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*The power to meet the goal of social and economic global justice appears to me to have shifted from government to private enterprise.*

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## *GINI NELSON'S ENGAGING CONFLICTS TODAY*

### **ONLINE ADR JOURNALIST: VICTORIA PYNCHON**

Victoria Pynchon, J.D., LL.M., is a panelist with the Southern California ADR firm Judicate West. She was awarded her LL.M Degree in Dispute Resolution from the Straus Institute in 2006 after 25 years of complex commercial litigation practice. Her [Settle It Now Negotiation Blog](#) is a leader in the field, and she also publishes the [IP ADR Blog](#), and the [Mediators Without Borders](#) blog.

#### *A Personal Career Path*

*Gini:* Good Morning, Victoria. Thank you for taking the time to share your thoughts and experiences with us. What attracted you to the field of conflict management in the first place?

*Victoria:* I had been litigating commercial cases for almost 25 years when it first occurred to me that I might be able to make a living as a mediator (which seemed pretty pie-in-the-sky at the time – all of three years ago).

Toward the end of my practice, when people asked me what it was like to be a litigator, I'd say, "think of the last time you had a fight with your plumber or an airline representative, your cable guy or cell phone service." I'd wait for them to actually think about it and then say,

*"that's what I do everyday all day. Fight with people over who's right and who's wrong. The dispute often involves sophisticated business people, complicated commercial transactions, tens to hundreds of millions of dollars and difficult questions of law. But here's the bottom line: Every morning when I wake up, someone who's really really really smart and talented, ridiculously well educated and extremely well paid, is getting ready for their business day with the sole aim of proving just how wrong and intellectually dishonest I am. It's a high level board game but it is often very dispiriting and I am getting tired of it."*

**G:** If you knew earlier what you know now,

would you still have pursued the same career path?

**V:** If you mean law, the word "conflict" never entered my mind. If it had, I would have said my job was conflict escalation, not conflict management.

This is a difficult question to answer. I entered "the law" because of my interest in justice. I'd been active in grass-roots politics in my high school and college years and wanted to learn how to operate the gears and levers of the system that delivered or failed to deliver what I perceived to be justice. This was mainly about ensuring civil rights, but it included the correction of political, economic and social inequities. My legal career turned out to have absolutely nothing to do with any of these matters, but that's a question for another day.

Today, I see corporate America leading our political and judicial systems in making the effort to ensure civil rights – from the provision of domestic partner benefits to affirmative action in the form of diversity initiatives. I also see a hundred or thousand-fold increase in "on the ground" corporate philanthropic work, as well as the development of innovative strategies to deliver technology to the third world that has the power to begin to correct the terrible inequities in the distribution of global resources.

The power to meet the goal of social and economic global justice appears to me to have shifted from government to private enterprise. If I were choosing a career path today, I might, as my brilliant, talented and socially conscious step-daughter, Julia Goldberg has, gone to a graduate school of business. (Julia will be graduating from the Graduate School of Business at Stanford University this Spring).

I wouldn't have gone near a business

## Helping People Handle Conflict

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school in 1977, however, when I began law school and I would make no different choice in hindsight. Were I 23 or 24 today, however, I might well go to business school.

G: What is the best advice that you have been given? And what advice would you give a budding conflict specialist?

V: Joseph Campbell, the brilliant and recently departed student and professor of comparative religions and mythology, long ago gave me advice I needed but was not ready to apply – follow your bliss.

I didn’t know what my bliss was and couldn’t find it. I had to spend a lifetime quieting a lot of other voices that were vying for my attention before I was ready. Voices that told me to prove to my dad how brilliant and successful I could be; that told me to compete and “succeed” by running the fastest and the farthest whenever anyone shot off a starting gun in my vicinity; that told me I needed property, (perceived) power and prestige to accept myself in all my human fallibility.

It took more than twenty-five years for me to realize the bankruptcy of those thoughts and to experience the results of that way of living. Then a new voice entered my head and it spoke very very clearly. “Why don’t you mediate?” it asked. Two weeks later I took Pepperdine’s 42-hour *Mediating the Litigated Case*. A month after that, I enrolled in the Straus Institute’s LL.M Dispute Resolution program. And here I am. Following my bliss. So I guess my answer to this question now that I have written my way to it is this – quiet the voices. *Then follow your bliss.*

### **Conflict Resolution Heroes**

G: Do you have a “conflict resolution hero,” and if so, who and why?

