

WHAT THE #@!* ARE THEY FIGHTING ABOUT!?: REFLECTIONS ON FAIRNESS, IDENTITY, SOCIAL CAPITAL, AND PEACEMAKING IN FAMILY CONFLICTS

David A. Hoffman

Peacemaking is particularly challenging in family conflicts. Deeply held feelings about identity, fair treatment, moral issues, and protecting social capital often cause people in conflict to make self-defeating decisions. There are, however, techniques that enable mediators, Collaborative Practice professionals, and other peacemakers to overcome the settlement barriers created by these strongly held views. These techniques include those pioneered by psychotherapists using the Internal Family Systems model, which enables parties to see that their strongly held views comprise only part of the constellation of feelings that they have about the conflict.

Key Points for the Family Court Community:

- Parents who feel that their role as father or mother is in danger often find it difficult to focus on the children's best interests.
- The "rule of reciprocity" causes people who feel wronged to exact even harsher punishment on those who harmed them.
- The concept of "social capital" explains why people care so passionately about whether they are treated fairly and about their reputation for fairness.
- The Internal Family Systems model helps peacemakers to understand how to work with the parties' ambivalence about settlement versus courtroom vindication.

Keywords: *Divorce; Fairness; Identity; Internal Family Systems; Peacemaking; Social Capital; and Social Psychology.*

INTRODUCTION

I appreciate the invitation to add a brief commentary to the tremendously useful discussion of peacemaking in *Family Court Review's* Special Issue on that subject published in July 2015. The editor of that Special Issue, Woody Mosten, did a commendable job of assembling cutting-edge reports from key players in the field of family practice. Each of those reports examines the work of peacemaking from a different procedural vantage point—for example, lawyer, parenting coordinator, therapist, custody evaluator, judge, to name only a few—and describes some of the most promising techniques that are emerging in our field, such as unbundling, Collaborative Practice, and multidisciplinary clinics.

My commentary focuses on two things. First, why is family warfare so intense? We all know the joke about conflict in the academic arena: the reason it is so bitter is because the stakes are so small. In family conflicts, however, the opposite is true: the stakes could not be higher. Family conflicts involve sex, money, parenting, career, and, for some participants, the very meaning of their lives. This article suggests that there are some consistent underlying concerns involving fairness, identity, and social capital that run through these conflicts.

Correspondence: DHoffman@BostonLawCollaborative.com

Second, this article describes some tools that peacemakers can use in addressing these underlying concerns, in addition to those already discussed in the Special Issue on peacemaking. Some of these tools are derived from the Internal Family Systems (IFS) model of psychotherapy.¹ Other tools are derived from social psychology and neuroeconomics—tools for understanding, and helping the parties understand, our sometimes irrational habits of bargaining.

STORIES

In order to explore these themes, I begin with a few paradigmatic stories. Each of these stories is an amalgam derived from a large group of similar cases, with identifying details changed in order to protect the parties' privacy and confidentiality.

CASE NO. 1—MONEY

Christa grew up in an old-line Brahmin family in New England and was the beneficiary of several family trusts. In her own personal trust fund, she had assets of approximately \$10 million, and upon her parents' death, those assets were likely to double. Not surprisingly, Christa insisted on a prenuptial agreement when she and her partner, Abigail, decided to get married. They were in the first wave of same-sex couples to marry after the 2003 *Goodridge*² decision in Massachusetts legalizing same-sex marriage. They had been a couple for several years before that and had raised two boys, who were now fully launched. (Christa became pregnant with each boy via anonymous sperm donation.) With their sons now out of the house, Abigail realized that the love had seeped out of the marriage, and she wanted a divorce. Abigail told Christa, "I am unwilling to stay in a loveless marriage, when I still have—hopefully—a few more years to be happy." The only issues were financial. They were both in their late fifties, with good jobs, earning about \$100,000/year. Throughout their years together, they had saved very little and used money from Christa's trust from time to time to take vacations and live very comfortably. According to Abigail, "Christa always said 'we have plenty of money—we don't need to save.'" Now that they were divorcing, Abigail was astonished to learn that Christa was unwilling to share with her any funds from her trust. "That's why we have a prenup!" Christa shouted. "If you had refused to sign the prenup, I would never have agreed to get married." With meager savings, Abigail feared for her future. She thought about trying to survive financially on Social Security payments and Medicare, while Christa would be able to live luxuriously. "You're being so *greedy*—I feel like I hardly know you anymore!" Abigail screamed. "I thought we had a deal that your trust money was there for *both* of us. I am going to wind up being a bag lady, and you're going to be taking vacations in Bermuda!" "Well," replied Christa, "we *did* have a deal, 'til death do us part,' and you broke it! My family's money needs to be there for our kids, and *their* kids. It's not *my* money—my job is to steward it and pass it along to family, just like my parents did. If you want out of the family, that's *your* problem, not mine!"

