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4 FOCUS ON THE FUTURE:
5 LEADING THE WAY TO DISPUTE RESOLUTION
6 IN THE 21ST CENTURY
7

8 THE HONORABLE JANET RENO
9 ATTORNEY GENERAL OF THE UNITED STATES
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19 FRIDAY, OCTOBER 25, 1996, 1:05 P.M.
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22 SOCIETY OF PROFESSIONALS IN DISPUTE RESOLUTION
23 24TH ANNUAL INTERNATIONAL CONFERENCE
24 ANAHEIM, CALIFORNIA
25

1 P R O C E E D I N G S
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3 VOICE: It gives me great pleasure today
4 to welcome with us the Honorable Janet Reno,
5 Attorney General of the United States. And at
6 this time, it's my pleasure to turn the program
7 over for this session to Barry Stuart.

8 He and Susan Carpenter are Co-Chairs of
9 the program. They have brought that unique and
10 special combination of energy and vision -- and
11 the exciting youth program that I have just been
12 privy to at which the Attorney General was
13 speaking is testimony to the enormous vision that
14 they brought into this conference.

15 I have coined a new phrase for the two
16 of them, "innervision." And that's going to be a
17 unique and special tribute to people that combine
18 these special talents. So I ask Barry now to come
19 over and take over this session.

20 (Applause)

21 MR. STUART: I'm doing this under
22 duress. It was a big mistake to give you the
23 podium.

24 I don't like introducing people whose
25 careers and whose accomplishments make me think as

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1 if my life is in second gear. But I have
2 developed a sort of philosophy about that. And
3 that is that these people are really triplets and
4 that what Judge Nelson has done is she has two
5 other sisters and they have combined their bios
6 into one.

7 She has very graciously said I could
8 take a few minutes and not give you a litany of
9 her wonderful accomplishments.

10 I want to thank, first of all, the
11 volunteers.

12 (Applause)

13 I want to thank them, first of all, for
14 violating the California dress code and wearing
15 those wonderful yellow t-shirts. And secondly,
16 for meeting the challenge that Susan and I and our
17 Program Committee put to them of having two
18 conferences running at the same time in two
19 separate hotels amidst five other conferences, and
20 yet getting everybody to their places and on time.

21 I also want to thank our futurist,
22 William Canote, who promised us in the 21st
23 Century as we move into the fifth dimension that
24 we're all going to be employed because we're the
25 new growth industry.

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1 I also want to thank him for this new
2 experience about being juxtapositioned, because we
3 can now be juxtapositioned to anyone, anything,

4 anywhere at any time. It sounds like a wonderful
5 new experience. But before the Canadians get too
6 excited about that, I want you to know that in the
7 new criminal code amendments the sexual provisions
8 make juxtaposition a crime in Canada.

9 I also want to thank John Helie who
10 brought all of those wonderful toys for us to be
11 juxtaposed with. And they're hiding back in the
12 Cyber Cafe for those of who you haven't had an
13 experience using them yet. And please, go and
14 enjoy those wonderful toys that John has brought.

15 John is sort of our SPIDR
16 fifth-dimensional man. He is the only person I
17 know who wakes up early in the morning and before
18 he gets out of bed he reaches over and hugs his
19 computer.

20 The last pitch is I hope that we will
21 all meet in Canada in the year 2000 because one of
22 the great things about Canada is it's so cold
23 there computers can only operate properly for
24 eight months of the year. So we have four months
25 where we actually have to hug other people.

5

1 (Applause)

2 Now, what else am I supposed to do here?

3 This is a great pleasure to introduce to
4 you Judge Nelson. I have known about her through
5 her fellow friend, Mark Wedge, who has been in the
6 Yukon for some time. Because not only is she a
7 pioneer -- and let me just take two minutes to
8 explain what a pioneer she is -- in 1967 when she
9 was dean of the law school she started the first
10 dispute center in her law school which has been,
11 of course, a leader for many other examples across
12 both the United States and Canada.

13 Secondly, she was one of the founding
14 members of SPIDR. She was at formative meetings
15 in Virginia way back in 1972. So this is a person
16 who has been a friend as well as a pioneer of ADR,
17 Appropriate Dispute Resolution, since the very
18 early time.

19 So may I introduce a pioneer, a dean, a

20 judge and a wonderful person to you, Judge Nelson.

