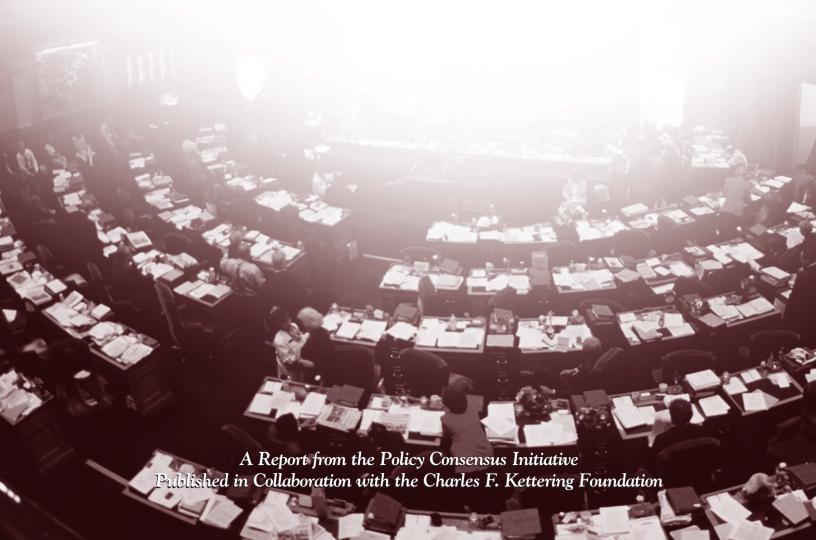


LEGISLATORS at a CROSSROADS

MAKING CHOICES TO WORK DIFFERENTLY



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PCI builds and supports networks that provide states with leadership and capacity to achieve more collaborative governance.

The Policy Consensus Initiative is a national, nonprofit, bipartisan organization, and our board is made up of governors, legislators, and leaders in the field of public policy consensus building. Since 1997, PCI has been assisting state leaders in the use of collaborative approaches to addressing difficult policy issues.

PCI's objective is to develop and work with a network of interested legislators and their associations to enable and assist them to use collaborative approaches to address complex policy issues in order to achieve more effective governance. PCI gratefully acknowledges the support of the Rockefeller Brothers Fund for this work.

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INTRODUCTION

his report paints a picture of state legislators that may be at once familiar and new. It examines the role that legislators play in the context of today's political scene. In some ways, legislators continue to work as they have in the past. But the environment has changed, and legislators across the country are responding to those changes by practicing politics differently. New roles are emerging for legislators as problem solvers, facilitators, and conveners. In short, legislators are learning that leadership is often about inspiring people to work together to resolve problems.

At a Crossroads

State legislatures today are at a crossroads. Political as well as social changes are affecting legislators' ability to get their work done. Political changes have resulted in greater turnover in legislatures, which in turn has altered legislators' capacities, relationships, and norms for working together. At the same time, policy issues have become increasingly complex, the speed and intensity of communications with constituents and others have increased due to technological advances, and society as a whole has grown more diverse. One result of all these changes is the public perception that legislatures are not able to work as effectively as they did in the past to address issues.

This report looks at how legislators are responding to the competing pressures they are encountering at these crossroads. Legislators clearly continue to fulfill traditional roles—making laws and providing service to constituents—but some are doing so in different ways and with a different intent. Some are recognizing, for instance, the important leadership role they can play in helping the public gain knowledge about issues. Others, when confronted with dysfunction within their legislatures, are discovering how they can work collaboratively across partisan lines.

An Emerging Role

Some legislators are even going a step beyond these measures and embracing an entirely new role. This new role is that of convener. A convener is someone who brings a diverse group of people to the table to resolve problems collaboratively. Legislators are beginning to recognize the role of convening as a way they can take action, or facilitate action, without waiting for the legislature to act. Legislators have the power, by virtue of their elected office, to summon people to work on and resolve issues at the community level, without the need to go to the legislature at all.

By acting as a convener, legislators are able to be more responsive to the public. In the traditional legislative environment, legislators may feel stymied in their attempts to solve problems. But those who see themselves as conveners—those who pull different interests together to work toward solutions—feel more like effective problem solvers.

