

MEDIATE THIS!

UNLEASHING PROBLEMS FOR NEIGHBORHOOD WALKERS

BY STEVEN P. DINKIN

Dear Mediator,

My friends and I walk most mornings on a path near a dog park. We love dogs, but we're fed up with owners who park on the street and open car doors to let their pets dash into our path and around us. It's illegal to let dogs loose outside a leash-free area. We're terrified when aggressive dogs charge at us, which happens often. But the owners think that's funny! Besides pepper spray, what are our options?

Enough with Loose Dogs in Bankers Hill

Dear Enough,

Forget the pepper spray, which will waft into the eyes of blameless creatures, starting with you. The best solution to dog-park problems lies in the ethos of dog pack mentality. Canine group norms can help train recalcitrant owners in the tenets of social authority.

Since the first dog park was established in Berkeley in the early 1980s, these leash-free spaces have exemplified a truth familiar to mediators: Self-governance is more durable than efforts to manage by fiat.

The San Diego Parks & Recreation "Your Dogs and City Parks"

website lists 17 separate "leash-free locations" throughout the city. Each area was officially designated after a lengthy review and approval process initiated by local dog owners with input from the community.

Dog parks and their human visitors are subject to an array of regulations that are displayed at each site. One of the first rules is that dogs must be kept on leashes outside the designated boundaries. Owners who contend that their well-behaved pets should be exempt from such oppression still face citations and \$200-plus fines.

At the city's urging, dog parks are informally supervised by volunteer user groups, and many have their own websites. Coalitions at two popular areas, Nate's Point near Sixth and Laurel and Grape Street Park near 28th and Grape, are clear in their postings that they do not appreciate miscreant owners who put leash-free privileges at risk.

This is where the model of canine hierarchy can help. If you want to modify the behavior of pack animals, whether dogs or humans, the pack's alpha leaders are your best allies.

Your campaign should start with a friendly visit to the leash-free zone. You don't need a dog to stop by a dog park, but it helps. If



GETTY IMAGES

This week's questioner seeks advice about the problem of dog owners letting their pets run unleashed in public.

you don't have a pet of your own, consider borrowing one.

Conflict resolution always begins by asking questions and listening attentively to responses. It's easy to strike up a conversation with people who are standing around watching their dogs play.

Introduce yourself as someone who lives nearby. Ask if there is a group of regular users with a

designated leader. Then explain that you're concerned about unleashed dogs running loose outside the boundaries.

Humans, like dogs, read each other's body language on first approach, so you'll want to be amiable and relaxed. Begin by expressing empathy. Be clear that you know most owners follow dog-park rules, and you appreci-

ate that. The very few who don't comply need reinforcement, and you could help with that effort.

Your conflict resolution goal is to join forces with responsible owners in devising ways to educate irresponsible owners, like leaving notes on windshields or even scheduling a public-user forum.

Such dog-park diplomacy may seem like too much effort. It's easier to file complaints with Parks and Recreation. And you may have to do that eventually.

But enforcement of violations by park police is typically hit and miss. This ongoing problem requires a collective culture shift.

The alpha humans who keep a vigilant eye on their dog park know who the outliers are. The outliers know they are deviating from the norm. Sustained prodding could help this pack take the necessary steps to restore its social order.

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@ncrconline.com or as an online submission by visiting www.ncrconline.com/MediateThis. All submissions will be kept anonymous.

NOTEBOOKS

From Union-Tribune reporting staff

SUIT
Lawyer fought similar charge

FROM B1

Experts in juvenile law have said counties maintain child welfare records, but they should not use their special access to provide their defense lawyers with documents that other defendants or plaintiffs have been unable to obtain through juvenile courts or the normal discovery process.

According to the new lawsuit, Jones admitted on June 19 in Cortez's presence that she had viewed confidential and protected documents in the plaintiffs' juvenile case files. At that time, the county had not asked the juvenile court for permission to view the records, the lawsuit alleged.

The lawsuit did not include details about what Jones allegedly said or what records she allegedly viewed without judicial authorization.

Similar allegations against Cortez first surfaced this past summer while she was defending the county in the unrelated lawsuit filed in 2016 by two former foster children, twin brothers identified in court records as A.G. and M.G.

In their lawsuit, A.G. and M.G. accused the county of ignoring or failing to properly investigate more than a dozen reports of suspected child abuse, leaving the boys at the mercy of their foster parent, Michael Jarome Hayes, who abused them for years.

Hayes pleaded guilty in 2014 to sexually molesting A.G., M.G. and a third boy the county also had placed in Hayes' care. He is serving

a nearly 21-year sentence and was recently transferred to the Richard J. Donovan Correctional Facility in Otay Mesa.