21 (Applause)

22 Ms. NELSON: Thank you, Barry. I was
23 hoping that you would never get to the
24 introduction.

25 The excitement in this room is well

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1 deserved. And I was excited before I came. But
2 after being with our Attorney General, with the
3 youth, I really had tears flowing down my face
4 because of her ability to speak with clarity, with
5 energy, with courage, directly to these youth
6 which she permitted to ask her some very, very
7 good and very difficult questions.

8 But she has told us for many years that
9 we all need to mentor the youth and our children.
10 Because as the 21st Century comes along, unless we
11 do that we are going to spend all of our tax
12 dollars in trying to build enough prisons to house
13 all of us.

14 Well, just as she is a mentor to youth,
15 she ought to know that she is a mentor for those
16 of us on the other end of the age spectrum,
17 because it's her courage, her integrity, her
18 creativity and her direct speak, as my son would
19 say, to the problems that we are facing in our
20 justice system which in many parts is really
21 crumbling on the edges. And we need to look for
22 new forms. We need make substantial changes for
23 the next century.

24 Our Attorney General is the 78th
25 Attorney General for our country, appointed by

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1 President Clinton in March of 1993. Born in
2 Miami, Florida -- she still talks about when she
3 retires she's going back to Florida. Maybe we can
4 convince her that California needs her more.
5 She's a graduate of Cornell University in
6 chemistry, no less, and a graduate of the Harvard
7 Law School.

8 And when she came to her office she

9 brought just a vast amount of experience. She was
10 appointed by the Governor of Florida to be the
11 State Attorney for Dade County and then was
12 reelected to that position five successive times.
13 She then became the Assistant State Attorney for
14 the entire state of Florida where she was the
15 Staff Director for the Judiciary Committee of the
16 House of Representatives.

17 It's very appropriate that she address
18 the SPIDR Conference because, as the youth heard
19 this morning, she has been a real pioneer and a
20 real inspiration in spreading the word about
21 appropriate forms of dispute resolution.

22 When she speaks to the American Bar
23 Association she says to lawyers, start thinking
24 about being problem solvers and peace makers as
25 opposed to being advocates. When she speaks to

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1 other groups she talks about -- especially
2 legislators -- how we need to simplify our legal
3 system so that ordinary citizens can know what the
4 law is and often apply it to themselves directly.

5 And she has been a champion of
6 appropriate forms of dispute resolution, what most
7 of us are now calling ADR, because it's not a
8 alternative, it's part of a composite system.

9 But in her own Department of Justice she
10 signed a very important order requiring in almost
11 25 percent of the civil cases that some form of
12 appropriate dispute resolution be used such as
13 mediation, arbitration, mini trials, early neutral
14 evaluation. She is also having all of her civil
15 litigators trained in appropriate forms in dispute
16 resolution for all of her cases.

17 Most importantly for me, she has
18 inspired the federal judges in this country to
19 stand up, take notice, and begin to employ
20 appropriate forms of dispute resolution. The
21 judges of my own court formed in the late 80s the
22 Western Justice Center which is dedicated to
23 improving the administration of justice and to
24 promoting appropriate forms of dispute resolution.

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Since that time, and since she has

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1 become Attorney General, because she has made it
2 okay to be interested in something other than
3 litigation we have had great success in creating a
4 mediation model for the Southern California
5 Association of Governments in partnership with the
6 Pepperdine Law School and Dispute Resolution
7 Incorporated of the L.A. County Bar.

8 And we have a program called PACT,
9 Peacefully Addressing Conflict Together, a program
10 for 21 schools, seven in Santa Monica, seven in
11 South Central L.A. and seven in my own home town
12 of Pasadena. The Executive Director who just took
13 office September 1st is Bill Drake, the former
14 Vice President of the National Institute for
15 Dispute Resolution. And Bill is here today.

16 So you can see why I am so excited about
17 having the privilege of presenting to you someone
18 whose life is dedicated to improving the
19 administration of justice and whose life is also
20 dedicated to the service of the world of humanity.

21 It is with a distinct pleasure that I
22 present to you the Attorney General of the United
23 States of America, the Honorable Janet Reno.

24 (Applause)

25 MS. RENO: Thank you so much, Judge.

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1 And my thanks to you and to the other pioneers in
2 this room, because I didn't get there first. You
3 all have led the way in so many different ways.

