

In This Issue

- **President's Message**
- **WMA President's Award for 2006**
- **Board Elections**
- **How to Succeed in a Difficult Conversation**
- **Our Own Communication is Important, Too!**

Conflict Resolution Links

Resolution
Washington,
Dispute Resolution
Centers

Mediate.Com, news
and mediation
services

Association for
Conflict Resolution

Federal Mediation
& Conciliation
Service

President's Message

Dear Colleagues:

A year goes by remarkably fast.

It is already time for my final President's letter and it seems to have gone by in a flash. There is much to continue doing in the year ahead, but I believe we have made remarkable progress. I take this opportunity to thank you, the members, and I especially thank our dedicated Board for making progress on many fronts.

I will now take a lower profile role as Chris Koser ably assumes the mantle of President.

For those of you who were able to attend the annual meeting, you know about the accomplishments of our President's Award winner, Debbie Nelson and her extraordinary group of fellow conflict resolution advocates. For the rest of you, I hope you read in this edition about those inspiring accomplishments, and that it moves you to take action as well.

For all of you who were able to attend the meeting and/or the Washington Dispute Resolution Conference, I hope you enjoyed yourselves, learned some new things, renewed some friendships, and are planning to attend next year.

Have a wonderful summer.

Kevin R. Cornwell,
President, WMA

Debbie Nelson and Community Mediation Services Honored



The Washington Mediation Association **President's Award for 2006** was presented in Seattle on April 28 to Debbie Nelson, Volunteer and Training Program Coordinator Community Mediation Services (CMS), City of Vancouver, WA/Clark County.

The award is presented annually to the Washington Mediation Association (WMA) member who, in the opinion of the WMA Selection Committee, "Has made a significant contribution to the growth and development of mediation in Washington."

Peaceweb

Sojourners Online:
Religious and
Societal
Peacemaking

Victim Offender
Mediation
Association

Intractable Conflict
Knowledge Base
Project

Online Journals:

The Online Journal
of Peace and
Conflict Resolution

Contact Us

Editor: Darrell Puls

Debbie led an extraordinary effort surrounding Conflict Resolution Day and Month in October, 2005, with the support of scores of others from CMS and a significant partnership with Vancouver's Innovative Services NW.

Beginning in June, 2005, Nelson initiated and led efforts to organize, plan, staff and conduct a number of community workshops to teach the public more about everything from general conflict resolution to active listening to conflict styles to providing "Listening Booths" at the local Farmers Market. Some of the outreach included sessions on *How to Really Listen*, *Conflict Styles*, *Identifying Underlying Needs*, *Solving the Problem*, and *Curbing Conflict by Learning to Chill*.

This was in addition to being a driving force behind funding and publication of a 25-page booklet that was distributed regionally and helped give mediation a high profile. Included in the pamphlet were such useful things that promote mediation such as "Choosing a Mediator," a Directory of various mediators in the SW Washington area, a list of helpful web resources and several tools for having difficult conversations. Innovative Services Northwest of Vancouver was also a key leader behind the publication of the resource guide.

In presenting the award, WMA President, Kevin Cornwell, remarked, "The beauty of this accomplishment is that it combines individual, collective and community action. It reflects well on so many people and continues to have an ongoing impact on the community."

Your WMA Board



Several new Board members were elected at the April 28 WMA General Meeting at the University of Washington Law School, joining continuing Board members. From left to right, the WMA Board members are: Kathleen Nichols, Dorothea Lintz, Lars Watson, Andrea Fitzpatrick, Darrell Puls, Moonwater, Chris Koser, and

Kevin Cornwell. (Not pictured – Joyce Ebbert, Jack Hebner, Mark Kuciemba, MJ Redman and Sharon Winters).

The Board held two face-to-face meetings last year, and several more by telephone conference call. We anticipate a full agenda this year as we work to advance the cause of mediators and their practice of mediation by setting high ethical, training and performance standards and acting as a voice for mediators wherever that voice needs to be heard.

We Have to Talk - A Step-By-Step Checklist for Difficult Conversations

by Judy Ringer

There are dozens of books on the topic of difficult, crucial, challenging, important (you get the idea) kinds of conversations. Those times when you know you should talk to someone, but you don't. Maybe you've tried before

Interesting Quote:

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

and it went badly. Or maybe you fear that talking will only make the situation worse. Still, there's a feeling of being stuck, and you'd like to free up that stuck energy for more useful purposes.

