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From WMA President Kathleen Nichols

Happy Holidays, Everyone. Your WMA Board, and various non-board WMA members met in November with specific goals for the year and proposed action items to achieve them. Here are some highlights:

The Education/Outreach Committee is charged with reaching out to the public to educate about mediation and the possibilities the process presents for resolving a wide variety of conflicts. They have a long list of goals for the year including the following:

- Developed a "Got Conflict? Mediate!" button. Contact me (kn@knmediation.com) if you'd like some of these buttons.
- Putting together a panel discussion on mediation for public radio.
- Reaching out to local newspapers to interest them in publishing articles or giving them leads for reporter-written stories about different types of conflict and how mediation can help in resolution.
- Identifying venues that would be interested in mediator presentations and identifying mediators that are willing to speak about mediation.



All of these projects require a lot of people power, so I encourage the WMA general membership to consider volunteering to do some small part (or large, if you like!) to help in this outreach effort. Keep in mind that writing an article for publication, getting local newspapers to write stories about mediation and volunteering to speak at local venues are all excellent marketing opportunities for individuals as well as a way to get the word out about mediation. If you are interested in joining in the outreach effort, please contact Lars Watson (larsorbarb@seanet.com).

The Qualifications (Certification) Committee has an ambitious list of goals for the year, including plans to develop a template form that allows mediators to clearly define their training and experience to help make the certification application process more "user friendly." That committee also plans to develop clearer guidelines for certified mediators as to what qualifies for the required continuing mediator education. The Membership Committee is

Mediation Links

[Resolution Washington, Dispute Resolution Centers](#)

[Mediate.Com, news and mediation services](#)

[Association for Conflict Resolution](#)

[Federal Mediation & Conciliation Service](#)

[Mediation Training Institute International](#)

[Alternative Dispute Resolution Resources](#)

[Conflict Resolution Information Resources](#)

Conflict Quotes:

working toward increasing WMA membership by reaching out to mediators throughout the state. The ad-hoc Credentialing Committee, as reported in the last newsletter issue, is studying the idea of statewide mediator credentialing to come up with a WMA position on the controversial and complex topic of requiring minimum standards for mediators.

The success of these programs depends not only on the Board but also on the involvement of the membership. Please give us your feedback and get involved to make WMA a more effective statewide organization.

Meanwhile, I wish a (relatively) stress-free and peaceful holiday season to all of the Peacemakers.

Kathleen

Editor's Note:

In this issue, we include three different articles designed to challenge our thinking as we move into the new year.

Mediator Fatigue: The Traumatic Effect of What We Hear

by Jonathon W. Reitman

For the past 17 years I have worked and trained in international conflict situations, with workshop participants from South Africa, Bosnia, Serbia, Syria, Palestine, Israel, the Philippines, and Nepal, among other countries. So I am no stranger to chronic, seemingly intractable conflicts and the deep wounds and vulnerabilities they often produce, or to the strident, angry rhetoric that is often expressed in conflict resolution trainings. It gets hot in the room. That's a given, and I have sometimes found it difficult to return from these foreign venues, to reintegrate into my domestic practice and life.



But nothing prepared me for what I experienced after teaching for seven weeks in Israel and Palestine during the summer of 2006, when I lived in a militarized zone during the active shooting war between Lebanon and Israel.

On the surface, I was teaching a graduate course in Negotiation, Mediation, and Conflict Management to 125 Israelis and Palestinians. I was also training Israeli, Arab, Druze, and Christian community mediators.

Beneath the surface, I was having long conversations with my Haifa students who were sleeping in bomb shelters, I was living in an area that was constantly threatened with Katyusha rockets, I was visiting impromptu memorials where Israeli soldiers had been killed only days before, and I was witnessing the scarred earth left by wildfires incited by rocket attacks across the border.

When I came home I found myself withdrawing (my wife called it "distancing"). My friends told me my voice sounded hollow, unconnected to my feelings. I found myself minimizing the summer's events ("It wasn't so bad. Life goes on"), just so I could survive the onslaught to my system. I

Truth springs from argument amongst friends.

-David Hume

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

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

-William Ellery Channing

The truth is that our finest moments

experienced a decrease in compassion for my “regular” parties (“They don’t know what REAL conflict is like!”). I had violent dreams, and, for the first time in seven years working in the Middle East, I had a sense of hopelessness, believing that nothing will change, that nothing can help.