CASE NO. 2—SEX

Melody and Sam lived a comfortable upper-middle-class life in the Boston suburbs, with kids twelve, fourteen, and seventeen years of age. Fifteen years ago, when their first child was a toddler, Melody discovered that Sam was having an affair. She confronted him, and he apologized profusely and swore he would never make that mistake again. "I accept your apology," Melody said, "but I want you to understand that if you break your word on this, we're getting a divorce—no ifs, ands, or buts." They did couples counseling for a few years and then stopped. Their life settled back into the routines of Melody raising the kids, Sam working long hours at the office and traveling extensively on business, and their sex life was virtually nonexistent. A few months ago, Melody discovered that Sam had resumed his infidelity, but with a new woman—this one fifteen years younger than Sam.

She was an unmarried professional who worked in Sam's field. They had been seeing each other, Melody discovered, for almost ten years. Melody immediately filed for divorce and confronted Sam: "Why the hell were you willing to have sex with her and not with me? You were always 'too tired,' you said." Sam's response could not have been less tactful. "I just didn't find you attractive anymore. You've put on a lot of weight, and it seemed like you just didn't care how you looked." Melody was now in her mid-fifties, and the thought of living alone the rest of her life frightened her. "Why didn't you just tell me ten years ago you wanted a divorce?" she asked, thinking about how much easier it would have been in her forties to find someone to love. Sam replied, "I didn't want to break up the marriage because I thought it would be hard on the kids."

CASE NO. 3—PARENTING

"I can't believe you want to be a fifty/fifty parent!" Sally shouted in the divorce mediator's office. "You've never been there for the kids. You don't know who their doctors are, you don't know who their friends are—you just want them half the time so that you can pay less child support." Harry deeply resented these accusations. In his mind, they had a fair division of labor—he had worked hard to support the family and Sally had raised the kids. Although Harry was the one who wanted the divorce, he didn't care about the asset division or the amount of child support. All he cared about was having the kids with him on a fifty/fifty basis. Sally had been a stay-at-home mom for their ten-year-old son and twelve-year-old daughter, while Harry was working sixty- and seventy-hour weeks as the chief executive officer of a small software startup. The kids were doing well and so was his business. He claimed that he could adjust his schedule to be there for the kids after school, but Sally could see how Harry was glued to his phone even on those rare occasions when he made time to be with the family. Harry was adamant: "I am not going to be marginalized as a part-time parent," he said emphatically. Sally responded just as emphatically: "You just don't get it—I'm their *mom*, and I raised them. They need to be with *me*, because that's what's best for them."

REFLECTIONS

Peacemaking in cases like those described above requires deep engagement with the parties and a deep understanding of their anger, fears, and hopes. The sections below explore some of what is going on inside for these divorcing couples.

FAIRNESS

I teach a mediation course for law students, and for many years I have asked them to participate in an economics exercise known as the Ultimatum Game, which illustrates a vitally important lesson about the role of fairness in negotiations:

The rules of the game are surprisingly simple. Two players have to agree on how to split a sum of money. The proposer makes an offer. If the responder accepts, the deal goes ahead. If the responder rejects, neither player gets anything.³

There are three key features to the exercise: (a) the proposer and responder are not allowed to communicate about the proposal or the response—the only communication is a written offer from the proposer, on which the responder writes either "yes" or "no"; (b) the rules are transparent—that is, the responder knows how much the proposer stands to receive and that declining the proposal will result in *both* parties getting nothing; and (c) it is a one-round game—that is, the proposer can make only one proposal, and the responder can provide only one response.

Let's say the proposer is given \$100 and must offer a portion of it to the responder. An economically rational responder would accept even a very small offer. But experimental data show that approximately half of all responders reject offers of less than \$30.⁴

I have asked the responders among my students: "Why did you turn down \$10, \$20, even \$30?" The answer is always the same. "It's not fair!" Then I ask, "Why do you care so much about fairness in a one-round game with someone you barely know and might never see again?" The answer is something like the following: "It's just not right. I don't want to let a stingy proposer get away with it."

