



### Mission Statement:

The mission of the Washington Mediation Association is to advance the use of mediation as an effective form of alternative dispute resolution; to foster high standards of mediator conduct, training, and certification; and to be the voice of mediators in Washington State.

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### President's Corner

Dear Colleagues:

As I watched the nominating conventions and presidential races, I was struck by just how often mediation skills are needed and how important they can be. Both parties are emphasizing their distinctives not so much by giving the voters well-thought plans as by attacking their opponents with innuendo and sarcasm. The purpose of declaring each other to be extremists of some sort and reducing complex issues to 15-second sound bites is, of course, to polarize the choices away from the continuum of yes/and towards the starker and more dangerous either/or.

Don't you wish the solutions to national problems were as simple as voting for one or the other? As mediators who spend so much time immersed in the quagmires of other people's conflict we know that issues presented as simple rarely are as they seem. If they were, we would not be needed. Instead, people react with anger and insult, and what could have been a deep conversation becomes weighed down by the millstones of impugned honor and threatened interests. It is then only a short trip to vilification and dehumanization and an ever-escalating cycle of attacks.

Our political system does not invite civil discourse nor do many of our politicians seem to know how to listen deeply and, in listening deeply, find their commonalities. This is where we as citizen mediators can play such a major role in reshaping the argument into discussion and, perhaps, dialogue. We can paraphrase and reframe as necessary to bring nuances of complexity and shadings of common interests into clearer view. As most of us have experienced at some point in mediation, asking the right question at the right time can change the course of the entire conflict away from more destruction and towards a workable and acceptable solution.

I recently mediated a major business lawsuit. The first attorney to arrive told me we would be finished in 20 minutes because the other side would stonewall and then they would be back in court, which is where he and his clients wanted to be anyway. Three hours later, the lawsuit was settled. I wish I could say that I was a miracle worker (though one of the clients seemed to think so) but all I did was listen deeply, ask a few questions, and help them hear each other. Through those simple techniques the clients realized that they needed each other and wanted to continue the relationship, and so found their own solution, much to the delighted surprise of the lawyer who proclaimed we would be finished in 20 minutes.

I suggest to you that all of us do the same throughout the political season: listen deeply, ask thoughtful questions, paraphrase, reframe, and thus help our friends and neighbors hear each other. It's what we do best.

Darrell Puls, President

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## WMA 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.

## 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

## Impasse is a Fallacy

By Lee J. Berman



I often wonder who invented the concept of impasse. Who first said, "We are stuck. We cannot go any further."? Who decided that we should give it a name, acknowledge its existence, and make it the scapegoat for all that goes wrong with a mediation or negotiation?

My guess is that it was the first mediator who had run out of tools. With imagination exhausted, someone threw their hands into the air and declared the negotiation over and decided it was time to send everyone home, declaring an impasse and deeming the mediation process, not just the session, to have failed.

For negotiators to declare impasse can make sense, if you think about it. The goal in negotiation, after all, is to win. And the threat of impasse can sometimes be an effective tactic in achieving that goal. Commercial mediators, however, are hired to settle cases. In this world, impasse is a bad word. Moreover, I think it is a fallacy.

Achieving resolution, by definition, means either avoiding or breaking impasse. If an impasse can be broken, then it was not really an impasse. It was something else. But mostly, it was a dare. It was a temptation for the mediator to buy into the bluff that things were stopped dead in their tracks and it was time to give up.

Before examining the notion of impasse more closely, it is important to take a step back and realize that reaching successful resolution in mediation (i.e. avoiding impasse) begins at the very beginning of the mediation process, with convening, and continues until the agreement is signed. Furthermore, if a mediator's success can be defined by a successful outcome (which may oversimplify the entirety of the mediator's role, but ultimately is the primary goal in commercial mediation), then the mediator is responsible for managing every step of the process with an eye toward anticipating and avoiding the potential for an impasse later in the mediation.

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<http://www.mediate.com/articles/bermanLJ4.cfm#>

## The Cost of Workplace Conflict

Most employers understand that workplace conflict costs them money, but few understand just how high the cost can be. Even more unfortunate, employers tend to cut back on consulting services such as conflict management and mediation at the time when they need it most: during difficult financial times. Why then? This is when employees in general become anxious about losing their jobs and the stress caused by this anxiety leads to increased use of sick days and personal leave, reduced focus, and even employees undercutting and sabotaging one another in the attempt to hold on to their jobs. Here is some data you might find interesting:

- Up to 2/3 of employee turnover is due to conflict at work.
- Turnover costs per employee average between 75% and 150% of the individual employee's annual salary (down time, advertising, hiring, training, etc.)
- Workplace conflict results in loss of concentration and ability to function by up to 50%, which then results in costly errors.
- Production decreases during conflict, as does product quality.
- The use of sick leave, personal leave, etc. doubles during conflict.
- Customer care is compromised.
- Hostile work environment lawsuits as well as EEOC discrimination complaints are much more likely to be filed during workplace conflict. Litigation costs an

## Alternative Dispute Resolution Resources

## Conflict Resolution Information Resources

## Conflict Quotes: Enemies

To make peace with an enemy you must work with that enemy, and that enemy becomes your partner.

