



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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Overcoming Our Immunity to Change

**An advanced mediation workshop with Richard McGuigan, PhD.
February 4, 2010.**

Editor's note: Jeff Bean and Vivien Sharples submitted nearly identical reviews of the workshop. We could only publish one to avoid redundancy.

By Vivien Sharples

Even when people are told that they will die if they don't change their habits, 8 out of 10 apparently don't change. Why is it that despite a desire to change, so many of us often fail to do so? Dr. McGuigan shared a practice that helps people to uncover hidden beliefs and unconscious competing commitments that can sabotage even our best intentions.

Developed by Richard Kegan and Lisa Lahey and based on their research in an adult developmental psychology theory called Constructive Developmentalism, the process has 5 steps. While Dr McGuigan also touched on Integral theory from Ken Wilbur, I will focus on the "Immunity to Change" practical application. WMA members may want to try it out themselves and incorporate those parts they finds useful.

The 5 steps are simple but can be very powerful. They are a structured way to raise our awareness of unconscious attitudes and beliefs that may be limiting personal development or blocking change. Dr McGuigan said that he uses the process frequently as a mediator and organizational development consultant. When meeting with clients individually and at the beginning of a mediation or facilitation, he asks individuals or groups what they want to change, and then leads them through the steps to uncover what is getting in their way. He advocates doing this with every client.

In brief, the steps are as follows:

1. **Commitment:** What is the behavior you commit to change? (Needs to be important, must be behavioral and must involve YOU!).
2. **Undermining Factors:** What do you do or not do that gets in the way of or undermines that change/commitment? (Need as many concrete, honest, specific, behaviors as possible – it is not about "why.")
3. **Hidden Commitment(s):** What competing commitments may be generating the undermining behaviors in #2, or be about "not

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ADR Section –
Washington State
Bar Association

Quotes:
The greatest honor
history can bestow
is that of
Peacemaker.
~Richard Nixon.

improving”? (What are you worried/fearful will happen if you do the opposite of the behaviors in #2?)

4. **Big Assumption:** What are the “Big Assumption(s)” that support the hidden or conflicting commitments in #3? (These are unconscious, out of sight beliefs or assumptions which may or may not be true but which we take as true. We may have picked them up when we were children, and they may have helped us survive then, but they are now getting in the way and not serving us.)
5. **Action/Progress** What action(s) will you take to test out/overcome the Big Assumption? How will you recognize your progress?

I found the experience of working through the steps with a partner to be deep, effective and helpful in uncovering my Big Assumptions. Uncovering the hidden assumptions or demonstrating to oneself that they are not logical does not necessarily mean that they will go away, especially if they’re deeply rooted in childhood experiences or traumas. However, I was also very excited by the potential for using the process in mediation and group facilitation as well as personally, and intend to try it out again soon!

17th Annual ADR Conference



The 17th Annual Northwest Dispute Resolution conference will be held April 30 – May 1 at the University of Washington Law School.

Registration is now open. As always, the conference promises to be the highlight for all alternative dispute resolution practitioners throughout the northwest. Now in its seventeenth year, the Northwest Dispute Resolution Conference for 2010 offers another outstanding program for those practicing law, mediating, or helping resolve or manage conflict.

Conference sessions will cover the most recent developments and trends in dispute resolution from speakers throughout the U.S. and Canada.

[Click here to register.](#)

Editor note: It is interesting to see how several people attending the same training session can come away with very different, but connected, viewpoints. The following three viewpoints are from mediators who attended the Cloke training at Antioch University on WMA scholarships.

Transformation: Tools from Ken Cloke

By Dana Greyson



Attending Ken Cloke’s training reminded me a bit of the ‘88 Maxell tape ad, where the subject is blown away by what he hears. In six all-too-short hours Ken packed “a few” of his best insights and tools gathered over his 40+ year career as a peace activist, civil rights attorney, judge and mediator of assorted disputes from family to international. This write-up can

War is the greatest plague that can afflict humanity; it destroys religion, it destroys states, it destroys families. Any scourge is preferable to it.

~Martin Luther

The first peace, which is the most important, is that which comes within the souls of people when they realize their relationship, their oneness with the universe and all its powers, and when they realize that at the center of the universe dwells the Great Spirit, and that this center is really everywhere, it is within each of us.

~Black Elk

If they want peace, nations should avoid the pin-pricks that precede cannon shots.

~Napoleon Bonaparte

If you want to make peace, you don't talk to your friends. You talk to your enemies.

~Moshe Dayan

scarcely do justice to actually participating in a workshop with Ken. However....