As with any change in roles and practices, the institutions within which legislators work are not always hospitable to these new roles. Ingrained procedures, norms, and rules sometimes militate against legislators playing the part of conveners. But these challenges are not insurmountable, and legislators are learning how to overcome them.

About This Report

To develop this report, we at the Policy Consensus Initiative (PCI) drew on our eight years of experience working with elected state leaders to foster collaborative governance. We also conducted a series of interviews with legislators about how they are using collaborative approaches to get public work done. More information on our methodology can be found in Appendix A.

The body of this report is organized into three main sections. Legislators at a Crossroads outlines the political and social environment in which legislators are now working. Changing Roles examines how state leaders are responding to this changed environment—how they are using new means to fulfill traditional roles. Finally, A New Role describes how some legislators have learned to use the power of their elected office to play the new role of convener. This section includes a series of recommendations for legislators regarding how to serve as a convener. A list of resources for further reading is included as Appendix B.

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LEGISLATORS AT A CROSSROADS

n recent years, our political culture has become more confrontational. Politics has become more polarized and partisan. Most agree that polarization and partisanship have resulted in—at a minimum—an environment in which it is more difficult for officeholders to do the job of governance. State legislatures have not escaped this trend.

Deliberation in legislative bodies is fundamental to the democratic process; it enables legislators to build consensus for policy outcomes. Yet legislators' ability to deliberate has been eroded by changes in the political environment.

Deliberation requires skills—skills in listening, building consensus, and finding compromise. It also requires effective working relationships among legislators from different parties and factions, so that they can engage each other in a civil fashion. The

following are some of the key changes that have affected legislators' ability to deliberate.

Term limits are wiping out the top legislative leadership in the 15 states that have those limits. Without the benefit of experience, mentoring, or the kind of perspective brought by longevity, new legislators find it difficult to develop the political skills needed to formulate consensus or move controversial issues toward resolution. It should come as no surprise that the legislators interviewed for this report are no fans of term limits.

"So many things have been reduced to who has the most muscle, as opposed to building a camaraderie, and a lot of that is because our time is so short."

- A Midwestern legislator, speaking about term limits

In fact, these legislators specifically identified term limits as a barrier to working collaboratively. They said that turnover prompted by term limits has reduced legislative expertise about both the issues and the process, has increased the power and importance of lobbyists, and—perhaps most important—caused some colleagues to place shortterm political gain ahead of consensus building. A Midwestern legislator put it this way:

"So many things have been reduced to who has the most muscle, as opposed to building a camaraderie, and a lot of that is because our time is so short. We don't take the time to really get to know one another, because everybody's thinking, 'I need to get done what I came here to do.' Building relationships is something you sacrifice when you just bulldoze things through with your muscle. That is a detriment to the whole political process."



Negative campaigns and campaign money have had profound impacts on legislators' ability to form and sustain working relationships. Legislators say it is hard for members of opposing parties to maintain collegial relations after they have been the subjects of campaign attacks. A Southern legislator reported that negative campaigning has escalated "to the point where people from out of state are in control of the things we say to and about each other. They are only interested in adding a notch on the gun. They have absolutely no interest in what is left in the legislature when the smoke clears." These factors, as well as a sense on the part of some legislators that it is "no longer any fun," or "not worth it," has resulted in greater turnover in legislatures.

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-A Southern legislator

• As a result, the "rules of the game" for working together have eroded. The customs and norms that enabled legislatures to sustain the atmosphere necessary to grapple with difficult and divisive issues seem to have been forgotten. New legislators are often unaware of the need for some of the established customs and practices—practices that in the past helped to preserve an atmosphere of mutual respect and civility.

"I caution them all the time: 'don't hold grudges," said one Midwestern legislator, describing his efforts to convey legislative norms to new colleagues. "There's always going to be another day. And when you're hurt, it's okay if people see you're hurt and that you're disappointed, but don't let that be an automatic reason to get revenge, because it is just a useless endeavor."