Through my own research, I came to understand that I was experiencing “Compassion Fatigue,” or what the medical profession calls Secondary Post Traumatic Stress Disorder. This phenomenon, first officially diagnosed in 1995 (and studied much more intensively after 9/11), is a complex of symptoms resulting from working closely with and showing compassion for people whose suffering is ongoing and unresolvable. It can affect many life areas: cognitive, emotional, behavioral, spiritual, personal relationships, physical/somatic, and work performance. People’s symptoms can be very diverse. They can be constant, come and go, or occur in clusters.

Interestingly, Compassion Fatigue has been studied in therapists, physicians, first responders, family caregivers, animal rescue workers and chaplains who work with veterans. To date, however, no one has studied, or even hypothesized, that Compassion Fatigue may deeply affect mediators. Why not?

As I began my exploration of this topic, I thought about (and encourage readers to think about) how we are exposed to traumatic stories told by parties in mediation on a regular basis. Mediations as commonplace as divorce can trigger deep emotional wounds in the parties, and, if we’ve created a safe-enough environment, parties aren’t shy about pouring out their hearts. Eviction cases, property issues, victim-offender mediations, labor-management situations and even commercial disputes – all of these may provoke traumatic experiences for the parties. If we’re doing our job and remaining “present,” we mediators often feel deep feelings of empathy and sorrow for the parties’ suffering.

In workshops at NE-ACR last spring and ACR this fall, I’ve been asking mediators what they experience when they are exposed day after day, mediation after mediation, to the trauma that parties experience. Most agree that it’s not wrong to feel compassion, as long as they maintain sufficient detachment to do their work.

But there’s the cutting edge. How can we mediators take care of ourselves, so that we don’t retreat into cynicism or despair, despite the traumatic words we hear each day? Here are some of the things mediators do that they find helpful: writing about the experience (as I am doing here), exercising, using humor in appropriate ways, getting sufficient rest, talking with their significant other or peers about the case (while of course preserving confidentiality), or turning to prayer or other spiritual practice.

Most of all, it’s important to realize that if you find yourself experiencing Mediator Fatigue, you’re not crazy. If your reaction feels too strong to handle, seek professional help. Talk to your loved ones and your friends.

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are most likely to occur when we are feeling deeply uncomfortable, unhappy, or unfulfilled. For it is only in such moments, propelled by our discomfort, that we are likely to step out of our ruts and start searching for different ways or truer answers.

-M. Scott Peck

Never resolving conflict is to find yourself in a rut, and a rut is merely a grave with both ends punched out.

-Anonymous

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.

Let's Change Our Limiting Self-labeling Practices

By Tammy Lenski.



This article is intended as an invitation to reconsider your participation in a labeling trend that is serving neither mediators nor the dispute resolution field well.

In gatherings of mediators throughout the U.S., I'm noticing increasing usage of the terms "attorney-mediator" and "non-attorney mediator." I've stopped using those labels and invite you to do the same.

The terms create confusion, contribute to an ingroup/outgroup mentality that has no place in our field, and are, at their very worst, insulting. Here's why:

"Attorney-mediator" suggests that the two professional roles are performed simultaneously or that one is necessarily adjunct to the other. Either interpretation risks a conclusion by the public that the two go hand in hand. Of course, they don't go hand in hand and mediator ethics statements and guidelines go to lengths to make that clear.

Adopting "attorney-mediator" language and its converse necessitates other hybrids in order to fairly acknowledge the rich diversity of background from which excellent mediators hail: therapist-mediator, educator-mediator, social worker-mediator, realtor-mediator. The list would become exhausting before it could become exhaustive, and would drift into the ridiculous: horse trainer-mediator, massage therapist-mediator and so on.

And perhaps most importantly of all, "non-attorney mediator" defines mediators who have degrees other than a J.D. by the absence of attorney-ness. It is the equivalent of referring to African-Americans, Native Americans, Latinos and others who are not Caucasian by the term "non-White," a label now widely understood as race-centric and which tells us little of value about the "non-White" being described. No one should be defined by what they are not. "Non-attorney mediator" is a marginalizing label and has no place in our field.

What should we use instead? How about "mediator" or "professional mediator"? The latter may not apply to you if you mediate solely in a volunteer capacity, and so you may find the first option more inclusive and straightforward. "Mediator" embraces all who have the courage, capacity and constitution to sit in the mediator's chair, without regard to profession of origin, academic degree, and preparatory history.