V: I have several “conflict resolution heroes” and they are all mercifully close at hand.

First is Peter Robinson, Director of the Straus Institute, who wrote “Be Conscious” on the blackboard as the first dispute resolution injunction, hour one, day one of

*Mediating the Litigated Case*. I was in the right place. Thus prepared, he demonstrated that I did not have to give up any of the “hard headed business” lessons and skills I’d learned in 25 years of practice. I could, however, bring my heart and spirit along for the ride. Peter is definitional of integrity for me. He walks the talk. His “insides match his outsides.” He is my role model. I want to be as good a “Vickie Pynchon” as he is a “Peter Robinson.” I expect this goal to consume the rest of my life.

I’ll just choose two heroes though of course (now that I’ve found my bliss) there are many others.

Ken Cloke. He is the voice in my head when I’ve reached the end of my ability to assist anyone in resolving a dispute.

His voice says the stuff I desperately need to know. “YOU are the technique” he counsels. “Find some part of yourself in the other guy and some part of the other guy in yourself.” He says, “work globally and think locally.” He has never deviated from pursuing political, economic, social and legal justice. He has my everlasting respect and loyalty for this alone. And he’s bar none the smartest, most hard-headed soft-hearted person I’ve ever known.

### **The Biggest Questions**

G: What do you think are the big questions to be answered next in the conflict management field?

V: What I love about conflict management is that it raises the big questions without ever (I hope) answering them. Answers are for lawyers. Questions are for mediators because conflict management is a one-on-one endeavor and the answers are personal and hence unique. Questions require that we learn to live more or less comfortably with completely contradictory truths. The closer we come to institutionalizing our practice, the closer we come to answering questions and losing our way.

G: What is the major ethical issue facing the conflict management field?

V: I genuinely cannot think of an ethical issue facing the conflict management field that doesn’t face every field in every first world country every day – the challenge of

## Helping People Handle Conflict

*I am completely incapable of identifying mistakes because everything I value in life has resulted as much (or more) from what might be called “mistakes” as from what might be called “good decisions” or “successes.” I could easily identify my successes (particularly as a lawyer) as mistakes and cite my failures as the source of my most valuable contributions to my fellows.*

ending the criminally unequal distribution of global resources.

A billion of our brothers and sisters live on less than the equivalent of one U.S. Dollar a day. Their children – our children -- ten million of them to be precise -- die every year of poverty-related causes. 30,000 every day. We have the resources to save these children now. We choose not to. At a minimum, every conflict resolution specialist should pledge him/herself to making certain we meet the United Nation's Millenium Goals by or before 2015 – that's eight years from now. The goals: (1) reduce by half the proportion of the world's people in extreme poverty, i.e., those living on less than one U.S. dollar per day; (2) reduce by half the proportion of people who suffer from hunger; (3) ensure that children everywhere are able to take a full course of primary schooling; (4) end sex disparity in education; (5) reduce by two-thirds the mortality rate among children under; (6) reduce by three-quarters the rate of maternal mortality; (7) halt and begin to reverse the spread of H.I.V./AIDS and halt and begin to reduce the incidence of malaria and other major diseases; and, (8) reduce by half the proportion of people without sustainable access to safe drinking water.

If we do not achieve these goals it will be because we choose not to do so.

### *Thrills and Spills*

G: Whas been your biggest thrill in being a conflict specialist?

V: It is a thrill and a privilege whenever people let me into their lives to help them resolve the disputes and conflicts that are preventing them from reconciling with their fellows and moving productively forward with their lives. It is also a thrill and a privilege to teach young people the skills necessary to do this themselves.

G: What was your biggest mistake?

V: I am completely incapable of identifying mistakes because everything I value in life has resulted as much (or more) from what might be called “mistakes” as from what might be called “good decisions” or “successes.” I could easily identify my suc-

cesses (particularly as a lawyer) as mistakes and cite my failures as the source of my most valuable contributions to my fellows.

I have, in all my human fallibility, been unkind, deceitful, disloyal, selfish, thoughtless, self-defeating, foolish, impulsive and entirely wrong-headed. I have let many incredible opportunities pass me by.

