



### 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.

### In This Issue

- **President's Message**
- **Marketing: Who Sends Your Clients?**
- **Don't Miss the Conference!**
- **Yikes! Slow Down!**
- **What is Elder Mediation?**
- **How to Handle Backstabbers at Work**
- **You Know It's Going to be a Bad Day...**

## President's Message

"We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly." Dr. Martin Luther King Jr. *Letter from the Birmingham City Jail*, April 1963.

In these days of economic upheaval and increasing social isolation it is easy to forget the truth stated by Dr. King that we are all "tied in a single garment of destiny" which Desmond Tutu called the "great bundle of life." What affects me affects you and what affects you affects me. As the financial crisis deepens and people feel increasingly isolated there inevitably will be more conflict as our sense of connection, already badly eroded, unravels further. Uniquely qualified to step into the turmoil are the people we call mediators.

Why? We know there is hope even when many others seemingly abandon hope for a mantle of cynicism as they compete for increasingly scarce resources. It has been said that all civilization arises from conflict. In the center of the storm is where mediators tend to place themselves with a message of hope through finding our common interests and facilitating cooperation in reaching them. Mediators can use their considerable skills in every place where there is conflict to use the conflict to call forth something new and better than we have had before. Energy is energy, and conflict energy is no different – it is in how we choose to focus the energy which determines whether we succeed or fail.

Our communities, meaning our neighbors whether or not we know them, need our help, and not just as formal mediators, but also as informal peacemakers. We can continue to fragment, or we can begin coming back together. I absolutely believe that our members across the state can play a major role in bringing us together. Darrell Puls, President

---

## Marketing: Who Sends Your Clients?

By Sarah Bergdahl and Lars Watson

Do you know of any mediators that have waiting lists of clients? Why do DRC's struggle to find enough cases for their practicums? Media reports confirm that conflict is still in abundance for all segments of the population regardless of race, culture, religion, economic status, sexual orientation or political persuasion. What is the most effective way to market mediation when so many people remain confused as to what it is, some even wondering if meditation might be involved? Through the 2008 strategic planning process it became obvious that these questions loomed front and center for those

## 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](#)

[ADR Section – Washington State Bar Association](#)

## Conflict Quotes

**I found one day in school a boy of medium size ill-treating a smaller boy. I expostulated, but he replied: 'The bigs hit me, so I hit the babies; that's fair.' In these words he**

looking to open or maintain a private practice, for DRC's working toward expansion and development, and even for volunteers wanting to hone their skills through experiencing enough cases in DRC practicums. The WMA Outreach and Education Committee decided to directly address these questions.

Taking advantage of a day of national recognition, Oct. 16, Conflict Resolution Day, and the enthusiasm of the WMA Board, about 25 mediators from around the state of WA donned red ribbons and large "Got Conflict?" buttons, grabbed their questionnaires and their 3 fold WMA flyers (in English and Spanish) and headed for a busy street corner.

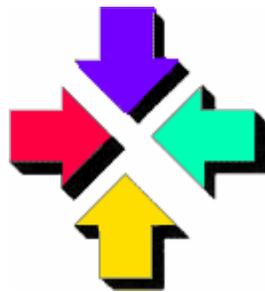
Their mission was two fold: [Click here to download the complete PDF file.](#)

---

## Don't Miss the Conference!

The 16<sup>th</sup> Annual northwest Dispute resolution Conference will be held on May 1-2 at the University of Washington Law School. Sponsors for this year include:

- The Washington Law School Foundation.
- Dispute Resolution Section - Washington State Bar Association
- Washington Mediation Association
- Dispute Resolution Section - King County Bar Association
- Resolution Washington



Presenters include Ken Cloke, Sam Imperati, Leonard Riskin, Jim Melamed, Robert Benjamin, Rene Marc Mangin, Jerry Roscoe, Claudia Bernard.

In this troubled economy, conflict is becoming the norm in all sorts of organizations as people try to protect their jobs and themselves. Now, more than ever before, conflict management professionals are needed, and we need to learn from each other. This is our best opportunity. Don't miss it!

---

## Yikes! Slow Down!

Then plan to attend the WMA Annual Meeting! The WMA Board invites all WMA members to join us at our annual meeting on the Morning of Friday, May 1st. We will convene at 10:00 a.m. in the University of Washington Law school to hear the annual report, answer questions, and elect several new board members. Get to know your fellow WMA members and do some networking while you're at it.

If you are coming to the conference anyway, why not get there early to join us – and get a good parking spot!



