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Editor: Darrell Puls

A Message from Outgoing President Chris Koser

Dear Colleagues,

The end of my Presidency is here. Thank you very much for allowing me the privilege of serving as your President this year – a deep honor for me. As I look back over the year, I see all of the many things the WMA, and particularly your Board, have accomplished.

The goals for the year were to:

Deepen partnership with Resolution Washington: We began this process this year and will continue finding ways to collaborate in the coming year.

Re-visit certification procedures: We began this process this year, found it to be a daunting task and completion of the certification simplification process will carry over into next year.

Update entire website, including all individual listings: The website is revised and corrected to within a month or two of new activity. The biggest change is that the names and contact information of mediators listed are WMA certified mediators only. Also changed was the order in which mediators are listed; it is now alphabetical.

Conduct the Pamphlet Pilot: In September, Region Five (Clark, Cowlitz, Skamania, Pacific, Wahkiakum Counties) were involved in a WMA Marketing Pilot Program. Promotional materials explaining the WMA Certification program and mediator requirements for certification were mailed to 100 attorneys and counselors in the area. Due to a poor result, a list of all of the professionals that received the mailing was forwarded to the certified mediators to use for follow-up marketing calls. The mediators also received a list of all of other certified mediators in the area.

The pilot was well received in the region and created a lot of interest in the WMA certification program. Most members voiced an appreciation of our attempts at marketing assistance.

The pilot has also spawned a new network of mediators. Several meetings have been held discussing how to promote mediation and assist one another in their mediation practices.

Name Regional Reps from 3 unrepresented regions: This goal was met for two of the three areas (Okanogan, Chelan, Douglas and Grant Counties are still without representation). Pat Eastwood was elected for Yakima, Kittitas, Klickitat Counties and Janis Pruitt-Hamm was elected to represent Ferry, Stevens and Pend Oreille Counties.

Mediation Links

Resolution Washington

Mediate.com/
*News and mediation
services*

Association for Conflict Resolution

Mediation Training Institute International

Alternative Dispute Resolution Resources

Conflict Resolution Information Resources

ADR Section – Washington State Bar Association

Conflict Quotes:

The direct use of force is such a poor solution to any problem, it is generally employed only by small children and large nations.

-David Friedman

Peace is not the absence of conflict but the presence of creative alternatives for responding to

Establish collaboration with WSBA DR Section. Throughout the year we also worked closely with the WSBA DR Section on increasing minority representation in the mediator profession.

Finally, we crafted badly needed Vision and Mission Statements.

Kathleen Nichols became WMA's new President on June 8th. She comes with new goals and an intense commitment to bringing mediation to the attention of the public in the State of Washington. It's going to be another great year!

Chris Koser

President, WMA

Mediation Successes in Africa - Search for Insights

Mediation has led to resolution of many intractable armed conflicts in Africa during the past two decades, despite regular news of ongoing violence. Most civil wars in Africa have ended with negotiated settlements achieved through mediation. Efforts to learn what has worked and improve future mediations are under way at a conference of over thirty senior individuals experienced in mediation in Africa. The "Mediators' Retreat" was held the week of April 23 in Zanzibar by the Mwalimu Nyerere Foundation and the Geneva-based Centre for Humanitarian Dialogue, with support from the government of Norway.

Seeking to strengthen Africa's mediation capacity, the conference examined and provided insight into current mediations, ongoing conflicts and post-conflict situations in Africa. South Africa's Institute of Directors, which represents business leaders and professionals, is urging the business community to use mediation to resolve commercial disputes, suggesting that opting to mediate and avoid the delays and costs of litigation may fall under a director's duty to act in the best interests of the company. The importance of mediation to potentially preserve relationships was also emphasized. The Institute, which established a mediation center last year, believes South Africa will embrace mediation, in part to avoid the substantial backlog of cases in the courts. AllAfrica.com (March 30, 2007)

Clarify Your Needs

by Rachel Green, Mediate2resolution.com

A couple I worked with had trouble resolving all of their issues in mediation. They had the money to pay for lawyers, so they were tempted to walk away - it's appealing to try to give the problem to someone else in the hope that they will take care of it for you. But the reality is, that it's your life. Outside experts don't have the motivation to resolve your problems -- their lives are not on hold. They also lack the understanding of your needs and priorities.

