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### Mediation Links

**Resolution Washington, Dispute Resolution Centers**

[www.reswa.org](http://www.reswa.org)

**Mediate.Com, news and mediation services**

[www.mediate.com](http://www.mediate.com)

### President's Message

A Greetings and Happy Spring - Well, getting close, anyway.

Your WMA Board met for an all-day meeting in earlier this month for a facilitated Strategic Planning Session. As we talked, we realized that work needed to be done on board structure and effectiveness, so we are scheduling another session. Our goal is to develop a five-year, comprehensive action plan that will provide guidance and continuity from year to year, and allow the Board to more effectively handle long-term projects. As always, you are encouraged to contact your Regional Representative with input as to what you think is important for WMA to focus on. This will help us in making a plan that meets the interests of the membership.

Meanwhile, work for this fiscal year's goals is on-going. In Region 2 (King County), the board members on the Education/Outreach Committee have brought together a group of WMA members to discuss a long-term plan for reaching out and educating the public on the uses and advantages of mediation. The discussions and ideas coming out of this group are exciting, and I am greatly encouraged by the involvement of many of the general membership. If you are interested in working with this group, you can contact Lars Watson ([larsorbara@seanet.com](mailto:larsorbara@seanet.com)) or Rina Goodman ([rina@transformingconflictllc.com](mailto:rina@transformingconflictllc.com)). A similar group is being organized in Region 5 (Vancouver area). You can contact Cheryl Cheney-Stoudt to participate in the Vancouver area ([cherylcs@centerpointresolution.net](mailto:cherylcs@centerpointresolution.net)).

Coming up is the WMA Annual Meeting to be held in conjunction with the ABA DR Section Conference at the Sheraton Seattle. The meeting is scheduled for Friday, April 4, 2008, at 6:00 pm. We will complete the balloting for new board members, and, as usual, we would like to present a President's Award. The award is presented annually to the WMA member who has made a significant contribution to the growth and development of mediation in Washington. Think about nominating one of the many hard-working mediators you know of (see Nomination Form as part of the newsletter).

I hope to see you at the Annual Meeting in April.

Kathleen

**Association for  
Conflict Resolution**

[www.acrnet.org](http://www.acrnet.org)

**Federal Mediation  
& Conciliation  
Service**

[www.fmcs.gov/internet/](http://www.fmcs.gov/internet/)

**Mediation Training  
Institute  
International**

[www.mediationworks.com](http://www.mediationworks.com)

**Alternative Dispute  
Resolution  
Resources**

[www.adrr.com](http://www.adrr.com)

**Conflict Resolution  
Information  
Resources**

[www.crinfo.org](http://www.crinfo.org)

**Conflict Quotes**

He who angers you  
conquers you -  
Elizabeth Kenny

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## Southeast Washington: Mediation in La Clinica Trial

Pasco-based La Clinica, a health services organization for low income individuals and families, recently asked for mediation after six weeks of trial. LaClinica board member Miguel Wong had filed suit in Franklin County in December 2006 claiming that the board and CEO Francisco Castillon have mismanaged or wasted clinic assets.

The mediation, designed to end the fractious and expensive trial, lasted only a few hours in Spokane when the LaClinica representatives walked out after declaring Wong's settlement offer to be outrageous.

Board President Brisa Guajardo, whose position is at stake, testified Monday that the clinic has lost money since at least 2005 -- the year Castillon was hired. Wong claimed that Castillon's salary -- an estimated \$221,000 per year including bonuses and a car allowance -- contributed to the clinic's financial downfall. Wong also claimed Castillon and the board engaged in fraudulent, illegal or oppressive acts that include ousting board members who challenged Castillon, writing e-mails using derogatory terms to describe board members and clinic staff, and intimidating witnesses in an employment lawsuit.

Wong's lawsuit asks to dissolve the nonprofit, but Wong said he does not want to see La Clinica closed. Instead, he said he wants to see new leadership that can sort out the clinic's ongoing financial problems. Wong claimed after the walkout that LaClinica misunderstand his settlement offer and that the settlement amount of \$4 million was not for him but a structured settlement to be put back into the organization.

In an interesting twist, only a few days later Board President Brisa Guajardo announced that Castillon had been fired for falsely claiming that he had a Master's degree.

The lawsuit is still unsettled.

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## Thinking outside the box (There's a box?)



Mediation can seem magical at those times when clients begin to hear and understand each other in ways that have previously eluded them. When this begins to happen, we often see their "demands" for settlement become elastic and otherwise pliable.

In fact settlements can become highly creative, and many claim that these creative settlements work better in the long run at restoring trust than conventional settlements.

We're interested in hearing about creative settlement agreements that you

For every minute you are angry you lose a minute of happiness. - Unknown

People who fly into a rage always make a bad landing - Will Rogers

Never write a letter while you are angry - Proverb

Get mad, then get over it. - Colin Powell

Resentment is like taking poison and waiting for the other person to die. - Malachi McCourt

Anger blows out the lamp of the mind. - Robert Ingersoll

may have assisted in crafting. We will publish the most interesting and creative ones in the Summer E-News. Please email them to the editor, [Darrell Puls](#). Thank you!

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## Collaborative Divorce (?)