---

## What Is Elder Mediation?

By Victoria Maxwell, adapted from [Mediation Week](#)

Elder mediation is mediation of any conflict that involves elders, their family

**epitomized the history of the human race. – Bertrand Russell**

**Peace is not the absence of conflict but the presence of creative alternatives for responding to conflict -- alternatives to passive or aggressive responses, alternatives to violence. – Dorothy Thompson**

**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**

**Change means movement. Movement means friction. Only in the frictionless vacuum of a nonexistent abstract world can movement or change occur without that abrasive friction of conflict. – Saul Alinsky**

members or others in their lives. The first contact with the mediator does not necessarily have to come from the elder involved.

Elder mediation is relatively new.

Neither the legal profession nor the public at large has as yet fully recognized the value of elder mediation. A Portland elder law attorney shared his perspective with me that elder mediation is today at the stage of development where elder law was fifteen years ago and private geriatric care management was twenty years ago.

Elder mediation deals with a wide variety of conflicts involving elders, such as:

- Adult guardianship
- Family caregiver
- Neighborhood problems
- Shared decision making services
- Consumer issues
- Housing matters
- Living arrangements
- Relationships
- Social life and activities
- Spirituality and aging



Elder mediators should be familiar with the aging process and the issues involved and should be connected with the network of local resources and service providers available to elders in the community. Elder mediators should also be familiar with elder abuse concerns and relate allegations of elder abuse to the appropriate authorities. Mediation would not occur between an elder and another person if elder abuse has been substantiated. However, self-neglect does not disqualify a case for mediation.

Mediators must implement the necessary accommodations to allow elders to participate in the mediation process to the fullest degree possible. This may sometimes require the elder to be represented by an attorney or other legal professional.

Elder mediation should not be seen as a substitute for legal advice but as complementary to the practice of elder law. Only the court can provide findings of fact and/or determination of legal capacity. In this time of fewer court and judicial resources, elder mediation can be a very cost effective alternative to lengthy litigation or repeated court hearings for ongoing disputes.

Elder mediation can precede a consultation with an attorney when family members are, for example, arguing over a parent's care plan or finances. Attorneys often participate in mediation, representing the elder or another participant or serving as legal advisors.

The Elder mediation process can help to preserve, restore or even improve relationships among the parties involved as the process provides a non-adversarial approach to resolve the dispute.

Elder mediation provides an opportunity to explore creative solutions that address a broad range of decisions and conflicts that affect an elder's life in a confidential and safe environment. An agreement is reached if it meets the needs of all participants, elders, family members, caregivers and others involved in a given conflict.

Since the elder is often able to participate in the mediation process, either directly or with the assistance of an attorney or other representative, the elder's dignity is preserved by having an active voice in the choices that are

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

**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.

**Contact Us**

Editor: Darrell Puls

made.

Elder mediation provides an opportunity for elders to talk openly and without fear about values they hold and risks they are or are not willing to take. The elder can acknowledge his or her needs for assistance during mediation without worrying that it will lead to a judge’s ruling of incapacity.

Elder mediation is particularly effective in exploring the least restrictive alternatives to the appointment of a fiduciary if capacity is a question.

Mediation may then provide more alternatives than a hearing before a judge.

---

## How to Handle Backstabbers at Work: Five Keys to Manage Their Behavior

**Marsha Petrie Sue** (From [Mediationworks.com](http://Mediationworks.com))

We have all encountered Backstabbers at work. They are gossips, mean-spirited and hurtful. One in every 30 people in high-performing business situations has been identified as a Backstabber. This rate is several times higher than that of the general population. Are you surprised? These people have little conscience or ability to develop one. Their only goals seem to be power and personal gain.

1. Identify the behavior: Taking credit for others’ work and finding reasons to place blame whenever anything goes wrong are typical behaviors for them. Toxic People: decontaminate difficult people at work without using weapons or duct tape, this category of difficult behavior was referenced most often.
2. Never overlook the damage Backstabbers can do. Don’t laugh at them or shrug off their behavior. If you do, it just reinforces their control and their negative behavior. They won’t change, because this Backstabber behavior has worked for them in the past.
3. Listen for the messages they send and how you interpret them in your thinking: “Be careful what you say about me, or I’ll say something that will embarrass you in front of others” or “There is nothing you can do to stop me; I’m more clever than you.” To read the rest of the article, [click here](#).

---

## You know...

It’s going to be a bad day when you get this message:

