

Interagency ADR Working Group, Workplace Conflict Management Section,
ADR Lunchtime Series

Thursday, April 29, 2010

Mediating Disputes in the Workplace: Suggestions from Procedural Justice
Research about What Matters and Why

Nancy Welsh's bio (and the relevant articles (listed below), as well as other, articles) are available at http://law.psu.edu/faculty/resident_faculty/welsh.

Below are the articles most relevant for April 29:

1. Remembering the Role of Justice in Resolution: Insights from Procedural and Social Justice Theory, 54 J. Legal Educ. 49 (2004). (This is a short article that provides an overview of procedural justice and also discusses some concerns about whether mediation and other ADR procedures are delivering social justice.)
2. Making Deals in Court-Connected Mediation: What's Justice Got To Do With It?, 79 Wash. U. L. Q. 787 (2001). (This rather long article discusses procedural justice research and theory in detail; it also applies the research and theory to court-connected non-family mediation.)
3. Stepping Back Through the Looking Glass: Real Conversations with Real Disputants About Institutionalized Mediation and Its Value, 19 Ohio St. J. on Disp. Res. 573 (2004). (This rather long article builds on the last article's discussion of procedural justice and then focuses on a description and analysis of interviews with parents and school officials involved in special education mediation sessions. This article very clearly indicates that: procedural justice and progress toward resolution matter to parents and school officials who have chosen to mediate; caucus matters tremendously to parties in mediation--and is highly relevant to their perceptions of procedural justice; and success or failure in the implementation of mediated agreements affects people's satisfaction with the process and their perception of the mediator's significance.)
4. Perceptions of Fairness in Negotiation, in *The Negotiator's Fieldbook* (Andrea K. Schneider & Christopher Honeyman, eds., 2006). (I wasn't sure whether to include this relatively short book chapter because its focus is negotiation rather than mediation. But it's the first piece of mine to discuss research showing that people's status and individualism/collectivism can make their perceptions of procedural justice less influential.)