

Review: Environmental Dispute Resolution: An Anthology of Practical Solutions

By Ann L. MacNaughton and Jay G. Martin (Eds.)

Reviewed by [Kathy Piselli](#)
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Ann L. MacNaughton and Jay G. Martin (Eds.). *Environmental Dispute Resolution: An Anthology of Practical Solutions*. Chicago: American Bar Association, 2002. 431 pp. ISBN 1-59031-092-6 (trade paper). US\$99.95

Two former oil company attorneys have brought into being a book for treehuggers and developers both. They worked together in the early 80s at Superior Oil (later Mobil Oil) "observing an energy industry that then was beginning to experience transformational change." What they were observing was the phenomenon of costly, fatiguing, and adversarial models of business going out of style. Since then, each has made a living out of helping clients out of tough situations using principles of alternative dispute resolution.

Their book is made up of articles that detail how specific types of disputes can be resolved outside the adversarial model. Some focus more on how to use conflict resolution principles to resolve disputes, whereas others provide strategies for litigators to consider. The authors may not have intended to write from the point of view of a corporate attorney, but this angle nonetheless peeks through, even in the most theoretical sections dealing with the virtues of conflict resolution. The book would certainly be an important acquisition for a university or private law firm library. The language is that of professionals in the field: attorneys, risk advisors, or Alternative Dispute Resolution negotiators.

What is a non-professional, perhaps a citizen participant in an Environmental Dispute Resolution, or EDR dispute, to make of these essays? Some may use information from this book as a way to understand the push and pull of the negotiation process. Others might read it and become energized by the idea of a win-win result. Still others could become alienated, feeling voiceless and manipulated by the machinations mentioned in some articles.

Extremely useful is Appendix A, a "field guide" and annotated bibliography, compiled by EPA ADR program manager V. Lee Scharf. By itself it provides a subject-indexed summary of about 300 articles and books dealing with theory and practice. The subject index is a well-thought-out tree of topics. Major subject headings include "Introductory Articles," "Background Articles," "Current Issues," "Cross-Current Issues," and "Confluent Areas."

These are further broken down so that one can easily locate articles on topics from the most broad to the most narrow.

MacNaughton and Martin get the last word with their concluding chapter on evaluating the EDR process. Here they resume their opening pitch to attorneys to pursue EDR as a way to make themselves marketable. Collaboration is the new model, they say, and lawyers who get on the bandwagon can be that much more attractive to their clients. As for the client, the result obtained using collaborative problem-solving may not always be the cheapest way to go, but it will provide a solution that will last longer and keep the avenues of communication open.

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