

## MEDIATE THIS!

## THE DISTANT UNCLE, THE NEARBY COUSIN, AND THE WILL

Mediation in estate battle could produce surprising solutions — and healing

BY STEVEN P. DINKIN

This week's column of expert tips on resolving everyday conflicts focuses on a dispute about a family inheritance.

## Dear Mediator:

My maternal uncle in Florida named my mother as his heir in his will.

They didn't see each other much, but they spoke by phone regularly. He had no wife and no kids.

Last year, my cousin and her husband (who's a lawyer) began visiting my uncle frequently.

When he died in October, we learned he had a second will, and guess who the beneficiaries were?

The couple now live in his oceanfront home and have access to his bank accounts.

Our attorney says we have a good case but face a long court fight. Would mediation help?

*Furious in Bay Park*

## Dear Aurelius:

As a rule, financial disputes are all about money.

But family estate battles are an exception, because they are loaded with emotional baggage.

Which of the surviving relatives were the most beloved and deserving? Or conversely, which were the most calculating and manipulative?

A mediation table is a far better platform than a courtroom to sort through that volatile cargo.

The primary goal of conflict resolution is to settle a dispute as amicably and economically as possible. But the process can deliver a more personal benefit.

When the parties believe they have at long last been heard and acknowledged, they can feel released from the corrosive effects of pent-up anger.

In crafting a settlement, we often ask both sides to think carefully about what we call the WATNA scenario: the Worst Alternative to a Negotiated Agreement.

Judges and juries are notoriously unpredictable, and their decisions often are all-or-nothing out-



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**When presented with a worst-case scenario, opposing parties in messy estate disputes often see the wisdom of compromise.**

comes.

For your mother, a worst-case scenario would be a judgment that your uncle rationally decided to reward a relative who lived nearby and looked after him.

For your cousin, it would be a ruling that your uncle in his declining months was coerced into changing his will.

A worst-case scenario means that after years of

legal warfare, you get nothing but large bills for attorney and court fees.

Even the angriest adversaries are sobered by the prospect of a total defeat.

Loss aversion becomes an incentive to divide up the estate assets in a creative fashion that accommodates everyone's desire for some inheritance.

For example, if your cousin wants the house, your mother's share could

include the cash value of the house.

Now let's return to the personal benefit of healing this painful rift.

It sounds like your family hasn't communicated much in recent years, so you've lost the sense of one another as real people with authentic feelings.

Disputes can be dehumanizing.

They can rob us of the joy that comes with sharing

memories and celebrating such milestone events as weddings and births.

Mediation challenges people to regain their humanity.

As everyone works together to forge a financial settlement, you can reconnect with one another as relatives who have the hard-wired affinity that is part of a common family heritage.

So this conflict could have an unexpectedly happy ending.

Mediators are often surprised to find that, after an estate dispute is resolved and the parties have reached a new understanding, they want to restore the bonds of kinship, and at the urging of their extended family, they offer to stay in touch.

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? Please share your story with The Mediator via email at [mediatethis@ncrcnline.com](mailto:mediatethis@ncrcnline.com). All submissions will be kept anonymous.

## NOTEBOOKS

From Union-Tribune reporting staff

## U-T WATCHDOG: JEFF McDONALD

## S.D. cop claims corruption in Hemet

A San Diego police officer who left to take a job in Hemet quit that department after 30 days, alleging in a legal claim that he was forced out due to rampant corruption.

Officer Anthony Kitchen, now back with San Diego police, alleged in a claim that officers in Hemet physically abused a suspect, destroyed evidence and declined to arrest a man because he was the friend of a sergeant.

Hemet police also use the term "Canadians" as a derogatory reference to African-Americans, the complaint states.

"This is an example of cops policing their own," said San Diego attorney Dan Gilleon, representing Kitchen in his dispute. "This is a departure from the 'thin blue line' policy of silence that has resulted in so many cases of police abuse."

Hemet city officials did not respond to questions from The U-T.

Kitchen left San Diego to join Hemet police in September. The smaller agency is closer to his Murrieta home and he was lured away in part due to a \$10,000 signing bonus — money the city now wants repaid.

According to the claim, Kitchen was troubled by numerous police practices and

eventually was forced to resign due to activities he viewed as illegal.

"During the detention of an intoxicated person, another officer working with claimant found crystal methamphetamine in the detainee's pocket, but the field training officer (FTO) supervising both officers destroyed the evidence," the claim states.

"During the handling of a prisoner who was being loud, a corporal told claimant, 'Kitchen, control your suspect,' at which point the same FTO walked up, grabbed the prisoner's head and slammed it into the wall several times, exclaiming, 'That's how you control a suspect,'" the claim adds.