While defending the county in the twins' lawsuit, Cortez made reference to a record from A.G.'s juvenile case file that the county had refused to give A.G. and M.G.'s lawyers, telling them they had to petition the juvenile court for its release, the twins claimed in the now-settled lawsuit.

The county accessed the record without seeking judicial permission from the juvenile court, the lawsuit said. At a hearing for the lawsuit in May, one of the twins' lawyers, Stephen D. Daner, told the court about Cortez's allegedly unauthorized access to A.G.'s juvenile case file, arguing that she had failed to follow court rules requiring county attorneys to file a request with the court and obtain judicial authorization.

Cortez defended the practice of viewing juvenile case files without judicial authorization, arguing during the hearing that she and other county lawyers also advise the county on policy and compliance issues having to do with juvenile dependency cases.

"I would maintain that we need to review our client's records in its entirety in order to serve in our multiple roles as in-house counsel," Cortez told the judge.

Cortez also noted that the plaintiffs had not shown that the county had used information in the records to harm the plaintiffs' case.

"They have not proven that I am going into their records and getting information willy-nilly in order to sandbag them or attack them," Cortez said at the hearing.

Judge Anthony J.

Battaglia agreed with Cortez that A.G.'s attorneys had not shown that she used the record to harm A.G.'s case and he would therefore decline to rule on the issue.

While he did not rule, he repeatedly told the county lawyers that he was not convinced that county counsel had a unique right to access juvenile case files when defending the agency in civil court, where the information could be used as an unfair advantage.

"You can't have it both ways," Battaglia told the county's lawyers during the hearing. "You can't be in there, cherry-picking information, keeping it from the plaintiffs' counsel, and then at trial try to impeach A.G. or somebody on some documents you sequestered under some veil that because you are county counsel and this is an agency of the county, you get free rein and nobody else gets to see it."

After the hearing, A.G. filed a second, related lawsuit this summer, accusing the county and Cortez of violating his constitutional right to privacy. The lawsuit was still in its infancy when the parties told the court they intended to settle it and the 2016 lawsuit by A.G. and his brother.

The settlement was finalized this week, with the county agreeing to pay \$3 million (including legal fees) to settle both lawsuits.

Workman did not respond to questions about the county's current policies and practices for when and how government civil defense lawyers may access juvenile case files of plaintiffs suing the county and its Health and Human Services Agency. Cortez and Jones did not respond to requests for comment.

morgan.cook@suniontribune.com

THE READERS' REPRESENTATIVE: ADRIAN VORE

The lowdown on headlines, a Q&A

I'm introducing an occasional feature for the column this week. It will be based on questions readers email on how the newsroom goes about its business or items I think readers might have wondered about.

Headlines

Frequently I'll receive a call or email criticizing a headline. The reader will believe the reporter wrote the headline.

Reporters do not write the headlines that appear in print. Copy editors write them. Reporters, however, write the headlines for the online versions of their stories.

Page production occurs separate from the reporters' work. Page designers lay out the sections and arrange the stories on pages according to a section editor's directions. The designers then assign headlines to the stories. The headlines could be as wide as six columns or as narrow as one. They could be one line deep or three or four lines deep. The stories might have subheads, or "decks" in newspaper jargon.

The headline size, width and number of lines depend on a number of factors: the look the designer wants to achieve, the gravity of the news, length of story, and the configuration required to fit the stories around advertisements.

Reporters are not involved in all this print production, which for the A section and Sports occurs mostly at night.

Articles that appear online, on the U-T's website, have no production schedule and don't need to fit any page configuration. U-T staff reporters write the stories, their editors check them over and up they go, with headlines the reporters wrote.

Almost all those online stories will appear in print, with copy editors writing the headlines as part of page production.

Question and answer

A reader emailed earlier this month about an article on special counsel Robert Mueller's Russia investigation. The question-and-answer-style piece ran on A4 Sept. 9.

It was written by Chris Megerian of the Los Angeles Times, the U-T's sister paper. The story's focus was to give a status report on the investigation. Megerian is based in Washington. His beat is the special counsel investigation.

The reader asked whom did the reporter interview, because the answers had no source.

There was no source; the reporter posed the questions and provided the answers. Al-

though the Q&A format with just the reporter is done infrequently, the technique is reader-friendly and an effective way to explain a complex subject.

"The Russia investigation has become enormously complicated," Megerian said, "with all sorts of storylines zigging and zagging over the last two years. I thought it was a good idea to press pause and try to break down what we've learned so far."

