



# Looking into Conflict Resolution's Crystal Ball

How will people build futures in our field?

By Robert J. Rhudy

Increasing numbers of lawyers, law students, retiring judges, and many others are seeking to enter the conflict resolution work stream. The number of gateways to this diverse field has also expanded substantially in recent years. Will these people find jobs in the field? How do you get such a job or make a career in conflict resolution? What are the opportunities? The challenges? How much can people realistically expect to earn?

I began seeking answers to these questions in 2013. I defined "conflict resolution" broadly, including mediation, arbitration, facilitation, ombuds services, conciliation, conflict coaching, conflict management, and conflict systems analysis and design. The primary focus of my research consisted of interviews with 32 conflict resolution leaders in the United States, including practitioners, scholars, teachers, and association leaders.<sup>1</sup> My 60-page report, "Engaging Conflict for Fun and Profit: Current and Emerging Career Trends in Conflict Resolution," was first published by MACRO, the Maryland Mediation and Conflict Resolution Office, in March 2014<sup>2</sup> and has since been republished in whole or part by numerous ADR associations and organizations in the United States, The Netherlands, and Russia. This is a digest of that initial publication, with updates from my continuing research on the topic.

## Field Findings on Career Trends

Is the glass half-empty or half-full? Several of the leaders that I interviewed stated their overall view of the current situation in similar terms: The field has a high supply of providers, low market demand, and high social need. I encountered a number of other practitioners, educators, and association leaders, however, who expressed strong optimism that full- and part-time career opportunities in conflict

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resolution are good today and will expand again in the near future, especially as economic conditions continue to improve.

There is not enough data on conflict resolution services to allow us to present a clear picture of current circumstances and projected trends regarding this varied field.<sup>3</sup> The US Bureau of Labor Statistics reported in January 2014 that the "[E]mployment of arbitrators, mediators and conciliators is projected to grow 10 percent from 2012 to 2022, about the same as the average for all occupations." The bureau estimated that the median salary for full-time employment of these conflict resolution professionals (which were defined very broadly) was \$61,280. Annual income for people in private practice varies widely, with the perception that high earners (those making \$200,000 a year and sometimes much more) are primarily lawyers and retired judges.<sup>4</sup>

I tried to understand these numbers better by looking at the trends in various segments of the field through my interviews, research, and subsequent input from my readers and workshop attendees.

### *Entrants and Expanding Opportunities*

The number of people seeking to enter the conflict resolution field has expanded substantially in recent decades, a trend that appears to be continuing. The number of programs teaching conflict resolution at the undergraduate, graduate, and law school levels has grown, resulting in a major increase in graduates potentially seeking conflict resolution employment while also increasing academic research and writing in the field. The use of mediation, arbitration, and related dispute resolution services is stable and likely to expand in a broad range of private commercial, employment, and consumer conflicts; interviewees perceive that the majority of services in these practice areas are provided by lawyers and retired judges. A majority of those interviewed who discussed this area believe that this expansion will continue.

### *Court-Connected Opportunities*

The picture is less clear regarding court-ordered mediations and related court-ordered services around the country. Beginning with the US recession in 2008,

some state judiciaries cut mediation services severely. In some states today, such services appear to be stable or slightly increasing, but in others they are declining sharply. It is difficult to predict whether, if funding is restored, court-ordered ADR services across the country will return to previous, pre-recession levels (provided by staff, compensated private mediators, pro bono mediators, or others) and whether they can expand as they did before 2008.

### *Agency and Organizational Opportunities*

The use of private neutrals to provide a range of ADR services (such as mediation and public policy facilitation) for federal, state, and local agencies seems to have contracted recently under cuts in public funding at almost all levels. I found some mix of opinion about whether such usage of private providers will rebound and expand again — or will be provided by agency staff.

At the same time that the use of private neutrals in agencies has contracted, the provision of ADR services has expanded “in-house” in public agencies, private corporations, business, health care and educational



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institutions, and other major nonprofit entities. These services may be provided by institutional ombuds or other conflict managers on a full-time basis or as part of existing employees' responsibilities. A majority of people I interviewed expect the ombuds employment opportunities to expand.

#### *Community and Restorative Justice Opportunities*

While community mediation and restorative justice programs around the country have suffered funding cuts from public and foundation sources in recent years, the leaders interviewed for this article expressed confidence that funding will be restored and that these programs can continue to grow.