In addition to these institutional changes, societal changes are having an equally important influence on the ability of traditional governmental structures, including legislatures, to do their work. Contemporary issues have grown increasingly complex. Today's problems—such as joblessness, underperforming schools, and limited access to health care—don't lend themselves to ready solutions. They have complex root causes, are increasingly interconnected, and require a variety of sectors or fields to be involved in addressing them.

"We're set up in this hierarchical system where you have the Environment Committee and then you have the Health Committee, and never the two shall meet.... To try to get together and do something different is very hard."

-A Midwestern legislator

Most legislative committees aren't structured to look at all the various elements of these kinds of problems comprehensively. According to one Midwestern legislator, "We're set up in this hierarchical system where you have the Environment Committee and then you have the Health Committee, and never the two shall meet. So, people see their work situation as these silos. To try to get together and do something different is very hard."

• The pace of communication has increased markedly. Access to communication technology has changed not only how we work, but how we live. With the advent of e-mail and the internet, interest groups are in touch much more frequently, and grassroots campaigns are easier to mount. Through instant communication, people can easily contact their elected leaders, and they expect them to be responsive.

"...I have five portals of entry into my life. This morning when I got here, each one of those had double-digit numbers of calls and messages. They are almost all people asking me to do something."

-A Western legislator







"When I entered the legislature, I was a lot less busy," said one Western legislator, who noted that citizens now have multiple ways to get in touch. "I have one, two, three, four, I have five portals of entry into my life. This morning when I got here, each one of those had double-digit numbers of calls and messages. They are almost all people asking me to do something."

 Our society has grown more diverse. Because of this diversity, elected leaders face challenges in promoting the kind of communication and understanding that enables people from diverse backgrounds with diverse interests to find common ground.

In short, then, the institutional changes discussed above are intersecting with these broader, societal changes. This is the crossroads at which legislators now find themselves.

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The result of reaching this crossroads is this: The way politics is practiced appears to be changing. This is a bold statement. But the legislators interviewed for this report, in reflecting on their own work and how they get it done, suggest that it is accurate. Increasingly, these and other elected leaders are recognizing that traditional governmental mechanisms and forums are inadequate for developing solutions to difficult issues. Some issues can only be addressed when all of the parties involved and affected reach consensus and make mutual commitments to act.

PCI's research suggests that what is needed is a governance system that routinely brings diverse groups of people together to develop creative, mutually beneficial solutions for the public good. Such a system would be especially useful where the issues are complex and where solutions must be developed and implemented with the cooperation of many levels of government, agencies, businesses, and individuals.

PCI's research suggests that what is needed is a governance system that routinely brings diverse groups of people together to develop creative, mutually beneficial solutions for the public good.

This is not a matter of government reform, but of creating a better way to solve problems with innovation, fairness, and accountability. It involves combining the efforts of public and private institutions and the civic sector. Government is a key partner, but not the only actor. As former Oregon governor John Kitzhaber has said, "Government can keep people from doing the wrong things, but it can't make them do the right things."

As discussed in the next two sections, the mechanisms and practices PCI has in mind call for elected leaders to both carry out traditional roles in new ways, and play entirely different, new roles.



CHANGING ROLES: LEGISLATORS SEE THEIR WORK IN NEW WAYS

he changes being experienced in society and in legislatures are influencing how legislators go about their work. Most leaders interviewed for this research said that the way they carry out their traditional roles has changed significantly over the last decade.

Legislators typically say that lawmaking is their principal task. At the same time, their duties to constituents are very important. And the longstanding debate continues among them about whether being a representative means (a) making decisions based on what one thinks best or (b) serving as an agent for the people. In each of these latter roles (legislator-astrustee and legislator-as-delegate), the driving assumption is that citizens and legislators are working somewhat separately. They come together only at election time, when citizens either ratify the existing direction or vote for new leadership.

