED: RELATED PROCESSES—GENERAL

{85} SUBJ MATTER: FAMILY (DOMESTIC REL.)

LAURENCE BOULLE & MIRYANA NESIC, *MEDIATION: PRINCIPLES, PROCESS, PRACTICE* (2001).

This book is a guide to mediation in the United Kingdom. This helpful resource provides both the theories behind mediation and practical advice on mediation, its benefits, and mediator techniques. It also provides comparative references to other jurisdictions, making this book a necessity for those who mediate internationally. The authors have successfully compiled a resource for lawyers, academics, and students alike.

{21} MED: RELATED PROCESSES—GENERAL

{92} SUBJ MATTER: INT'L

JEANNE M. BRETT, *NEGOTIATING GLOBALLY: HOW TO NEGOTIATE DEALS, RESOLVE DISPUTES, AND MAKE DECISIONS ACROSS CULTURAL BOUNDARIES* (2001).

This book discusses the role and effect of cultural differences within the negotiation context. The emphasis of the book pertains to negotiations in a multicultural business environment. Topics of discussion include concrete negotiating advice, distributive and integrative negotiation strategies, the role of government in the negotiation context, and whether Western negotiation strategies will globally dominate.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL
{92} SUBJ MATTER: INT'L

PAMELA S. CHASEK, *EARTH NEGOTIATIONS: ANALYZING THIRTY YEARS OF ENVIRONMENTAL DIPLOMACY* (2001).

This book develops a phased-process model to enable a greater understanding of the international environmental negotiation process. Chasek identifies six phases and five associated turning points within the process of multilateral environmental negotiation. The issues of whether the earlier phases of negotiation affect the later phases and whether the process affects the outcome are explored. Chasek discusses the lessons that can be learned from past cases of multilateral environmental negotiation.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL
{84} SUBJ MATTER: ENVIRONMENT

PAT K. CHEW, *THE CONFLICT AND CULTURE READER* (2001).

The editor has compiled a four-part collection of scholarly works and teaching tools discussing culture and its effects on conflicts and conflict resolution. This book presents articles that demonstrate how methods of conflict resolution are formulated by cultural perspectives and norms, discusses conflicts and resolution models in issues of gender, race, and ethnicity, and presents a discussion of “global perspectives” of conflict resolution by comparing methods used throughout the West, the Middle East, and Asia.

{124} COMPARISONS: CROSS-CULTURAL
{155} TEACHING

PATRCIK J. CLEARY, *THE NEGOTIATION HANDBOOK* (2001).

This book, by former United States Labor Mediator Patrick J. Cleary, offers advice and tips on how to have an “upperhand” in negotiation sessions. The focus is on commonsense tips and identifying how power, ego, and leverage

factor into the negotiation process. There is also a chapter dedicated specifically to mediators and their role in the process.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL

KEN CLOKE, *MEDIATING DANGEROUSLY: THE FRONTIERS OF CONFLICT RESOLUTION* (2001).

Cloke discusses the dangers of mediation, including suppression, settlement and resolution, when helping becomes a hindrance, exploring conflicts within ourselves, mediating fear, apathy, insanity, and dishonesty, the shift from debate to dialogue, improving the way we fight, and where conflict resolution systems are today.

{21} MED: RELATED PROCESSES—GENERAL

SARAH RUDOLPH COLE ET AL., *MEDIATION LAW AND POLICY* (2001).

This compilation provides a detailed discussion of mediation processes including subjects such as client advice, confidentiality, and regulation. The supplement includes a complete set of state and federal mediation statutes as well as relevant case law. The full text of each statute is provided along with key word cites to assist with online research.

{21} MED: RELATED PROCESSES—GENERAL

CHARLES B. CRAVER, *EFFECTIVE LEGAL NEGOTIATION AND SETTLEMENT* (4th ed. 2001).

