

# THE MEANDERING PATH

By Joshua Gordon



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When asked to share my experiences in building and marketing a successful ADR practice, I began with the fundamental question that so many of us in the ADR field are frequently asked: “What is the typical career path for someone interested in dispute resolution and conflict management?”

There are many professions where this is a perfectly reasonable question with a fairly consistent answer. Try Googling “how to become a lawyer” or “how to become a doctor,” and you will find a flood of articles articulating a fairly clear path to join the profession and have a successful practice. Google “how to become a mediator” and the answers become quite a bit more vague, something along the lines of “check to see if there are any licensing or certification requirements, get yourself some training, practice your skills, and join some associations.” Simple, right? Not even close.

The purpose of the article is to discuss some of the critical activities necessary for building and marketing a successful ADR practice. By no means is this a prescriptive recipe that guarantees success. Instead, it offers some important considerations and a few tactical suggestions.

### **Roles May Come and Go, but Reputation Is Forever**

I have had the good fortune of being part of a number of ADR organizations over the years. At times, the lack of a linear career path has left me wondering how a particular project or case connects to the bigger picture of my career goals. The best pointer I can offer here is that the ADR community is quite small, and our personal reputation, or brand, is the one consistent product we produce. We do not make widgets, and, in fact, there may be a danger in becoming too closely connected to the outcomes of our process. Instead, we make a reputation for ourselves and the organizations we represent.

Having a good reputation even can overcome a lack of clarity about your organization's mission. For example, when I worked with the Consensus Building Institute,

### **No Connections Disappear**

In ADR, the relationships that you build are crucial to building a successful career or practice. The relationships I made back in 1992 when I first dove into this profession remain relevant and important today. In my current role as director of the Competition Not Conflict (CNC) Program at the University of Oregon School of Law and faculty with UO's Conflict Resolution Program, I regularly seek guidance, advice, and partnership from the many folks who have helped guide my growth over the past 18 years. If I have any regret, it's about not always being as effective as I'd like about telling all of these people how important they were and are to me professionally and personally.

### **Should I Generalize or Specialize?**

Reputation is necessary for building a practice, but putting clarity into the type of work we wish to engage in is awfully high on my priority list. However, this is a far more difficult challenge than one might imagine. As a newly trained mediator or consensus builder, one has a very practical need to bring in work or earn a living. On the one hand, it is essential to get as much

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people consistently would say, "I don't really know what CBI does, but I know that they are excellent!" We had little trouble finding very interesting work at CBI. Reputation is king in the chess game of building a practice.

### **How Does One Build a Good Reputation?**

To me, the foundation for reputation is education. To add another cliché, theory informs practice and practice informs theory. The diverse set of skills needed as both a practitioner and entrepreneur—and let's be very clear: to be successful in ADR you must not ignore the business realities—is a delicate blend of theory and practical experience. For me, it was critical to learn from the best, brightest, and most reputable scholars and practitioners in ADR. That meant actively seeking out Janet Rifkin, Albie Davis, David Matz, Jim McGuire, Leah Wing, and so many more who had a reputation for success and integrity and a desire to guide me as I learned and gained experience. You have to find your "people" who can help make you excellent at the work we do to appropriately develop a foundation for earning the reputation necessary to thrive in this field.

experience as possible. On the other, we can't expect to be excellent in all contexts. Often we are forced to be generalists just to keep a steady flow of work coming in. This creates an enormous challenge, however, in effectively communicating your services and in developing a niche of expertise. For years, my range was so diverse that one day I'd be working on gang-related youth violence and the next I'd be engaged in a large consensus-building exercise around the future of energy for Alaska.

As I look back, I think about the importance of analyzing one's practice area through a more personal lens. What do you really like to do in your free time? Is there an opportunity to integrate that into your practice area? Professionally, I've enjoyed each and every context that I have been fortunate to practice in. Personally, I'm a



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sports junkie. I spend a significant amount of my free time training for competitive running events, watching baseball or football, and dreaming of tennis matches. For a number of years, I kept these two things separate. Over the past few years, I realized that sports are at the core of who I am and how I experience the world, so it became a natural transition to take over leadership of a program that focuses on supporting competition through understanding, preventing, and resolving sports conflict. It's a great fit for me and keeps me passionate and energized on a consistent basis.

I advise some soul-searching in trying to work toward that niche that excites you. It is understandable to generalize for practical reasons, but ultimately I think one must specialize to thrive.

### Pro Bono or Not?

Another difficult dilemma in ADR practice building is deciding how often to offer our skill set and labor at no charge or reduced fee. It's a labor of love for most of us, and there is a tendency to give our time away in support of our passion for our ideals.

Do this cautiously. I think it is important to understand the value of what we provide in this profession. If you do think it is essential to take on a case or project without charge, consider creating a grant structure to assist with funding for those who cannot easily afford our

services so that access remains, but we don't devalue the work we do. I think this becomes increasingly important as you become a more seasoned practitioner or program. At first, it may be necessary to demonstrate your value and gain your experience, but try to do so with purpose. It is a profession and not a hobby.

### Don't Be a Luddite

Use technology. LinkedIn and Facebook are excellent tools for establishing professional connections, sharing thoughts on our profession, and furthering your reputation as an expert in your area. LinkedIn is particularly relevant for ADR and is one of the few career-builder-type websites that has ADR listed as a profession. On the same note, write about your area of practice. Share your thoughts online. We get a lot of requests from those who we connect to at CNC on LinkedIn, Facebook, and our blog (<http://competitionnotconflict.blogspot.com>).

### Stick to the Path

There is no easy, linear path to growing a career or practice in ADR. You may want to "keep your day job" when first getting started. Gain experience, build your reputation for excellence, and slowly start to seed and secure your cases and projects. Be thoughtful in your decisions. Reach out to those who have meandered the wandering path before you. Most importantly, develop proficiency in the work we do. ♦



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