There are many well-written and informative books on how to have these important, crucial, and difficult conversations. At the end of the article, I list them. Get at least one and read it. They're all great.

What you have here is a brief synopsis of best practice strategies: a checklist of action items to think about before going into the conversation; some useful concepts to practice during the conversation; and some tips and suggestions to help your energy stay focused and flowing, including possible conversational openings.

You'll notice one key theme throughout: you have more power than you think.

Working on yourself: How to prepare for the conversation

Before going into the conversation, ask yourself some questions:

1. What is your purpose for having the conversation? What do you hope to accomplish? What would be an ideal outcome?

You may think you have honorable goals, like educating an employee or increasing connection with your teen, only to notice that your language is excessively critical or condescending. You think you want to support, but you end up punishing. Some purposes are more useful than others. Work on yourself so that you enter the conversation with a supportive purpose.

2. What assumptions are you making about this person's intentions? You may feel intimidated, belittled, ignored, disrespected, or marginalized, but be cautious about assuming that that was their intention. Impact does not necessarily equal intent.

3. What "buttons" of yours are being pushed? Are you more emotional than the situation warrants? Take a look at your "backstory," as they say in the movies. What personal history is being triggered? You may still have the conversation, but you'll go into it knowing that some of the heightened emotional state has to do with you.

4. How is your attitude toward the conversation influencing your perception of it? If you think this is going to be horribly difficult, it probably will be. If you truly believe that whatever happens, some good will come of it, that will likely be the case. Try to adjust your attitude for maximum effectiveness.

5. Who is the opponent? What might they be thinking about this situation? Are they aware of the problem? If so, how do you think they perceive it? What are their needs and fears? What solution do you think they would suggest? Begin to reframe the opponent as partner.

6. What are your needs and fears? Are there any common concerns? Could there be?

7. How have you contributed to the problem? How have they?

4 Steps to a Successful Outcome

The majority of the work in any conflict conversation is work you do on yourself. No matter how well the conversation begins, you'll need to stay in charge of yourself, your purpose and your emotional energy.

Breathe, center, and continue to notice when you become off-center – and choose to return again. **This is where your power lies.** By choosing the calm, centered state, you'll help your opponent/partner to be more centered, too.

Centering is not a step; centering is how you are as you take the steps. (For more on Centering, see the Resource section at the end of the article.)

Step #1: Inquiry

Cultivate an attitude of discovery and curiosity. Pretend you don't know anything (you really don't), and try to learn as much as possible about your opponent/partner and their point of view. Pretend you're entertaining a visitor from another planet, and find out how things look on that planet, how certain events affect them, and what the values and priorities are there.

If they really were from another planet, you'd be watching their body language and listening for the unspoken energy as well. Do that here. What do they really want? What are they not saying?

Let them talk until they're finished. Don't interrupt except to acknowledge. Whatever you hear, don't take it personally. It's not really about you. Try to learn as much as you can in this phase of the conversation. You'll get your turn, but don't rush it.

Step #2: Acknowledgment

Acknowledgment means to show that you've heard and understood. Try to understand them so well you can make their argument for them. Then do it. Explain back to them what you think they're really going for. Guess at their hopes and honor their position. **They won't change unless they see that you see where they stand.** Then they might. No guarantees.

Acknowledge whatever you can, including your own defensiveness if it comes up. It's fine; it just is. You can decide later how to address it.

For example, in an argument with a friend I said: "I notice I'm becoming defensive, and I think it's because your voice just got louder and sounded angry. I just want to talk about this topic. I'm not trying to persuade you in either direction." The acknowledgment helped him (and me) to re-center.

Acknowledgment can be difficult if we associate it with agreement. Keep them separate. My saying, "this sounds really important to you," doesn't mean I'm going to go along with your decision.

Step #3: Advocacy

When you sense that they've expressed all their energy on the topic, it's your turn. What can you see from your perspective that they've missed? Help clarify your position without minimizing theirs.

For example: "From what you've told me, I can see how you came to the conclusion that I'm not a team player. And I think I am. When I introduce problems with a project, I'm thinking about its long-term success. I don't mean to be a critic, though perhaps I sound like one. Maybe we can talk about how to address these issues so that my intention is clear."