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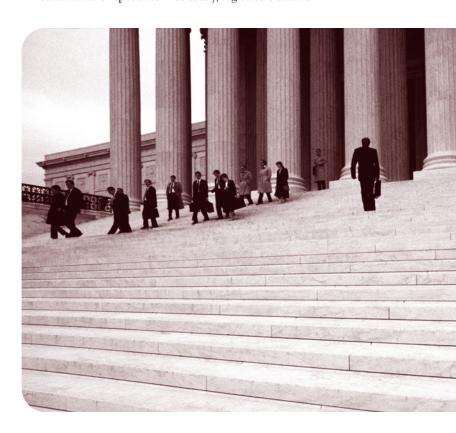
A Western legislator we interviewed gave a plainspoken description reflective of traditional views about the roles of citizens and legislators:

"My view of the role of the legislator is to sort of do the work on your own, come up with a resolution, and then try to drag people to your side. And, you know, if you don't do that, or don't do it well, or if your resolutions are consistently wrong, then the way to deal with that is at the next election."

But other legislators interviewed for this report, driven by institutional and societal changes, recognize the need to take new approaches. In the face of the inability of some legislatures to get work done, legislators face choices about how to carry out their traditional roles. A number appear to be choosing to do their work differently.

A careful look at how these legislators approach their work reveals an emerging set of practices. The following are three key areas in which some state legislators are now working differently.

1. Going to Where People Are to Listen and Learn.
Legislators say they now attend community events
and interact with the public with a different intent.
Elected leaders have always participated in
community events, of course. In the past, they
often held town meetings in order to make
statements or speeches. But today, legislators attend







community events, belong to community groups, and go to coffee shops with the specific and stated purpose of listening and learning. Instead of doing the talking, they are there to observe and listen. "In my state we are pretty accessible," said one legislator. "We are out and about. Sometimes, people don't seriously think that the legislators are going to listen to them.... They don't expect really to have a lot of influence."

Another legislator said that, at community meetings, rather than always being the focus of the conversation, she tries to make sure she has a chance to observe what citizens are saying to each other. She makes clear to others at the meeting that she is there to observe, and she tells people she will be available before or after the meeting for more traditional legislator-constituent discussions.

Likewise, a Midwestern leader said, "Outside of the legislative session, I find it far more satisfying to meet with people in the district.... We usually meet at a local coffee shop or restaurant, which makes for a more neutral setting. Sometimes people get nervous when they come to see me at the Capitol.... Meeting in the coffee shop takes down the mystery of being an elected person."

"Sometimes people get nervous when they come to see me at the Capitol...Meeting in the coffee shop takes down the mystery of being an elected person."

-A Midwestern legislator

2. Fostering Public Knowledge and Understanding. Some legislators recognize that they can't be experts in all policy areas, but they can help the public learn about the issues as well as each other's views. Put another way, they can help to foster public knowledge and understanding.

One Midwestern legislator explained: "It really takes the individual policymaker...sitting back and admitting you don't know how to do everything in the entire world.... We're generalists. One of the things is not to be the expert, necessarily, on each issue. [It's important to] be able to hear and lead people through a process where they can hear themselves, what they're saying, and what they

need. I think there's a lot of room in government, as policymakers, to increase the skills for doing this sort of work."

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- A Midwestern legislator

Even when the goal is to influence people's opinions on an issue, some of these legislators still take the opportunity to increase public knowledge and understanding. One Midwestern leader organized an informational forum on immigration, for example, "to help people in our state understand it's not a simple issue of just sending people back somewhere." Similarly, a Western legislator organized a forum on electric utility deregulation, "just to educate [citizens] and let them ask questions of people that understood the issue." He explained: "I brought in eight people from all over the state, from both political parties, and [had them share both] pros and cons on the issue. They had a brief discussion up front, and then they opened it up for comments and questions. And then people got to ask whatever they wanted to." This leader framed the forum by pointing out to the audience that, like them, he knew little about the issue and was there to learn.

"Public knowledge," however, is more than just "what citizens know about an issue." Public knowledge is a complex idea that takes into account not only what citizens know individually, but also what they collectively hold valuable. To develop this kind of knowledge, people need ways to learn from each other. They need opportunities for dialogue and deliberation to help develop understanding and identify their common interests, as well as their differences.

A Western legislator organized a forum on electric utility deregulation, "just to educate citizens and let them ask questions of people that understood the issue." This leader framed the forum by pointing out to the audience that, like them, he knew little about the issue and was there to learn.

