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## Building Strong Communities Through Mediation

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## Building Strong Communities Through Mediation

### Abstract

The subject of the article is development of mediation education in Spokane, Washington, by Washington State University Cooperative Extension. The author discusses the value of mediation as an alternative dispute resolution process. She outlines the reasons for introducing the program and actions taken to implement it, and details the documented impacts on community, personal, and professional life of the mediation training for the 110 adults in the program. Mediation is recommended as a way of restoring civility, transforming individual behavior, and building community.

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In the field of alternative dispute resolution, the buzzword of the mid 1980s in the state of Washington was "mediation." The state legislature had identified a need among its constituents for a process of resolving disputes that was less costly and complex than the usual formal court-based adversarial proceedings. Legislators wanted a system that encouraged voluntary participation and that would become a model to be adopted by any community looking for an alternative to the courts for resolving certain disputes. Mediation for dispute resolution became the process, and the establishment of dispute resolution centers became the vehicle for accomplishing the legislature's goals.

Washington State University Cooperative Extension entered the picture in the early 1990s, when several Extension agents were trained and certified as professional mediator practitioners through the established Dispute Resolution Centers. This opened the door for Extension to develop trainings in mediation and conflict resolution as part of Extension's community development programming. The main audience was centered in northeast Washington, in the greater Spokane area. The work was organized, carried out, and evaluated by the Pend Oreille County Extension agent whose office is located in the rural county north of Spokane and who became a professional mediator in 1994.

This article highlights a unique and very successful community development effort that can be replicated and adapted in other communities. It elaborates upon the reasons for focussing on Spokane and surrounding counties, explains the actions taken by the Extension agent to create a positive reception for mediation efforts, and discusses the impacts of a formal mediation structure on community and personal life.

### Why Mediation

Mediation is an alternative dispute resolution process that helps individuals or groups reach a settlement of issues in a peaceful, respectful manner. The process incorporates advanced communication, listening, and negotiation skills to facilitate problem solving by disputants. It not only addresses solutions for the obvious issues that lead to the conflict, but also recognizes needs of individuals that underlie and fuel conflict. The benefits of mediation over other forms of dispute resolution are durability of settlement, mending relationships, personal skill-building, and increased community safety—all building blocks for a healthier community.

Conflict (or the discrepancy between the way things are and how someone wants them to be) is the basis for needing mediation. Conflict can be as simple as an ordinary argument among family members over cooking dinner, to neighbors with two different lifestyles and views of the fence line,

to a former husband and wife trying to out-compete each other for their children's loyalties. Mediation is an excellent choice for people who expect to have continuing relationships with each other and reputations to protect. Thus, it is particularly amenable to community disputes that involve contractors and homeowners, neighbors, parents and teens, landlords and tenants, merchants and customers, or managers and employees.

Settlement rates for mediation are 87% to 92%, depending on the problems mediated and the individual or organization offering the services. In Washington, compliance rates for settlement agreements between disputants can be 85% and higher. Settlement agreements can be tracked because they are the only non-confidential aspect of mediation. Agreements are signed by disputants and hold up in court.

## **The Situation in Spokane**

In 1994, in eastern Washington, use of the mediation process was still in its infancy. In Spokane, a city of 180,000 people and the largest city in that part of the state, there were perhaps half a dozen certified mediator practitioners. There was no volunteer mediator program. The courts were overloaded with small claims cases, and the process of mediation was known to very few organizations, businesses, or individuals that might have benefited by mediation services.

Training volunteers to mediate is a unique function of a Dispute Resolution Center (DRC). The training program is similar in concept to Extension's Master Gardener training program. A well-trained corps of mediator volunteers provides invaluable assistance in reducing the court dockets of overburdened small claims and civil court judges. It also provides services for community organizations and families that need a neutral, safe atmosphere for discussion and problem solving. Although there was a DRC in Spokane in 1994, there were no volunteer mediators and no programs to train them. District Court judges were asking for help.

The main interest of the Extension agent was to develop mediation services for the rural county in which she worked. However, she judged that mediation would not be easily embraced there. Building awareness and knowledge of its value elsewhere was a step towards bringing it home. The conditions in Spokane, 50 miles away, provided that opportunity.

## **Actions Taken**

To develop community awareness of mediation as an alternative dispute resolution technique, an advisory committee was formed. Members were people who had a stake in promoting mediation in Spokane. The two employees of the Spokane DRC were invited to be part of the committee. The result was formation of the Inland Northwest Mediation Coalition, a small, informal, representative group of mediators in private practice, attorneys, and teaching faculty of the three area universities.

The Coalition developed a basic 40-hour mediator training course patterned after those offered by several highly regarded DRCs in the state. Such curriculum content generally includes conflict theory, conflict management, basic needs theory, the eight-step mediation process, issues and interests, coached practices, negotiations, role plays, communication and listening skills, and de-briefings. Between 1994 and 1999, the course was marketed successfully eight times. One hundred eleven people were trained, including 25 from rural Pend Oreille County.