4 Just think of what you have
5 accomplished, those of who you were in at the
6 beginning. This being the 24th annual conference,
7 think of what you have accomplished in 24 years.

8 I go back a little further and remember
9 that I had Roger Fisher for Federal Rules of Civil
10 Procedure. I don't think he mentioned
11 negotiation. But since I graduated from law
12 school in 1963, you who have led the way, who have
13 pioneered, have taught me so much both at home in

14 Miami and in Washington.

15 You are teaching this nation how to
16 resolve disputes peacefully, without knives and
17 guns and fists, without bruising arguments that
18 leave people shattered, without costly litigation
19 that leaves people worse off than if they hadn't
20 gone to court in the first place.

21 You are teaching Americans how to solve
22 problems rather than to perpetuate them with
23 arbitrary solutions that don't get to the issues,
24 arbitrary solutions that simply cause the problem
25 to fester and grow worse.

11

1 You have taught us to seek to understand
2 the views of others instead of confusing the issue
3 with invectives and clouded reason. You have
4 taught us to seek the best in others, not the
5 worst. You have taught us to listen rather than
6 to talk too much. You have taught us to respect
7 rather than to put people down and hassle them.

8 The impact of your work, of all of you
9 who have been involved in appropriate dispute
10 resolution, is beginning to be measured across the
11 country, in schools, in board rooms, in law
12 offices, in the courts and on the streets, and
13 particularly amongst our young people.

14 I have just been with a group of young
15 people that have more energy, more great ideas,
16 more hope for the future, and they are more
17 contagious than any group of people I have ever
18 seen. Thank you for giving me that opportunity.

19 (Applause)

20 I take back their energy, their drive,
21 their sense of hope to a Department of Justice in
22 which we have attempted to apply all of your
23 wonderful work in appropriate dispute resolution.

24 Before I came to Washington I had
25 already concluded that litigation wasn't the only

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1 way to do it. I had watched too many people after
2 trial look at themselves and conclude that they

3 were worse off than if they hadn't gone to trial
4 in the first place. I had watched too many
5 prosecutors feel they had won the conviction after
6 avoiding a plea bargain and going to trial and
7 getting the conviction and seeing the person
8 sentenced and then seeing the person out in a
9 third of the sentence because we didn't have
10 enough prison cells, and nothing had been done to
11 address the problem of the crime in the first
12 place so their offender repeated.

13 I have seen too many public defenders
14 claim that they have won the battle after they win
15 the motion to dismiss or the motion to suppress,
16 watching their client walk out of the courtroom,
17 though, in a prison worse than any prison we can
18 create, a prison of drug addiction, without doing
19 something about it.

20 And so it became clear to me that we
21 have got to look at how we solve the problem up
22 front whenever we can.

23 But I saw other aspects of litigation.
24 I saw litigation just perpetuate the problem. A
25 water dispute, a land dispute that went on and on

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1 because we tried to resolve it with arbitrary
2 procedures that did not go to the equities of all
3 concerned.

4 But most of all, ladies and gentlemen, I
5 saw what I think is one of the great problems in
6 America today, that too many Americans do not have
7 access to justice, because the American Bar
8 Association estimates that between 60 and 80
9 percent of the poor and the working poor in
10 America, an increasing part of our population,
11 have no access to lawyers, much less to the
12 courts. And for them the law is worth little more
13 than the paper it's written on.

14 Every single one of us, whether we be
15 Attorney General or a plumber or a single parent
16 struggling to make ends meet on a salary of
17 \$15,000 a year, have disputes we have to resolve.

18 As Attorney General, I have got an awful

19 lot of lawyers. The plumber may even be able to
20 afford a lawyer. But there are millions of
21 Americans whose lives are eroded down to the nub
22 because they can't get the dispute with the
23 landlord solved, they can't get the problem with
24 social security worked out, they can't solve the
25 problem that will keep their kid out of trouble.

14

1 And so I have tried in these three and a
2 half years I have been in office to do everything
3 I could to focus on appropriate dispute
4 resolutions. At the Department of Justice we have
5 tried to focus on a range of options and processes
6 to resolve disputes. We're beginning to train all
7 our lawyers not just in mediation and how we use
8 mediation, but how to negotiate the matter in the
9 first place.

