

# Conflict Resolution Without Fear or Risk

By: Donald B. Cripe, Sr. Mediator, Lawyer

& ADR Professional

Life is a struggle. No matter how happy we may be. No matter how successful. The stressors we experience distract us from what is important to make it to the next day. When we encounter a conflict that complicates our lives, whether a domestic conflict or a civil conflict, we are further distracted from life. What can we do to manage those distractions and resolve those conflicts at a minimum economic and emotional cost?

Most of us respond with a “fight or flight” reaction to conflict. That is a natural human response but sometimes it leads us in the wrong direction.

If you are sued by a business associate, after a traffic accident or are served with a petition to dissolve your marriage, bad things happen inside. Hearts race; pain and anguish may overcome you; anger rises; and you may feel as if you are backed into a corner. Often that fear and anger will drive one to fight back through litigation and, frankly, the response has been fostered by the way our society handles conflict. In ancient times, men took their conflicts to an “elder” within their community to help them resolve disputes. Eventually, armed conflicts over local issues between neighboring kings and communities found their way to litigation that refined through the centuries. Ancient scholars still found raw conflict in the courts of law to be a waste of resources. The noted Roman Senator, Cicero stated, “The litigious spirit is more often found with ignorance than with knowledge of law.” We still did not manage conflict well, often because of our vestigial “fight/flight” response.

Mediators, such as the panel of professionals at CAMS, work hard to overcome that response and to help disputants in all types of conflict work toward a resolution to their situation through a system that targets a “win-win” ideal.

In mediation and negotiation, we sometimes use the term “zero-sum” when trying to arrive at a resolution. This, “game theory” solution is from the old concept of solving problems in which the parties believe that if they give up something they are getting less than the other side. As mediators, we try to erase that concept and show the parties that the real goal should be resolution, or “non-zero-sum.” Far too often when the fight/fright instinct takes over we will go on the attack or if we are being attacked, an aggressive defense. History tells us these tactics are not only expensive but destructive. Approaching conflict with a non-zero-sum attitude obviates destruction and is far less expensive.

We suggest that when one is confronted with an impending conflict, whether the aggressor or the recipient, that person should take a couple of steps back and reflect upon what he is trying to accomplish. Does he want recovery of money lost? Does she want her medical expenses paid? Do they want to dissolve their marriage and protect their children? Most of the time the answer to all is, “YES.” CAMS enthusiastically suggests to these potential disputants that one of the first things they should do is get into contact with an experienced mediator to help them save money, time and, when it is important such as in family law cases, a civil relationship, rather than making a beeline for the courthouse. Our experience tells us we can resolve such cases quickly and far less expensively than taking a matter to trial. We urge you to look at our panel of experienced mediators to find someone who can assist you to resolve your dispute. We suggest

that once you do so you will be very surprised by how satisfied you are with the outcome.

*Donald B. Cripe is a retired trial lawyer now a full time ADR Specialist. Mr. Cripe is the co-founder of California Arbitration & Mediation Services. Mr. Cripe, with 20 years of mediation experience, also teaches mediation and Negotiation at the University of La Verne College Of Law.*