And as others before me have said, the term "mediator" conveys that the work of mediation is an activity worthy of standing on its own, with no reliance on another profession for its credibility.

The change, if you accept my invitation, is an easy one: Find a replacement term of merit and stop using the marginalizing and confusion-generating terms when you write and when you speak. I was able to make the switch in a single day and you can, too.

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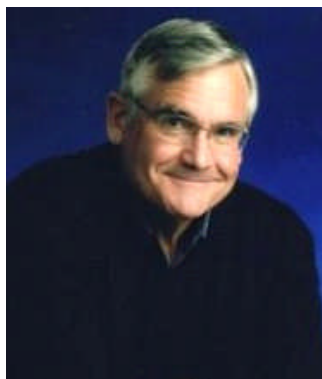
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What Does Buddhism, Taoism and Love Have to Do with Lawyers, Mediators and Others Dealing with Conflict?

By John Shaffer



We are all going to die and we cannot ignore it, even though we would like to. That's in the physical sense, of course, but here I'd like to talk a bit about the metaphorical sense of the word, and how it relates to conflict resolution.

We need not physically die to experience the "death" of ego (the organized conscious mediator between the person and reality) as the precursor to new life, a rebirth of a healthier and changed ego. What "kills" the ego, and impacts the soul, is when we are asked to give up something we hold very dear. We actually say things like "This is going to, or *is*, killing me." Or "I felt like I wanted to die." Or, jokingly, "This is going to just kill you." Even, "I felt like I died a thousand deaths."

We refer to ideas, thoughts, feelings, and *attachments* we thought we could not live without when we say those things. We could live without them, of course, but we don't think so when we know going into the encounter that they are about to be taken away – we hold on "for dear life."

And that, I think, is where conflict is born, disputes emerge, flare and escalate, and where litigation and other uses (and abuses) of power get their start. Some mechanism in us does not want to let go: call it resistance to the way things are, or to reality, or to your god or the Universe, when we are mad and upset, hurt and depressed, we are always in the midst of something that might, or will, cause our "death."

We can fight for a while, and saddle up our arguments or hire our lawyers, we can seek to mediate in hopes we can find alternatives to letting go of everything in exchange for something, but sometimes we cannot get our way, not even in part or a little bit. I believe that the only way to deal with this problem is to be ready to die the metaphorical death that is being demanded.

I argue that Buddhism, Taoism, Love, and other forms of religion or spirituality provide the answer to facing the ego-death we face when we cannot get our way. Buddhists talk about detachment, Taoism boils down to "going with the flow", Love connects us with a greater universe, and, at risk of showing my ignorance, I'd venture to say almost every other philosophy about what it means to live, really live this life, ultimately boils down to the same advice: let go, give up, surrender, live the Great Paradox, and lose your life to find it.

Lawyers are often caught in a double metaphorical bind: not only do they resist reality because it cuts across their own interests and attachments, they also carry a cultural burden of making things "right" for their clients. And they sometimes end up trying to twist the facts or law beyond legitimate

bounds to make this happen.

Mediators often want a happy ending, and are working within the confines of too little time for implementing an effective communication process, or too little understanding of what the roots of the conflict really are, including their own limitations and the limitations of the parties. It's tough, in the final analysis, just to leave the conflict unresolved. But that may be the reality of where they, and the parties, are.

The rest of us struggle as best we can in our conflicts with similar constraints.

In my view, we cannot escape these realities. All we can do is work with them, and then, surrender. And that, I think, is what Buddhism, Taoism and Love, and the key message they bring to us, have to do with lawyers, mediators and others dealing with conflict."

(John is an attorney, former litigator, student of law and power, and experienced mediator, arbitrator and conflict counselor. He writes, researches and lectures on conflict resolution issues and techniques.)

Training Opportunity

The University of Washington Law School is offering a 36-hour professional mediation skills training on January 11-13 and 19-20 at the law school. The cost is \$825 if paid before December 28, and \$875 if paid later. The flyer is available at www.uwcle.org/mediationtrainingjan08.pdf and you can register online at <https://uwcle.safeserver.com/register.php>.

Board Members Wanted!

General elections to the WMA Board will be held this spring. Please consider serving on the WMA Board as we enter a crucial growth phase in our development. The Board meets 4 to 5 times per year, with 1 or 2 of the meetings in person and the remainder through conference calls. We also communicate a great deal through email, and the various committees also meet through conference calls.

Happy Holidays!