

Two major settlements in the last few months, here, in New Jersey, in June and, again, in July, underscore the importance of—and, as a result, enhance the visibility of—negotiated outcomes and, particularly, the use of mediation in advancing public policy goals and participative public decision-making processes. Not only is this valuable recognition for the Center for Negotiation and Conflict Resolution, directly (we are mediating in the school finance case), but indirectly as well, as attention is focused on the importance of finding consensual means to resolve thorny, difficult and, frequently, long term policy and funding issues. And, to be sure, these mediated settlements underscore the importance for students in planning and public policy to become knowledgeable regarding the processes that produce them and lead to their effective implementation.

In the first instance, the settlement between the State of New Jersey and Children's Rights Inc. regarding the latter's lawsuit against the Division of Youth and Family Services, a suit that exposed New Jersey's child welfare system as an abysmal failure despite all the previous attempts at reform, is dramatic in scope and impact as it will require remedies, particularly "process remedies," that create unprecedented change at DYFS. For the first time, a group of national experts will monitor the requirements set forth in the settlement, will articulate benchmarks, including operating procedures and budget decisions, and, virtually unique in these matters, the panel's work will be funded and staffed by a national foundation whose sole focus is child welfare reform, the Anna E. Casey Foundation. The federal court will retain its interest as well.

A settlement such as this, aiming to fundamentally alter the way a public agency functions, is the result of a collaborative, problem-solving approach, guided, in this case by a mediator, former Supreme Court Justice Stewart Pollock, and the commitment of all parties, including Governor McGreevey, to make it work, in brief, to improve the conditions and outlook of children in its care. The scope and quality of this settlement reflects not solely a compromise between positions of the parties but rather an effort to come to terms with the needs and interests of those affected and involved. Rather than simply ending a lawsuit with a winner and loser, it continues the relationship among those at interest to implement the creative settlement they have produced.

In the second instance, a settlement was reached between the State of New Jersey and the Education Law Center in Newark, an advocacy group for urban schools, which had sued the state in the latest round of *Abbott v. Burke*, a case that has been before the New Jersey Supreme Court for 22 years. This settlement was reached with the aid of a mediation by a sitting judge, the Honorable Alan Carchman, and while the major issue of supplemental funding levels was not resolved, several other issues were and, what is virtually unique with respect to this settlement as well, is that it provides for a process for the parties to work collaboratively on remaining issues, notably regulations to govern school supplemental programs, with respect to administration and classroom instruction, in the 30 poorest school districts. The committee's membership and responsibilities are presented in an Order from the Supreme Court. The "collaborative regulation committee" includes teachers, parents and legislators as well as Education Department officials, researchers, and representatives of the Education Law Center. The work of the Committee is being mediated by Sanford Jaffe and Linda Stamato of the Center for

Negotiation and Conflict Resolution. All meetings are taking place at the Bloustein School.

The prospect of reaching consensus on regulations among those who are affected by them, including those who serve the public interest, is significant, not only for the immediate task at hand, but beyond it, to other venues, school related and not. Good quality in the design of regulations and their effective implementation is more likely to be achieved with participation by those who know best, administrators, practitioners, agency personnel and researchers. The process for working collaboratively is no small piece of the problem-solving puzzle. Again, there is significant value for policy-makers and for students of planning and policy to become knowledgeable about how these processes work and why they are (and are not) successful.

What an appropriate time and place for these cutting edge opportunities to be occurring: Now, at the Bloustein School of Planning and Public Policy as Rutgers continues to define and develop its mission as the State University of New Jersey.