Most lawyers have never received formal education pertaining to the negotiation process; however, most legal practitioners use their negotiating skills more frequently than any other of their lawyering talents. In light of this fact, this Book is a comprehensive guide to legal negotiations and addresses both domestic and international negotiation issues. It discusses psychological, sociological, communicational, and game theories as the primary phenomena influencing the bargaining process and provides a conceptual negotiating framework that is both theoretical and practical. The book not only teaches new lawyers how to effectively negotiate, but it also enhances the skills of seasoned negotiators in order to help every reader maximize his or her professional effectiveness.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL

{155} TEACHING

KENNETH M. CUSHMAN, *HANDLING CONSTRUCTION RISKS: ALLOCATE NOW OR LITIGATE LATER* (2001).

This book discusses construction project risk allocation from the contractor's, designer's, and owner's perspectives. It also covers the risks and costs associated with delay in a construction project, including general

warranties and performance. Additionally, it covers the termination of construction contracts and proving damages in a lawsuit.

{80} SUBJ MATTER: CONSTRUCTION

DANA DANIEL, *CONFLICT RESOLUTION—MEDIATION TOOLS FOR EVERYDAY WORKLIFE* (2001).

This easy-to-read book is excellent for practitioners because it suggests useful mediation mechanisms for resolving workplace disputes whether the dispute is in your firm, or a client comes to you with workplace problems. This book suggests preventative mediation, provides practical tools for mediating conflicts, and teaches how to frame conflicts as “win/win” opportunities.

{21} MED: RELATED PROCESSES—GENERAL

{134} DISPUTE PREVENTION

{155} TEACHING

ALICE F. EVANS ET AL., *PEACE SKILLS: LEADERS’ GUIDE* (2001).

Born out of the need for a peaceful transition of power in South Africa, community conflict transformation (CCT) combines aspects of mediation, negotiation, and peacemaking. The utilization of CCT has been credited with the transformation of disputes once marred with violence into ones settled through negotiation. Accordingly, this book contains an updated version of the materials used to train religious and other local leaders in the use of CCT. Specifically, the materials focus the design of workshops and the use of role-plays and case studies as an integral part of such training.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL

{155} TEACHING

GEORGE C. FAIRBANKS IV & IRIS C. STREET, *TIMING IS EVERYTHING: THE APPROPRIATE TIMING OF CASE REFERRALS TO MEDIATION: A COMPARATIVE STUDY OF TWO COURTS* (2001).

This study, funded by the Virginia State Justice Institute, compared two demographically similar counties in seeking to determine whether or not there was empirical evidence to suggest that early intervention mediation in custody and visitation cases resulted in a greater number of successfully mediated cases than the more traditional approach of summoning parties to court for a preliminary hearing prior to a mediation referral. The study seemed to indicate that early intervention led to successful mediation.

{85} SUBJ MATTER: FAMILY (DOMESTIC REL.)

{21} MED: RELATED PROCESSES—GENERAL

XAVIER M. FRASCOGNA & H. LEE HETHERINGTON, *THE LAWYER'S GUIDE TO NEGOTIATION: A STRATEGIC APPROACH TO BETTER CONTRACTS AND SETTLEMENTS* (2001).

This book is a practical guide for developing negotiation skills. It begins by describing how to tailor a negotiating style to an attorney's individual skills and gives a step-by-step guide on conducting a successful negotiation. The author also gives a number of negotiating tips, including negotiation ploys, counterattacking the opponent's position, dealing with setbacks, handling the closing of the negotiation, and how to negotiate lawsuit settlements.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL
{151} ROLE OF LAWYERS

ETHAN M. KATSH & JANET RIFKIN, *ONLINE DISPUTE RESOLUTION: RESOLVING CONFLICTS IN CYBERSPACE* (2001).

Online dispute resolution is much needed in a changing world where Internet transactions are becoming more abundant by the minute. Online dispute resolution is not a substitute for face-to-face meetings, but it is changing the way face-to-face meetings are used and how often they are needed. This Book explores how online dispute resolution and traditional alternative dispute resolution are used and combined for disputes on and off line.

