

6. **Who's Next?** Industries that are impacted by animal rights activism are seemingly endless. "People are getting upset about the turtles," Miller told *prr*. "Shrimp fisheries are drowning sea turtles. US fisherman must use turtle excluder devices, but other countries aren't regulating them."

OD BREAKTHRU: MANAGERS, NOT SYSTEMS EXPERTS, SHOULD BE MANAGING INFO TECHNOLOGY...

That's the warning from Edward Choate, vp Info & Telecommunication Systems, Arthur D. Little (Cambridge). "Few companies have

achieved the powerful business advantages that info tech has promised because most have adopted a flawed basic philosophy: **that info is the domain of the technologists.**"

Result has been Info Systems professionals misinterpreting & even dictating organizational priorities. Management data like overall plans, organizational goals, growth forecasts, etc. don't fit the traditional structured form of electro data systems that I/S professionals are used to, and thus go unmanaged. Choate suggests line management up to CEOs throw themselves headfirst into I/S.

1. **Form an oversight committee that will set I/S direction.** Give line managers responsibility for maintaining the quality of information. "Both the committee & managers must work in concert with the I/S professionals."
2. **Set explicit info technology goals** that forecast & measure results. "Report progress regularly to senior management."
3. **Build cross-company partnerships** that generate new & more effective working relations among users, senior & line managers, and info tech staff members.

"These steps will shift accountability and will explicitly redefine the responsibilities of all stakeholders in the organization."

ITEM OF INTEREST TO PRACTITIONERS

¶ **International Customer Service Assn Presents Quarterly Journal.** Inaugural edition contains 9 articles & case studies on how to improve quality thru customer relations. Price Waterhouse, Investors Fiduciary Trust, MC Communications are among the contributors. Mission of Chi-based ICSA is to develop the theory & understanding of the total quality service process and encourage professional dialogue. (ICSA, 401 N. Michigan Ave, Chi 60611-4267; 312/321-6800)

WHO'S WHO IN PUBLIC RELATIONS

AWARDS. Counselor Anne Sceia Klein (Mount Laurel, NJ) has been named

Small Business Person of the Year by Chamber of Commerce of Southern NJ.

pr reporter

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AS MEDIATION RISES TO REPLACE LAWSUITS IN DISPUTE RESOLUTION, DOES HUGE OPPORTUNITY DROP INTO PR'S BACKYARD -- OR WILL LAWYERS DISPLACE PRACTITIONERS AS CONFLICT NEGOTIATORS?

As clogged dockets and climbing court costs complicate the legal process, suits are losing their appeal. Increasingly, people turn to mediation and arbitration to resolve conflicts because a) it's cheaper; b) it's less cumbersome and time-consuming; c) outcome is often harmonious as parties find new points of accord. Patrick Fn'Piere, dpr, Institute of Dispute Resolution (DC), says trend started in the 70s as a means of ameliorating civil rights discord. Only recently, however, has concept taken off.

"It's becoming apparent that mediation can be used for environmental issues, public policy issues, educational issues," Fn'Piere told *prr*. "A number of organizations see it as a viable alternative to litigation and a dozen or so states now have arbitration attached to the court."

THE MEDIATION PROCESS

Both arbitration & mediation are called dispute resolution (dr). Both processes involve a neutral 3rd party, but arbitrators make decisions for the parties, whereas mediators reach agreement thru consensus. If someone has a complaint:

1. **S/he goes to a justice center and receives options.** "There are different mechanisms for different problems. You may begin with mediation and find there are a few outstanding points which should be arbitrated." Certain cases, such as labor disputes, are better arbitrated than mediated, and for intra-organizational problems, mediation is often preferable. But Fn'Piere says it depends on the case. "DR can also include Summary Jury Trial (a panel of arbitrators), which is still easier than a trial by law which would take months in a traditional court. The parties decide what the solution is for them."
2. **Parties agree on an objective mediator** who may have knowledge about the industry involved. "If the dispute is over a building project, for example, they may choose someone with expertise in building contracts."
3. **Mediator explains rules & administers process.**

Every problem, at base, is a people problem. If proper relationships are built and the public relations philosophy of respect for people and their views is applied, pr becomes **dispute avoidance**. But disagreements will arise and sometimes get out of hand. Dispute resolution is a pr-oriented way of resolving them.



4. After each side airs grievances, mediator notes points of agreement and tries to use them to find new solution.
5. A legally-binding agreement is written up for disputants to review.

"At no time are either of the disputants prevented from going to court. They can decide, 'Hey, this isn't working,' and bring the case to court if they so choose."

