

UNITED STATES DEPARTMENT OF JUSTICE

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KEYNOTE ADDRESS BY THE HONORABLE JANET RENO,
ATTORNEY GENERAL OF THE UNITED STATES,
AT THE OFFICE OF PERSONNEL MANAGEMENT
DIRECTOR'S AWARD CEREMONIES FOR OUTSTANDING
ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

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Campbell Auditorium

Office of Personnel

Management

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P R O C E E D I N G S

(9:52 a.m.)

GENERAL RENO: Thank you so much, Janice, in it is a privilege to be here. It is a privilege to be with all of you, because I have a special mission while I am Attorney General and when I leave this office, and that is to let the American people know about the thousands of people who work with them and for them in various federal agencies across this land.

I have seen so much excellence, so much professionalism, so much caring. The word "bureaucrat" that some people utter, I want to tell the American people what "bureaucrat" means. It means the lights are on at the Justice Department at 10:00 o'clock at night, that somebody from another agency has gotten a report to me at 6:00 o'clock in the morning because they know I'm going to need it, that agents are putting their lives on the line, that the military is doing some extraordinary things that cut across so many different areas.

If that's what "bureaucrat" means, then I am proud to stand with bureaucrats who care so much and who are so dedicated.

(Applause.)

But sometimes the lawyers who are among the bureaucrats can really foul things up.

(Laughter.)

They get into contentious litigation and they fuss back and forth at each other, and when they're through the litigation they haven't solved the problem and nobody's particularly happy with the result.

I think lawyers have four roles: One is the advocate, one is the problem-solver, one is the peacemaker, and one is the protector. I think too little attention is paid to the problem-solving aspects of the law, and that's the reason I think this recognition of ADR efforts is so vitally important.

But I then see us tend back into the federalese. "ADR," well, that's not federalese, but what does it mean? I think it's important for us all to let the American people know that ADR is more than one type of dispute resolution. I've decided to call it "Appropriate Dispute Resolution," because it might involve negotiation, it can involve mediation, it can involve arbitration, it can involve combinations. But it is aimed at solving a problem in a sensible way, to provide a permanent solution.

This is the first time, thanks to Janice Lachance's leadership, that the government has used an award ceremony to recognize outstanding federal dispute resolution programs in the workplace area. I'm honored that you've asked me to be a part of it. I hope that we can build upon this OPM event by having similar ceremonies in other areas in the government to recognize people who are doing excellent work in problem-solving and in dispute resolution.

I want to congratulate everybody involved. This type of recognition is what we need to ensure continued growth of ADR in the Federal Government. And it's fascinating to see how that growth is accepted. When I first raised the issue of teaching people how to resolve disputes and teaching people to use mediation and to use neutrals, people in the Department of Justice said: But we're trial lawyers.

I explained to them that I was delighted that they were trial lawyers, that we would never be able to resolve disputes if we didn't have good trial lawyers who weren't afraid to go to trial, but we could do so much more.

Well, I don't think I'll take it. You can give that training to somebody else.

Well, we've trained over a thousand lawyers now, and it's catching hold and people are asking about what opportunities they have for training. So keep the word going, and this award

ceremony, Janice, is just an opportunity to do that.

I want to recognize all of the people who helped to establish the programs that were nominated in this award program. We are so thankful for your work in program design, training, identification of neutrals, and all the other aspects that go into making a successful ADR program.

Janice Lachance emphasized one amongst others, too: the need for evaluation. Too often we try something and we really don't know whether it works or how it could be improved upon, and it is important as we develop programs in our various agencies that we have evaluation mechanisms that are fair and objective and show us what we can do better or if we're doing it right.

In my view, you all who have contributed to this program today are a wonderful example of the positive things that we can do when we start solving problems together.

I want to recognize the federal appropriate dispute resolution community, and especially those members who are here today. The dispute resolution experts have full-time responsibilities for ADR programs at their own agencies. Yet every day they give invaluable time and priceless advice to other federal agencies as part of our inter-agency ADR working group. I'm so proud of what they have been able to do in less than 12 months.

I am delighted to see so many nominations, 49. Clearly you must have had a hard time, judges, in making these decisions, and I thank you for the effort that you've put into it.

These programs operate to resolve disputes in all parts of the country. Some are sponsored by federal executive boards and serve a number of agencies. Others operate in specific regions of the country, and some, like the Postal Service's Project Redress, have a nationwide scope.

I'd like to think that every one of these programs, whether selected for an award or not, is a winning program that deserves recognition and commendation, and I commend my wholehearted support and commendation for all that you have done.

Any program that helps to resolve workplace disputes in a more effective, more efficient, and less confrontational than our traditional administrative processes is a winning program.

I would hope that every one of the programs nominated for an award is an ADR program that is making a difference in people's lives.

These programs are making the workplace more humane.