Step #4: Problem-Solving

Now you're ready to begin building solutions. Brainstorming is useful, and continued inquiry. Ask your opponent/partner what they think would work. Whatever they say, find something that you like and build on it.

If the conversation becomes adversarial, go back to inquiry. Asking for the other's point of view usually creates safety, and they'll be more willing to

engage.

If you've been successful in centering, adjusting your attitude, and in engaging with inquiry and useful purpose, building sustainable solutions will be easy.

Practice, practice, practice!

The art of conversation is like any art – with continued practice you acquire skill and ease.

You, too, can create better working and family relationships, ease communication problems and improve the quality of your work and home environment. You're on the way, and here are some additional hints:

Tips and suggestions

1. A successful outcome will depend on two things: how you are and what you say. How you are (centered, supportive, curious, problem-solving) will greatly influence what you say.
2. Acknowledge emotional energy – yours and theirs – and direct it towards a useful purpose.
3. Know and return to your purpose at difficult moments.
4. Don't take verbal attacks personally. Help your opponent/partner come back to center.
5. Don't assume they can see things from your point of view.
6. Practice the conversation with a friend before holding the real one.
7. Mentally practice the conversation. See various possibilities and visualize yourself handling them with ease. Envision the outcome you're hoping for.

How do I begin?: Opening the Conversation

In my workshops, a common question is *How do I begin the conversation?* Here are a few conversation openers I've picked up over the years – and used many times!

- *"I have something I'd like to discuss with you that I think will help us work together more effectively.*
- *"I'd like to talk about _____ with you, but first I'd like to get your point of view."*
- *"I need your help with what just happened. Do you have a few minutes to talk?"*
- *"I need your help with something. Can we talk about it (soon)?"* If they say, *"Sure, let me get back to you,"* follow up with them.
- *"I think we have different perceptions about _____ . I'd like to hear your thinking on this."*
- *"I'd like to talk about _____. I think we may have different ideas on how to _____."*
- *"I'd like to see if we might reach a better understanding about _____. I really want to hear your feelings about this and share my perspective as well."*

Good luck! Let me know if this article has been useful by contacting me at <http://www.judyringer.com>.

Editor's Note: For an excellent book on the topic, try:

Our Own Communication is Important Too

by Forrest S. Mosten and Jeffrey Kichaven

During a quiet moment on the Riverwalk in San Antonio at the ABA Mid-Year Meeting in February, we shared notes about our mutual concern that meetings of ADR actives inside and outside the ABA often seem, ironically, to be competitive and adversarial. This joint observation disturbed us both, and we are writing this article to "ventilate" our concerns about the way those of us in the ADR community interact with each other.

One of the catalysts for our conversation is a recent article "The Trouble With Postmodern Zeal" (38 *William and Mary Law Review*, 63 (1996)) by Professor Monroe H. Freedman of Hofstra School of Law which contains a scathing condemnation of Professor Carrie Menkel-Meadow for being an adversarial advocate in her attack on adversarial advocacy."

Long ago we both decided to devote our professional lives to mediation largely due to our distaste for personal attacks that are so often mistaken for "vigorous advocacy" in litigation. Notwithstanding our discomfort with Professor Freedman's conflict style, we believe that his message questioning the combativeness of those of us who question combative advocacy ... should be seriously considered, discussed, and reflected upon by those of us in the mediation community.

We each have too often found mediation organizational meetings of ADR professionals to be surprisingly contentious and competitive. Instead of a modulated and collaborative exchange of ideas, we have observed (and ourselves sometimes participated in) virulent debates among "colleagues" that featured few attempts at conciliation or synthesizing differing views. We do not want to diminish the importance of issues facing mediation as a process and as a profession. Topics of confidentiality, immunity, mandatory/voluntary, standards of competence, and more. deserve considerable study, debate, legislation and Bar action. As a mediation community, we are often required to take a unified position among many differing reasonable options. Despite our internal differences, it is still true that there are many opponents (if not enemies) of mediation within the legal profession and there are even more lawyers who are unaware of mediation's potential and utility. We must not forget to keep our eyes on the prize - mediation is truly beneficial and often transformative for our society. If mediation as a concept gains acceptance and professionalism, we all win! R/lost of us would gladly sacrifice a short-term gain in current market share for a smaller share of the potentially huge market that awaits us over the long-term.