{105} SUBJ MATTER: SCIENCE & TECHNOLOGY
{136} ECONOMIC ADVANTAGES OF ADR
{21} MED: RELATED PROCESSES—GENERAL

THEODORE WOODROW KHEEL, *THE KEYS TO CONFLICT RESOLUTION: PROVEN METHODS FOR RESOLVING DISPUTES VOLUNTARILY* (2001).

This book discusses dispute resolution techniques that the author feels are especially effective in leading to the voluntary resolution of conflicts. The author considers the strengths and weaknesses of alternative dispute resolution and voluntary techniques of conflict resolution. The book also discusses the structure and dynamics of negotiation and voluntary arbitration and lists ten commandments for negotiators and arbitrators. The book also discusses the structure of mediation and lists five principal roles of a mediator. It also includes a forecast as to what the future holds for alternative dispute resolution.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL
{21} MED: RELATED PROCESSES—GENERAL
{38} NON-BINDING RECOMMENDATION PROC—GENERAL PROC—EARLY NEUTRAL EVAL
{44} ARB: MANDATORY, COURT-ANNEXED—GENERAL

HENRY KRAMER, *GAME, SET, MATCH: WINNING THE NEGOTIATIONS GAME* (2001).

This book is designed to provide a wide audience with practical tips, tricks, and traps related to the “bargaining game.” It offers a chronological look at the intensive planning and preparation often necessary for a successful negotiation. The purpose of the book is to help people win when they negotiate and gain the greatest practical advantage for themselves or their side. The author encourages and recognizes mutual gains and win-win bargaining, but the focus is on achieving your own goals during negotiation, with a underlying emphasis on ethical behavior.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL

BARRY KURETZKY & JENNIFER MACKENZIE, *MEDIATING EMPLOYMENT DISPUTES* (2001).

The authors discuss the use of mediation in the employment law setting. Subjects covered include an overview of: mediation and its use in other areas of law, determining when to mediate, setting up the mediation session, preparation of the client for mediation, role of counsel, the process itself, creative solutions, and special issues in mediating employment disputes.

{21} MED: RELATED PROCESSES—GENERAL

{94} SUBJ MATTER: LABOR—DISCRIMINATION

SY LANDAU ET AL., *FROM CONFLICT TO CREATIVITY* (2001).

This book analyzes the conflict resolution process in terms of the positive impact of conflict on the formation of creative solutions. The authors draw on their dispute resolution experience to provide group leaders and decision makers, working in non-conflict situations, with practical tools for enhancing the creativity of solutions by using conflict resolution techniques. Distinguishing between positive and negative conflict, the Book also discuss the best way to ensure a creative solution.

{74} SUBJ MATTER: GENERAL

ROY LEWICKI ET AL., *ESSENTIALS OF NEGOTIATION* (2001).

This book explores the major concepts and theories of the psychology of bargaining and negotiation and the dynamics of interpersonal and intergroup conflict and its resolution. The book is organized to cover the many different aspects of negotiation such as, pre-negotiation essentials, negotiation breakdowns, ethics in negotiations, negotiation in groups, the social context of negotiation, and third parties in negotiation.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL

BARBARA G. MADONIK, *I HEAR WHAT YOU SAY, BUT WHAT ARE YOU TELLING ME? THE STRATEGIC USE OF NONVERBAL COMMUNICATION IN MEDIATION* (2001).

This book establishes a practical guide for mediators using nonverbal communication strategies to increase the effectiveness of mediation. The book consists of two distinct parts. In Part one of the book, the Author provides the reader with fundamental concepts of communication. In Part two, the author creates a seven-step process for using nonverbal cues in all stages of the mediation to ensure each parties voice is heard.

{21} MED: RELATED PROCESSES—GENERAL

ALLISON MORRIS & GABRIELLE M. MAXWELL, *RESTORATIVE JUSTICE FOR JUVENILES: CONFERENCING, MEDIATION AND CIRCLES* (2001).

This book, a compilation of several case studies, looks at the use of restorative justice to provide dispute resolution after a crime has been committed. The case studies suggest that restorative justice is a successful means of dispute resolution in many difference countries and implementable through several different processes.