10 Two weeks ago I went to one of our first
11 negotiation training programs. And it was so
12 encouraging to see trial lawyers encouraged by
13 what they were learning. I told them that they
14 did not have to worry, that I still thought their
15 trial skills were important. Because you can't
16 negotiate nearly as well as if you are not afraid
17 to go to trial, and that there were going to be
18 instances where we may well have to go to trial.

19 But we have also, in the middle of the
20 spectrum, tried to develop an array of dispute
21 resolution processes which Judge Nelson described.
22 We have worked with mediation, early neutral
23 evaluation, mini trials, arbitration and
24 combinations of these processes. If we tailor the
25 process to the dispute, we are learning in the

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1 Department of Justice that we will get better
2 solutions and more creative solutions and more
3 long-lasting solutions.

4 This past year the President issued a
5 government-wide executive order urging all
6 government litigation counsel to comply, and to
7 employ ADR when it will lead to prompt, fair and

8 efficient resolutions.

9 I have created the position of Senior
10 Counsel for ADR to work with our attorneys. And
11 Peter Steinland has done a wonderful job of
12 showing them that this is a marvelous tool, a new
13 and effective and potent arsenal in trying to
14 secure justice for all. As Judge Nelson
15 indicated, he is working with U.S. attorneys'
16 offices across the country to train our lawyers in
17 all the tools available to us.

18 But he's doing more than that. He's
19 reaching out to client agencies to teach them the
20 skills of alternative and appropriate dispute
21 resolution so that we can avoid the problem in the
22 first place and the case doesn't even get to the
23 courtroom, when possible.

24 I tell our trial attorneys that I value
25 their ability to settle cases just as much as I

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1 value their ability to try cases or to pick a jury
2 or to write a brief. We have set aside funds
3 solely for the purpose of hiring third party
4 neutrals to resolve disputes that are in
5 litigation.

6 To underscore the importance of the
7 skill we have included for the first time this
8 year the use of ADR as one of the skills for which
9 department attorneys may receive the prestigious
10 John Marshal award.

11 We have also had a chance to work with
12 the Executive Committee of the Judicial
13 Conference. I have made it a practice since
14 taking office to meet with the Executive Committee
15 of the Federal Judicial Conference four times a
16 year. And we have now started developing programs
17 and exploring what we can do with circuit
18 mediators to foster appropriate dispute resolution
19 throughout our court systems.

20 Lawyers can get stuck in the mud. They
21 more than anybody else like to do things the way
22 they have always liked to do things. And it
23 sometimes takes a bit of a show to make them

24 understand that they have got to be creative and
25 flexible and resourceful in finding solutions to

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1 disputes.

2 We have to overcome the suspicion, the
3 hostility and the old ways of doing things to find
4 common ground and common interests. If we are to
5 reach solutions that are fair to all sides on an
6 enduring basis, we need to understand what caused
7 the litigation in the first place. We must
8 address the issues of the parties and not focus
9 solely on their positions. And we must do more in
10 terms of the criminal process.

11 In most prosecutors' offices around the
12 country, 85 percent or more of the cases are
13 resolved without finally going to trial. If we
14 can focus on problem solving, if we can focus on
15 the interest of all concerned, the victims as
16 well, we can do so much more in reaching lasting
17 solutions.

18 One young person from Canada asked me
19 about an hour ago, what are you learning from the
20 Canadians and what are you doing with the
21 Canadians. About a year and a half ago I had the
22 opportunity to visit with the Canadian Minister of
23 Justice. For the first time I heard about
24 sentencing circles. Subsequently, I went to
25 Harvard Law School to hear a forum on tribal

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1 justice and to participate.

2 And to hear someone talk to me about our
3 adversarial system that either goes to guilt or
4 innocence but not to the problem, and to hear that
5 person talk to me about the need to look at
6 sentencing circles and to the tradition of native
7 Americans who seek peace, who look to the problem,
8 who look to resolve the problem; if we as lawyers
9 in our system will just open our eyes and look
10 around and start looking at how we solve problems
11 in addition to how we win courtroom battles,
12 whether it be on the civil or criminal side, we

13 can be much more effective and contribute a more
14 lasting solution.

15 As I had indicated, though, we have
16 found that sometimes the federal agencies that we
17 represent do not identify their true interest
18 until well into costly litigation. I have
19 discovered one reason why. Many of their
20 judgments get paid out of the judgment fund and
21 not out of their appropriations. And we need to
22 work on incentives to help them understand this
23 cause.