#### *International Expansion*

The use of ADR is growing around the world and provides some work for US mediators, arbitrators, and other ADR professionals. For those with the skills, education, and experience, these opportunities include international peace-building and development programs.

#### *People Like What They Do*

Many people I interviewed said their work gives them great satisfaction and pleasure. Speaking about his private mediation practice, California-based practitioner, collaborative lawyer, and author Forrest (Woody) Mosten said, “[M]y life’s work of peacemaking has provided a comfortable living and has been a

continual source of personal fulfillment.”<sup>5</sup> Ivan Sascha Sheehan of the University of Baltimore, who specializes in the intersection of global terrorism, counterterrorism, and international conflict management, reported that “students are drawn to the field seeing utility in their lives and work.” Author and professor Nancy Rogers, of the Ohio State University’s Moritz School of Law, cited a recent book she wrote and published with Robert C. Bordone, Frank E.A. Sander, and Craig A. McEwen in which they stated, “[W]hat you contribute as a [conflict management systems] designer may improve the quality of life — sometimes even save lives — and represent the most personally rewarding contributions of your career.”<sup>6</sup> Describing her work as ombuds at the Massachusetts Institute of Technology the past 40 years, Mary Rowe sums it up simply: “It’s the best job in the world.” (For further discussion of finding nonmonetary rewards in this profession, see Alyson Carrel’s article on page 30 of this issue.)

## **How to Get Work and Make a Career**

For people working as conflict resolution professionals across a range of service areas, I have identified four general career models: specialist, generalist, full-time practitioner, and part-time practitioner. Each of these can be implemented in private practice or within public or private organizations and agencies, by solo practitioners or in professional organizations and nonprofit service providers.

Most of the people I talked with for this study noted the trend toward specializing in one or two areas (such as divorce, workplace conflict, or business matters). Having expertise — in specific subjects as well as in the conflict resolution process — tends to help practitioners launch successful careers and make more money than practitioners who do not specialize, they said.

The reality, however, is that many mediators and some other conflict service providers work as generalists, covering a range of substantive fields and providing a range of services, with varying levels of success. Many conflict specialists mediate, facilitate, coach, develop conflict management systems, provide trainings, consult, teach — and some even offer other services.

My research and experience indicate that many people begin their conflict resolution work as part of an

individual or group practice in law and other areas or provide some conflict resolution work in their corporate or governmental jobs. Some develop these experiences into full-time conflict resolution careers, while others continue providing some amount of such services as a part of their professional careers, with each choice determined by a range of individual factors.

From my interviews and other sources I developed eight essential career development recommendations:

1. Determine what you really want to do. Identify and use your strengths. Identify your shortcomings and work to improve in any areas that can inhibit your marketing and services.
2. Get conflict resolution education and training. Continue to expand your conflict resolution skill set.
3. Seek out internships, practicums, and research opportunities in conflict resolution career areas that appeal to you.
4. Develop well-placed and supportive mentors and work with them for professional advancement and career help.
5. Create and implement a career plan. Perhaps work with a career coach to help develop a plan and stay on course. Be willing to make revisions based on experience and feedback.
6. Get lots of experience in mediation and other conflict resolution through volunteering, serving on panels, and engaging in other activities.
7. Network. Build relationships with key professionals in your desired conflict resolution working areas. Join and become active in professional associations. Present workshops and publish.
8. Describe and explain the value of your services. Advertise using web sites, mailings, brochures, blogs, and social media.

### Promoting the Market Demand

Just about everyone agrees: the field of dispute resolution has many skilled providers and society needs help settling conflicts, but the demand for such services is low. Why aren't there more jobs?

Many people I spoke with said that even as conflict management and resolution approaches have appeared to become accepted in many parts of the

US culture, practitioners have failed to educate the general public about our work and make the case for our services. Several sources said that we need to describe what we do, evaluate our outcomes, and explain why that matters.

During his interview, Michael K. Lewis, a mediator, teacher, arbitrator, and principal in JAMS, said, "We've been involved in settling disputes that have had real public interest significance" in environmental quality and other public conflicts, but the post-settlement press releases by involved agencies did not mention the dispute resolution service that were so essential to resolution. "How do our services get some credit," he asked, "for helping to resolve such conflicts so that stakeholders consider mediation and facilitation as a matter of course?"<sup>7</sup>

People who are considering conflict resolution education and training or thinking about careers in the field need much better information on where graduates are working and how they got there. I encourage people in conflict resolution education, associations, and related areas to undertake such research and share their findings.