The moral of this experiment is that people care passionately about fairness. Indeed, the majority are willing to shoot themselves in the foot rather than accept what appears to be an unfair offer. Do these experimental results apply in the real world?

Let's return to Case No. 1 (Abigail and Christa) to find out. Let us assume that each has sought legal advice, and both of them have been told that their prenuptial agreement is valid and a court will enforce it. And let us assume further that Abigail, despite this advice, is trying to decide whether to litigate to get a portion of Christa's assets. (For purposes of this discussion, let's assume that Christa has the ability to withdraw from the trust any portion of the \$10 million that she wishes to have.)

Faced with more-or-less-certain defeat, will Abigail opt for litigation? My experience with several Abigails over the years shows that many of them will. Of course, many of these cases eventually wind up in mediation or in a Collaborative Practice setting, but only if the Christas agree to transfer a portion of their legally protected assets.

Two phenomena are at work here. First, the rule of reciprocity,⁵ which is hardwired into each of us, says that when Abigail gives up something that she wants (saving money) in favor of something Christa wants (living comfortably), Abigail has the right to expect something in return—in this instance, a modicum of financial security.

Second, the rule of fairness—as illustrated in the Ultimatum Game—dictates that if Christa offers Abigail only a tiny portion of her fortune, Abigail will reject it, even if doing so will leave her worse off than she would be if she accepted the offer. Abigail might even be willing to spend what little she has on hiring a lawyer to prove her point—namely, that she will not accept a settlement that she regards as paltry and therefore "unfair."

It is worth noting that Christa too feels the sting of unfairness. Christa made it clear, before they got married, that a prenup was essential, and now (from Christa's standpoint) Abigail is reneging on their deal. Abigail's threats of litigation feel like a shakedown, and capitulation would reward a blatant violation of the rule of reciprocity—that is, Christa agreed to get married, but only if her family's assets were off the table in the event of death or divorce.

The traditional lessons of dispute resolution—derived from the book *Getting to "Yes"*⁶—suggest that, as peacemakers, we should explore the parties' interests, appeal to their rationality, and encourage them to make a utility-maximizing choice. We might look for other forms of exchange that could make both parties better off. We might propose broader perspective taking—for example, encouraging Christa to see how her family-stewardship values might be well served by providing at least a modicum of economic security for Abigail, who is also a mother of Christa's children.

Unfortunately, intractable conflict over issues like Abigail's and Christa's often shows a persistent pattern of economically irrational behavior. Experience suggests that the cause of this irrationality is not always a function of distorted thinking (such as cognitive biases) or an individual's psychopathology.⁷ Social scientists have suggested that: (a) the rule of reciprocity serves vital pro-social needs of a community for cooperation and (b) the insistence on fairness promotes important values that, for society as a whole, support economic exchange.⁸ In other words, we as individuals often feel powerfully impelled to sacrifice our individual welfare for the enforcement of norms that benefit the community as a whole. Evolutionary biologists describe these sacrifices, and our powerful predilection for fairness, as a predictable feature of natural selection and thus arguably hardwired into us.⁹ In my mediation class, one of the responders who turned down a \$20 offer described his decision as "taking one for the team"—meaning society as a whole—by "punishing greed."

In addition to these powerful social motivations, there are *personal* motivations that lead to seemingly irrational choices. Research suggests that accepting an offer that feels unfair “damages the individual’s reputation within the group and increases the chance of receiving reduced offers *in subsequent encounters*. Rejecting low offers is costly, but the cost is offset by gaining the reputation of somebody who insists on a fair offer.”¹⁰ In short, the evidence from social science and our own experience suggests that the intensity of our devotion to principles of fairness is not purely intellectual but woven deeply into the fabric of our identities and instincts.¹¹

IDENTITY

In their extraordinarily useful book, *Difficult Conversations*, Doug Stone, Bruce Patton, and Sheila Heen address the vital role that identity plays in conflicts.¹² Family conflicts, in particular, can trigger “identity quakes” that undermine our sense of who we are.¹³

In Case No. 2 (Melody and Sam), the prospect of divorce caused Melody to fear that she will be alone, unloved, and unlovable. The security of her marriage shielded her, to some degree, from those fears. But the prospect of being suddenly single in a society that objectifies women based on their age and appearance causes an identity quake for her that may cause her to go to war.

For Melody, litigation will be even more fruitless than it would be for Abigail. After all, the threat of litigation may cause Christa to relent and transfer some assets to Abigail, if only to save the transaction costs of defending the case. But for Melody, if her deepest wound is to her identity as an attractive woman, litigation will gain her nothing.

