

MEDIATE THIS

UPSTAIRS NEIGHBOR IS A FITNESS BOOTCAMP INSTRUCTOR

New column provides expert advice about resolving conflict effectively, invites readers to submit queries

BY STEVEN P. DINKIN

Editor's note: Resolving conflict through mediation is an age-old tradition that has taken on new urgency as polarization and incivility has grown in our country. Today we are launching a new column that aims to provide readers with practical and proven strategies for settling differences constructively and collaboratively. The column is written by the National Conflict Resolution Center (NCRC), a San Diego-based organization that provides resources and training to help individuals, groups and communities around the world manage and solve conflicts.

In this inaugural weekly column of expert tips on resolving everyday conflicts, we demonstrate how the mediation process works using circumstances based on an actual case that was brought to the National Conflict Resolution Center.

The client's apartment complex was quiet and peaceful until a Fitness Bootcamp instructor moved into the unit one floor above her. Every night, the instructor "practiced" from 7 to 9 p.m. — stomping feet, pounding music, shrieks of "Work It!" The

downstairs tenant left pleading notes under his door and complained to the landlord, but the racket continued. She began to dread coming home from work, and she decided it was time to file a police report and/or pursue legal action.

This dilemma illustrates how conflicts can make us feel trapped. The law, in the form of a local noise ordinance, is almost certainly on the side of the downstairs tenant. But enforcing that law is a lengthy process. Filing a police report usually escalates strife, and hiring an attorney can be costly.

Meanwhile, the downstairs tenant is stewing in a kind of hell with no immediate end in sight. Seeking justice could exhaust her. But seeking resolution could set her free.

A first step in resolving neighborhood disputes is to reinforce the concept of neighborliness by giving residents an opportunity to get to know one another. Mediators use this "icebreaker" device to defuse hostility by helping adversaries see each other in a more positive light. As the tenant with seniority, the client could invite her still-new neighbor over for coffee or organize a party for all the building tenants (some of whom may also be affected by the noise).



GETTY IMAGES PHOTO ILLUSTRATION

Today's inaugural "Mediate This" column focuses on an apartment resident's dealings with a fitness instructor who lives and exercises upstairs, as conceptually illustrated above.

Hard as this may sound, she should not raise the noise issue during that first social encounter. The goal of this get-acquainted meeting is to set the stage for cooperation. As she learns about the fitness instructor's background and tells him about her own, she will likely discover that they have things in common. As the conversation warms up, they can discuss forming a mutual support system by exchanging

emergency contact information and sharing leads for eateries and merchants.

If the instructor broaches the noise issue by mentioning the notes slipped under his door, the neighbor should resist the urge to launch into complaints. Instead, she could ask him about the demands of his profession and explain how her own job requires adequate rest. In mediation, we distinguish between the "posi-

tions" of what each party wants and the "underlying interests" of what each party needs. Very often, the positions are incompatible, but the underlying interests are not so far apart.

Negotiation is a search for those places in the middle where underlying interests can align. She needs peace; he needs to practice. To restore her peace, he could turn down the music, bring in a cushioned floor mat, or practice his routines in the late afternoon. To accommodate his practice, she could get noise-canceling headphones or go for a long walk each evening.

Such mitigating steps, in some combination, could deliver an outcome that works for both parties. And, as often happens in mediation, they could improvise a lemons-to-lemonade solution. Maybe the upstairs neighbor's practice sessions could become the downstairs neighbor's personal training sessions. Without having to leave her building. And at a steeply discounted rate.

Steven P. Dinkin is a professional mediator who has served as president of the San-Diego based National Conflict Resolution Center since 2003.

Do you have a conflict that needs a resolution? Share your story with The Mediator via email at mediatethis@ncrcnline.com. All submissions will be kept anonymous.

NOTEBOOKS

From Union-Tribune reporting staff

COURTS: DANA LITTLEFIELD

Prostitution law stands, judges rule

Prostitution has been illegal in California for 145 years, and it looks like it will remain that way for the foreseeable future.

Last week, a federal court upheld a lower court's decision to dismiss a lawsuit that sought to eliminate the state law that "criminalizes the commercial exchange of sexual activity."

The case stemmed from a suit filed in 2015 by the Erotic Service Providers Legal Education and Research Project, a non-profit based in Northern California that represents sex workers.

They argued that sex work was not only a choice they made to earn a living, it was their right. They stressed that their case was not about victims of human trafficking, an issue that remains a problem in San Diego County and beyond.