{124} COMPARISONS: CROSS-CULTURAL

{133} COURT REFORMS

STUART S. NAGEL, *RESOLVING INTERNATIONAL DISPUTES THROUGH SUPER-OPTIMUM SOLUTIONS* (2001).

A collection of articles by different authors, this book explores ways for two entities in conflict to reach super-optimum solutions that allow them both to come out on top. Super-optimum solutions are explored in the context of disputes among sovereign nations, between parts of a nation, between economic classes, ethnic groups, or ideologies, and between international economic communities. The authors point out the spectrum of options for different disputes and explain how the level of involvement of the United Nations and different individual nations affect the outcome.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL

{136} ECONOMIC ADVANTAGES OF ADR

{92} SUBJ MATTER: INT'L

MELISSA L. NELKEN, *UNDERSTANDING NEGOTIATION* (2001).

Designed for use by either law students or lawyers, this book provides a general introduction to various negotiation topics, including the tension between distributive and integrative bargaining and the psychological aspects of negotiation. Several topics of particular interest to practitioners, such as lawyer-client issues and ethical considerations, are also covered. To provide

a variety of perspectives, the author includes relevant excerpts from a wide range of authors.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL

ROBERT J. NIEMIC ET AL., *GUIDE TO JUDICIAL MANAGEMENT OF CASES IN ADR* (2001).

This book presents a comprehensive view of how alternative dispute resolution (ADR) is used in various court systems and which disputes are best settled by ADR processes. Attention is given to, among other topics, the rights and obligations of the parties in ADR procedures, the compensation of neutral figures, the confidentiality of ADR decisions and communications, and the level of specificity required of referral orders from courts determining that parties should attempt to solve their problems using ADR.

{74} SUBJ MATTER: GENERAL

{132} CONFIDENTIALITY

{133} COURT REFORMS

BARBRA ASHLEY PHILLIPS, *THE MEDIATION FIELD GUIDE: TRANSCENDING LITIGATION AND RESOLVING CONFLICTS IN YOUR BUSINESS OR ORGANIZATION* (2001).

This book highlights the mediation process as a whole. The author gives insights into her personal experience that let the reader better understand the mediation process. The book offers ways that mediation can be incorporated into the reader's business and personal life. It begins with shifting from litigation to mediation, then continues to look at the obstacles to resolution of conflicts, and finally takes a detailed look at the individual tools and processes of mediation.

{21} MED: RELATED PROCESSES—GENERAL

{74} SUBJ MATTER: GENERAL

{81} SUBJ MATTER: CORPORATE

FORREST S. MOSTEN, *MEDIATION CAREER GUIDE: A STRATEGIC APPROACH TO BUILDING A SUCCESSFUL PRACTICE* (2001).

Mosten details in this book how to assess whether a career in mediation is appropriate for the reader and then extensively catalogs how to go about starting a mediation practice. The author provides everything from a self-assessment survey to sample budgets and practice forms.

{114} 3RD PARTY: PRACTICE OF LAW

MICHAEL P. SILVER & PETER G. BARTON, *MEDIATION AND NEGOTIATION: REPRESENTING YOUR CLIENTS* (2001).

As mediation and negotiation continue to be at the forefront of adjudication, attorneys need to appreciate, learn, and incorporate the necessary skills to benefit their clients. Also, clients may benefit from a mastery of mediation and negotiation in receiving a better outcome in their knowledge of the system. This book goes through both negotiation and mediation to improve upon the knowledge, skill, and respect of alternative dispute resolution processes for both attorneys and their clients.

{21} MED: RELATED PROCESSES—GENERAL

{151} ROLE OF LAWYERS

{155} TEACHING

MICHAEL P. SILVER, *MEDIATION AND NEGOTIATION: REPRESENTING YOUR CLIENTS* (2001).

This book is a practical guide for lawyers in representing clients in ADR settings. The book examines a variety of approaches for an effective negotiation. Among the specific issues that the author addresses are negotiator styles and techniques, mediation advocacy and the role of counsel, what to expect from a mediator, and negotiation and communication strategies. The full text of the Mediator's Code of Conduct is also included in the book.

