

# Big city arbitration explained for villages

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Not long ago in the villages of Alaska, each community relied on its residents to settle disputes. There were no resident state troopers or village safety officers. Members of a community had to work together to preserve harmony within the village.

Then, as today, most people in the outlying areas of Alaska were related or at least familiar with one another. This, of course, is not true in large urban areas such as San Francisco. Yet, six neighborhoods in that city, neighborhoods with names like the Vivitacion Valley, Bernal Heights, and the Mission, have a program that operates on this same concept.

These people are working

together to solve their own community problems, ranging from juvenile vandalism to barking dogs.

The Community Boards Project (CPB) is a successful community mediation program launched in 1977 by Mr. Ray Shonholtz. A former criminal defense attorney and law professor, Mr. Shonholtz describes the program as "an alternative to the existing judicial system. Our present governmental agencies are expensive and consuming. Only 5 percent of all court cases are actually heard by a judge."

Shonholtz and Community Boards Coordinator Terry Amsler were invited to Anchorage March 29 by the Anchorage Citizen and Mediation Project (ACAMP) to discuss his program.

ACAMP set up a meeting for Shonholtz to meet with representatives of the Alaska rural and Native community to discuss his program. Few people showed up, however. Those who did included an Alaska State Trooper who left early, a woman from Copper Center and members of a law class at the University of Alaska in Anchorage.

Having a system where community members help resolve problems is good because it keeps neighborhood problems out of court and off the police blotters, said Shonholtz.

A suit brought to Small Claims Court takes at least three months to be resolved and in many situations, money won't solve the problem. Mr. Shonholtz has found that communities need a less expensive,

effective way to handle such problems as merchant/consumer disagreements and noise harassment. Because there are no forums to resolve these conflicts, people must either tolerate the situation or take the case to court or the police. He feels that neighborhood arbitration programs like CBP might be the answer to settling minor disputes and would lessen the burden of agencies that are "not so over-used as mis-used."

Especially in villages the size of Alaska's, a person does not necessarily want to take legal action against a close family or friend over property rights or a financial settlement. But they do want the problem solved.

The mediation process is a simple one, says Shonholtz.

Disputes are reported by referral, a neighbor, or local authorities. A local meeting place, usually a neighborhood school or public facility, is arranged for the disputants to meet with panel members.

This initial session often is the first time both parties have talked to each other face-to-face; family members and friends are also encouraged to attend. At this meeting, those involved in the conflict take responsibility for the dispute and express points of view.

The second step is to have the people involved deal with the emotional side of the issue. Shonholtz states that in most situations, people rarely face each other and never get the opportunity to vent building frustrations in a courtroom. Here is their chance to deal with that side of the problem productively, without violence.

Thirdly, both parties are asked to express what their solution would be to resolve the conflict, with statements like: "If I am willing to tolerate your dog, will you compromise and not let him out until 8 a.m.?" Says Amsler, "Various solutions have been found to the many dog-barking complaints - from meeting the dog to having the dog put away."

Finally, disputants sign their written agreement in front of witnesses and members of the panel. Volunteers follow-up on the case for three to nine weeks; if the original terms work out, the case is closed. If not, another hearing is arranged. This, states Shonholtz, has rarely proved necessary.

"The panel members are not there to give answers or to tell the disputants what they should do," says Amsler. These panels are not made of professional people, but average citizens - the woman next door, the banker down the street - who are trained by CBP members in communications, teamwork and conciliational skills, in sessions totaling 26 hours.

Anyone can volunteer. To be willing to listen is an important factor. Often the Board is the only one to listen to persons' complaints.

Equally important, states Amsler, is a renewed sense of pride in the community. "People feel better about the neighborhood when seeing tangible results brought by themselves."