



Mediation To Resolve Conflicts

*The nonprofit center works to boost its
image in the professional community*

By Joanne Gribble

As director of business development for the San Diego Mediation Center, Peter Fayette's job is to build relationships with those who work in the world of dispute. (photo/lambertphoto.com)



Peter Fayette's job is to boost the San Diego Mediation Center beyond helping feuding neighbors reconcile over barking dogs.

In reality, in its 20-year history the mediation center has moved far beyond resolving community disputes to helping such biggies as the Air Force and Navy, UCSD, SAIC, Solar Turbines and the San Diego Padres work through the disagreements they have with others.

But in image, Fayette says, especially among his fellow lawyers, the mediation center remains largely in its original incarnation as a homegrown go-between for settling community disputes.

As the mediation center's director of business development, Fayette says his mission is to forge new relationships with those lawyers, corporations, businesses and governments who work in worlds where conflicts are everyday

events. So Fayette has spent the last five months assembling specialty mediator panels to address the six most perilous areas of business-related law: construction, workplace/ employment, personal injury and property damage, commerce, medical and probate. Under the name the Business Center, the panels will include names Fayette calls the “well-respected cornerstones” of the San Diego legal profession.

“We are selling the expertise of our mediators,” Fayette observes, “so we have sought out people with experience on both sides of the bar. Attorneys are the ones who select mediators, so we must have people they feel comfortable choosing.”

Among the chosen is business lawyer Peter Shenias, a San Diego business litigator for more than 40 years. A mediator for 12 years, Shenias predicts success for Fayette’s venture. “When I first started practicing law, lawyers settled many cases between themselves,” he says. But lawyers don’t talk to one another as much anymore, Shenias says, which has made mediation an increasingly important part of the judicial system

“For lawyers, it’s often easier to go to mediation because talking directly to the other side requires negotiating skills. For some reason, these skills don’t exist as much as they used to.”

Both Shenias and fellow attorney Douglas Barker, a 23-year veteran of the San Diego legal community, see their mediation panel membership as smart ways to grow their own businesses, albeit indirectly.

In addition to his general legal practice, Barker has mediated more than 300 disputes through the Pilot Mediation Program of the San Diego Superior Court. “I spend about half my time doing mediation,” Barker says. He will serve on the mediation center’s construction, personal injury, commerce and employment panels.

San Diego Metropolitan

March 2003

Shenas has joined the mediation panel to expand his professional horizons.

“Anybody who has worked as long as I have in one area would like to do something different. I think I’ve found something late in my life besides litigating.”

Three factors bode well for the future of the center’s Business Center. First is Senate Bill 800, enacted last year to force construction-related disputes into mediation before going to court. The second benefit is that the state’s Pilot Mediation Program, under way at the Superior Court since 2000, concludes this year. While no officials were willing to comment on its success or failure, Barker says he hears it has been “a terrific success at getting disputes resolved early in the process rather than settling them on the courthouse steps after a lengthy pretrial life of discovery and motions.”

The state’s white-hot budget crisis may prematurely end the program, Barker adds, but he has heard that various judges are trying to devise a way to allow it to continue.

Ironically, the end of the court-ordered mediation program is an important factor that may make Fayette’s job of raising the mediation center’s business profile easier.

“State funding is probably unlikely beyond the pilot program,” he says, “and it may be withdrawn sooner. But judges will still strongly urge mediation, “and we want to have panels ready for the cases which we know will be coming.”