Another major thrust in creating community awareness was delivering talks or abbreviated classes to area groups. The agent made 32 of these contacts in 2 years, paving the way for the 40-hour trainings.

It was important to develop a pool of competent mediators for Spokane and surrounding counties. The steps the Extension agent took were to:

- Become a Board member of the inactive Spokane DRC and
- Secure affiliation of the DRC with the highly regarded Volunteers of America organization.

By becoming a Board member, she could be instrumental in developing mediator certification standards and offering internship programs that resulted in mediator certification. Affiliating with the Volunteers of America created the needed organizational and financial stability for formalizing mediation resources in the Spokane area.

## **Impacts of the Mediation Project**

Mediation training is one of the more satisfying trainings individuals take, according to class evaluations. At its heart is an eight-step process that is the framework for resolution of disputes. The process recognizes what people think is true and moves them towards identifying the real truth. Following the eight steps creates a safe, humane, respectful environment and the opportunities to achieve substantive, psychological, and procedural satisfaction for disputants. Without these conditions, resolution of conflict becomes more difficult.

Among the people who took the new Spokane trainings were lawyers, law students, school administrators, psychologists, college faculty and administrators, county government employees, sheriff's deputies, ministers, community volunteers, industry managers, and people looking for

career changes. Also trained were 30 professionals from the Department of Energy/Hanford Clean-Up project in Richland, Washington.

Fifty percent of all participants answered a follow-up mail survey in 1999, helping to identify the long-range impacts of the training in their professional, personal, and community lives.

### **Community Impacts**

Major changes occurred in the Spokane community as a result of the mediation trainings Extension delivered. Perhaps the most significant outcome was establishing the Dispute Resolution Center as a legitimate program of the Volunteers of America. The Volunteers renamed the DRC as the Inland Mediation Center (IMC), giving it a solid financial base and staff trained by the Extension training team. The Inland Mediation Center has been ongoing since 1996; its two Directors have been Extension-trained. In 1997, 28 trainees were listed as volunteer mediators with the IMC. They completed 2,404 volunteer hours of mediating. A minimum hourly charge by professional mediators in Spokane is \$60. Thus, the volunteer mediators had donated at least \$144,000 in time helping people find resolution.

Other significant Spokane community impacts in 1997 included the following.

- 178 cases were resolved with a settlement rate of 90% of all cases received for mediation.
- The referral of 500 cases to mediation saved small claims and civil court judges 375 hours on their court dockets.
- Judges' caseloads were reduced from 4 days to 1 1/2 days, according to the court clerk.

Because of Extension-educated mediator volunteers, the former Spokane DRC met its legal and professional commitments to the Spokane court system. The court clerk reported "high satisfaction" from judges "who really push mediation" and reported that "mediation has done well on reducing the small claims case load."

### **Personal Impacts**

Mediator trainees identified changes in their own behavior, actual outcomes, and the educational value to them of the 40-hour basic training they took through Extension. One of the more poignant testimonials was "(The training) increased the quality of mine and my family's lives and helped my grandmother and brother reach peace at her death."

One participant "saved my company \$26,000 by using mediation for dispute resolution. In just one instance!" In addition:

- 86% used mediation skills to prevent or deal with conflict at work.
- 22% "saved a relationship of importance to me."
- 32% used mediation skills in business situations.
- 60% used them with close family members.
- Three people started new businesses as professional mediators.
- Five people worked to start a DRC in their communities.
- Class participants referred at least 121 people to professional mediators.
- Class members recommended the class to 214 people.
- They volunteered at least 130 hours as mediators in their communities, for a value of \$7,800 in volunteer time.

In the secondary school peer mediation programs that developed for children as a result of Extension's basic training, one rural school reported 98% durability of settlements among students who agreed to mediate to resolve conflicts with each other. In 1998, a principal said, "They must be mediating in the hallways and classrooms. That is the only explanation I have for the reduced number of discipline cases I've had in my office this year."

## **The Bigger Picture**

A philosophical result of this Extension-sponsored educational effort has been the establishment of the transformation style of mediation as the predominant style practiced in eastern Washington. Transformation mediation holds the promise of change in individuals for the betterment of society. Violence in communities has become commonplace, as have intolerance, impatience, and a general lack of civility.

The eight-step process Extension teaches addresses issues of justice, diversity, leadership, environment, decision-making, change, and personal needs. The process encourages individuals and groups to respectfully work together to solve problems. The impact data reported here reflect personal and community change. They reinforce mediation as an alternative dispute resolution process that encourages social cohesion, unearths shared values, upholds fairness and equality, honors individuality, and achieves mutual agreement. The program made a difference!

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