They are saving agencies money. They are solving problems in a positive way. And by doing

all of this, these programs are helping all of us to be better public servants.

It is so wonderful to see how conflict can be resolved, not just people agreeing, that's it and it's all over, but a manager suddenly realizing that an employee has a resource and a perspective and an understanding that can contribute significantly to an agency's work and progress; and for the employee to suddenly see, oh wait a minute, I could improve in this regard and if I did this I could do better, and why didn't I think of that. It is so fascinating to see what happens when people sit down and try to solve their problems.

As senior managers charged with resolving work place disputes, we know how corrosive the adversarial process can be. I don't know how many managers are in this room, but you've seen the results of a process where nobody agreed and the resolution was forced upon them. Regardless of whether that adversity is displayed in an administrative court or in a federal courtroom, we know the result.

We know how continuing workplace arrangements and relationships can become endangered when, after years of struggle, one side to an intra-office dispute finally "wins" and the other loses. All too often, there are only losers when the work place has such extensive conflict.

Moreover, when anger, distrust, or a desire for vindication contaminates the work place we need effective solutions. In many cases, a truly effective solution caused by work place hostility can only be achieved if we deal with the people and their problems first and worry about their legal positions later.

Dispute resolution programs emphasize respect for the individual, collaboration and creative problem-solving by using the trained skills of a neutral to help the parties solve the problem themselves.

I've discovered something. You watch people participate in the mediation program with a neutral for the first time or the second time, and then suddenly they're applying the skills and the problem-solving to negotiation, and then suddenly they're applying it in their management positions and you don't need negotiation, you don't need dispute resolution, because the process has helped to eliminate the whole problem and showed you how to be a better manager and a better employee along the way.

Dispute resolution programs emphasize respect for the individual, which I think is so important. I came from an office of 930 people, which I thought was difficult to manage, and now I have an agency of over 100,000 people. People say sometimes that I micromanage. I don't micromanage. I use an example to inform and illuminate a larger issue, and I look to the people who are on the front lines.

I believe that in the Federal Government, no matter how large we are, we can still look at

individual people with individual problems and fashion solutions that respect their dignity, respect what they're doing, and continue the working relationship.

But let me be clear. It is always absolutely critical that when discrimination violates the laws and injures those who are the victims of discrimination that we move vigorously, fairly and firmly. Promoting the use of dispute resolution does not sanction any greater degree of tolerance for unlawful or improper conduct than if these programs did not exist. In promoting the greater use of dispute resolution in the federal work place, we are urging the expansion of a process rather than a change in the standards by which we measure acceptable or unacceptable conduct.

In almost every work place, there are misunderstandings, differing perspectives, and sometimes an unfortunate lack of respect. When unresolved, these problems can become the basis for complaints that will be expensive to the agency to process and disruptive for the work place while the complaints are pending. In addition, because of the limits of Title VII jurisdiction, complaints arising from this type of environment are likely to be resolved in an unsatisfactory manner.

As the EEOC itself has recognized, many of the claims that it receives do not present valid charges under existing statutes. Yet if we are truly concerned about the work place environment, this is an area where the federal agency may receive tremendous benefits from dispute resolution programs.

For all these reasons, we are intensifying our efforts to develop more programs like those being recognized today.

Through the Inter-Agency ADR Working Group, we are making great progress. Under the leadership of Mary L. Canno, General Counsel at the Postal Service, and Erica Cooper, Deputy General Counsel at the FDIC, more than 40 federal agencies are participating in training seminars, brown bag conferences, lectures, and panel discussions. These events are all designed to assist federal agencies in establishing effective federal ADR programs for work place disputes.

I just want to personally thank Mary and Erica, because not only do they do their own work in their own agency, but they take time to do this. And they don't do it superficially, they do it with great care, and I am deeply grateful.

Because of people like them and others, we have come a very long way in trying to establish these processes as an enduring part of federal decisionmaking. We are confronted with competing demands for time and resources, the challenge of change, organizational apathy and the fear of a new way of doing things.

Yet, thanks to the efforts of everyone in this room and many others, we have made progress.

We really don't have a choice, because the present system is not working very well. We can do so much more.

We ask so much of federal employees. I think we owe them our commitment to resolve work place disputes in a manner that honors the individual and honors problem-solving and peaceful resolution.

I think public service is one of the great undertakings that anybody can pursue. I have been around some absolutely splendid public servants in these last six years. I have had one of the greatest experiences that any lawyer could have to try to use the law the right way, to make things better for the American people. There is no substitute for public service in my life. Yes, you get cussed at, fussed at, and figuratively beaten up around the years, either by the New York Times or a Congressional committee. But there is no substitute for trying to work through democracy and make it work for all the people.

I think we do this day in and day out because of the people in this room and colleagues like you across this nation. I salute you and, on behalf of all the American people, I thank you for really wonderful and dedicated public service.

(Applause and, at 10:06 a.m., end of address.)