

MEDIATE THIS !

THE SURF SHOP, THE WET FLOOR, AND THE MEDICAL BILLS

BY STEVEN P. DINKIN

This week's column of expert tips on resolving everyday conflicts focuses on a dispute about injuries suffered in an accident.

Dear Mediator:

My husband and his buddies meet for coffee every day at the surf shop owned by his best friend. Last month, while walking through the store, my husband slipped on a wet floor, fell, and hurt himself badly enough for an ER visit and a week of missed work. This has cost us plenty in co-pays, deductibles and vacation time. I think his friend should cover our losses, but my husband says he "doesn't want to cause trouble." What recourse do I have?

Sidelined Wife in Pacific Beach

Dear Sidelined:

Your situation encompasses two conflicts — a real-time argument over marital assets and a potential dispute about liability for damages. The marital conflict is more tangled, but as you'll see, it could yield an

unexpected bonus.

You and your husband are sharing equally in the loss of money and vacation time. He is willing to absorb the loss because he wants to protect something of greater value to him, a close friendship.

But that relationship holds little value for you, especially now that his friend's inattention to safety factors led to your husband's injuries.

In such situations, a resolution can be crafted with a transactional negotiation tool called "option identification." If you look outside your framework of limited choices, you might identify something else that will compensate you personally.

This type of reciprocal deal-structuring (commonly known as "horse trading") helps parties use ingenuity and flexibility to break through impasses.

When John F. Kennedy persuaded his wife to attend a White House ceremony she dreaded, his aides asked how he overcame her reluctance. "It cost me two symphonies," said the president.

Envision this standoff as



GETTY IMAGES

This week's query involves an accident that occurred at a surf shop, and a disagreement between the affected husband and his wife over who should be liable for the associated medical bills and financial losses.

a gift certificate. Then browse your imagination for ways to redeem it for something you want that was previously off the table but could now be within reach.

Maybe there's a trip you've longed to take or an item you'd like to purchase. If money is tight, your wish list could include no-cost options like a cleaned-out

garage and more private time for exercising or reading.

When you discuss this with your husband, open the conversation by expressing empathy, which is a mediation staple.

He has endured a painful fall and a stalemate involving his wife and his friend. If you acknowledged his quandary,

you'll ease the tensions that hinder resolution. And the party that makes the first overture in a negotiation can gain bargaining leverage.

When your marital conflict is settled, you will clear a path for addressing the liability conflict.

Even if your husband's friend does not provide financial compensation,

everyone — including him — will benefit if he accepts some responsibility.

It's a good bet he feels remorseful about the wet floor. He may be dreading a confrontation and the loss of a close friendship. But he hasn't had an opportunity to convey his perspective, at least not to you.

Mediators always counsel clients to give opposing parties the benefit of the doubt. You should assume this shop owner wants to make amends and restore good will.

If you open up the lines of communication and hear him out, he might surprise you with an apology and a peace offering (free surf gear, anyone?).

Steven P. Dinkin is a professional mediator who has served as president of the San-Diego based National Conflict Resolution Center since 2003.

Do you have a conflict that needs a resolution? Share your story with The Mediator via email at mediatethis@ncrconline.com. All submissions will be kept anonymous.

NOTEBOOKS

From Union-Tribune reporting staff

SCIENCE: BRADLEY J. FIKES

Blood test might detect Alzheimer's

Alzheimer's disease might be detectable at its earliest stages by a blood test, according to a study by Japanese researchers.

If the study in Japanese and Australian volunteers is confirmed, it would reduce the cost and difficulty of detecting a toxic protein called beta amyloid in the brain.

However, it might take years to get the test ready for the public. More people need to be studied to determine if the findings are accurate enough, the researchers say.

The study was published in the journal *Nature*. It can be found at j.mp/alzblood.

Beta amyloid is a major factor in Alzheimer's disease, where it has been found to make neurons unhealthy and contribute to their eventual death. By detecting early signs of its buildup, researchers hope to begin treatment early, before actual symptoms develop.

Beta amyloid can be detected by a PET brain scan, or by analyzing cerebrospinal fluid obtained through a spinal tap. However, PET scans cost thousands of dollars, and

spinal taps are invasive and can be uncomfortable. A blood test would be less invasive.

The test examines blood plasma for beta amyloid fragments and a related protein that is cleaved to make beta amyloid. In a study of 121 people in Japan and 252 in Australia, blood tests closely followed PET scans and spinal taps in assessing how much beta amyloid was in the brain.