### Conclusion

Where there are humans, there is conflict. Today, more than ever before, conflict resolution skills are valued and employed across many career fields. This creates many opportunities for people to promote and practice their skills as part of their work and perhaps focus more on conflict resolution services within

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their professional fields as their careers advance. Such skills, those I interviewed agreed, are excellent foundations for success in many public, private, and professional settings.

Our field continues to attract substantial numbers of enthusiastic students, and people working in various professions and settings would like to use conflict management and resolution in their careers on a full- or part-time basis. I predict that the delivery, use, and contributions of conflict management and resolution services will continue to evolve and grow with the involvement of its new and increasingly experienced participants.

As a diverse group of conflict specialists sharing some perspectives, skills, and approaches, we know our individual and collective contributions, and we have shared many successes over the past 40 years. But as we look to a future with new practitioners and new services for more people, it's important to note that we have yet to adequately describe our work, brand our enterprise, and establish our worth to the public. ■

## Endnotes

1 The author expresses his appreciation to the Maryland Mediation and Conflict Resolution Office (MACRO) for its personal and financial support for this project and to those ADR leaders interviewed who gave their time and expertise in this production. Their bios and interview summaries are provided with the original article at [www.marylandmacro.org](http://www.marylandmacro.org), under "Publications/Media." They are Lauren Abramson, Peter Adler, John Bickerman, Juliana Birkhoff, Susan Butterwick, Jayne Docherty, Dan Dozier, Kirk Emerson, Clare Fowler, Howard Gadlin, Tim Hicks, Christopher Honeyman, Carole Houk, Susan Jeghelian, Marvin Johnson, Robert Jones, Lisa Kloppenberg, Michael Lewis, Bernard Mayer, Carrie Menkel-Meadow, Catherine Morris, Forrest Mosten, Jane Murphy, Tamra Pearson d'Estree, Matthew Phillips, Brian Polkinghorn, Nancy Rogers, Mary Rowe, Colin Rule, Ivan Sascha Sheehan, Urska Velikonja, and Zena Zumeta.



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2 Robert J. Rhudy, *Engaging in Conflict for Fun and Profit: Current and Emerging Career Trends in Conflict Resolution*, MARYLAND MEDIATION AND CONFLICT RESOLUTION OFFICE (Mar. 2014), available at <http://mdcourts.gov/macro/pdfs/reports/currentemergingcareertrends.pdf>.

3 For a discussion on the difficulty in gathering statistical data on ADR usage in courts, public agencies, and particularly private arenas in the United States, see Carrie Menkel-Meadow, *Doing Good Instead of Doing Well? What Lawyers Could Be Doing in a World of 'Too Many' Lawyers* 3 ONATI SOCIO-LEGAL SERIES 388-389 (2013), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2269818](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2269818); Carrie Menkel-Meadow, *Regulation of Dispute Resolution in the United States of America: From the Formal to the Informal to the Semi-formal*, in REGULATING DISPUTE RESOLUTION—ADR AND ACCESS TO JUSTICE AT THE CROSSROAD 441-442, 444-445 (Felix Steffek et al. eds., 2013).

4 BUREAU OF LABOR STATISTICS, US DEPARTMENT OF LABOR, OCCUPATIONAL OUTLOOK HANDBOOK, 2014-15 Edition, available at <http://www.bls.gov/ooh/legal/arbitrators-mediators-and-conciliators.htm>.

5 Mosten is a mediator, limited-scope and collaborative lawyer, and adjunct professor at the University of California, Los Angeles School of Law. For an example of one of his numerous books and articles on ADR, see FORREST S. MOSTEN, *MEDIATION CAREER GUIDE — A STRATEGIC APPROACH TO BUILDING A SUCCESSFUL PRACTICE* (2001).

6 Rogers is Emeritus Michael E. Moritz Chair in Alternative Dispute Resolution, Ohio State University Moritz College of Law. NANCY H. ROGERS ET AL., *DESIGNING SYSTEMS AND PROCESSES FOR MANAGING DISPUTES* 11 (2013).

7 Lewis is a mediator and arbitrator affiliated with JAMS in Washington, DC.

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