The document also alleges that Kitchen was told not to arrest a domestic-violence suspect because he was an acquaintance of a Hemet police sergeant, a practice that "was different than San Diego because Hemet was a 'small town,'" the claim said.

In addition to a legal determination that Kitchen is entitled to keep the signing bonus, the claim seeks lost wages, benefits and other special damages.

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## SOUTH COUNTY: DAVID HERNANDEZ

## Paddle-out planned for I.B. official

## IMPERIAL BEACH

A memorial and paddle-out ceremony is set to take place Monday in Imperial Beach to honor a city official killed last month while vacationing in a resort town in southern Mexico.

The ceremony for Doug Bradley is scheduled to begin at 9:30 a.m. at the Imperial Beach Pier. Mayor Serge Dedina is expected to make some remarks before surfers head out to the ocean.

An avid surfer, Bradley lived in Playas de Tijuana and commuted across the border for his post as administrative services director of Imperial Beach.

Dedina has described Bradley as a "world-traveling surfer" who was a pleasure to work with.

According to authorities in Mexico, Bradley was fatally shot outside a well-known nightclub in Ixtapa-Zihuatanejo in the southern Mexican state of Guerrero about 4 a.m. Dec. 28. The shooting occurred

a day shy of his 50th birthday.

Investigators said Bradley had been drinking at a bar known as "4020," where he "contracted the services" of a woman. The pair went to an adjacent hotel where they had an apparent dispute, Mexican authorities said.

Bradley returned to the bar, insisting that his money be returned and saying that the woman had robbed him. He then began fighting with employees and patrons.

"As he left, he was caught by the killer, who shot at him from two or three meters away," authorities said in a statement.

Witnesses identified a suspect, who was arrested earlier this month. He was in possession of the weapon connected by ballistics tests to the shooting, authorities said.

Bradley was divorced and had no children. He is survived by his mother, a brother and a sister.

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## THE READERS' REPRESENTATIVE: ADRIAN VORE

## Library offers media literacy events

"Fake news" was certainly one of the biggest buzz phrases of 2017. I heard from readers who would use it to refer to news they didn't like, stories with which they disagreed and stories they felt received too big of play or not enough play. I also heard "fake news" used in reference to factually inaccurate stories meant to deceive, which is my take on the phrase.

The phrase and the societal issues surrounding it, such as faith in the media, will probably remain for 2018. The mainstream media are one of President Donald Trump's favorite targets. Earlier this month he released his list of "Fake News Award" winners.

With this backdrop, the San Diego Public Library has organized a four-event program on news literacy, called "Breaking News @ The Library." The first event, "Citizen Journalism," will be held at 6:30 p.m. Wednesday at the downtown Central Library.

"Fake news" has become a prominent and highly contentious topic," said Erwin Magbanua, programming and special events manager for the library. "I think it has caused a significant amount of anxiety and mistrust with regard to information sources. Libraries connect people with the best information, and it's our duty to help communities feel more confident and empowered when they encounter so much news information 24/7."

The American Library Association chose five libraries in the nation last fall to participate in the association's Media Literacy @ Your Library pilot project. The San Diego Public Library was one of those picked, and received a \$1,500 grant, Magbanua said.

The idea is to help adults become better news consumers, he said.

"We've recognized a strong need in our communities for programs centered on the issue of 'fake news' and a desire to learn the tools for discerning the veracity of what they're seeing in their news feeds," he said.

"As librarians, we feel we are the best equipped to help people find the right information, and so it was a no-brainer for us to get the "Breaking News @ The Library" program series rolling."

"Citizen Journalism" on Wednesday will teach the basics of the news business by journalists from local radio and TV stations and newspapers, a library news release said. It will be presented by the San Diego Press Club, San Diego Society of Professional

Journalists and the Union-Tribune.

In addition to the Wednesday event, the library has scheduled three other workshops in the Breaking News series: "Literacy and You," at 6 p.m. Feb. 20 at the Miramar Ranch Library; "Minorities in the Media," at 7 p.m. Feb. 28 at the Central Library; and "Women in Media" at 7 p.m. March 20 at the La Jolla Riford Library.

Seating is limited for Wednesday. To reserve a seat for the program, or any of the programs in the series, go to [sandiego.gov/medialiteracy](http://sandiego.gov/medialiteracy).

## 'Ex-Marine' draws criticism

Referring to people by a label generally should be avoided in news writing.

Reader John Raymond of Oceanside flagged the use of "ex-Marine" in an article that ran earlier this month. The story reported on the court case of Jason Riley King, charged in the deaths of two UC San Diego medical students — Madison Cornwell and Anne Li Baldock. King was driving drunk when he hit the car they were in on May 16, 2015. Riley was a Marine at the time based at Miramar.