I could say that law school was a mistake because I didn't have the courage at 25 years of age to do what I wanted to do, which was to be a writer. And yet law school and legal practice taught me to think critically, write clearly and argue persuasively. Facing the challenges of legal practice gave me courage – to stand by my convictions; to raise my voice in a courtroom and speak passionately about my cause even as I trembled with fear inside.

My entire life rolled out as a result of my decision to practice law -- my marriage, my step-children, my new career as a mediator, my understanding of people in conflict, my empathy for the people who, as lawyers, are doing the ridiculously difficult job of representing people in an adversarial system. Not to mention my financial freedom and self-sufficiency.

At this stage of life, how could there be any mistakes?

G: Any regrets?

V: No regrets. Only gratitude. Here I must quote Joseph Campbell again:

*Schopenhauer points out that when you look back over your lifetime, it can seem to have had a consistent order and plan, as though composed by some novelist. Events that when they occurred had seemed accidental and of little moment turn out to have been indispensable factors in the composition of a consistent plot. So who composed that plot? Schopenhauer suggests that just as your dreams are composed by an aspect of yourself of which your consciousness is unaware, so, too, your whole life is composed by the will within you. And just as people whom you will have met apparently by mere chance became leading agents in the structuring of your life, so, too, will you have served unknowingly as an agent, giving meaning to*



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-Gini

*the lives of others, The whole thing gears together like one big symphony, with everything unconsciously structuring everything else. And Schopenhauer concludes that it is as though our lives were the features of the one great dream of a single dreamer in which all the dream characters dream, too; so that everything links to everything else, moved by the one will to life which is the universal will in nature.*

*It's a magnificent idea – an idea that appears in India in the mythic image of the Net of Indra, which is a net of gems, where at every crossing of one thread over another there is a gem reflecting all the other reflective gems. Everything arises in mutual relation to everything else, so you can't blame anybody for anything. It is even as though there were a single intention behind it all, which always makes some kind of sense, though none of us knows what the sense might be, or has lived the life that he quite intended.*

G: Thank you, Victoria.

## ENGAGING CONFLICTS ANNOUNCEMENTS

*Conversations From the Field* is an innovative session offered within the 2007 *Being Human: Exploring Our Blind Spots and Biases Conference*, that will include Skyped-in conversations with:

- Emmy Godwin Irobi, Ph.D. After serving as a child soldier in Biafra, Emmy migrated to Poland and Germany. He obtained a Masters degree in International Relations from the University of Warsaw, and went on to obtain a Ph.D. in Political Science at the University of Leipzig, Germany in May, 2005. He will be participating in a University of California, Berkeley, research program on conflict management this fall, and will speak to us from California about his transition/transformation from child soldier to conflict specialist.
- Kurt G. Shaw, Executive Director of *Shine a Light*, which, knowing that real solutions to youth homelessness do not emerge from ivory towers or bureau-

cratic offices, works with grass roots organizations in São Paulo, Bogotá, and Mexico City. He will be in Columbia, South America this fall, working on *Shine a Light* projects and will speak to us from Columbia about how grass roots mediation took power away from local drug czars and returned it to the community.

## NEXT IN ENGAGING CONFLICTS TODAY

An interview with Kristine Paranica, Director of the University of North Dakota Conflict Resolution Center, where she also serves as Adjunct Professor of Law in Alternative Dispute Resolution. She is a Fellow and Administrative Director of the Institute for the Study of Conflict Transformation.

## RECENTLY IN THE ENGAGING CONFLICTS BLOG

- Santa Fe As Destination for Being Human Conference
- Creative Thinker: John W. Cooley Interview

## TIP OR TOOL FOR TODAY

Are you a stickler for punctuation? Or do you have trouble remembering all the rules for when and where to place certain marks? An online punctuation game at <http://www.eatshootsandleaves.com/ESLquiz.html>, based on the book "Eats, Shoots & Leaves" tests your punctuation knowledge. Good luck!

## QUOTE FOR TODAY

The universe is full of magical things, patiently waiting for our wits to grow sharper.

— Eden Phillpotts

I encourage you to share this newsletter with anyone who is interested in timely and interesting negotiation, mediation and conflict management-related issues. The information in this newsletter may be copied and distributed without charge and without permission, but with appropriate citation to me and the *Engaging Conflicts* blog. A free subscription to the newsletter is available at [www.EngagingConflicts.com](http://www.EngagingConflicts.com).



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