

Dispute Thy Neighbor: Hire A Mediator

As Emily Franklin wrote in the "Pepperdine Dispute Resolution Law Journal," "Animal issues are becoming increasingly prominent in our courts and legislatures and, as a result, the way the law views animals is gradually changing."

By Gary C. Norman,
Esq. L.L.M.

The Humane Society of the United States, which tracks statistics on pet ownership, reported that, at least 46 percent of households in the U.S. have at least one dog. Thus, with so many houses with dogs, conflicts are bound to occur, vying neighbor against neighbor. But instead of litigation, lawyers and dog owners should explore an alternative method of resolution: mediation.

Alternative Dispute Resolution refers to a range of processes in which a neutral third party works with parties in resolution of a conflict. Mediation is described as a forum in which a third party, called a mediator, guides the parties involved in a case to have open dialogue, and to achieve party-driven solutions, according to the November, 2012, issue of "Corporate Counsel's Guide to Alternative Dispute Resolution in the Employment Context."

There are several aspects that must be included as part of mediation: fair and unbiased behavior of the neutral third party; open dialogue; a design and acceptance of solutions among the parties disputing the particular case; and confidentiality, according to an article by Kathy Hessler in the defunct "Journal of Animal Law and Ethics." Cecelia Paizs, a lawyer and mediator in Howard County, Md., instructs her law students that mediation has three models: facilitative, transformative and problem-solving. Mediation has several benefits as opposed to traditional court-oriented processes, including time and cost; the retention

of relationships; and ultimate satisfaction, according to New York lawyer Debra Vey Voda-Hamilton. By using Alternative Dispute Resolution, including mediation, the parties involved "actually make a difference in a way that may meet a significant amount of their desired results," says Voda-Hamilton.

According to Voda-Hamilton, the following types of conflicts are amenable to mediation:

- Conflicts about companion animals that arise as part of family law matters, e.g. custody
- Conflicts involving service animal-related concerns
- Conflicts involving landlords and tenants regarding several specific concerns
- Conflicts among pet owners and veterinarians

Relying on the results achieved by the tool known as restorative justice, a type of group mediation whereby all the parties involved in a criminal action, victim and offender alike are brought together; there may arguably be instances where civil society may employ Alternative Dispute Resolution to address animal abuse. People should now easily accept the benefits of mediating such conflicts as service animal access denials. As with all matters, the nuanced response is always the best—there may be instances when mediation might be appropriate.

If a mediator works in an animal abuse case, Voda-Hamilton believes they “need to be able to hold space in the room for everyone, no matter how horrific the abuse or the victimization.” In animal abuse cases she has mediated, providing an opportunity for the offender and the victim to be heard has resulted in a better healing process for the community, including an ultimate change in behavior. While mediation fosters unique solutions on a case-by-case basis, there are other Alternative Dispute Resolution tools well suited to comprehensive or community-based solutions.

Public policy facilitation, or a type of resolution-oriented litigation known as collaborative law approaches, constitutes a couple of these global resolution-oriented tools. The Maryland State Bar Association’s Alternative Dispute Resolution Section and the Maryland Mediation and Conflict Resolution Office are particularly encouraging collaborative law approaches.

When lawyers participate in collaborative law, “the parties and their attorneys give up the right to go to court and roll up their sleeves to find solutions,” Voda-Hamilton says. “On larger or smaller scales, people tend to see commonality as well as disparity when brought together and if guided by neutral coordinators; focusing on the commonality first, they often can find ways to shift their differences.”

She believes that collaborative law and other forms of stakeholder facilitation may be applied to animal law conflicts.

Animals are more than just the subject of conflicts; they may help parties achieve solutions. Companion animals may constitute a positive force in moving parties to that goal of every mediator, a resolution. And if parties are dog friendly, the presence of a dog in the room during mediation may help the parties to avoid conflict and could encourage the parties to move toward progress.

Parties involved in mediation “want to rise to a higher level of respect in the eyes of my [their] pets,” Voda-Hamilton says. Thus, lawyers should use mediators—and companion animals—to resolve conflicts.

The presence of animals may encourage parties to call on the better sides of their personalities. President Lincoln showed his predisposition to dispute resolution in his second inaugural, where he encouraged that there should be malice to none and charity to all. These words ring true today: neighbors must find ways to resolve their conflicts out of court, even when animals are involved. 🐾

Feed their Spirit, Protect their Body...



- Raw, premium and locally-produced dog, cat & small animal food
- Eco-friendly supplies & supplements
- Fair Trade & North American products

OLD TAKOMA
M-F 10-8 & Sat-Sun 10-6
117 Carroll St. NW, DC
202-291-2404

ARTS DISTRICT HYATTSVILLE
Mon-Fri 11-9, Sat 10-9 & Sun 10-6
5501 Baltimore Ave.
Hyattsville, MD 20781
301-403-8957



www.theBigBadWoof.com
Own Your Own Big Bad Woof
Call 202-747-3434

Mid-Atlantic Equine Appraisal

Horse Valuations ... All Breeds!



Richard W. Dodson, CEA
Certified Equine Appraiser

Cell: (703) 244-6171
Phone: (301) 349-2497
Fax: (301) 542-0135

P.O. Box 195 · Stanardsville, VA 22973
www.Mid-AtlanticEquineAppraisal.com
Email: rwodson@Mid-AtlanticEquineAppraisal.com

"Just keeping in touch"

American Society of Equine Appraisers

A Horse is worth more than riches.

Spanish Proverb

ORGANIC & ECO-FRIENDLY PET PRODUCTS

La Dolce Vita!

Made by Nature Dog Soap — Paws Conditioning Cream
Interactive & Plush Toys — Alternative Dog Chews
Treats & Special Occasion Cakes — Assortment of Pet Beds & Furniture
and more!

ONLINE STORE
www.dogitalia.com



A TASTE OF ITALY
NEWSLETTER

PARTY TIME
DOG ITALIA PET TREATS

Find Us on Facebook
and More!