"This term 'ex-Marine' has appeared in several articles in the past and I wonder why?" Raymond, who served in the Air Force, wrote in an email to the Readers' Rep. "Had he been a former stock clerk at Macy's or a former car salesman would that 'ex' be inserted in the article?"

"Ex-Marine" appeared in a headline Jan. 10 and in another Tuesday for a story that reported King's conviction of gross vehicular manslaughter.

I agree a label like that should not be used when its relevance to that day's story is not noted. The body of a previous story said King was a Marine who had attended a lecture on base about the dangers of drunken driving just eight days before the crash.

I think in headlines "man" or "driver" should be used. I agree with Raymond. It would be unlikely a headline would refer to someone as an "ex-store clerk" unless the former occupation has a direct connection to the crime.

That said, I wanted to get the perspective of U-T reporter Carl Prine, who served in the Marines. "I'm not bothered by it. He was a Marine on active duty at the time," he said.

If any Marines out there would like to send in your thoughts, you can email the readers.rep@sduniontribune.com.

## FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

## SWEETWATER DAM FAILS

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.

## Friday, January 28, 1916

In January 1916, rain began to fall in San Diego after a drought. By the time it stopped, some parts of the county soaked up as much as 30 inches, dams failed and more than 20 people died. The text of this story in the *Evening Tribune* contains spelling errors, possibly a sign of how hastily the Extra edition was put together.

Here are the first few paragraphs of the story:

## SWEETWATER DAM IS BROKEN BY FLOODS

## EIGHT FOOT CUT MADE IN NORTH END BY FLOODS

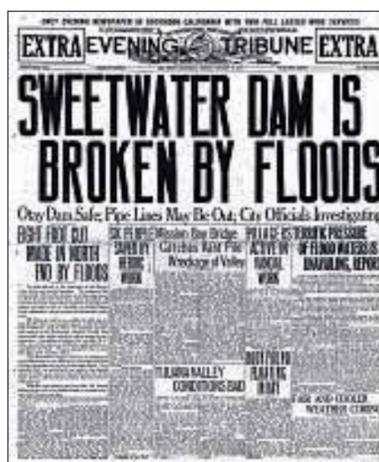
An eight-foot cut in the north side of the Sweetwater dam went out this forenoon. The escape of this water greatly relieved the situation, as it takes great pressure from the south side of the dam, where the earth is soft and had the break started there might have proved more serious, according to H.A. Cameron, of the San Diego Land corporation, which controls the Sweetwater properties.

Mr Cameron said he was unable to verify any reports that the dam was in greater danger or that the Otay had overflowed. John E. Boal, vice president and general manager of the Sweetwater company, he said, was somewhere in the valley and there was no means of communication. According

to Camron, Mr. and Mrs. R. C. Allen are at their home on the Bonita ranch entirely surrounded by the flood. They are doing their best to save their fruit ranch and other effects.

The Sweetwater company also has its employes at work endeavoring to save fruit trees, fruit boxes and piles of fruit from going into the bay in heavy flood. Considerable fruit was picked and was ready to be shipped when the flood came and it is feared that the loss to the lemon growers will be almost as heavy as the freeze of several years ago.

With the water pouring out at one side, Mr. Carson believes there will be no further break in the main structure of the Sweetwa-



ter dam.

The flood situation from National City south is becoming worse, according to reports received from National City.

National City and Chula Vista residents are without drinking water. They have been without all day as the water pipes were washed away last night. At Sweetwater Junction the river rose seven feet in twenty minutes. This gives the National City people their belief that the entire top of the Sweetwater dam is gone. The Sweetwater company yesterday sent 100 men to the dam to

save it if possible.

At noon city officials were unable to receive any information whatever pertaining to the Lower Otay dam.

A report that the fifteen-foot upper structure on the dam that was completed several years ago had been carried away, was made to Sheriff Ralph Conklin today by a man who stated to the officer that he had with difficult made his way from the scene of the break this morning. The report was made to the sheriff on a trip of inspection in that section he made today.

"I did not ask the man his name, he seemed to be very certain of what he was talking about and to be familiar with the Sweetwater dam and valley," stated the sheriff. "The man said the whole top of the dam had gone out last night at some time and that the valley was filled with a raging torrent that swept out the three bridges across the Sweetwater river and the valley presented an appearance, from the description, similar to that of the Mission valley at the height of the flood season of the San Diego river," continued the sheriff.

"My informant," said the sheriff, told me that the Bonito store and postoffice and all other buildings in the valley had been swept away. Both of the city water pipe lines from the Otay dam have also been swept away. A long stretch of the Arizona railway track has been washed out. It was stated, and the water completely covers the whole section around the old Sweetwater race track, the track being entirely under water."