~ Nelson Mandela

Listen to your enemies, for God is talking.

~ Jewish Proverb

It is easier to forgive an enemy than to forgive a friend.

~ William Blake

A wise man learns more from his enemies than a fool from his friends.

~ Baltasar Gracian

We have met the enemy, and he is us.

~ Walt Kelly

average of \$400+ per hour and lasts an average of 2.5 years before settlement.

- Theft, sabotage, and damage to equipment increases.
- Employee health issues become more severe during conflict.
- Up to 50% of a manager's time may be spent on the results of conflict.
- Firing problem employees is sometimes the most costly option as they are more likely to file a hostile work environment lawsuit.
- Workplace violence is much more likely during times of internal conflict.

For more information on the high costs of workplace conflict, go to Mediation Works at: <http://www.mediationworks.com/mts/roi.htm>

## Battering, Self-Deception, and Conflict Resolution

A common theme of mediators and mediation training is that certain cases are not appropriate for mediation. In particular, marital violence (battering) is often stated as being within the non-mediation category. Battering is a severe form of violence characterized by multiple types of abuse, terrorization, and threats with increasing possessiveness and controlling behaviors by the abuser.

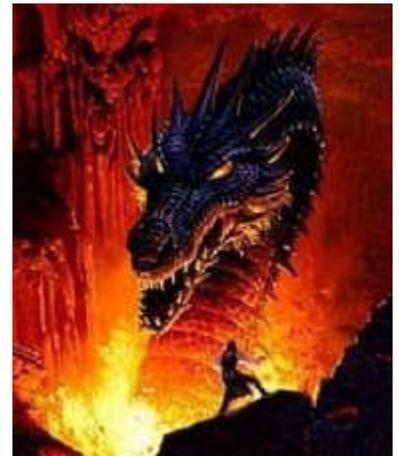
Contrary to the increasingly popular belief that men and women are equally abused, a 2005 study concluded that female victims account for 84% of spousal abuse and 86% of spousal murders. A 2003 study by the Centers for Disease Control concluded that 5.3 million women ages 18 and older experience intimate partner violence (IPV) annually with 2 million injuries and 1,300 deaths. These are terrible numbers, of course, but do they indicate that the perpetrators are not amenable to change through mediation or other intervention?

Apparently so. A 2007 study shows that batterers tend to score considerably lower in emotional intelligence than non-batterers, and that fully 2/3 of batterers ordered to go through anger management programs again assault their partners within 6 months of completing their programs. The study also concludes that the 2/3 figure is low because of the fear of further assaults if the battering is again reported.

The most fascinating part of the study was that it revealed the self-deception of the majority of men in anti-battering programs. First, they generally rejected the interpretation of their behavior as criminal. Second, they saw themselves as victims by the judicial system and tended to blame their victims as being partially or completely to blame. The most disturbing part? "The men minimize or normalize their behaviors toward others, especially the victim, and justify their actions because the events were out of their control and, therefore, not their fault; they were provoked by the victim or other external stressors; or their partner's accusations were simply untrue. Often the men believe their behaviors are justified..."

For those of us who tend to wonder about and challenge assumptions, this one appears to be accurate – mediation will likely not be successful in marital cases where there is a pattern of violence.

Source: Marilyn Smith. "Self-Deception Among Men Who Are Mandated to Attend a Batterer Intervention Program." *Perspectives in Psychiatric Care* 43, no. 4 (October 2007): 193-203.



Our real enemies are the people who make us feel so good that we are slowly, but inexorably, pulled down into the quicksand of smugness and self-satisfaction.

~ Sidney Harris

Observe your enemies, for they first find out your faults.

~ Aristhenes

Build your enemy a golden bridge to retreat across.

~ Sun Tzu

Love is the only force capable of transforming an enemy into friend.

~ Martin Luther King, Jr.

Remember that the enemy is just as frightened as you are, and probably more so. They are not supermen.

~ Gen. George S. Patton

**Contact Us**

Editor: Darrell Puls

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## Clark County Association of Mediators – Open for Business!

The still-new Clark County Association of Mediators (CCAM) would like to invite Clark County WMA members and mediators considering WMA to also join CCAM.

Our mission is to raise the awareness and acceptance of mediation Clark County Association of Mediators (CCAM), helping families, communities and businesses find peaceful, workable alternatives to conflicts. Working together, we provide each other collegiate support, greater efficiency in resource use and a stronger, more unified voice in the community to encourage progressive change. We work collaboratively with Community Mediation Services, whose focus is on small claims, neighborhood and landlord-tenant, and Washington Mediation Association (WMA certification is a roster-referral qualification). Our focus will include family mediation, workplace mediation, and public involvement.