But she went to see a lawyer. He said, "If we sue to demand a lot of the assets, he will fold and give you the children." When she heard the lawyer

**conflict --
alternatives to
passive or
aggressive
responses,
alternatives to
violence.**

-Dorothy Thompson

**Don't be afraid of
opposition.
Remember, a kite
rises against; not
with; the wind.**

-Hamilton Maybie

**But the greatest
menace to our
civilization today is
the conflict between
giant organized
systems of self-
righteousness --
each system only too
delighted to find that
the other is wicked --
each only too glad
that the sins give it
the pretext for still
deeper hatred and
animosity.**

-Herbert Butterfield

**You can't shake
hands with a
clenched fist.**

-Indira Ghamdi

**Difficulties are
meant to rouse, not
discourage. The
human spirit is to
grow strong by
conflict.**

-William E. Channing

and thought about the emotional consequences of such duress -- how angry her husband would be, and how much the children would suffer in the battle -- she suddenly realized that that was not what she wanted to do and, more clearly, what it was that she really needed. The children were supposed to stay with their father, but no amount of money was worth putting them through all of that.

She realized that the problem she had had in mediation was that she didn't know what she wanted. Once she clarified her goals, she came back to mediation stronger, ready to stand up for what she wanted.

She said, "My lawyer has told me that if we go into your business, look at all the books and freeze your assets, I would probably get \$1 million from you in our divorce settlement. In order to settle this quickly, keep the peace for our children, and allow me to move in with my new person, I will take \$500,000." And the husband said, "That sounds fair."

A Victim-Offender Mediation Success Story

From: Calgary Community Conferencing #206 Newsletter

A young person and his friend decided to break into a neighbor's home. They took valuable items, which included a watch that had belonged to the homeowner's grandmother and a coin collection.

Both young people were arrested for the incident and one young person was referred to community conferencing. Since this incident the homeowner's 5 year old son found it increasingly difficult to feel safe at home and had a hard time sleeping at night. He was afraid that the same people who broke into their house would break in again.

At the community conference the young person heard the impact his actions had on this family. Many of the items stolen had sentimental value to the family, which increased their sense of personal violation. The young person then had a chance to think about the impact of his behavior on the others. He developed a proposal during some private time which included: Buying the 5 year old a night-light, writing a letter of apology and contributing money towards the missing coin collection.

The following is the apology letter written by the young person.

"I know that saying sorry will not bring back any of the items that were taken from your home, nor will it help your 5 year old son get to sleep at night without having to make sure that the doors are locked. Nor will it repair your broken marriage, and it definitely won't make your daughter feel any different about me, but I can't go back in time and undo what was done, because believe me I would. I'm sorry that I did not think about the consequences of my actions, I'm sorry that I did not think about the extent of the hurt that would come to you and your family because of my actions. I cannot tell you in words how much it saddens me to know that a 5 year old boy cannot sleep at night because of what I did, but I hope that the night-light that I gave him makes a difference, even if it's only a little one. I only wish that I would've known the hurt that I caused before I did what I did. I never, ever, would have done it. In closing I only ask that you somehow can find it in your heart to forgive me for my actions and for the pain that I caused you and your family."

Contact Us

Darrell Puls, Editor

The vision of the Washington Mediation Association is for people to value and utilize collaborative, respectful, and non-adversarial 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.

The Power of a Positive No

A new book by William Ury (review by Nancy Highness, Publisher's Weekly Mar. 6, 2007)

Twenty-five years after the publication of the bestselling *Getting to Yes*, Ury addresses the other side of the coin, but his version of "No" is not a simple rejection. "A Positive No begins with Yes and ends with Yes," he says, because it defines the nay-sayer's self-interests and paves the way for a continued relationship. Ury delineates this "Yes! No. Yes?" pattern recursively, so that each step is itself another three-part process. In addition to drawing on his own experiences as a negotiator for conflicts in countries like Chechnya and Venezuela, and the historical examples of activists like Rosa Parks, Nelson Mandela and Mahatma Gandhi, he shows how his principles can be used in the home and the workplace. He even throws in a few literary precedents, citing Melville's *Bartleby the Scrivener*, whose repetition of the phrase "I would prefer not to" is cited as a "simple and admirable" method of polite refusal. Some of Ury's advice, like describing how another's actions make you feel rather than attacking the action, may strike the more cynical minded as touchy-feely, but his reminders to consider the other person's perspective while asserting your own position create a clear, unambiguous path to win-win situations.

The WMA 2007-2008 Board:

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