Both groups included cognitively normal individuals, those with mild cognitive impairment and those with Alzheimer's disease. Participants were aged 60 to 90.

There is now no therapy proven to halt or slow down Alzheimer's. Some drugs temporarily alleviate symptoms, but don't alter the underlying course of the disease. Recent studies with potential Alzheimer's drugs hint that those treated earliest in the disease may get some benefit. And new drugs are entering clinical trials.

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HIGHER EDUCATION: JOHN WILKENS

Consumers 'forget' about those ethics

A desk catches your eye, but it's made with wood from an endangered rain forest. What do you do?

If you're like many people, you'll "forget" the rain forest part and buy the table, according to a new paper co-authored by a San Diego State University scholar.

The research by marketing lecturer Kristine Ehrich and colleagues at Ohio State University and the University of Texas tracked the "willfully ignorant memory" that people deploy to navigate ethical issues in the marketplace.

In a series of studies, they asked participants to memorize information about different brands of desk (one made with wood from an endangered rain forest, the other with wood from a sustainable farm) and different brands of jeans (one made with child labor overseas, the other made by adults).

When asked a short time later which brand was which, they were more likely to forget when a brand was made unethically than when one was made ethically. They did not show the same level of forgetfulness for other attributes of the products — the cost of the desk, for example, or the wash and style of the jeans.

The researchers believe consumers are using memory as a coping mechanism to resolve the conflict between one part of the self that wants to do the ethical thing and another part that wants to avoid unpleasant information that interferes with the fun of shopping.

To demonstrate the coping mechanism, they asked participants to judge a consumer who had learned that a pair of jeans was made with child labor but bought them anyway. Was it better if the buyer ignored the ethical implications, or if the buyer forgot about them?

The participants said it was better to have forgotten, suggesting to the researchers that "motivated forgetting is a socially acceptable way" to resolve the shopping conflict.

The paper, "That's Not How I Remember It," was published in the *Journal of Consumer Research*. The authors said their study has implications for consumers and retailers, and suggested companies stress the ethical strengths of their products at the point of purchase — in the packaging or signage — to overcome consumers' forgetfulness.

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THE READERS' REPRESENTATIVE: ADRIAN VORE

A grab bag of items from readers

I've been collecting small items readers have flagged or ones I've noticed over the past few weeks, so I thought I would present them here as a sort of potpourri.

Headline goof

The Readers' Rep received multiple emails regarding a typo-style error that made it past copy editors on Monday's A3. The one-column headline read: "U.S. takes dominate role in oil production."

The readers were all asking basically how an error like that made it into print.

No explanation. It should have been caught.

What kind of car?

An Associated Press article out of Baghdad last month raised a few queries. The story reported on car enthusiasts in Iraq restoring older American cars and trucks. The article included two "Townson cars from the mid-1960s" and a "1959 Townson." It also noted a "1904 Jeep Levon."

Reader David Miller Jr. of Point Loma flagged two problems: "(The article) mentioned a 1959 Townson. I had never heard of such a car, and sure enough when I checked online there was nothing listed."

"A 1904 Jeep was mentioned, but Jeeps did not exist until the early years of World War II."

Indeed, I also came up empty in trying to locate a "Townson." I also could not find online a Jeep "Levon." However, I did find a reference to a Jeep owned by a guy named Levon.

I emailed questions about the car names to AP in Los Angeles with a request that it be forwarded to an editor in the bureau that would have handled the story. But I did not receive a response.

Responses to "ex-Marine"

Last week I wrote about using the label "ex-Marine" (or similar label) in reference to a person in a story. A reader had complained that an article about a drunken driver who killed two people in a collision referred to the driver as an "ex-Marine." The reader said it was unfair. He argued that stories would probably not refer to someone as an "ex-store clerk," for example.

I agreed that the label should not be used when being a former Marine has no relevance to the offense. I asked if readers who served in the Marines would like to offer some feedback.

I received a few responses, which were

split. One reader vehemently opposed the label when the offense has nothing to do with person's service. "It creates or perpetuates an image of lawlessness or foolishness by members of a military organization, when in fact it's the action of an individual alone," the reader wrote.

Another Marine vet disliked the term "ex-Marine." "Once a Marine, always a Marine," she said. She had no problem bringing up the person's past service, regardless.

