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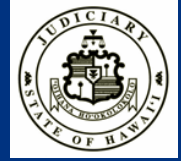
Joint Fact Finding: Sharing Information to Achieve Consensus

Complex, multiparty negotiations that require technical information for decision making may become mired in dueling experts. Opposing parties hire their own authorities who reach opposite conclusions so parties hold fast to their positions. Arguments over the facts keep the parties from resolving the issue. Joint Fact Finding (JFF) offers an alternative in which parties share rather than withhold information. Through JFF, the parties agree on the selection of unbiased experts to collect data, determine how the data will be collected, and present that data to all parties so they may understand it and move forward from shared information, often with assistance from a mediator.



Herman A. Karl, Lawrence E. Susskind and Katherine H. Wallace advise that JFF requires careful preparation. A stakeholder assessment must be completed to define relevant issues and determine if JFF is the appropriate process. If JFF is to be used, ground rules, a work plan, and choice of a facilitator or mediator must be set. Next, specific questions to be addressed must be identified along with the methods for gathering information. Finally, agreement must be reached on how the results will be used.¹ Peter Adler explains that because JFF may be tailored to a specific situation, no two processes will be the same, yet successful applications will share certain characteristics. These characteristics include political sponsorship, a clearly defined task, a well-structured and rigorous process, sufficient time and funding, participation by key stakeholders, local and outside experts who are willing to work as partners with each other and stakeholders, a safe setting for sharing information, and making decisions from a single report.² According to Scott McCreary, John Gamman, and Bennett Brooks, when technical experts, decision-makers, and key stakeholders engage in face-to-face dialogue, often assisted by a neutral facilitator or mediator, and work from a single document instead of different facts and recommendations, they can reduce areas of uncertainty, narrow disagreement, and achieve progress toward consensus.³

JFF has been used successfully in numerous cases, including management of poly-chlorinated biphenyls (PCBs) in the Hudson/Raritan Estuary and the New York Bight⁴, and measurement of agricultural water use in California.⁵ Both undertakings involved multiple and varied stakeholders and required two years of data gathering, analysis, and report writing, to produce a single report and achieve consensus on the majority of recommendations.



Notes:

1. Herman A. Karl, Lawrence E. Susskind, and Katherine H. Wallace, *A Dialogue, Not a Diatribe: Effective Integration of Science and Policy Through Joint Fact Finding*, *Environment*, Vol. 49, No. 1 (January/February 2007), pp. 20-34. Web. Last visited December 4, 2014.
2. Peter S. Adler, Ph.D., *A User's Guide to Effective Joint Fact Finding*, pp. 4-5. Web. Last visited December 4, 2014.
3. Scott McCreary, John Gamman and Bennett Brooks, "Refining and Testing Joint Fact Finding for Environmental Dispute Resolution: Ten Years of Success," *Mediation Quarterly*, Volume 18, Number 4 (Summer 2001). Web. Last visited December 4, 2014.
4. *The New York Bight Initiative*. Web. Last visited December 4, 2014.
5. Independent Panel on Appropriate Measurement of Agricultural Water Use, Final Report, September 2003. Web. Last visited December 11, 2014.

We welcome your input: Please send us your ideas for topics that you would like to have discussed in upcoming forums and issues of the *ADR Times*. We also welcome your insights from your experiences in mediation, facilitation, negotiation, and other ADR processes so we may share them with our readers. We look forward to hearing from you and to providing a forum for the exchange of ideas.

"It's good to shut up sometimes."

Marcel Marceau