**DR IS A MECCA OF OPPORTUNITY;
PR SHOULD GET INVOLVED NOW BEFORE
LAWYERS DICTATE RULES OF THE GAME**

DR is becoming more popular in every realm. Mediation for divorce, for example, has become institutionalized. "In California, the law says any custody battle must initially go to dr. There have been 50,000 such cases so far." A similar law exists in Maine. Also:

1. Professional mediators abound.

"You're seeing more & more of them in the yellow pages, both for & not-for profit. They're forming nationally- and regionally-based organizations & societies." They average \$200/hr.

2. Almost half of the Fortune 1000 have signed an agreement promising to use dr. "If they enter into a conflict with each other, they will seek mediation before going to court."

3. DR is being added to college curricula. "A decade ago, only a handful of professional schools taught dr. Now over 140 law schools have courses in it, over 200 business schools, and also pr schools and schools of public planning & policy."

4. Legislation, which includes 3 laws in the past 6 months. Bills encourage use of dr a) for intra-agency disputes; b) prior to issuing a controversial ruling; c) as a matter of course so that dr mechanisms are in-place. "Those are only federal laws. On the state level, there are 200+ bills around the country having to do with dr."

Fn'Piere says time is ripe for pr to get involved. "For the kinds of issues & people pr firms deal with, dr is a natural." And for all its pr bashing, lawyer-populated, Cambridge-based Conflict Management Inc. or CMI (pr 2/25) says **much of dr is relationship building** (something the legal community has never been famous for). DR could help provide the profession with the structure, regulation & standards it has been seeking for so long.

2 points: 1) **Practitioners are moving into dispute resolution,** but not fast enough. **Chet Burger** is known for his work with the American Arbitration Assn (pr 3/4) and other practitioners are involved with mediation, but they are outnumbered by lawyers, who are fast cornering the industry. 2) **To work, disputants must cooperate.** **Ketchum** was called upon to mediate a dispute between a film company and a gay activist group. A spokesperson told pr the effort was fruitless because at least one party was impliable. As Fn'Piere notes, "if you're looking for revenge, a full blown court case is probably what you want."

But lawyers are moving fast, saying much of what they already do is dr -- 95% of all suits are never brought to court. And firms like CMI target those who've been burned by the "PR approach," which it simplifies as advertising & image making for the purpose of winning trust & boosting sales.

Have you been involved with arbitration or mediation, or worked with lawyers on a particular issue? prr would like to hear your thoughts on this burgeoning trend, and your ideas on how other practitioners can get involved.

**IT MAY NOT BE ENOUGH FOR
YOUR ORGANIZATION TO SATISFY PUBLIC
IF OTHERS PURSUE UNPOPULAR POLICIES**

If your industry is doing something that finds disfavor with certain publics, don't think you can solve the problem in one fell swoop; expect fallout issues to ensue. Case in point is tuna industry. The 3 leaders have made dolphin safety a policy, but problem remains unresolved. While Bumblebee, StarKist & Chicken of the Sea have ceased fishing in dolphin-invested waters and started using more selective tuna-catching methods, the rest of the world continues to "driftnet" in high seas and some companies even kill dolphins on purpose.

"What we are finding with these large environmental issues is that we need international cooperation as well as regional," Tom Miller, dpr, Center for Marine Conservation (DC) told prr. This means constant, far reaching appeals. Also opens a Pandora's box of consequent pr problems.

1. **Hidden Pitfalls,** such as with Bumblebee. It didn't properly communicate new policy thruout parent company, Thai-based Unicord which purchased tuna from a dolphin-unsafe ship. Gaffe was picked up by Earth Island Institute (SF) which placed a full-page ad in 5 major newspapers accusing BB of lying. A volley commenced, with BB also using full-page ads to explain the mistake and set the record straight. Which brings up...
2. **Monitoring.** "How can we assure consumers that the tuna they buy is dolphin-safe?" Miller suggests that regulatory observers accompany fisherman on boats.
3. **Political Quagmires.** "The '92 UN ban will pose difficult political problems." Are other countries ready to adhere to an international law? Meanwhile, the US must deal with **free trade issues** as it strives for greater accord with Canada & Mexico.
4. **Tech Investment.** Activists are calling on tunaries to use alternative fishing techniques & gear. "They should increase research. They're still using 19th & 20th century technologies." If serious about satisfying consumer & activist publics, tuna companies must now implement massive overhaul of their methods.
5. **Issue Exhaustion.** StarKist's dolphin-safe VNR campaign, which was quickly followed by announcements from the other 2, seemed to bring closure to the issue. Will continued appeals from groups like Center for Marine Conservation seem manipulative... or obsolete?