

**Kasi Walker**  
Gonzaga Law School

My summer internship took place at the Pierce County Center for Dispute Resolution (PCCDR). The Center was created to fulfill the State legislature's goal of finding alternative ways for the people of Washington to voluntarily resolve civil disputes without having to use the costly and overburdened judicial system. (RCW 7.75.010). PCCDR is part of a larger group of Dispute Resolution Centers known as Resolution Washington, all of which offer mediation to residents throughout the state.

Currently the majority of PCCDR's clients have disputes which pertain to divorce and parenting plans. However, the Center has also handled a variety of other disputes such as neighborhood conflicts, landlord-tenant disputes, and some workplace conflicts. It is one of PCCDR's goals to expand the services it provides to Pierce County, which is why the Center has been preparing to launch a workplace conflict program. This is where I stepped in.

The grant that I received from the Labor and Employment Bar allowed me to assist PCCDR in moving forward and completing the preparation for the workplace conflict program. My job at the Center involved doing a variety of tasks. One of my main projects was to help develop policies and procedure on how best to do intake for incoming workplace disputes. The purpose of developing such policies and procedures was to ensure that PCCDR is the correct place to resolve a potential client's workplace dispute. Mediation has a very high success rate, but not all disputes can be successfully mediated. For example some workplace disputes involve legal issues such as discrimination, sexual harassment, violence, and/or are regulated by state or federal employment law. Additionally, many workplaces involve workers who are part of a union, which can complicate how disputes are handled. Any one of these issues can make a dispute inappropriate for mediation. Developing procedures to screen potential clients can also help ensure that clients get the service that they actually desire. Many clients call the Center with the belief that mediation is in fact the same thing as arbitration, so finding out what outcome clients hope to achieve through mediation is important.

Another part of my job was to research case law on mediation in Washington and to see if there was any law applicable to mediations involving workplace disputes or any case law affecting the confidentiality aspect of mediation. Surprisingly there is little case law on the subject of mediation in Washington. I also spent time researching the effects of conflicts in the workplace and how the use of mediation has impacted workplace conflicts. I learned that workplace conflicts have many effects that impact almost every area of a business, and can cost businesses hundreds if not thousands of dollars. The use of mediation to resolve workplace disputes has been found to significantly reduce costs for companies and has also helped to prevent disputes from escalating into legal claims. One of PCCDR's hopes is that once business owners learn about how mediation can be effective and save them money, owners will use mediation early on in the dispute process instead of as a last resort. Currently a lot of union contracts call for mediation as a last step before going to arbitration. The Center hopes that mediation will be used sooner, possibly before grievances are even filed.

Another aspect of developing the workplace program was researching and learning about how state and local government agencies use mediation to handle workplace conflicts. The Center director and I were able to meet with a representative of the WA Department of Personnel's Employee Assistance Program and learn about how the State offers mediation services to its employees. Currently very few state agencies offer mediation to their employees and even fewer market the availability of mediation to their employees.

Another area of mediation that I spent time researching was mediator ethics and standards. The ethics and standards for mediators are not unlike the ethics and standards that lawyers are held to, but the Model Standards of Conduct for Mediators are fewer than those I had to memorize for my Professional Responsibilities class.

A great experience I got to have this summer was the chance to take Basic Mediation Training. The training involved an in-depth look at how mediation works and is conducted. I was able to learn about different types of mediation that are used and about the 8 Step Mediation model that is most commonly used by mediators around the United States. Part of the training involved participating in role plays in which I was a mediator. Being a mediator is much different from being a lawyer. There are no sides in mediation. The parties are supposed to work out their differences and come up with a solution together, with little assistance from the mediator. The mediator's job is to basically keep the peace and facilitate a discussion between the parties. Mediators cannot take sides and cannot make suggestions. This was a difficult concept for a law student who has been learning to advocate fiercely for a client. After taking the training I was able to observe a real mediation, and found out how difficult it is to listen without making judgments. My goal is to complete the Mediation practicum required by the state by the time I graduate, so that I can be skilled in being a mediator and a lawyer.

I learned a lot of things this summer about mediation. First I learned what mediation is. I had a small idea when I started my internship what mediation was, but like most people I did not understand the process and really believed it to be more like arbitration. I also learned how mediation fits into the legal world. As I mentioned before, the Center does a lot of family law cases, so I was able to learn how mediation works in that setting, but I was also able to learn how mediation is used in labor and employment law, property law, and, the latest development, how mediation is being used to settle billing disputes between lawyers and their clients. I also learned that some mediations are required by the courts and some are voluntary. Further, some types of mediations are mediated by a lawyer who specializes in the subject of the parties' dispute. In those cases the mediator/lawyer is allowed to make predictions on how a judge or arbitrator may rule if the parties cannot reach a settlement in mediation and proceed on to the next legal level.

Other things I learned this summer had to do with a variety of subjects. I learned how to e-file documents with the court. I learned how to manage case files, which I think will be very helpful when I practice law. I learned about how to handle confidential files and maintain confidentiality in regard to clients. I learned about the mediation services that are offered throughout Washington. I was able to sit in on a meeting at the Administrative Office of the Courts and was able to learn about how different branches of the government hold contracts for places such as PCCDR. I learned that the State Supreme Court Justices are the ones that make

the decisions about the judicial branch's budget. I also learned, of all things, how to make coffee.

I had a great time at my internship this summer and felt that I walked away from the experience having learned a lot of new things, improved upon skills I already had, and made a lot of good connections.

Thank you Labor and Employment Bar for allowing me to have such a great experience.

Sincerely – Kasi Walker