{74} SUBJ MATTER: GENERAL

MARK S. UMBREIT, *HANDBOOK OF VICTIM OFFENDER MEDIATION: AN ESSENTIAL GUIDE TO PRACTICE AND RESEARCH* (2001).

Umbreit explores a victim-centered approach to justice that would allow victims to deal with criminal offenders in a manner that would hold the offender accountable, yet assist in reintegrating the offenders back into their communities. This book discusses the philosophy and practice of mediation in a restorative justice framework and provides case studies for its utilization. The author reviews research and identifies emerging issues in current research. A number of appendixes profile victim offender mediation programs, summarize studies, and provide an assessment of participant satisfaction.

{21} MED: RELATED PROCESSES—GENERAL

STEPHEN J. WARE, *ALTERNATIVE DISPUTE RESOLUTION* (2001).

This hornbook covers the basic topics under the aegis of alternative dispute resolution (ADR). It starts with ADR in general, contrasting it with litigation, then focuses specifically on arbitration, negotiation, and mediation. This book represents a detailed overview of ADR, highlighting the various

concepts, rules, and theories pertaining to the various issues within the context of ADR.

{74} SUBJ MATTER: GENERAL

MICHAEL WATKINS & SUSAN ROSEGRANT, *BREAKTHROUGH INTERNATIONAL NEGOTIATION: HOW GREAT NEGOTIATORS TRANSFORMED THE WORLD'S TOUGHEST POST-COLD WAR CONFLICTS* (2001).

The authors here look at a variety of efforts, mainly during and after the Gulf War conflict of the early 1990s, where high-profile American negotiators were sent to work on resolutions to conflicts in areas such as the Korean Peninsula, the former republic of Yugoslavia, and the Israel/Palestine region. The Authors present and critique the negotiation strategies taken in these situations and offer thoughts on how such initiatives were executed and which characteristics of these initiatives were central to truly breakthrough negotiations.

{1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL

{92} SUBJ MATTER: INT'L

{124} COMPARISONS: CROSS-CULTURAL

REBECCA JANE WEINSTEIN, *MEDIATION IN THE WORKPLACE* (2001).

This book analyzes the benefits of mediation as a tool that can be used to resolve disputes both inside and out of the workplace. The analysis focuses particularly on how mediation works within employer-employee relationships, and generally describes mediation process, practice, and theory. Further, the Book includes mediation exercises and tips for the proper ways to institute or develop workplace mediation, and discusses the distinct workplace atmosphere and emotions that must be addressed.

{21} MED: RELATED PROCESSES—GENERAL

{96} SUBJ MATTER: LABOR—EMPLOYMENT (NON-UNION)

KANDEL WILLIAM ET AL., *30TH ANNUAL INSTITUTE ON EMPLOYMENT LAW* (2001).

The *30th Annual Institute on Employment Law* is a three volume set published by the Practising Law Institute. The main purpose of the books is to be an educational supplement to the program itself. The book also includes reference material and information for anyone unable to attend the sessions. The first volume discusses significant developments over the last year and includes many articles discussing the top issues in employment law. Volume Two consists of appendices with sample forms and guidelines, and includes articles dealing with employment mediation and other forms of alternative dispute resolution. The final volume includes a wide range of articles discussing recent developments in the employment law world.

- {96} SUBJ MATTER: LABOR—EMPLOYMENT (NON-UNION)
- {95} SUBJ MATTER: LABOR—MANAGEMENT (UNIONS)
- {44} ARB: MANDATORY, COURT-ANNEXED—GENERAL

I. WILLIAM ZARTMAN, PREVENTIVE NEGOTIATION: AVOIDING CONFLICT ESCALATION (2001).

This book is a compilation of papers from fourteen different scholars in the field of international negotiation. The topics range from preventive diplomacy to negotiating trade disputes and global natural disasters to border negotiation.

- {1} W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL—GENERAL
- {92} SUBJ MATTER: INT'L
- {124} COMPARISONS: CROSS-CULTURAL