We are concerned not about what we talk about, but how we talk and how we work with each other. As mediators, we are trained and are proponents for conflict resolution. We should start at home. We have observed a disturbing prevalence of ADR proponents becoming personally enraged at each other when they debate important complex issues. In fact, the field of mediation has witnessed too many internecine adversarial fights among its leading authorities and among competing mediation organizations in the

same community. Such public fights (often over funding or official accreditation) can poison acceptance of mediation in a community.

At ADR organizational meetings themselves, we have both been witness to the sort of troubled communication about which we warn lawyers and others. We have seen colleagues interrupt each other, react quickly, negatively and personally. Despite our training, many of us often do not seem interested in finding out the underlying basis and interest of opposing viewpoints put forth by our colleagues. In public policy discussions, there are often excessive displays of ego and self-promoting references to resumes and individual accomplishments.

Also, although empowerment is a main theme of mediation, in ADR organizations as in other human organizations, we often form cliques and hierarchies that promote the interests of an "ADR establishment" at the expense of openness, inclusion, and innovation.

As mediators, we are not immune from common human frailty. In fact, there may be many explanations for our non-mediative behavior, but we want to focus on one: the economic insecurity of mediators. We are generally solo practitioners or in new firms. Unlike our colleagues in well-established fields, many of us have to hustle hard for business. Even our friends in legal services for the poor or public interest work have the security of a steady (albeit often penurious) paycheck.

Most mediators are not just service providers. We are entrepreneurs in a new and emerging field which faces societal and professional challenges and obstacles. Unlike other lawyers who may leave secure jobs to form a new partnership or solo practice in traditional practice areas, mediators are constantly having to sell the concept and the importance of mediation as well as our own brand of service. Educating other lawyers and public potential consumers about mediation is exhausting and never ending. We sometimes forget to stop selling and start listening. While networking seems to be the mother's milk of organized bar activities, our need for recognition among our peers may interfere with our common professional agenda.

Due to the nature of our training and work, we sometimes act as if we have more "evolved" insights and answers than our more "traditional" colleagues outside of mediation. Actually, the way we behave toward each other and our potential allies inside and outside the organized bar, is very understandable in light of Plate's views of the role of economic insecurity as a limitation to public debate. If mediators are struggling to make a living it is often difficult to concentrate on larger policy issues - particularly those that might adversely impact our precarious perch in the marketplace.

Those of us who have the opportunity to be involved in ADR leadership have a responsibility to model mediative approaches toward our colleagues inside and out of the mediation community. As we grow into an institutionalized profession (whether or not by choice), agendas, organization charts, budgets, and leadership ladders may be inevitable. Innovation, creativity, and searching for paradigms beyond the possible remains a value system of mediation and its proponents. However, in meeting the challenges that face our profession and attempting to maximize the potential and opportunities of our service product, we believe it is timely and appropriate for us to monitor and reevaluate our interaction with each other and the model of communication that we present and model to society.

We find ourselves, then, in a Catch-22 of sorts. In order to surmount the economic challenges of starting mediation practices, it is necessary to expend energy on the nuts and bolts of building a business. However, to broaden the scope of mediation at large, it behooves us to model mediative behavior among ourselves and in our practices to gain the confidence of the very market we are seeking to service. We are optimistic that mediation has transformative potential not only in our role as peacemakers in society, but for ourselves as we seek to model collaboration among our own mediation community and in our lives.

Forrest S. Mosten is Co-chair of the ABA Dispute Resolution Section's Committee on Incorporating ADR into Law Practice and a principal in Family Mediation Training. He is a family lawyer and mediator in Los Angeles and the author of **The Complete Guide to Mediation** (ABA,1997). Website: www.mediate.com/mosten.

Jeffrey Kichaven is the Chair of the Los Angeles County Bar ADR Section and a member of the ABA Dispute Resolution Section Council. He is a mediator and arbitrator in Los Angeles and the author of **California Forms of Pleading & Practice**: Chapter 30, "Using Alternative Dispute Resolution" (Matthew Bender, 1996)

Source: www.abanet.org/dispute/view1.html