24 (Applause)

25 In many cases, of course, if we studied

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1 it up front it is apparent that agency interests
2 can best be secured by reaching a settlement as
3 opposed to pursuing litigation.

4 I discovered another problem. Justice
5 Department attorneys tell me, Ms. Reno, you don't
6 know how hard it is to get approval all the way up
7 to main justice for a settlement. It's just
8 easier to go to trial. We're trying to change
9 that. That's easier said than done.

10 We are working with the federal agencies
11 and with our own lawyers to prevent some lawsuits
12 from being filed in the first place. We have met
13 with the general counsel from the various
14 agencies. We are trying to identify agencies that
15 are already doing a good job of investigating
16 their cases up front so that they know the value
17 of the case and know what everyone's interest in
18 the case is worth.

19 When this works they do not waste
20 taxpayers' money in needless litigation and we're
21 able to resolve the case early on. We're using
22 them as examples for all federal agencies and I
23 expect that we will see some significant results.

24 But that still presents the question
25 that too often the average American doesn't even

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1 see a federal courtroom, isn't even affected in

2 their day-to-day lives by what happens in a
3 federal court. These are people that can't even
4 get into small claims court. They don't know
5 where it is and they don't know how to work
6 through the processes.

7 But many of their disputes are with
8 government. And government can look beyond them,
9 can talk to them in legalese, can talk to them
10 with forms that are confusing and duplicative and
11 frightening and scary. And so what we have tried
12 to do in the Department of Justice and what the
13 President has tried to do is make government more
14 responsive to the people.

15 One of my favorite letters in the
16 Department of Justice is to a consumer, a consumer
17 of our services. Dear so and so. Thank you for
18 your letter in which you stated "A." You also
19 stated "B." In the end you stated "C." We will
20 certainly take your views under consideration,
21 sincerely. And that's the last that's heard.

22 I have seen people go to government
23 service offices where the line extends around the
24 block and they get tired and they go home and they
25 don't care. All of us who work in government have

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1 got to learn to run government like we would want
2 it to serve our mother, our sisters, our brothers
3 and the people we love.

4 (Applause)

5 Yet, even if we perfect our ways there
6 will be instances in which we can use mediation.
7 And it is important that we learn to use mediation
8 in our day-to-day work to prevent too many
9 Americans from walking away frustrated, upset and
10 confused and disenchanting with their government.

11 The Americans With Disabilities Act
12 provides a concrete example of how we're trying to
13 do some of this work, firmly and fairly and
14 without lawyers. This is a marvelous act. It's
15 given 48 million Americans with disabilities an
16 opportunity to walk through doors that were never
17 opened for them.

18 But I have had a chance to meet with
19 industry executives who are affected by the act.
20 When first meeting with them they will tell you
21 they are terrified of the regulations. They are
22 so complicated. We have got to do something about
23 those regulations.

24 But to deal with this concern we have
25 sought to reach out and educate and assume that

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1 people want to comply with the law. We have tried
2 to provide technical expertise and technical
3 assistance to enable them to understand how to
4 comply with the law. And we have tried to frame
5 it in terms that people can understand.

6 Shortly after I took office I went to
7 Tacoma Park, Maryland to see what a tiny town
8 outside of Washington had done in terms of opening
9 its drugstore, its city hall, its community
10 services and other community facilities to people
11 with disabilities. You can do it smart; you can
12 do it reasonably, and it's not terrifying and it's
13 not complicated. For that reason many doors have
14 been opened without even mediation.

15 But problems still arise and we have
16 developed a program to provide free mediation
17 services to those citizens who have asked the
18 department to assist them in resolving their
19 claims under the act. We issued a grant to a
20 local foundation for mediation services. The
21 program has been enormously effective with a
22 success rate of cases mediated of about 80
23 percent. We are expanding the program over the
24 next year and urge your members to participate.

25 Now parties are requesting on their own

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1 mediation of the Americans With Disabilities Act
2 disputes. This news should come as no surprise.

3 Using dispute resolution techniques
4 means that the parties are empowered to find their
5 own creative solutions to resolving disputes and
6 to solving the problem to everybody's

7 satisfaction.