One Eastern legislator spoke about experiences pulling together diverse groups to address issues. This leader said:

"What is interesting and satisfying is to see the kind of learning that is going on. The growth in the individuals, including myself, who are learning from one another, but who are also teaching. The best of all prospects is when the learning and the teaching are going back and forth like a seminar."

3. Working as a Problem Solver across Partisan
Lines. Frustrated by the partisan bickering and
gridlock they are experiencing, and bolstered by
growing public dissatisfaction, some legislators are
recognizing the need to create a climate for more
productive action and engagement within the
legislature itself. To get things accomplished
requires taking on the role of a problem solver.
Sometimes this means leading from the back, or
the middle.

"The easiest way is to start before you have a bill—when you can sit down and lay out your ideas and nothing is right or wrong....
You have to understand that agreements will last longer if they reflect the diverse interests in the state. If you treat everyone at the table as an equal problem solver, you don't shut yourself off from good ideas."

- A Midwestern legislator

Such leadership often takes the form of working across party lines or other divisions to bring legislators together to build consensus. A Midwestern leader described the problem: "When people are in factions, they can't necessarily see where their interests actually align or are in conflict

with each other." A Northeastern legislator pointed to the importance of a time when a group working on environmental issues had a "behind-closed-doors opportunity" to "put our swords and shields down at the door."

"The easiest way," according to another Midwestern legislator, "is to start before you have the bill—when you can sit down and lay out your ideas and nothing is right or wrong." Often informal sessions help committee members prepare to deal with an issue. Being in an atmosphere where they can engage in give-and-take and are open to learning something new "makes the bill better, it adds value to it." This person explained further: "You have to understand that agreements will last longer if they reflect the diverse interests in the state. If you treat everyone at the table as an equal problem solver, you don't shut yourself off from good ideas. And, the public expects us to work together."

"Your fingerprints on the common outcome will be more important than a lesser outcome that is entirely your own."

- A Western legislator

Another Midwestern legislator said the key to forming consensus was to get a broad spectrum of legislators involved in a collaborative process. In the case of a piece of legislation concerning access to higher education, this leader said, success was "directly related to having involved different groups and thinking about issues in ways that were not just the way I see it." Working across dividing lines, in this view, is integral to achieving better outcomes.

A Western legislator agreed, and described one rationale that works in getting other legislators to the table: "Your fingerprints on the common outcome will be more important than a lesser outcome that is entirely your own."





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A NEW ROLE: CONVENER

ome legislators interviewed for this report say the traditional toolkit for elected officials—even when carried out in the new ways described above—doesn't always include what they need. Furthermore, some say they feel trapped with old structures and procedures that don't fit the problems and the times. "Government is...stuck in this old way," said one legislator. "And why are we stuck there? Because that's the way we've always done it."

The problems confronting society require all sectors (i.e., public, private, and civic) to work together to develop agreements that produce integrated solutions and establish accountability for implementing them. Government is a necessary partner, but not the sole actor.

In response to these challenges, many leaders and observers are talking about the need to transform the

process of governance in the 21st century. It seems clear to many that government alone cannot address all of the problems confronting society. These problems require all sectors (i.e., public, private, and civic) to work together to develop agreements that produce integrated solutions and establish accountability for implementing them. In this view, government is a necessary partner, but not the sole actor.

This idea points to the need to shift to a different model of political leadership—one that works more by leveraging action than simply by advocating for a position, debating a policy, or passing a law. This is not a matter of government reform, but of creating a better way—sometimes called "collaborative governance"—that combines the efforts of public-, private-, and civic-sector institutions to solve problems. Collaborative governance is particularly useful in situations in which the problems are complex and the solutions require the cooperation of many levels of government, agencies, businesses, and individuals.1.

Someone needs to invite the various parties to come together to work toward solutions to public problems in informal, ad hoc, collaborative processes. Public leaders, such as legislators, are the ideal conveners.

In the absence of structures or forums in which these different institutions and individuals can come together, someone needs to convene them. That is, someone needs to invite the various parties to come together to work toward solutions to public problems in informal, ad hoc, collaborative processes. The convener must also use his or her political muscle to keep participants at the table and to ensure that any agreements reached are implemented.

As we shall see in this section, public leaders, such as legislators, are the ideal conveners.