Here's my top five takeaway tools that I'll regularly incorporate into my mediation practice

1. **Begin with a beautiful dream** by asking clients what their greatest hope would be in resolving the conflict that brought them into my office. Neuroscience findings support the strategy behind this tactic, as one of many ways to move clients into the part of their brain that shifts them towards a heartfelt solution
2. **Break through a circular argument**, with the intent of diving deeper, to the core of the emotional need, by asking the question "*What is the meaning of...* [whatever the issue is that a client is complaining about]". It may take gently, yet persistently asking the question several times, in some slightly different ways (ex. "*And what about that is important to you?*") until the answer is clearly coming from the heart.
3. **Model asking for feedback** by offering some observations of how I'm doing and demonstrating and genuine vulnerability by courageously sharing what I'm not doing well before asking for their feedback. Ask clients as we progress, "How is this working for you?" and reality check when action is offered or requested "Is this something you could do?"
4. **Use a surprising release for fully embracing forgiveness.** Out of the "Five Steps of Forgiveness" don't forget to "Identify all the reasons for not forgiving them, all the expectations you had of them that they did not meet, or how you would have liked the, to have acted." Oddly, truly owning up to this, admitting and accepting it, then moving on is part of *fully* letting go.
5. **Lead clients who find themselves stuck in the victim mode towards letting go** with these two questions
 1. What price have you paid for this conflict?
 2. How much longer are you willing to continue paying that price?

The workshop definitely will prompt me to dust off my copies of Ken's books, eager to put more of his heartfelt advice to work in my personal as well as my professional life.

Ken Cloke - Another Viewpoint

By Michael Adler

The subtitle of this training was The Art of Waking People Up. It is hard to summarize the day in a brief article. Below is a sampling of some of the major points presented.

The Usefulness of Conflict

Every conflict points us precisely to our own needs for growth. Those very issues that we most resist changing contain the greatest potential for revealing our transformational choices.

Cloke argues that the hidden openings to change are 180 degrees from the point of maximum resistance.

Example: Mr. T at the office has a history of being



We know how to organize warfare, but do we know how to act when confronted with peace? ~Jacques Cousteau

We look forward to the time when the Power of Love will replace the Love of Power. Then will our world know the blessings of peace. ~William Gladstone

Peace-making is a healing process and it begins with me, but it does not end there. ~Gene Hoffman

There is no way to peace. Peace is the way. There is no path toward love except by practicing love. War will always produce more war. Violence can never bring about true peace. ~ Richard Rohr

difficult to work with. He is very aware of how others feel, and much criticism has been sent his way by co-workers and supervisors. His maximum resistance point is when he is criticized and at such times he is very effective at dealing with (i.e., deflecting) criticism. However moving 180 degrees from there and presenting Mr. T with compliments instead of criticism is an approach that could well lead Mr. T to his own place of transformational choice--where he is aware he has other options for handling the situation and can view his own behavior differently.

The object of transformational coaching is not to solve the conflict, but to lead people to their own place of transformational choice.

Strategic Planning is a means to an end.

For families and individuals, a good early question is, "What words would you use to describe a family you would most like to have?" Once people start articulating what they want for their lives, the question becomes: Can I/we begin "living into" these words right now? And then: What steps do I/we need to take to overcome barriers to that?

In organizations, participants can be asked to write down specific words that describe the "old culture" and then those describing the "new culture" they want to have. The purpose of the strategic plan itself is to have people talk about matters that have meaning for them. When they do this, it leads to creating new and different communication and ideas.

Feedback is necessary.

No matter how large or small the group or how complex its hierarchy, everyone needs continuous feedback that is "rich, complex, intricate, and redundant." Every suggestion is valid even if you don't agree with it; and every complaint is a suggestion for improvement. Feedback should be built into everything—including the actions of the mediator/facilitator/coach.

Waking up to the quality of one's own life and that of others.

Unresolved conflict saps our energy and puts us to sleep, even the memory of a past conflict that has been "resolved." Forgiveness is the way to take our energy back to ourselves. The questions here are: (1) What has this conflict cost you, and (2) how much longer are you willing to pay this price? Forgiving means that one no longer needs the negative intimacy that anger provides.

Cloke's Five-Steps to Forgiveness (Editor note: There are many others.)

- 1) Remember exactly what happened and how you felt.
- 2) Figure out what the other person must have been feeling.
- 3) Identify all the expectations you had and all of the reasons you can think of for not forgiving the other person.
- 4) Either choose to relieve yourself of those reasons and expectations OR identify what it is going to cost you not to forgive them. The underlying issue here is, are you willing to give a piece of your life to the other person and let them keep it?
- 5) Design a ritual for release, completion and closure that is appropriate to the issue.

Remember that letting go is a form of renewal, not denial.

Cloke: Viewpoint Three

By David Docter

Ken Cloke's workshop was of particular interest because I believe that the best way to resolve conflict and avoid future conflict is to coach disputants

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.

toward interest-based self-empowerment skills.

