

NW Dispute Resolution Conference 2016

Presenters' Report

1. Introduction and Context

Seattle is situated on an isthmus between Puget Sound (an inlet of the Pacific Ocean) and Lake Washington, about 160 km south of Canada.¹ A major gateway for trade with Asia, it is the third largest port in North America. In 1962, Seattle hosted the World Fair, gaining its two famous landmarks, the Space Needle Tower and the Monorail.² For the last twenty-two years it has also hosted the North West Dispute Resolution Conference, one of the premier annual calendar events for US dispute resolution practitioners.

A wonderful piece of historical fact anchors its relevance as a location suitable to the human pursuit of conflict mastery. In the mid 1850's, "Doc" Maynard, one of the earliest pioneers in an area then populated by the Native American Duwamish tribe, became a diplomat and eventual friend to the leader of this tribe, Chief Seattle. Maynard's advocacy over the next two decades on behalf the Native Americans ensured a relatively peaceful period of settlement for both cultures. This culminated in his proposal to name the town Seattle as a way to honour the Chief among its inhabitants.³ The relationship between the two men, specifically with regard to their mutual respect of each others cultures, support of ecological responsibility and respect of Native Americans' land rights is the subject of pride and reverence among Seattle's inhabitants to this day.

The University of Washington, commonly referred to as simply Washington, UW, or informally U-Dub, is a public flagship research university based in Seattle. Ranked in 10th in the world in Shanghai Jiao Tong University's 2015 rankings, it's 2014/2015 research budget was estimated to be in the region of \$6.4 billion. The North West Dispute Resolution Conference has consistently attracted outstanding speakers such as Nina Meierding, Cathy Costantino, Sam Imperati, Kenneth Cloke, Larry Susskind

¹ <https://en.wikipedia.org/wiki/Seattle> accessed 29th March 2016

² <http://www.visitseattle.org/> accessed 29th March 2016

³ http://www.historylink.org/index.cfm?DisplayPage=output.cfm&file_id=4273 accessed 29th March 2016

and Robert Stains.⁴ Normally run over two days in March, attendance is typically around 400 delegates who can attend over 40 workshops on conflict resolution and conflict coaching, with a large emphasis on mediation.

Acknowledgement of Support:

The presenters wish to acknowledge the funding support they received to facilitate this trip. Deirdre's expenses were covered by **NUI Galway** (thanks to Dr Alma McCarthy), Treasa's by **UCD** (thanks to Prof Bill Roche), and Alec's by the **Kennedy Institute** (thanks to Peter Cassells and Kieran Doyle). These sponsors were acknowledged in the presentation and in our discussions with possible collaborators.

2. Our Objectives and Experience

Our objectives:

Once our presentation proposal had been accepted by the Conference Committee we set about planning for the event. We used the vehicle of a document on Dropbox to agree issues such as; our objectives for the conference, design & delivery of our presentation, and travel arrangements. Our agreed objectives were as follows:

- To share the story of the KIWMRG with an international audience
- To explore opportunities for international collaborations
- To raise the profile of the Research Group both at home and abroad
- To enjoy the experience

The focus of our presentation was the evolution of the Research Group and the unique approach to research adopted (i.e. Community of Practice using Cooperative Enquiry). We also wanted to explain to the audience the context of workplace mediation in Ireland. We stressed the rationale behind our belief in the importance of research in informing mediation practice. The MII project was used as an illustrative case in point regarding the cooperative enquiry approach.

Once the Conference Programme was published we identified key people it would be in our interests to meet (keynote speakers etc.) and we sent these people a personalised email explaining who we were and requesting a meeting. Most

⁴ <http://wsba-adr.org/page/northwest-dispute-resolution> accessed 29th March 2016

Washington University Dispute Resolution Conference 2016

responded favourably. (see details in Section 4) We brought some Galway Crystal and Butlers Chocolate gifts with us in anticipation.

Overall impressions:

While the event was marketed as a 'Dispute Resolution' Conference there was a strong emphasis on mediation throughout the session (see Programme attached). This suited our purpose very well.

The context for mediation in the US is very different to the context here. Consequently we learned a lot over the few days. There is a strong emphasis on mandated mediation with clients being directed to mediation by the Courts. Mediators seem to stick quite rigidly to a particular mediation style they were surprised (& pleased) to hear about the more eclectic approach taken in Ireland.

There is significant variety in mediator fees. We were struck by the number of mediators who operate on a voluntary basis through Conflict Resolution Centres for example. At the other extreme we were told that retired judges and senior attorneys charge very high fees which clients seem to be willing to pay in order to avoid much more costly litigation.

