Carey Center Announces Inaugural Mangano Dispute Resolution Advancement Award Recipient

Tuesday, March 17, 2015

John Lande (http://law.missouri.edu/lande/), the Isidor Loeb Professor at the University of Missouri School of Law, former director of its LLM Program in Dispute Resolution, and nationally-respected dispute resolution scholar, will receive St. John’s inaugural Mangano Dispute Resolution Advancement Award.

The $5000 annual award honors researchers whose published empirical research has furthered the advancement and understanding of the values and skills of dispute resolution. It was established through the generosity of Hon. Guy J. Mangano '55, '83HON, who has dedicated his 40-year career to promoting dispute resolution, first as presiding justice of the New York State Appellate Division, Second Department, then as a state legislator, and now as an arbitrator and mediator.

A committee fielded from across St. John’s University conducted the award selection process under the leadership of Elayne E. Greenberg (http://www.stjohns.edu/academics/bio/elayne-e-greenberg), assistant dean for dispute resolution programs,
professor of legal practice, and director of the Hugh L. Carey Center for Dispute Resolution (http://www.stjohns.edu/law/hugh-l-carey-center-dispute-resolution). This year’s selection committee members were:

- Rodger M. Casselman, Associate Professor of Management
- Yuxiang Liu, Ed.D., Director of Institutional Assessment
- Keith Sharfman, Professor of Law
- Jeff Sovern, Professor of Law
- Ettie Ward, Professor of Law

Research considered for the Mangano award has broad applicability to the alternate dispute resolution field, or focuses on the values and application of dispute resolution in a specific area. Interdisciplinary research is encouraged, and the findings should be published in a nationally respected journal within a specified period. In assessing a candidate, the selection committee also considers:

- The significance and quality of the research
- The interdisciplinary and/or innovative nature of the work
- The extent to which the research has started to impact the field
- The researcher’s reputation and capacity to continue being an agent of change

Professor Lande’s work spans over 30 years and focuses on dispute systems design, designing court-connected mediation programs, improving the quality of mediation practice, the “vanishing trial,” planned early negotiation, and improving legal education. In selecting him as the first-ever Mangano award recipient, the committee focused on the research and findings that Professor Lande shares in his article, “A Framework for Advancing Negotiation Theory: Implications from a Study of How Lawyers Reach Agreement in Pretrial Litigation,”16 Cardozo Journal of Conflict Resolution 1 (2014).

This study finds that the two traditional theories of negotiating—adversarial and cooperative—do not adequately reflect the negotiating reality of lawyers. It then proposes a fundamental re-conceptualization of traditional negotiation theory that can accommodate virtually all legal negotiations. Instead of focusing only on bundles of characteristics that are assumed to be highly correlated with each other, the framework unbundles variables from the theoretical models, which permits more accurate description of negotiations. As put forth by Professor Lande under his suggested framework, negotiating characteristics such as concern for the other party’s interests, creation of value, and tone of negotiation should be more realistically considered as part of a continuum, rather than as absolutes. The article suggests ways that scholars, practitioners, and instructors can use these ideas in their work.

Building on Professor Lande’s book, Lawyering with Planned Early Negotiation: How You Can Get Good Results for Clients and Make Money (soon to be released in its second edition), the article draws from his interviews with respected lawyers about their real-life pretrial negotiations. “This is a very unusual approach given that most negotiation research is based on hypothetical scenarios and
the responses of non-lawyers, which do not reflect the complex dynamics of real life," Professor Lande said. Next year, the University of Missouri’s Center for the Study of Dispute Resolution will hold its annual symposium incorporating the article’s themes.

“Professor John Lande is in the vanguard of dispute resolution education,” Professor Greenberg said. “So it’s very fitting that he has been selected as the first Mangano Dispute Resolution Advancement Award Recipient. At St. John’s, the Carey Center is devoted to teaching the values and skills of dispute resolution, and the Mangano Dispute Resolution Advancement Award recognizes the scholar whose empirical research advances those values and skills. I believe that Professor Lande’s article contributes to the way we conceptualize, teach, and practice negotiations.”

The Mangano award will be formally presented to Professor Lande at the Carey Center’s annual reception on April 16, 2015.

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