In an opinion released Wednesday, a three-judge panel of the 9th Circuit Court of Appeals disagreed with the group's contention that state law violates sex workers' right to due process, right to earn a living, freedom of association and freedom of

speech.

The panel heard arguments in the case in October.

Representatives from the group that sued announced in a statement last week that they are determined to continue their fight.

"We're disappointed that the Ninth Circuit missed this opportunity to declare, with certainty, that the Constitution protects the right of consenting adults to engage in private sexual activity, even if they are paying for it or getting paid," said H. Louis Sirkin, the lead attorney representing the sex workers. "We're mindful that, in our nation's history, other constitutional issues have taken a persistent and continuing effort until the courts get it right."

"This case is not over and we are seriously considering requesting a rehearing by the full court," he said.

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YOUTH OUTREACH: KAREN KUCHER

Camp seeks to empower young women interested in fire service

For the second year in a row, the San Diego Fire-Rescue Department has invited up to 100 teenage girls to attend a free, two-day camp that will introduce them to career opportunities in the fire service and other public safety agencies.

The Girls Empowerment Camp, set for March 3 and 4, is open to girls between ages 14 and 18.

Registration opened Tuesday and by Thursday, those who went to register online at <http://sdfirerescue.org/gec/> were told they'd be placed on a wait list.

Campers participate in hands-on training with firefighting tools and equipment and learn CPR and how to use an external defibrillator.

Organizers say some high points from the first camp included having the girls use a chain saw, climb up a 110-foot aerial ladder and rappel to the ground from a second-story window.

"We wanted to empower these young women so they knew they could be whatever they want to be when they grow up," said Jeri Miuccio, a San Diego Fire-Rescue engineer who is co-founder of the event.

About 75 girls attended the first camp last March, which was held at the San Diego Fire Department's training facility at the Naval Training Center. Most attendees were San Diego County residents although a couple came from Riverside County.

Recruiting more women to the fire service is a top goal of the San Diego department, where women only make up about 5 percent of the department's 900 firefighters.

The camp is supported by sponsors and staffed by about 50 firefighters from San Diego and other fire agencies in the state.

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THE READERS' REPRESENTATIVE: ADRIAN VORE

Dealing with a vulgarity by Trump

Union-Tribune editors on Jan. 11 had to deal with how to present to readers a vulgarity uttered by President Donald Trump. It wasn't the first time.

Editor/Publisher Jeff Light and Managing Editor Lora Cicalo made the call on "s***hole," which the president used to describe some countries during a White House meeting on immigration.

Cicalo and Light made a similar decision in October 2016, when Trump was heard on a tape from the Access Hollywood TV show using vulgarities.

Cicalo said it is U-T policy to avoid patently offensive language in print. She and Light choose to use asterisks.

S***hole appeared in full online. Cicalo said the readership and standards are different between online and print. People search for stories online. Whereas the paper is delivered to the home; it sits in full view on the kitchen counter or on a coffee table.

Reader Lori Shein of Poway said she can live with toning down most of the time, but "not so when it's the president of the United States speaking. When the president uses an expletive — and you choose to report on his remarks — you owe it to your readers to repeat his exact words just as he said them without cleaning them up for him."

"I strongly urge you to reconsider your policy — if not in all situations then at least when someone this important says something this ugly. It's part of your responsibility as journalists and keepers of the record. Those of us who read your paper really don't need all that coddling."

On the U-T subscriber Facebook page some readers wanted the word published fully, while others agreed with the U-T's position on print. One said not printing the entire word maintains integrity. Another said it's a family newspaper and to stay classy.

Light posted on the Facebook page: "That the president said this is appalling. To be reduced to repeating it feels like we have been drawn further into something entirely tawdry and distasteful. I understand the arguments on both sides. But I would not put this in print."

Reader wanted names

A reader wrote in last week quite upset about an omission in an Associated Press story that appeared last Sunday on A1 about a bipartisan deal that would create a

12-year path to citizenship for thousands of people who were brought into the country illegally as children.

The story said an agreement had been worked out among three Republican and three Democratic senators. The story named Dick Durbin, D-Ill., and Lindsey Graham, R-S.C. as the leaders of the group. But it did not name the other four senators.