Current accomplishments to date include

- A shared referral line, (360) 253-6338, and website, [www.clarkcountymediators.com](http://www.clarkcountymediators.com)
- Working with Community Mediation Services, this fall we're releasing the update to the well-used Fall 2005 SW WA Conflict Resolution Resource Guide. (Interested providers, sponsors and advertisers, check [www.clarkcountymediators.com](http://www.clarkcountymediators.com) for details ASAP)
- Creation of a qualified family mediator roster for Family Court Services, which is opening mediation acceptance and recommendations
- Addition of mediation as a recommended service option within the Juvenile Justice System
- Professional, full-color postcards touting the benefits of family mediation as well as CCAM business cards
- Participation in the Peace and Justice Fair, a community outreach
- Maintaining a rolling calendar of relevant events and opportunities and seeking representation at influential events
- Creation of a logo to help improve visual recognition of CCAM (in process)

Mediators who have completed a basic mediation training, whether volunteers, DRC staff or private practitioners are welcome to join, or even just check us out. For more information about CCAM, check out [www.clarkcountymediators.com](http://www.clarkcountymediators.com), call the CCAM message line at (360) 253-6338 or email [info@clarkcountymediators.com](mailto:info@clarkcountymediators.com).

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## Training Opportunities

- The Dispute Resolution Center of Snohomish and Island Counties along with WMA is sponsoring *Cultural Sensitivity and Human Rights in ADR*, an advanced training at Antioch University in Seattle with Dr. Selena Sermeno on October 28. The cost is \$150 before September 28 and \$175 after. To get more information, contact Antioch Continuing Education at 206-268-4111 or email [ce@antiochsea.edu](mailto:ce@antiochsea.edu).
- The University of Washington Law School is offering their *Professional Mediation Skills Training Program* October 3-5 and 18-19 at the law school. This 36 hour basic training offers 36 CLE credits, including 2 CLE's for ethics. Tuition is \$825 before September 19 and \$875 after. To register online, go to [www.uwcle.org](http://www.uwcle.org).

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## Mediators Take to the Streets!

### Oct. 16, National Conflict Resolution Day!

Imagine 200 or more mediators out on the streets of Washington's cities, talking to people to find out what the difficult decisions and conversations in their lives actually are and sharing information about certified mediators and the WMA.

Imagine yourself out on the streets of your community proudly telling people about mediation, a dialogue process and conflict resolution process that you are excited about and that can help people resolve the conflict in their lives.

Imagine the WMA using the data collected from hundreds of WA citizens on Oct. 16 to target our future marketing and develop services that truly meet the everyday needs of people. More people using mediation! More mediators doing the work they love!!

Join your colleagues in WMA's latest effort in market assessment and public outreach!!

Here's how it works.

A) Go to <http://www.doodle.ch/participation.html?pollId=qppc2nu4grgg9wfw> to register for the number of interviews you'd like to participate in.

B) Send you email to Lars Watson at [larsorbarb@seanet.com](mailto:larsorbarb@seanet.com) and he will email you the Talking Tips and Points and the Demographic Sheets. You can print and copy these. Tell him which city you will be working in.

C) We will send out packets including 1) red ribbons to identify yourself as a mediator, and 2) brochures on the WMA.

(Feel free to hand out brochures about your local DRC's. Feel free to hand out your business cards).

Packets will be sent (in most cases) to local DRC's for your pick up approximately one week prior to event.

D) Return questionnaires and demographic sheets (as well as left over brochures and ribbons) to the local DRC. Local contact person will mail these back to us.

Watch for more emails with details about Oct. 16! Don't miss this effort!!

Let's take action to create more opportunity for people to experience the benefits of mediation!!!

Questions? Contact Sarah Bergdahl at [ssbergdahl@mainstreetmediation.com](mailto:ssbergdahl@mainstreetmediation.com) or Lars Watson at [larsorbarb@seanet.com](mailto:larsorbarb@seanet.com)

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## 2008-2009 WMA Board Members

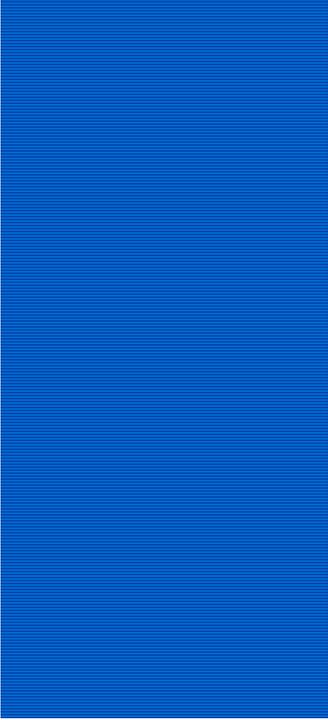
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