The Benefits and Challenges of Legislators as Conveners

A convener is essential for achieving successful collaborative action outside of formal governmental structures and processes. A convener is needed, first, to encourage the key parties to come to the table. The elected leaders we interviewed increasingly recognize that they are in a unique position to do this; they can use the power of their offices to bring people from a wide spectrum of interests together. "Generally, when leaders invite people to the table, they are willing to come," said one Midwestern legislator.

Legislators are also very good at keeping people at the table and working together, even when the going gets tough—another key attribute for a convener. And they are essential for getting agreements implemented. Many consensus-based processes in which leaders were not centrally involved have not produced results. In these cases, agreements that were arrived at through informal collaboration were never formally implemented, because they were too disconnected from traditional decision-making structures and processes. If state legislators serve as conveners or co-conveners of informal collaborative processes, however, the outcomes arrived at are more likely to receive political support and endorsement and be formally adopted.

One legislator noted that convening provided "a way of taking action without taking sides."

While legislators are good for convening, convening can also be good for legislators. Most of the legislators we talked with recognized the value that convening can hold for them. As one explained, "It's a way of taking action without taking sides." Some even spoke animatedly about their experiences. They said the results they achieved were good, but they were most excited about being able to foster a process that

succeeded in getting citizens engaged. A Northeastern leader, describing a particularly productive session, said: "I just felt like I was really flying high in helping facilitate a really positive problem-solving kind of esprit among this group."

"When you have people sitting around the table and, at the end, they all say, 'Gee, we developed this solution together, we held hands and jumped off the cliff,' they all own it.... [And ultimately] there is much less likelihood that somebody's going to bolt."

- A Western legislator

A Western legislator put it best, perhaps, articulating both the desire for solutions and the need to root those solutions in a give-and-take between citizens. "Everybody owns the result," said this legislator. "When you have people sitting around the table and, at the end, they all say, 'Gee, we developed this solution together, we held hands and jumped off the cliff,' they all own it." This legislator went on to highlight a practical benefit to such a practice: "There is much less likelihood that somebody's going to bolt."

Convening a collaborative process is certainly not easy, however. "It's an awful lot of work," said a Midwestern legislator. "But by choosing not to help a particular group collaborate, I would also be choosing not to be effective."

Convening does require a different way of interacting with the public. It is different than telling citizens what the solution is, or talking to them about what needs to be done. It is different than chairing a committee or leading a meeting. Rather than making decisions for people, legislators who act as conveners get people involved in finding effective solutions







¹ The William and Flora Hewlett Foundation recently published *Collaborative Governance:* A *Guide for Grantmakers*, a report that describes this emerging set of concepts and practices. It employs a description of the field from the Weil Program on Collaborative Governance at the Kennedy School of Government, Harvard University:

[&]quot;The essence of Collaborative Governance is a new level of social/political engagement between and among the several sectors of society that constitutes a more effective way to address many of modern societies' needs beyond anything that the several sectors have heretofore been able to achieve on their own."

The report outlines three categories of collaborative governance practices: (1) forums for public deliberation; (2) community problem solving; and (3) multi-stakeholder dispute resolution.

together and taking action themselves. So, it may require legislators to hone some new skills.

Some leaders we spoke with also expressed skepticism of what they see as "engagement simply for the sake of engagement." And some viewed public input as not much more than a necessary nuisance. A Western officeholder summed up this perspective: "I don't mind at all hearing people's views, particularly informed views on issues.... As long as it comes fairly efficiently."

In fact, this skepticism influences how legislators choose to talk about collaborative processes with their colleagues. A Southern legislator stressed using plain language and talking about solutions: "I've said, 'You know, we really need to get in here and try to see how we can solve this, how we can come to a conclusion that's going to maybe not make all of us happy, but we'll all be okay.' ... I always focus on results."

Examples of Legislators as Conveners

Some legislators we interviewed said they are beginning to play the convener role more often. One explained: "Folks come to me and say, 'We either need the power of your office, or the power of your personality, or the power of your interest in this issue'...to be the convener." Another told a similar story. "Last week," said this Western legislator, "I was called by the mayor of one of my towns to convene a group of people to talk about a transportation issue." This leader reported that such calls were coming more often, and that when problems are addressed this way, they may never need to come to the legislature.