Training and standards also seem to vary significantly. Anyone can call themselves a mediator (with little or no training) and there isn't a standards accreditation body equivalent to the MII here. States operate independently and Washington State seems to be amongst the more advanced in terms of its dispute resolution capacity.

Sessions Attended:

The Conference programme offered 45 separate sessions over eight session clusters. Sessions had a very applied focus and covering a broad range of dispute resolution topics including, for example, on-line dispute resolution, mediator skills, handling high-emotion conflicts, mediator humour, and the art of asking questions. The majority of sessions made mediation their focus.

As a team we set out to attend as many sessions as possible and, as far as possible, to attend different sessions so that we could share & learn.

Our Session:

Our presentation was scheduled for the end of the 1st day from 4-5.15pm. Forty three delegates had signed up in advance. The length of time available allowed us to build in an interactive element which essentially got the audience to think about the important mediation questions that could/should be addressed by research.

The framework for our presentation was as follows:

- ▶ The framework of our approach
- ▶ The context of workplace mediation in Ireland
- ▶ The case for bridging the research-practice gap
- ▶ The KIWMRG as a 'Community of Practice'
 - ▶ Why we formed
 - ▶ Who we are
 - ▶ Co-operative Enquiry as our method of choice
 - ▶ Unique features of our approach
- ▶ The MII Project as an example of how we operate
- ▶ What does this mean for you as the audience?

The presenters designed the presentation together and each presenter took responsibility for delivering a section. The immediate feedback from the audience was very positive and they participated very well in the practical exercise. Many of the audience members stayed after the session to provide feedback and/or discuss some of the issues further.

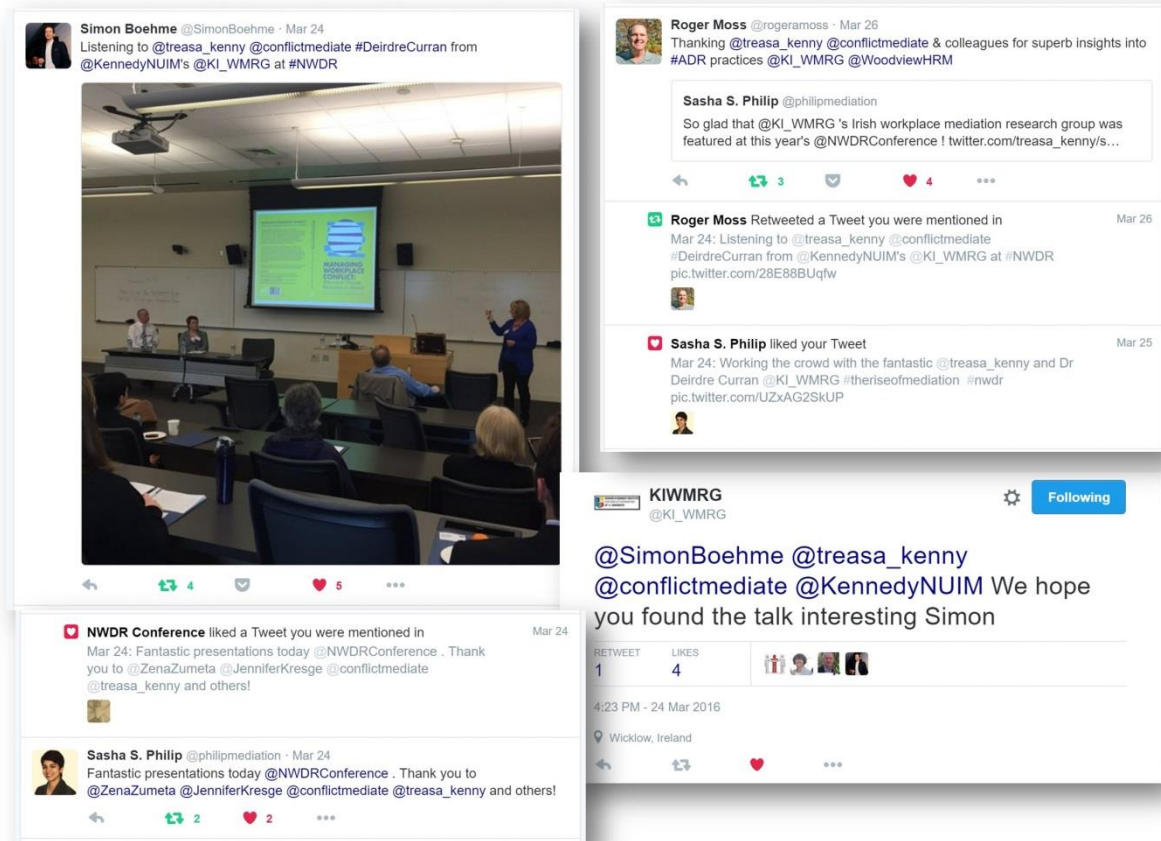
3. Subsequent Feedback

Initial feedback from Sasha Philip (Conference Committee)