In this case, the rule of reciprocity works in reverse: if you cause me to suffer, then I will do the same to you.¹⁴ Indeed, research has shown that the infliction of pain or loss results in an escalation of retribution:

Reciprocity functions to maintain prosocial actions, [and] to quickly suppress antisocial actions via escalating retaliation. Although firmly entrenched, the culturally conferred wisdom about reciprocity appears to be miscalibrated and in need of revision: “You scratch my back, and I’ll scratch yours, but if you take my eye, I’ll take both of yours.”¹⁵

In Case No. 2, Sam’s abandonment of the marriage and his disparagement of Melody’s appearance motivate her to punish Sam in any way that she can (such as expensive litigation), even if it hurts her as well.

Identity issues also play a huge role in Case No. 3, where Sally fears that a fifty/fifty parenting schedule will undermine her role, status, and identity as a mother. Harry has the same fear regarding his role as father. In the context of an intact family, he could consider himself a full-fledged father even if his contact with the children was minimal. In the context of a divorce, he sees a less-than-fifty/fifty parenting schedule as undermining his role, status, and identity as a father.

Neuroscientists are beginning to understand that the powerful feelings associated with parental roles have a biochemical component.¹⁶ Parenting literally alters our brain chemistry. The evolutionary advantages of such systems in our brains are readily apparent. What is less obvious is whether the standard tools in the peacemaker’s toolbox—such as focusing on interests and options, seeking principled benchmarks for decision making, and separating the people from the problem—can succeed in the face of such deeply engrained, indeed primitive, feelings of parental attachment. When, in Case No. 3, Sally exclaims, “I’m their *mom*,” she is expressing an impulse that is evidently hardwired into our neural circuitry.

SOCIAL CAPITAL

Charles Darwin recognized that people care passionately about “the praise and blame of our fellow-men.”¹⁷ The sum total of our credits and debits in the way we are viewed by others correlates to

our social capital—the currency that enables us to find jobs, spouses, companionship, and connections with our community.

In divorce and other family conflicts, there is a powerful impulse to frame the issues in moral terms—that is, praise and blame. In Case No. 1, if Abigail is right, then Christa must be in the wrong. In Case No. 2, even if Sam would agree that he is in the wrong, there is still a question as to whether he will be pilloried (in a manner of speaking) in a public courtroom or instead have his infidelity swept under the rug of a private settlement. (Obviously, Melody would prefer the former.) In Case No. 3, Harry is stung by Sally's questioning his fitness to serve as a full-fledged parent to *his own children*. In each of these settings, the parties' social capital is at stake. Even if these cases never see the inside of a courtroom, the participants are keenly aware of the moral judgments of their relatives, friends, colleagues at work, and members of their community.

In his book, *The Righteous Mind*, psychologist Jonathan Haidt has marshaled the evidence that human beings have evolved as innately moral beings—quick to make moral judgments that are based more on intuition about what is right or wrong than on logic.¹⁸ Indeed, Haidt describes our rational minds as serving, more often than not, as simply the “press agent” for our intuitive minds. This dichotomy of rational and intuitive thinking is similar to the distinction between System 1 thinking (fast and intuitive) and System 2 thinking (slow and logical) as described more fully in Daniel Kahneman's book, *Thinking, Fast and Slow*.¹⁹ Haidt's research shows that our views about right and wrong are products of System 1 thinking and seem impervious to the logic and persuasion of System 2.

What, then, is a peacemaker to do? Basic mediation texts instruct us to divert the parties' attention from moral judgments and direct them instead to a consideration of their underlying interests.²⁰ “It's the mediator's task to shift the focus of the participants away from their own polarized viewpoints toward a more generalized interest-based definition of the issue.”²¹

The problem with this approach is that it ignores the power that moral judgments—and our closely related concerns about social capital—have over us.

Indeed, our concerns about social capital are closely related to our powerful concerns about fairness. The refusal of responders in the Ultimatum Game to accept \$30 if the proposer gets \$70 demonstrates that we often care more about fairness than we do about money. We also care about whether we are *perceived by others* as being fair, which may explain why the vast majority of proposers in the Ultimatum Game propose giving to responders 40 to 50% of the total sum.²² Accusations that we are unfair (Case No. 1), unworthy (Case No. 2), or unfit to parent (Case No. 3) cut us to the core because they threaten the social capital that we need to make our way in the world.

