



INTERAGENCY ALTERNATIVE DISPUTE RESOLUTION WORKING GROUP

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Attorney General Janet Reno
Prepared Remarks
Interagency Working Group on
Alternative Dispute Resolution

Department of Justice - Great Hall
September 14, 1998
2:30 p.m.-3:30 p.m.

Good afternoon, ladies and gentlemen, and welcome to the Department of Justice. We are here this afternoon to begin work in an area of vital importance to every federal agency that is represented here this afternoon.

Congress and the President have called upon us to create dispute resolution programs for our agencies. These programs are intended to be used in those circumstances where we are unable to resolve disputes through negotiations on our own, and where it is not essential for our positions to be vindicated by formal adjudication. In that sense, these programs can address a wide variety of issues, quickly and effectively, through processes such as mediation, neutral evaluation, and others.

Let me tell you why I think it is so necessary that we work very hard to create these programs in federal agencies throughout the government.

Disputes are inevitable. They arise in the course of doing our jobs as public servants. Disputes and conflicts are part of life itself. In some cases, we can work to prevent conflict. In other situations, we must manage it. But we must not let conflict control us, or interfere with our mission of serving the American people.

When disputes arise as we do our jobs as public servants, our first response should not be to fight, but to try to solve the problems that have created the disputes. The reason we hold these positions of responsibility is not to fight - with our employees, our contractors, or those whom we regulate - but to serve the people by operating the programs and delivering the services that must be provided.

On some occasions, serving the people can mean going to court or initiating some other formal process to resolve a dispute. But we now know that there are other ways to

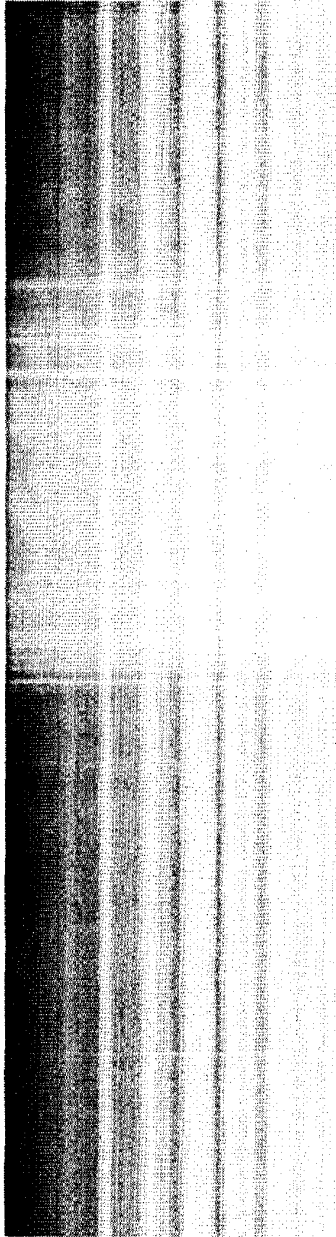
respond to conflicts that we cannot resolve on our own. Congress, through the Administrative Dispute Resolution Act, and the President, in his May First Memorandum to all of us, have set our goal. That goal is to find less contentious, more consensual ways of resolving disputes.

In the past, we have relied heavily upon traditional, adversarial processes. Experience teaches us, however, that even when we prevail in litigation, the government does not always win. Controversy in the workplace may not disappear just because one party has won and the other has lost. During the time it takes to resolve such matters, these disputes can be extremely corrosive to the productivity of an office and the morale of our employees. Similarly, when contract disputes arise, otherwise healthy and productive relationships between the parties can be damaged when formal, adversarial processes are employed to resolve those disputes.

These and other controversies can consume vast amounts of time and precious agency resources. In some circumstances, such conflict can result in wasteful, unproductive disputes that divert us from our primary mission, and rob us of the time and resources that we need to do the people's business. Those resources, in many cases, are far better spent on the agency's higher mission of administering the programs, issuing the grants, permits and licenses, and doing all those things that the agency is called upon to do as it serves the public.

There is, however, more to these programs than achieving greater efficiency and effectiveness in government. By emphasizing consensual resolution of disputes, these programs encourage the participants in these processes to retain control over the outcome of the conflict. By moving away from winning and losing, and focusing instead on problem solving, these programs encourage the parties to identify what they really need to get the controversy resolved. By using experienced mediators and evaluators whose sole goal is to aid the parties in their resolution of the dispute, we find parties jointly engaged in creating solutions to disputes that no board, law judge, or court might have the authority to impose.

In an age when there is so much distrust of government, when public service is perceived as a refuge for the lazy or the incompetent, and when much of what we do is subject to criticism and second-guessing, we need to show the American people that its government is responsive to their concerns and is also respectful of honest, differing opinions. Private business can adopt ADR programs because it's good for their bottom line. We should establish similar programs so that we can resolve disputes with our citizens with a maximum amount of respect and a minimum amount of adversity.



We know the benefits of these programs from the experience of agencies that already have programs in place. We also know that there may be many obstacles to overcome as you work to establish dispute resolution programs in your agency. Change is never easy, but the resources of the Working Group will be here to assist you.

Just before this meeting, I had the opportunity to visit briefly with officials from the Air Force, the Environmental Protection Agency, the Postal Service and the Federal Deposit Insurance Corporation. We were joined by a group of the most knowledgeable ADR experts in federal service from these and other agencies. Each of these entities has made a substantial commitment to establishing ADR programs. We are so fortunate to have the services of very senior officials at these agencies to lead the efforts of the Working Group. We are also extremely grateful that this group of ADR experts will provide their expertise and assistance to our efforts.

It's always hard to predict what lies ahead. But I have this dream that our Group will reassemble in a year, and fill this Great Hall with success stories of how you have changed the attitudes and culture at your agencies. I'd like to hear that every federal agency has programs in place, resolving disputes and solving problems in creative, consensual ways. When we promote problem solving through dispute resolution programs, we are empowering our government agencies and their officials to exercise creative responsibility to prevent conflict, and to resolve disputes early, before they overwhelm us. This is the key: we must all work harder at being better problem solvers if we are to make meaningful improvements in our society and in the way that we govern ourselves.

Thank you very much.

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