One Midwestern legislator described how a collaborative work session with citizens unfolded. In this case, the lawmaker facilitated the meetings in addition to serving as convener.

"I was a facilitator, and I assured people that their thoughts were going to be heard..., that what they said would be taken seriously. And they knew that wasn't just talk.... When somebody would want something, [I would] turn to the rest of the group, and [say], 'How do you feel about that?' Not everybody got what they wanted, of course, but we did get some things in the legislation I felt we would never get."

Convening Case Study: Fort Clatsop-to-the-Sea Project

For about 15 years, the U.S. National Park Service (NPS) has been working with local communities and Oregon's congressional delegation to expand the boundaries of Fort Clatsop National Memorial. As part of the Lewis and Clark Bicentennial, the NPS also wanted to reconstruct the historic trail from Fort Clatsop to the Pacific Ocean. The expansion of Fort Clatsop is a key tourism and economic development initiative for the region and state.

The boundary expansion included properties owned by others, including the Weyerhaeuser Corporation. The park expansion posed complicated political issues with newly elected county leadership, who were concerned about best use for saleable county lands. In addition, construction of the trail required building a tunnel under Hwy. 101 and raised other transportation issues associated with increased visitors to the area.

Because of the political nature of the issues and the need to leverage funding from public and private sources, the Oregon Governor appointed State Representative Betsy Johnson and a former State Park Commissioner as neutral co-conveners for the project. They convened all the necessary parties and got them working together. The stakeholders involved included the Oregon Department of Transportation, Department of Environmental Quality, Division of State Lands, Department of Land Conservation and Development, and Parks and Recreation; county and city governments; the nonprofit Trust for Public Land; and Weyerhaeuser. The group reached agreement on trail location, ownership, design, funding and construction, transportation, and other economic and community issues. They signed a Declaration of Cooperation outlining the commitments each stakeholder made to implement the steps that made the trail a reality.

"I was a facilitator, and I assured people that their thoughts were going to be heard.... Not everybody got what they wanted, of course, but we did get some things in the legislation I felt we would never get."

- A Midwestern legislator

A Western officeholder shared details of a specific experience he had convening a consensus building process in his state. This legislator serves a district that includes the state Capitol. One of the persistent problems in his district was traffic to and from the Capitol building on neighborhood streets. He decided to convene neighborhood groups from the area, along with city officials, transportation representatives, and others, to work on the problem. The group developed an approach of trying out, refining, and adjusting solutions to the problems. The solutions ultimately included better signage, traffic signals, four-way stops, and other measures. As a result, the amount and speed of traffic in the neighborhood has changed significantly.

The legislators who have served as conveners say these kinds of experiences have given them a new sense of possibility about their jobs. While this sounds "soft," it is really quite practical. As one Midwestern legislator said, "Legislators want to get things done." Working collaboratively by playing the new role of convener can help them get things done. This, in fact, is collaborative governance's strongest argument in the eyes of these leaders: It can help them do their work.

It's Still About Getting Results

Indeed, elected leaders, who often don't have enough time in which to perform their very stressful jobs, told us they are very focused on results and solutions. They aren't willing to spend time on engagement for its own sake. The day-to-day life of a legislator demands productivity. Results, and whether or not they were achieved, and whether, once achieved, they were effective and durable, was a consistent and strong theme in our interviews.

Legislators say they are always focused on results and solutions. They aren't willing to spend time on engagement for its own sake.

Almost every legislator interviewed began their descriptions of convening collaborative processes with some testimony about getting results. "The results were worth it," said one Midwestern officeholder. "It worked out well, because we ended up passing the legislation with no opposition." Of one such meeting, a Northeastern leader said, "It was respectful, creative, and collaborative, and we came up with some really good results."

"The process was respectful, creative, and collaborative, and we came up with some really good results."

- A Northeastern legislator

These leaders reported that when they worked with citizens in meaningful ways, it increased the pressure for something to come of that work. It "results in a deeper degree of responsibility for the convener to actually cause an outcome," said a Western legislator. "The burden of the outcome is on me."