TOOLS

When faced with the daunting complexity of the human mind, and the seeming intractability of the mind's moral judgments, peacemakers need a healthy dose of curiosity (“beginner's mind,” the Buddhists call it) and humility. People in conflict are often engulfed in conflicting emotions. “Should I settle this now and put it behind me—or should I stick to my guns?” Peace or war?—both are appealing.

Modern advances in neuroscience and neuroeconomics—some of which are described in the sections above—provide peacemakers with tools to help people understand why their fears and judgments are so powerful. I have found in numerous cases that talking with people in conflict about their moral judgments can be helpful. For example, in heterosexual divorces, it is not uncommon that men express moral judgments that are rights based and rule bound, while women express moral judgments that are relationship based and context specific. Introducing these parties to the research of Carol Gilligan (e.g., her path-breaking book, *In a Different Voice*²³), who analyzes the gender-specific ways that men and women tend to engage in moral reasoning, sometimes enables people to see their moral judgments in a more detached way.

Another tool that can be helpful when people are torn between the impulse for revenge and the desire for a reasoned settlement is to ask them to write down on a piece of paper the advantages and

disadvantages of each approach. Writing requires the activation of System 2 thinking and seems to moderate, even if only briefly, the impulsive, emotional circuits of System 1.

Finally, the most robust conflict-resolution tool that I have encountered in recent years is the IFS model, which enables us to understand, and help clients understand, the multitude of subpersonalities (or “parts”) that lie within each of us.²⁴

The IFS model departs from previous thinking about subpersonalities in three important respects. First, unlike other models, there is a multiplicity of parts—no fixed number (such as id, ego, and superego in Freudian theory)—each part arising from the individual’s unique experience. Second, the IFS model addresses the complex—almost family like—relationships between and among our various parts. Finally, the IFS model includes the concept of “Self,” which is the centered, peaceful region of each person that has no agenda other than to bring health and harmony to the individual parts. One of the goals of IFS therapy is to enable the Self to achieve leadership within the “internal family” of individual parts.

In the context of conflict resolution and peacemaking, the IFS model helps us see that (a) certain parts (our Protectors) can be quite warlike in the way they express anger and indignation, and (b) other parts (our Exiles) are quite vulnerable and in need of protection. For example, in Case No. 3, there is a part of Harry that may feel quite vulnerable to the accusation that he has been a largely absent dad. Faced with that accusation, another part of him (a Protector) may arise to respond defensively or with a counterattack (e.g., “Well, *I* was the only one earning the money to support everyone”).

The IFS model provides a language for addressing directly the profound ambivalence many people face when they are in family conflicts. A mediator, coach, or Collaborative attorney might say, for example, to Melody (in Case No. 2), “It sounds like there’s a part of you that is furious with Sam and wants to put him through the wringer of a court battle and also another part of you that would like to resolve this and move on with your life.” Note how much of a difference it makes to use the rubric of “parts,” rather than saying, “It sounds like you are very angry with Sam and you also want to settle the case.” Disaggregating these emotions and acknowledging them as separate parts, each worthy of attention and respect, communicates to Melody that we are not going to try to talk her out of feeling angry with Sam. We simply want to explore with her what role, in the system of her many parts, she wants her anger to play.

In Case No. 1, there’s a part of Christa that feels angry that Abigail is going back on her word, and yet other parts that still care for her or feel ashamed of being so protective of her inherited wealth.

In conversations with people about their parts, I sometimes ask them if they can feel a mediator inside them—their Self-energy—that helps resolve internal conflict. The answer is usually “yes.” Peacemakers can ally with the parties’ internal mediator to help the parties make wise choices about peace versus war.

Another technique, inspired by the IFS model, is to assure the parties that we see the good intentions that motivated their decisions—even if those decisions turned out badly. “It sounds like you were *trying* to do the right thing in choosing to work so hard,” one might say to Harry in Case No. 3. “You were trying to make sure that Sally and the kids had everything they needed.” Validating people’s intentions calms their exiles—those parts of them that feel shame and vulnerability. Validation helps us feel that our social capital, which depends so heavily on other people’s assessments of our intentions and whether we can be trusted, is still intact. And when our exiled parts are feeling less fearful, our protectors can relax too, thus opening the door for genuine, nondefensive, heart-to-heart communication.