The workshop was centered on strategic planning, which Cloke argues consists of asking and answering a series of questions about personal, team or organizational direction. For individuals in conflict, this means empowerment of the self or their functional or dysfunctional workgroup with a mission, vision, goals or objectives, stretch objectives, and barriers, then developing strategies, tactics and action Plans. Cloke called for a shift from focusing on problems/conflicts to first focusing on Visions—a change from where we have been to where we wish to go.

He suggested that, with a strategic planning, future-oriented coaching approach, parties could shift from reactive and responsive to being proactive and preventative. In shifting the focus from problems to vision, the ultimate goals become similar shifts from compromise to collaboration, from cynicism to engagement and commitment, and from private defiance to public dialogue. The participants, most of whom are practicing mediators, then practiced listening skills and then tried a “non-neutral” coaching approach to provide genuine feedback. While the non-neutral aspect of coaching strays somewhat from the tenets of mediation, Cloke suggested that coaching centered around supportive confrontation, mutual development, and strategic planning is in fact a potentially powerful tool for a mediator. Much food for thought—thank you again WMA for enabling this experience.

Mediator Reflections on Dr. King

By Kevin Coonrod

Two thousand miles from Yesler Way, in the shadow of a hulking statue of Jefferson Davis, I peered down at the Dexter Avenue King Memorial Baptist Church. From the grounds of the Alabama State Capitol, I visualized the frenzied efforts of Martin Luther King, Jr. and others to throw together a bus boycott in the basement of that century old, historic, red-bricked Montgomery community fixture. This organized, peaceful boycott would kick-start and later symbolize the Civil Rights Movement of the 1960's after

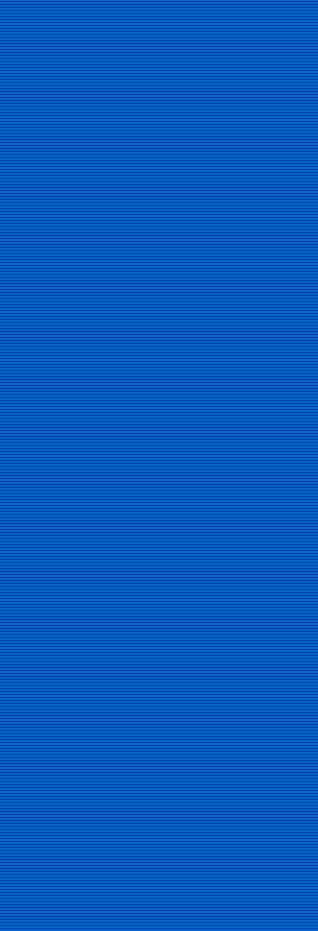
Rosa Parks refused to relinquish her seat on a segregated Montgomery coach.



Seven days later, on Martin Luther King, Jr. Day, January 18, 2010, I marched west down Yesler towards Elliott Bay with WMA colleagues Sarah Bergdahl and Lars Watson, and four thousand other Seattleites. We took turns bearing a banner, “Mediators Honor Rev. Dr. King,” and I reflected on the common philosophies of peace we as

mediators share with those espoused in the non-violent protests led by Dr. King.

Both seek to express and understand truths. Both place value on working collaboratively and in good faith for the peaceful and amicable resolution of deep conflict. Where the civil rights marchers of the 1960's strove to stand up safely, be heard, acknowledged and validated as equal persons, we seek to empower our mediation clients to accomplish the same with each other.



As mediators, we work with people holding strongly differing points of view, yet frequently we help them find common ground and workable solutions, often laying the groundwork for future, productive relationships that work fairly and honestly for all involved. In many ways we seek to repeat the successes of the American civil rights activists of the '60's.

With my recent experience of the power of the Civil Rights Movement in Montgomery as a backdrop, my participation in Seattle's Martin Luther King, Jr. march was profoundly personalized. The demonstration afforded the opportunity to bond with my hometown neighbors, develop a deeper camaraderie with Sarah and Lars, and to help promote the mediation profession.

Many marchers approached us with questions and we had some resonating chuckles. I don't think any of the three of us will forget the woman who excitedly asked us if we could hold a mediation between her and her deceased ex-husband. Mediation by séance: The next branch of Alternative Dispute Resolution on the horizon?

The day offered occasion to reflect on the strides we have taken toward peaceful race relations, the miles yet to be marched, and to honor, with friends and neighbors, an extraordinary person. For me, the march provided poignant and truly memorable experiences. I encourage others to bear the banner of mediation in Martin Luther King, Jr. marches to come, just as many WMA members did last year. Afterwards, we scaled Seattle's Profanity Hill back to Garfield High School; Lars and Sarah, I'm embarrassed to say, with a much lighter step than my own.