It should have. "Who" is a basic W of journalism. For the record, the other four senators are: Republicans Jeff Flake of Arizona and Cory Gardner of Colorado; and Democrats Michael Bennet of Colorado and Robert Menendez of New Jersey.

More responses on editorial 'bias'

The Readers Rep received a big response to this query two weeks ago: Is it a valid criticism to say an editorial or an editorial page is "biased." I wanted to publish a few more responses in addition to those last week.

Scott McGaugh of Tierrasanta: "I think 'bias' is the wrong word: it generally is negatively loaded. Does anyone ever think bias is a good thing?"

"As a former weekly newspaper publisher, my goal was to make the editorial page an island of opinion and personal perspective in each issue (aka 'bias'). The greater conversation should be about keeping opinion and personal perspective from creeping into news reporting."

Rich Reinhofer of San Marcos: "I'm not turned off by bias in an editorial if the bias can be logically explained. I did cancel my subscription during the Manchester years as the editorials were malicious and vile attacks on Democrats in general and President Obama in particular."

"The day I canceled my subscription there was an editorial accusing Obama of surrendering the future of our country because of his anti oil and gas policies, and in the Business section there was an article about how the USA had just become the No. 1 producer of oil and gas in the world."

Gretchen Pili of Escondido: "Some people seem to think that an editorial is the same thing as news reportage. An editorial of course should be based on reason and evidence, but it is conclusion that readers are welcome to debate."

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FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

PRESIDENT OBAMA

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

Wednesday, January 21, 2009

The inauguration of Barack Hussein Obama as the 44th president of the United States was the subject of more than twelve pages of newspaper coverage.

Here are the first few paragraphs from the front page and B1:

Barack Obama was sworn in as the 44th president of the United States yesterday in a historic moment that resonated from the nation's capital to all corners of the world.

Obama, in his speech following the oath of office administered by Chief Justice John Roberts (above), promised to address a ravaged economy and restore America's position of leadership in the global community. But Obama did not dwell on the milestone that would have been unimaginable not long ago: becoming the first black president. After whirlwind celebrations, he went home to a White House partially built by slaves.

A BIG DAY FOR PRIDE, HOPE

By Jeff McDonald, Matthew T. Hall and J. Harry Jones

Here in the southwest corner of these United States, as in much of the country and indeed the world, thousands of people swelled with pride and hope yesterday, standing witness to a transfer of power like none before.

As Barack Obama took the oath of office on the other side of the continent, revelers across San Diego County cheered wildly in meeting halls and offices, gyms and restaurants, stores and senior centers.

Nearly 400 people headed to five UltraStar

Cinemas theaters across the county to take in free viewings of the ceremony. People waiting at the San Ysidro border crossing caught glimpses on TVs here and there, including one at a burrito stand.

With the images of pageantry and Obama's words of change still fresh, even those who voted for someone else hoped for the best and pledged to support their new president.

"It's a great testament to the strength and vitality of America," said Wilbur Simlik, 87, a veteran of three wars who retired from the Marine Corps as a major general and lives at the La Costa Glen retirement community in



Carlsbad. "Even though I didn't vote for him, this is such a great day for America and a great day for freedom."

At the Hall of Justice in downtown San Diego, Sam Stahl could scarcely believe what was unfolding on television: the first African-

American sworn in as leader of the most powerful nation on Earth.

"The world's made equal," said Stahl, a Clairemont father of three who was waiting to be called for jury duty. "Anybody can become president."

Obama, an African immigrant's son who served four years in the U.S. Senate before winning the White House, has energized millions of people consumed with worry over two ongoing wars and an economy that has lost more than 1 million jobs in the past two months.

Some in the county were overjoyed at the sight of former President George W. Bush leaving Washington, D.C., after Obama officially replaced him.

More than 150 people at the Malcolm X Library in Emerald Hills broke into a raucous rendition of "Na Na Hey Hey Kiss Him Good-bye" as Bush was shown boarding a helicopter on his way out of town.

At the Circle K in San Marcos, clerks reported a notable drop in business between 9 and 10 a.m., when President Obama took the oath and addressed the nation. Customers and employees lined up before a bank of televisions inside the Target store in Escondido.

More than 100 students and faculty at Cal State University San Marcos gathered in a small room decorated with red, white and blue balloons. Life-sized cut-out of the new president stood next to the large screen.

Someone yelled, "Doesn't everybody want to scream?! Obama!" and the place erupted. Marilyn McWilliams teared up during Obama's speech. So did many others.