"For articles like that, we sometimes use a Q&A format. It's a more conversational approach that requires us to think about what kind of questions the average reader might be wondering about and then answer them in a straightforward manner."

"We generally don't ask the questions to a single person, such as an analyst, lawyer or prominent political figure. The goal is to synthesize what we know about a particular topic, not highlight a particular point of view."

Corrections

Corrections run on A2. Most newspapers publish corrections in the same spot so readers know where to look for them.

It's the U-T's style not to give the reason for the mistake. The thinking is it doesn't matter. What's most important is the information is corrected.

The mistake, however, might not be the reporter's doing. An editor might have misinterpreted information while looking to clarify a sentence or to trim, for example, and ended up introducing an error.

Another cause of a mistake is wrong information provided by a news source. Earlier this month, a rash of these kind of errors occurred.

A correction needs to be clear-cut. Disagreements don't fall into that category.

Here's a roundabout way an error was flagged this week:

The InDepth story on the 40th anniversary of the PSA crash ran last Sunday on the front page. The L.A. Times published the story Thursday in its California section.

Marie Aguirre of La Jolla receives the Times at home. She read the story and spotted that the last name of one of the victims was incorrect. She emailed the readers' rep at the Times, who then forwarded the email to me. I checked the archives and confirmed an incorrect last name had been published.

I asked Aguirre how she spotted the error. She said her ex-husband litigated the lawsuit against the airplane companies for the victim's widow.

FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

MARKET MELTDOWN

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.

Tuesday, Sept. 30, 2008

In September 2008 Congress rejected the Bush Administration's \$700 billion Wall Street bailout plan, sending the Dow Jones industrial average down 778 points in a single day.

By the end of the year, much of the globe was sunk in the worst financial crisis since the Great Depression of the 1930s.

Here are the first few paragraphs of the story:

MARKETS IN TURMOIL

**Crisis extra worrisome to those in retirement
"I can't come back and remake my money"**

By Jennifer Davies and Penni Crabtree, Staff Writers

Nan Evans is grateful for small mercies, like the fact that she didn't spend her money on a new car.

About 50 percent of the Hockstetter retiree's income is derived from stock-market-related investments, which plunged in value yesterday after the House rejected a \$700 billion package intended to stabilize the nation's financial system.

Which means Evans plans to cling to the cash she has in local banks and continue to drive her 1986 Dodge Shadow.

"The biggest issue this country has right now is trust. We don't know who to trust. We don't trust the politicians, the people who

handle our money. I don't think anyone knows what they are doing," Evans said. "I've been very frugal my entire life, and now I'm wondering — for what?"

The market's stomach-churning fluctuations in recent days are causing Americans — from billionaire T. Boone Pickens, who said he has lost \$300 million because of the turmoil, to workers with modest 401(k) accounts — to feel increasingly queasy.

But it is those near retirement or already retired, such as Evans, who are feeling the crisis most acutely.

Financial planners and brokerages are reporting an uptick in calls and visits from nervous clients, but so far there hasn't been a rush to liquidate holdings or dramatically



change investment portfolios.

Still, some are trying to hedge against further declines.

Scripps Ranch residents Dick Curtis, 71, and his wife, Dichelle, 69, recently took some money out of their Charles Schwab account and moved it into a bank money market account that offered a higher return rate and assurance that the deposit would be insured.

"I can't come back and remake my money at this age," Dick Curtis said.

It's a sentiment that financial advisers are hearing, but most caution against panic. Jeanni Harrison, a financial planner with

Harrison-de Charon in San Diego, said older Americans still need to have a portion of their investments in stocks to keep pace with inflation.

Americans are living longer than ever, so retiring at 65 means that their savings may need to last for decades, she said. She recommends that people at retirement age keep as much as 40 percent of their investments in stocks.

"You should ratchet down the risk as you get closer to retirement, but also as you get close to retirement, you don't want to get completely out of equities either," Harrison said.

As tempting as it may be to pull money out of the volatile market, it doesn't make sense at any age, said Larry McCulla, a partner at CBiz Financial Solutions in San Diego.

Worried consumers need look no further than the crash of 1987, when the Dow plummeted more than 22 percent in one day, he said. Despite that decline, investors who held onto their stocks were back in positive territory in less than two years, McCulla said.

"It's a question of why should you take unrealized losses and make them real losses," he said.

Advice like that, while reasonable, is cold comfort to those who see the value of their portfolios plummet. Downtown San Diego retiree Norman Grossman, who gets about half of his income from stock-related investments, said he is fearful for his financial future if Congress does not pass a bailout package.