Keys to Serving as a Convener

Convening is a new idea to most legislators. "When we are elected," explained one Midwestern legislator, "we are given a gift, a powerful but little-used tool, and that's the power to convene. But many don't know about it." Some legislators we interviewed recognized what convening is, but they found it difficult to articulate exactly what they would do or how they would do it. They acknowledged that they want to learn more about how to convene and that they are looking for ways to develop their convening skills.





PCI has identified eight keys to convening for leaders who convene collaborative governance processes. These are based on our experience working with state leaders. Together, they make up a road map that elected officials—especially those who seek to take advantage of the power of convening to get public work done—might take.

- Be inclusive. Engage a wide variety of people from different perspectives. Welcome participants from all interests—not just those with an obvious interest.
- 2. Establish a neutral meeting place. When the issue is complex and divisive, it's important to ensure an impartial process and a safe space for people to open up about their beliefs and opinions. It can be helpful to get assistance from an experienced facilitator in planning and conducting the process.
- 3. Be impartial. In order to keep people participating, they must believe that you, as the convener, are not predisposed to one side or another and are trying to find a solution that all sides can embrace. This may require you to work with a co-convener from the other side of the aisle.
- other side of the aisle.

- 4. Direct, rather than dominate, the discussions. Bring people together to find agreement. Enable them to talk with each other, rather than talking only to you. It is often useful to get someone else to facilitate the discussions so you can listen and ask questions. Besides, you may not have time to run all the meetings.
- 5. Frame the meeting and the issue. Establish the purpose for the meeting. Help to ensure that the issues being considered are framed in an unbiased way. Defining and naming the issue jointly can ensure that everyone is willing to contribute to the solution.
- 6. Keep people moving and working together. Keep participants working together to consider options and integrate them into solutions. Where there may be institutional impediments or red tape, consider using your own capabilities to overcome them.
- 7. Demonstrate ongoing visible commitment. In order to keep participants at the table, they need to know that you are paying attention and care about the progress the group is making. Even if you can't be present at every meeting, send signals demonstrating on-going interest. Provide feedback to the group on their progress.
- 8. Make sure there is an outcome. Getting to closure can involve establishing timetables for the process and reminding people of those timetables. The best outcomes involve written agreements that spell out an action and an implementation plan, including different people's responsibilities.

Conclusion

The bottom line, from the standpoint of the legislators interviewed for this report, is that they recognize the challenges they face as members of legislatures in meeting public expectations and dealing with nagging policy problems that don't seem amenable to solutions. As leaders, they are finding that they can often be equally or even more effective when they involve people in the decisions that affect their lives. They also recognize the benefits of being able to help forge relationships, build new leadership, and strengthen their communities. The new role of convener is often just the tool they need.



APPENDIX

A. Methodology

This report is based on an extensive examination of the Policy Consensus Initiative's eight years of experience working on collaborative governance with state legislators.

In addition, ten current and former state legislators were interviewed to gain their insights and ideas. The main determinant of whether a legislator was contacted for this report was PCI's knowledge (either first-hand or through suggestions from peers) that she or he was going about the business of legislating in what could broadly be termed as "collaborative" ways. The legislators were also chosen, to the extent possible, so that the resulting group had diversity across a number of dimensions: political party, chamber (House or Senate), gender, and region.

Interviewees were asked a standard set of questions. Variations between interviews occurred based on the responses of interviewees as well as particular time constraints.

B. Resources

Henton, Doug, and John Melville. *Collaborative*Governance: A Guide for Grantmakers. Menlo Park,
CA: The William and Flora Hewlett Foundation, 2005.

Mathews, David. For Communities to Work. Dayton, OH: Charles F. Kettering Foundation, 2002.

Rosenthal, Alan. The Decline of Representative Democracy, Process, Participation, and Power in State Legislatures. Washington, DC: CQ Press, 1998.

Rosenthal, Alan. Heavy Lifting: The Job of the American Legislature. Washington, DC: CQ Press, 2004.

Yankelovich, Daniel. Coming to Public Judgment: Making Democracy Work in a Complex World. Syracuse, NY: Syracuse University Press, 1991.



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