8 In another area, one of my hero and
9 heroine agencies of the Department of Justice is
10 the Justice Department's Community Relations
11 Service. For over 30 years this wonderful
12 organization has helped communities resolve their
13 disputes in so many tense situations. In the city
14 I love I have watched CRS representatives there in
15 the most difficult, tense and agonizing situations
16 bringing calm, bringing peace to a situation that
17 seemed irretrievable.

18 And even now after dramatic cuts by
19 Congress the CRS continues to do wonderful work to
20 ease tensions, whether they arise as the result of
21 a tragic church burning, disputes on Indian
22 reservations or disputes in our urban area.

23 In law enforcement we're trying to do
24 everything we can to perfect our negotiation
25 skills, to understand when we use mediation. And

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1 the resolution of the situation in Montana is an
2 example of the commitment that the FBI has brought
3 to this whole undertaking under the leadership of
4 Director Freeh.

5 In our community policing program as we
6 attempt to put 100,000 community police officers
7 on the streets, we're trying to develop a new
8 spirit in policing, a policing that reaches out to
9 the community, that involves the community the
10 police officer serves in identifying the problems
11 and establishing priorities and in working
12 together to resolve the conflicts before they get
13 really started. Community police officers can be
14 such an important player in this whole effort to
15 achieve appropriate resolution of all our
16 disputes, sometimes just by manner and body
17 language, sometimes by tone of voice, sometimes by
18 sitting down and saying let's talk about it, we
19 can work it out.

20 And so, whether it's in that conference
21 room, that magnificent conference room at the
22 Department of Justice where Bobby Kennedy had his

23 office, or working out a problem with an employee,
24 the Justice Department is trying to use the tools
25 that you have led the way to put in the hands of

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1 all Americans.

2 We have learned so much from you and we
3 have made so much progress, but we have so very
4 much, much more to do. When I came to office as I
5 prepared for my confirmation and at my hearing, I
6 told the Senate Judiciary Committee that I thought
7 the single greatest crime problem in America today
8 was the problem of youth violence. I had seen too
9 much of it in my own home community as a
10 prosecutor there. I had looked at the figures and
11 seen the dramatic increase since 1985 and I was
12 troubled.

13 I realized early on after looking at
14 pre-sentence investigations and after tracing the
15 history of the child back to when they first came
16 into this world, that there were points along the
17 way where we could make a difference. There
18 needed to be punishment, fair punishment that fit
19 the crime that people could have confidence in.
20 But it made no sense to take that child and turn
21 them back from the juvenile detention facility to
22 the "Department Of The Open Air Drug Market" where
23 they got into trouble in the first place, where
24 they were again at war with the person that had
25 shot them and sent them to the juvenile detention

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1 facility or vice versa.

2 We could do so much in terms of
3 aftercare, in terms of dealing with victims and
4 defendants in youth violence situations. We could
5 make a difference. We could do so much in terms
6 of addressing problems of treatment, of
7 supervision. But why wait until the crime is
8 committed. Why wait until the young person is
9 gunned down. Why wait until one who guns somebody
10 down goes to detention and loses their life as an
11 effective life for the rest of their life. We can

12 do so much more if we prevent crime in the first
13 place.

14 We have tried to develop a comprehensive
15 program that balances punishment and prevention in
16 a proper way. And we are seeing some results.
17 The juvenile murder rate is down for the second
18 time this year. The violence rate is down for the
19 first time. But the number of young people in the
20 ages of 10 to 17 is going to increase
21 significantly in the next ten years. What do we
22 do.

23 It is important that this nation invest
24 in its children, in its future, just as you have
25 done in this conference. It is important that we

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1 listen to our young people and that we listen to
2 them as they help us design a blueprint for the
3 next century.

4 We must make an investment in better
5 education, in early childhood, in truancy
6 prevention, in job preparation. But your young
7 people today showed me what I already knew but
8 know better now after listening to them. We have
9 got to make a major investments in teaching our
10 young people how to resolve conflict without
11 knives and guns and fists. And if we do, we will
12 make a difference.

13 (Applause)

14 The Department of Justice began working
15 in 1994 with the Department of Education to
16 develop a guidebook for schools and communities on
17 programs that worked in conflict resolution in
18 schools, in community-based organizations, in
19 juvenile detention facilities. We are now
20 developing regional programs, the first of which
21 was held in St. Louis on October the 17th, to find
22 out how we can do this better, to evaluate what's
23 working and what's not working, and to work with
24 SPIDR and other groups to do everything we can to
25 get the message out.

