

MEDIATION NEWS

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Smullin Mediation

Introduction to Mediation News.

This month's "Mediation News" includes a blog on the lower right entitled "It Ain't Easy to Say 'I am Sorry.'" It describes research on good and poor ways to apologize. The subject also reminds us of the power of saying "I 'm sorry." Years ago the *Wall Street Journal* featured a page one story on the shift that major insurance companies were making by encouraging their doctor-insureds to apologize when they wished to express remorse.

While periodically considered during mediations, possible apologies are often rejected because the facts are rarely one-sided and/or the emotions on both sides are aroused. In fact, the speaker has options such as, "We have business considerations which require our position, but I am sorry that you had that experience."

So often the core emotion driving a lawsuit is the plaintiff's feeling that s/he was not only wronged, but that those responsible simply did not care. For that reason, where the opposing party regrets what the plaintiff experienced, that regret can be expressed without undermining its legal position. By doing so, the defendant contradicts the core emotion underlying the lawsuit, humanizes its representative/s and demonstrates that that party has heard what the plaintiff strongly feels. There may be factors which make an apology inappropriate, but they are best considered with the impact which an apology can have on efforts to end litigation.

Dave Smullin

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Featured Articles

[Can Intellectual Property Disputes Be Resolved Privately—Sure, Why Not?](#)

by Dixon Dern

I recently met with a group of entertainment attorneys (like myself) here in Los Angeles, some of whom were also considering entering the arbitration field. A significant number of these attorneys did not understand that copyright infringement and other intellectual property disputes can be mediated.

[110 Years of Mediation: Principles, Opportunities, and Challenges](#)

by Claudia Maffettone

In this article, I will offer a succinct overview of definitions, principles, approaches, opportunities and limits of mediation, a method of conflict resolution encompassing a wide range of practices.

[Systemising the Way We Manage Workplace Conflict](#)

by Mervyn Malamed

A good Integrated Conflict Management System covers a spectrum of dispute resolution practices from formal, to informal, and developmental.

[What Should We Tell the Children? Developing a Mutual Story of the Divorce](#)



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Featured Blog Posts

[A Funny Thing Happens
when People Talk to One
Another in Mediation](#)

by Jan Frankel Schau

[It Ain't Easy To Say "I am
Sorry"](#)

by Phyllis Pollack

[Fear](#)

by Joe Markowitz

[Hostage Negotiations:
There are no simple
answers, just harsh
dilemmas](#)

by Jeff Thompson

[Dealing with Difficult
Behaviors](#)

by Donald T. Saposnek

One of the most typical questions asked of me by parents who are beginning the divorce process is, "What should we tell the children and how should we tell them?"

[Can We Call a Truce? Ten Tips for Negotiating Workplace Conflicts](#)

by Jeffrey Krivis

Whether two employees are fighting or a disgruntled client is on the verge of leaving, you—yes, you—can step in and help solve the problem. Here are some tricks of the trade.

[Business Mediation: Strengthening Partnerships for the Long Haul](#)

by Dr. Lynne C. Halem

Business partnerships are similar to marriages. Consider the problems encountered by these two very different partnerships.

Mediation in the News

[2 sides agree to mediation in Yosemite naming rights case](#)

The legal battle over the trademarking of several names inside Yosemite National Park may be settled soon.

[Caesars Mediation Continues, With Warning From Judge](#)

In the dispute over Caesars Entertainment Operating Co.'s \$18 billion restructuring, one side is making a "big miscalculation," according to the judge overseeing the chapter 11 case.

[Mediator for energy projects hearing more cases than ever](#)

The number of reviews conducted by an obscure Department of Defense office in connection with private energy projects near military bases is skyrocketing, data shows.

[Alexa again shows Mediate.com To Be The Top Mediator Directory Site](#)

A July 3 report from Alexa again shows Mediate.com to be the dominant mediator directory website. NADN is now a distant second place.

by Tammy Lenski

[Read All Blogs](#)

Featured Quotes

He who does not trust enough will not be trusted.

Lao Tse

People have one thing in common, they are all different.

We must be the change we wish to see in the world.

Gandhi

The only completely consistent people are the dead.



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