Another reader said the label must be relevant.

And another said to include it because it offers some background information on the person.

A missing 'who'

David Morrison of Del Cerro expressed his frustration at an AP story that ran a couple of weeks ago. "How do you print an article entitled 'Baltimore Mayor Fires Police Commissioner,' without mentioning the name of the person who was fired?"

He's right. That name should have been included in the story and up high. The story originally included the person's name, but it was down far in the article. It appears the name was mistakenly deleted when the story was being cut to fit the hole in print.

The commissioner was Kevin Davis.

More explanation, please

Like many readers, I look for details in stories. They provide much more information and clarity than generalizations. For example, I've always been frustrated in sports stories when the writer refers to an athlete's knee or shoulder injury as "blown out." Is the injury torn ligaments, rotator cuff?

On the other hand, a story last month provided a detailed name for two pitchers' injuries but no explanation. The story said pitchers Tyson Ross and Chris Young are returning to the Padres, and both have had surgery for "thoracic outlet syndrome." I had to look it up, but the story should have provided some brief description.

Here is an explanation from the Mayo Clinic website: "Thoracic outlet syndrome is a group of disorders that occur when blood vessels or nerves in the space between your collarbone and your first rib (thoracic outlet) are compressed. This can cause pain in your shoulders and neck and numbness in your fingers."

The repetitive stress of throwing a baseball can cause the ailment.

FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

AMERICA'S CUP COMES HOME!

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

Wednesday, February 4, 1987

In February 1987 Dennis Conner won the America's Cup for the San Diego Yacht Club, completing a 4-0 sweep of the Australians in 12-meter yacht races off Fremantle, Australia. Here are the first few paragraphs of the story:

CONNER'S WIN BRINGS TROPHY TO SAN DIEGO

By Jan Thiessen, Tribune Executive News Editor

FREMANTLE, Australia — Comeback.

The cup that Dennis Conner lost in 1983 has been recaptured, and soon will be on its way to San Diego.

The America's Cup again belongs to America.

"We can't wait to get back home," said Conner today after his yacht, Stars & Stripes, crossed the finish line 1 minute, 59 seconds ahead of Kookaburra III to complete a 4-0 series sweep. "We're looking forward to that very much.

"The cup has a new, happy life," he said. "I think it's a great moment for America, a great moment for the Stars & Stripes team, and a great moment for Dennis Conner.

"We tried very hard to do a good job, to come down here and represent America well. It's a very high moment for us.

"Right now, we're just savoring it, we're thrilled to be here, we're thrilled it all worked out for us," Conner said. And he warned the

world, "Don't be surprised if you see most of us back together again to defend."

Conner said American technology will be tested again in 1990. "It's going to be a continuing challenge for America to come up with a strong defense," he said.

Kookaburra III starting-line helmsman Peter Gilmour had Conner nailed to the wall just before the gun, but Conner slipped away.

Gilmour, with nothing to lose, dogged Conner throughout 10 minutes of tense pre-start maneuvering. Approaching the line with just seconds to go, Gilmour had right of way under the rules. His goal was to push Stars & Stripes over the line early, which would have meant Conner would have to turn around and cross the line a second time, losing at least 30 seconds. Not only did Conner escape, but he carved out a five-second lead as the gun went off.

Just two minutes up the first leg, Conner had opened a lead of almost two boat lengths. Kookaburra III hung on up the first leg and down the second, staying within striking distance. But as the wind freshened from 14 knots to about 19, Stars & Stripes romped away. Rounding the third mark, the lead was 42 seconds.

"There's not much you can do" aboard a boat trailing after the third leg, Kookaburra III mastman Greg Cavill said before the race. "Hope for a miracle."

It didn't happen on the fourth leg, as Stars & Stripes increased its lead by seven seconds. The 49-second margin was the smallest of the series at the midway point, but was still substantial.

On the fifth leg, Kookaburra III managed a small gain, just one second, and Stars & Stripes kept a comfortable 48-second lead.



The sixth leg was into the wind, the kind of leg in which Stars & Stripes has been at its strongest. It won all eight windward legs in the second and third races and the first two today.

Because it trailed by so much, Kookaburra III could do little tactically to catch the faster American boat or lure Conner into a mistake. And the deficit grew still larger, reaching 1:11 after the sixth leg and 1:16 after the seventh. Heading into the final leg, Conner's supporters put the champagne on ice.