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1 The message from the young people an
2 hour ago was loud and clear. We need to get the
3 message out. You need to tell the newspapers; you
4 need to tell the police; you need to tell the
5 school teachers; you need to tell the mayor; you
6 have got to get the message out. Because as they
7 say, it works. It's working for me. Let's make
8 it work for everybody.

9 What impresses me so much is what the
10 young people can do. And as part of these
11 regional programs we're having, when we write to a
12 school or a community-based organization and
13 invite them to the program we say come as a team
14 and bring a young person, they have so much to
15 say.

16 We have got to make sure that even -- we
17 have got to understand that the young people can't
18 do it by themselves, that teachers can make a
19 difference, that the police officer can make a
20 difference. And these people are willing if only
21 we can get out and get them trained.

22 I, as part of my pro bono policy -- I
23 have encouraged Department of Justice lawyers to
24 contribute 50 hours aspirational, as an
25 aspirational goal of community service each year.

29

1 And I am working in community and school dispute
2 resolution programs. I am getting trained slowly.
3 And I am learning lots.

4 But I am encouraging and promoting, in
5 the schools of Washington and with teachers,
6 dispute resolution techniques. And three times
7 this summer I went to a program in the DC public
8 schools where teachers volunteered their own time
9 for three days to come in and learn mediation and
10 dispute resolution techniques.

11 It is so encouraging to see a teacher
12 who's used common sense suddenly begin to grin and
13 say, Oh, yes I see how that works, and see people
14 willing to give their time to teach that teacher
15 how to resolve disputes in an effective manner.
16 It's just wonderful.

17 Think of what we can do if we train
18 every teacher, every police officer, every parks
19 and recreation specialist, every child care
20 worker. Just think of what we can do.

21 But we have got to teach our children so
22 that they don't need the mediator in the first
23 place. We have got to teach them to resolve their
24 conflicts without knives and guns and fists. We
25 have got to do so much in terms of preparing them

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1 for the world. And if we do, we have got to look
2 to those days earlier than the school.

3 When the crack epidemic hit Miami I had
4 to figure out what to do with the crack-involved
5 infants and their mothers. The doctors took me to
6 the public hospital and to the babies in the
7 nursery which was overflowing with babies who had
8 not been talked to or held except when changed or
9 fed, babies who were not beginning to react with
10 human emotion although the child across the room
11 who had terrible birth defects was beginning to
12 respond to parents who were with her around the
13 clock as much as possible.

14 And the child development experts taught
15 me something that has held me in good stead ever
16 since I came to Washington. The most formative
17 time in a person's life is zero to five. The
18 concept of reward and punishment and conscience is
19 developed during that time. Fifty percent of all
20 learned human response is learned during that
21 time. What good are all the prisons going to be
22 18 years from now unless we invest in children in
23 those early years.

24 (Applause)

25 What good are all of your marvelous

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1 training programs going to be for an angry young
2 man at 11 years old who's never developed a
3 conscience or understood or been held or talked to
4 or supported or raised right. All America has got
5 to join together to make an investment in those

6 early years.

7 And in looking at your program I was so
8 gratified to see zero to five on there. And it is
9 so wonderful in the last three weeks in Washington
10 to have found two people that are specializing in
11 conflict resolutions programs for zero to five.

12 (Applause)

13 But even if we do right by our children,
14 violence is a learned behavior. And too many of
15 our children in America today are learning
16 violence from what they see in the home.

17 This nation in 1994 made a major
18 commitment to violence against women and domestic
19 violence. But we have got to take all of the
20 tools that you are developing and with renewed
21 effort go to parents, go to families and provide
22 mediation centers and dispute resolution centers
23 that are immediately and automatically available
24 to help parents and families resolve their
25 disputes before, or if we're ever to resolve

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1 disputes on the streets or in the schools of this
2 nation. But based on all that you have done I
3 know we can do it.

4 What are my dreams for the 21st Century.
5 Look at what you have done in 24 years and think
6 of what it will be like 24 years from now. Maybe,
7 just maybe, you will have your 48th annual
8 conference in Miami. And as I told the young
9 people a little bit ago, I'll be an 82-year-old
10 little, old lady that walks into the back of the
11 room and listens to maybe the Attorney General of
12 the United States talking about what you have
13 done.