1) Some were expecting to hear research results, but were very interested in hearing about the approach that you are using to design the research projects, 2) There is interest in initiating a similar project here in Washington, and 3) There is great interest in having the three of you return to Seattle to discuss some of your outcomes and findings

Washington University Dispute Resolution Conference 2016

You swept me up in your enthusiastic energy! I'll be eager to see how your research unfolds. I'm especially keen on learning more about what your "Co-operative Inquiry Method" looks like as it plays out on the ground. Robert R. Stains, Senior Director of Training, Public Conversations Project www.publicconversations.org



A selection of Tweets around our presentation. Special mention of thanks to Louisa Meehan who ensured the word was spread throughout the growing @KIWMRG following.

4. Contacts Made and Potential Future Collaborations

During the conference we made many useful contacts. A number of people deserve particular mention here.

Sasha Philip is a mediator/arbitrator and a member of the conference organising committee. Sasha is the person who originally invited us to submit a proposal. On foot of our presentation we have been invited to return. Sasha is also keen to explore

other avenues for collaboration. We think she would be an excellent conference contributor here, for example.

Ken Cloke is Director of the Centre for Dispute Resolution in California and a world renowned mediator and inspirational speaker. He has done international mediation work in countries such as; Brazil, China, Cuba, India, Ireland, Japan, and Latin America. He is President and co-founder of Mediators Beyond Borders. Ken has previously been the keynote speaker at the MII Annual Conference. He was very interested to hear about our Research Group and would be open to collaborations in the future.

Zena Zumeta is internationally known as both a mediator and trainer of mediators. She is president of the Mediation Training & Consultation Institute, Zena Zumeta Mediation Services in Michigan and is an adjunct professor at Pepperdine University School of Law's Straus Institute for Dispute Resolution. Zena wants to stay in contact with us regarding our progress and she is open to collaborating where possible.

Bob Stains is Senior Director for Training at the Public Conversations Project. For the past 20 years Bob has created constructive conversations on sexual orientation, religion, race, abortion, social class, gender, firearms and other divisive issues within and between local, national and international organizations. He trains other senior practitioners in PCP's Reflective Structured Dialogue approach, is a frequent conference and university speaker and provides consultation to academic, civic and religious leaders in the US and abroad. Bob is planning a trip to Ireland later this year and may be open to meeting representatives from the Kennedy Institute.

Sophie Morse is a board member of the Washington Mediation Association (WMA). The WMA has developed a set of mediator competencies which they use to evaluate mediation practice. On hearing about the MII Project, Sophie is keen to exchange details of mediator competencies and also details of mediation regulation in Washington State. This exchange of information and international dialogue has already begun.

5. Cost Benefit Analysis

Washington University Dispute Resolution Conference 2016

Cost of attending the Conference is estimated at €1,700 per delegate including flights, accommodation and conference fee. Every effort was made to minimise the cost, for example by sharing rooms, and the delegates supplemented the funding provided by, for example funding the gifts.

The benefits include raising the profile of the Research Group, identifying possible collaborators for the Group but also potential keynote speakers for IAM, MII and/or Kennedy Institute Conferences. The benefit of learning gained by the presenters, and relationships developed, cannot be assigned a financial figure. Every effort was made by the presenters to maximise the return of investment by engaging in all of the research clusters and taking the initiative to schedule meetings with key people in advance.

6. Conclusions

We embraced the opportunity presented to us in this conference and we set out with a clear agreement on what we wanted to achieve:

- To share the story of the KIWMRG with an international audience
- To explore opportunities for international collaborations
- To raise the profile of the Research Group both at home and abroad
- To enjoy the experience

The investment we made in advance planning paid off and we are satisfied that we achieved our objectives. We worked really well as a team. The conference delegates were very open to hearing about, and indeed learning from, our experience and we created opportunities for future international collaborations. As individuals we also learned a lot that we can bring back to the KIWMRG and we intend to present our experience at the next Research Group meeting.

This kind of international experience would not be possible without the support of sponsors. That support is acknowledged and very much appreciated.

Report presented by:

Treasa Kenny, Alec Coakley, and Deirdre Curran