CONCLUSION

The *Family Court Review* Special Issue on Peacemaking illuminates a broad panorama of cutting-edge processes for resolving family conflict. These new techniques are much needed because of the

intensity and intractability of family conflict. This article examines some of the reasons why such conflict is so intense—and in particular the ways in which moral judgments raise the stakes in these conflicts. Attempting to divert the parties' attention away from these moral dimensions, and toward a more interest-based approach to their negotiation, does not always work. Accordingly, peacemakers need tools that enable us to address fairness, identity, and moral issues directly. New insights from neuroscience and neuroeconomics provide a lens for understanding the impact of these dimensions of family conflict, and the IFS model provides a language for discussing in a more productive way the warring emotions that family conflict evokes.

NOTES

1. SEE RICHARD C. SCHWARTZ, INTRODUCTION TO THE INTERNAL FAMILY SYSTEMS MODEL 33–48 (2001).
2. *Goodridge v. Dept. of Public Health*, 798 N.E.2d 941 (Mass. 2003).
3. Martin A. Nowak et al., *Fairness Versus Reason in the Ultimatum Game*, 289 SCIENCE 1773–75 (2000).
4. *Id.* at 1773.
5. For an excellent discussion of the rule of reciprocity, see ROBERT CIALDINI, INFLUENCE: THE PSYCHOLOGY OF PERSUASION 17–56 (rev. ed. 2007).
6. ROGER FISHER ET AL., GETTING TO “YES”: NEGOTIATING AGREEMENT WITHOUT GIVING IN (2d ed. 1992).
7. See generally David Hoffman & Richard Wolman, *The Psychology of Mediation*, 14 CARDOZO J. CONFLICT RES. 759 (2013).
8. Nowak et al., *supra* note 3.
9. See David Rand et al., *Evolution of Fairness in the One-Shot Anonymous Ultimatum Game*, 110 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES 2581 (2013).
10. *Id.* (emphasis added).
11. See also discussion *infra* regarding social capital.
12. DOUGLAS STONE, BRUCE PATTON & SHEILA HEEN, DIFFICULT CONVERSATIONS: HOW TO DISCUSS WHAT MATTERS MOST ch. 6 (1999).
13. *Id.*
14. Boaz Keysar et al., *Reciprocity is Not Give and Take: Asymmetric Reciprocity to Positive and Negative Acts*, 19 PSYCHOL. SCI. 1280 (2008).
15. *Id.* at 1285.
16. See, e.g., Helen Fisher, *Lust, Attraction, and Attachment in Mammalian Reproduction*, 9 HUMAN NATURE 23, 39–40 (1998).
17. JONATHAN HAIDT, THE RIGHTEOUS MIND: WHY GOOD PEOPLE ARE DIVIDED BY POLITICS AND RELIGION 225 (2013) (quoting Darwin).
18. See generally *id.*
19. DANIEL KAHNEMAN, THINKING, FAST AND SLOW (2011).
20. See, e.g., LAURENCE BOULLE ET AL., MEDIATION: SKILLS AND TECHNIQUES (LexisNexis 1st ed. 2008).
21. *Id.*
22. Nowak et al., *supra* note 3.
23. CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982).
24. The following discussion is drawn from David Hoffman, *Mediation, Multiple Minds, and Managing the Negotiation Within*, 16 HARV. NEGOT. L. REV. 297 (2011).

David Hoffman is an attorney, mediator, arbitrator, and founding member of Boston Law Collaborative, LLC. He teaches mediation at Harvard Law School, where he is the John H. Watson Jr. Lecturer on Law. In Fall 2015, he will also be teaching a course on Collaborative Law there. He is past chair of the American Bar Association Section of Dispute Resolution and a distinguished fellow in the International Academy of Mediators. In 2014, he received the Lifetime Achievement Award from the American College of Civil Trial Mediators. He has published three books, Bringing Peace into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution (with co-editor Daniel Bowling), Massachusetts Alternative Dispute Resolution (with coauthor David Matz), and Mediation: A Practice Guide for Mediators, Lawyers, and Other Professionals, and numerous articles/book chapters on law and dispute resolution. Prior to founding Boston Law Collaborative, he was a litigation partner at the Boston law firm Hill & Barlow, where he practiced for seventeen years. Before that he was a woodworker in Ithaca, New York, for seven years. He is a graduate of Princeton University (A.B. 1970, summa cum laude), Cornell University (M.A. 1974), and Harvard Law School (J.D. 1984, magna cum laude), where he was an editor of the Harvard Law Review.

Copyright of Family Court Review is the property of Wiley-Blackwell and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.