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*The Center for Alternative Dispute Resolution Newsletter  
State of Hawaii, Judiciary*



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## *Using Neutral Language*



Have you noticed that certain words provoke arguments, while others reduce tensions? Most people respond negatively to language infused with blame and judgment. Instead, consider using neutral language that describes rather than judges. If you comment on observations instead of perceptions, your concern may be heard. The following are a few tips to think about:

**Describe instead of judge** - Next time you are frustrated with someone, try to describe the situation and eliminate judgment. For instance, instead of saying "You aren't a team player," describe the situation: "The past five times when I was in a rush and asked you to help with copying and deliveries, you said 'no.' It frustrated me and I almost missed the deadline." In the latter statement, you're describing how you feel about the situation without categorizing your colleague as good or bad.

**Discuss observations, not perceptions** - Be careful of assigning motive to action, as in, "You go to lunch early just to annoy me." We don't know what causes others to act as they do. Instead, describe the action: "Each day you go to lunch at 11:00 am, before the other staff arrive, and I am alone in the office. Usually lots of phone calls come in while you are gone and I have to put people on hold."

Mediators and facilitators use neutral language as it helps parties hear and understand each others' views. It helps them separate the people from the issue and allows them to work toward solutions. CADR will offer a new class, *CADR 7.0: Neutral Language*, on Tuesday, May 14<sup>th</sup>, from 8:15am to noon. Hawaii state and county employees may register for CADR classes and view other 2013 training sessions at [CADR's website](http://www.courts.state.hi.us/cadr).



***Summary for those who missed the forum:  
“Mediating” Non-Litigated Public Policy Problems,  
with Dr. Peter Adler, Dawn Chang and Dr. Kem Lowry***

Chang designed a culturally sensitive approach to address differences between the [University of Hawaii](#) (UH) and community members about the placement of telescopes on Mauna Kea. Internal input was sought rather than using a formal hearing and a balanced Comprehensive Management Plan was completed on time. When UH held a community meeting to present the plan, Chang advised beginning with an apology to the community for long-held hurts that were not intentional.

Lowry described the lengthy and time-consuming process the Community Planning Advisory Council used to create a vision statement for use of Kakaako Makai. An Executive Committee eventually drafted a vision statement and guiding principles that was widely accepted, despite distrust and on-going tension among participating groups.

Adler discussed the fact-focused approach he is using with the Puna Geothermal Venture issue on Hawaii Island. A study group including scientists, medical practitioners, community members, and engineers was assembled and launched a website to respond to inquiries and requests for information from the community. Fact finding resulted in prioritized health concerns, a bibliography of relevant research, and recommendations for future studies and improved monitoring.

There are some similarities between these processes and “conventional” mediation:

- Neutrals maintain some level of neutrality and independence;
- Key voices, views, and high quality data are sought;
- Neutrals are flexible to accommodate to the needs of the parties and process;
- Discussions are conducted with civility and a concern for relationships; and
- All processes focus on some form of negotiated problem solving.

There are differences too:

- Processes are “projects” instead of “cases,” and the people involved are “participants” rather than “parties”;
- Projects are more likely to have a legislative, regulatory, or community locus rather than initiating from court;
- Most of the discussions take place in public forums while in mediation, most discussions are private; and
- Rules pertaining to confidentiality have not been tested and it is not clear what rules will apply to these processes.