From **Mediationweek**, March 10, 2008

The term "collaborative divorce" may seem self-contradicting, but the idea is gaining strength. Collaborative Divorce is a divorce procedure where two clients agree that they will not go to court, or threaten to do so. The parties strive to reach a fair settlement through a series of four-way meetings (two clients, two attorneys). This new approach to conflict resolution started in the early 1990s by a family attorney named Stu Webb, who had become aware that traditional litigation was not always helpful to families. The collaborative law movement has spread to over 26 states, Europe, Canada and Australia. You can find the website for the national collaborative group at [collaborativepractice.com](http://collaborativepractice.com). Pauline Tesler, a family attorney from California, wrote the first collaborative law book called Collaborative Law, an ABA publication.

### Participation Agreement

The key document in a collaborative case is the **participation agreement**, which is the agreement all parties agree to sign stating the rules for the process. They agree to such terms as: the lawyers withdraw if the process fails, neither will take advantage of mistakes by the other side, what is said in 4-way meetings remains confidential, everyone will act courteously and honestly.

When appropriate the group may bring in outside consultants to work in a team-style to help resolve the conflict. In family cases, this might include sharing a business evaluator, rather than each hiring his or her own expert.

Since its inception, collaborative law has spread to other fields of law outside of family law. Practitioners are now applying it to business, probate, employment and personal injury cases.

Early studies are just becoming completed as to its effectiveness. Typically, lawyers and clients are reporting that it can be quicker, cheaper and less painful than a typical divorce. One of the most important features of collaborative divorce is a pledge signed by each lawyer to withdraw if any or both of the parties decide to go to court. Since both of the lawyers will lose the case if an agreement is not reached, they have an extra incentive to help their clients to cooperate and find solutions that honor the concerns of both parties.

And that translates into an extra incentive to take the case to mediation.

## Contact Us

Darrell Puls, Editor

### Vision Statement:

The vision of the Washington Mediation Association is for people to value and utilize collaborative, respectful, and nonadversarial means of dispute resolution, and for these means to be accessible to all. Practitioners will uphold the highest levels of impartiality, integrity, professionalism, and expertise.

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# Mediator Marketing: You Are Your Brand

February 5th, 2008

## By Kristina Haymes of Mediation Marketing Institute

In marketing a professional service, you are your brand.

“Market research says the following traits are what people are looking for:

Integrity — if you say that you will keep something in confidence, do not breach the trust placed in you.

Optimism — mediators become valuable when the parties are at an impasse, if they could work out a solution on their own, they would not need you. Be that candle in the darkness that a resolution is possible.

Humor — the ability to add some levity to a tense situation and put people at ease is helpful.

There is another quality that I have discovered is important — the ability to confront. This one is difficult. A good source of learning on this are the two [Crucial Conversations books](#).

If you can use questions so that you can guide people to their own conclusions, they are less likely to resist confronting what needs to be confronted.

I am also reminded of one of the insights that John Sands (one of the mediators I had interviewed for the [Mediation Business & Marketing Success System](#)) had: he said that he realized that he could not seek to be loved as a mediator or to try to get everyone to like him. A mediator’s job is to be omni-partial to everyone; yet, as a facilitator people are not going to love you — they may even intensely dislike you. That has to be ok with you.

The more comfortable I become in being assertive and confronting difficult behavior — the less I care whether people like me. In rejecting a reality they may reject the facilitator.

Mediators are leaders — you lead people to confront difficult issues, to take responsibility and perhaps to grow and resolve a difficult situation.

I am reminded of one of John Maxwell’s sayings: People do not care how much you know, until they know how much you care.

The above strategies and skills must be tempered with caring. If you genuinely care for others and seek to be gentle and compassionate with people — yet, tough on the problems, you will be pursuing the important calling of this work.

As we fail and learn from our experiences — we grow.

For a really excellent video on creating your personal brand, check out [Dr.](#)

[Lois P. Frankel's web site and video](#). She is talking to women but the concepts apply equally to men. The video excerpt relates to "Women Expand Your Wallet." She uses WALLET as an acronym and discusses how developing your personal brand is key to success.

Don't Give UP! Keep on keeping on, the world needs you.

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## It's Official: Mediation is a "Best career"

U.S. News and World Report listed the top 31 "best careers" in December 2007 and "mediator" made [the list](#).

The "[Mediator Executive Summary](#)" lists what many of you already know to be true:

*The problem is that there are more mediators than mediation jobs. In part, this is because the barriers to entry are so low—most mediators are required only to complete a 30-to-40-hour training course.*

*The oversupply means that most mediators do not earn a middle-class income for one to five years. And even to do that, a mediator must embrace marketing by establishing a niche—disputes among postal workers, people of different races, parents and teens, or even participants in the online world *Second Life*. Until mediators develop a reputation, they must schmooze with potential referral sources, write articles or give talks on mediation, and find well-connected champions willing to recommend them.*

*Nevertheless, if you have the gift of establishing trust, generating creative solutions, calming angry disputants, staying calm amid ambiguity and dissembling, and are willing and able to market yourself, mediation can be a win-win career for both you and your clients.*

The median income was listed at \$66,800 and mediate.com was mentioned and Jim Melamed was quoted extensively for the article.

Mediators start your marketing engines...

Kristina Haymes, Mediation marketing Institute