14 And what I expect that I will hear is
15 that you and the young people I heard earlier
16 today will have led the way to ensuring that every
17 teacher, every police officer, every businessman,
18 every lawyer, every person in America has been
19 trained, as we have trained them to read and write
20 and to do basic arithmetic, in resolving disputes
21 without knives and guns and fists and bruising

22 arguments and costly lawsuits and battles that are
23 not worth it.

24 I expect that I will hear that there are
25 mediation programs -- not as many as you might

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1 think we need because you have done such a
2 wonderful job of teaching people how to resolve
3 disputes -- but there will be mediation programs
4 that are immediately available to families that
5 are in crisis, to children that are in detention
6 facilities. But I urge you because I hope I don't
7 hear when I sit in the back of the room that we
8 have created a whole new bureaucracy to replace
9 the bureaucracy of the courts.

10 (Applause)

11 But that what we have done is take what
12 we have and weave it together in community setting
13 after community setting so that we serve the
14 people directly and with our heart and our soul.

15 But I will be interested because I will
16 not understand fully what we have done to face the
17 new challenges. Communities will be ever more
18 important to us in this next century. It will be
19 what we hang on to. Family will be ever more
20 important. It will be what we hang on to. But as
21 community and family we will be as one with a
22 world, a world that will be linked by technology
23 that we never dreamed of, a world that can put
24 conflict at our doorstep in a moment, a world that
25 can present us with the most extraordinary

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1 challenges of understanding, but a world that has
2 opportunities that we never dreamed of
3 communicating.

4 I hope that we will take the skills that
5 you are forging in your pioneering efforts and
6 learn how to use Cyberspace, learn how to use the
7 Internet, learn how to communicate the worldwide
8 round in peace and not in conflict.

9 I will be watching from the back of the
10 room to see how we have come to deal with the fact

11 that we can be anywhere in the briefest period of
12 time, and that this world in terms of crime, in
13 terms of migration, in terms of the environment,
14 in terms of the economy, in terms of trade, in
15 terms of health care, is linked as it has never
16 been linked before. Communities and people will
17 have to all be part of a world that is dedicated
18 and committed to a century of peace because of
19 your pioneering efforts.

20 I think that little, old lady in the
21 back of the room is going to be mighty happy.

22 (Applause)

23 VOICE: It's my great honor to speak on
24 behalf of all of you in the room in thanking the
25 Honorable Janet Reno for a remarkable address that

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1 gives great dignity not only to her personal
2 understanding of the field of dispute resolution
3 but a passionate conviction and commitment to the
4 development of the field.

5 It's easy to say no; it takes great
6 courage to say yes. But it takes a remarkable
7 person with leadership, wisdom and energy that
8 inspires people to find ways to have the courage
9 to say yes. And we're fortunate that we have
10 leaders who can speak in such plain but powerful
11 terms about problem solving, about listening and
12 respect that can send a message out in ways that
13 almost nobody could fail to understand. And for
14 that, for having an ambassador, a voice, a
15 spokesperson at the very highest levels of
16 authority present before us today is truly a great
17 honor to the organization. And I am deeply
18 grateful.

19 (Applause)

20 I wanted to present the Attorney General
21 with this plaque. The plaque reads, "The Society
22 of Professionals In Dispute Resolution,
23 presidential recognition of the United States
24 Attorney General Janet Reno for her outstanding
25 commitment and work in the field of dispute

1 resolution, October 1996." And a fine moment for
2 SPIDR.

3 (Applause)

4 (At 1:54 p.m., the meeting was
5 concluded.)
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1 CERTIFICATE

2 STATE OF CALIFORNIA)
3) ss.
4 COUNTY OF LOS ANGELES)
5

6 I, DARYL BAUCUM, CSR No. 10356, a
7 resident of the County of Los Angeles, State of
8 California, declare:

9 That the foregoing proceedings were
10 taken before me at the time and place herein set
11 forth, at which time the aforesaid proceedings
12 were stenographically recorded by me and
13 thereafter transcribed under my supervision; and

14 That the foregoing transcript, as typed,
15 is a true record of the said proceedings.

16 IN WITNESS WHEREOF, I have subscribed my
17 name this 18th day of October, 1996.

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Daryl Baucum, CSR No. 10356