

STEVEN P. DINKEN A Path Forward

IN FOX NEWS SETTLEMENT, MEDIATION WINS THE DAY

In my early days as a mediator in Washington, D.C., I shared an office with Jerry Roscoe. He was a nice enough guy and smart, too, always eager to work on high-profile cases.

Roscoe got his wish earlier this month, while taking a Danube River cruise.

It was the eve of a highly anticipated trial, pitting Fox News against Dominion Voting Systems. Dominion had sued Fox for defamation, seeking \$1.6 billion in damages. As reported by Sarah Ellison, Josh Dawsey and Rosalind Helderman in The Washington Post, Judge Eric M. Davis of the Delaware Superior Court asked lawyers for both companies to try to work out their differences and find common ground. It was April 14, a Friday. The trial was set to begin the following Monday.

The two sides worked all weekend but ran out of time. That's when they sent an emergency email to Roscoe. I can imagine how he felt reading it.

Dominion was seeking accountability for Fox's role in

spreading the false claim that their machines had been used to steal the White House from former President Donald Trump. For Fox, the stakes were high. Fox News Executive Chairman Rupert Murdoch was expected to testify, along with several high-profile hosts and staffers.

According to the Post reporters, pretrial revelations had been "excruciating" for Fox. Employees of the network regularly doubted the content that was consumed nightly by millions of viewers — including the myth that Trump had won the 2020 election, which they proffered for weeks and months along with conspiracy theories.

And so, mediator Jerry Roscoe represented "one last shot for resolution on the eve of the most highly anticipated libel lawsuit in a generation." On Sunday, Judge Davis said he would delay the trial by one day. On Monday, Roscoe brought the lawyers together on a call to "feel out their red lines."

Roscoe told the Post that expectations were muted at first. He

conducted as many as 50 calls. With emotions high, progress stalled. The lawyers headed for the courtroom and on Tuesday morning, the jury was seated.

But Roscoe was quietly making headway. Like any skilled mediator, he identified the issues in contention: Along with Dominion's monetary demand, the two sides disagreed on the language that Fox would release acknowledging the network had spread falsehoods about Dominion. The company sought an apology.

After many calls, the sides got closer. Just before 4 p.m., Davis returned to the bench. "The parties have resolved the case," he announced. Fox agreed to pay \$787.5 million to Dominion, saying, "We acknowledge the Court's rulings finding certain claims about Dominion to be false. We are hopeful that our decision to resolve this dispute with Dominion amicably, instead of the acrimony of a divisive trial, allows the country to move forward from these issues."

The outcome wasn't univer-

sally praised — far from it. More than one person told me they wish Fox had its day in court, hoping to see Murdoch and others on the witness stand. Some critics of the settlement have said that absent an apology from Fox, it felt empty, as if Dominion had sold out.

I've mediated hundreds of cases over the years and one thing is true: When a mutually acceptable agreement is reached, it's not guaranteed that both sides will get everything they want. In fact, it's unlikely.

It's where Roscoe worked his mediator magic. Fox was unwilling to apologize, the stakes too high. As Barbara Kellerman wrote in Harvard Business Review, public apologies are risky, and every word matters. Along with accepting responsibility and expressing regret, a good apology includes an assurance that the offense won't be repeated.

Kellerman said, "A successful apology can turn enmity into personal and organizational triumph — while an apology that's too little, too late, or too transpar-

ently tactical can open the floodgates to individual and institutional ruin."

At the end of the day, it was another "a-word" that really mattered to Dominion: accountability. A spokesperson said, "An apology is about accountability, and today Dominion held Fox accountable. Fox paid a historic settlement and issued a statement acknowledging that the statements about Dominion were false." It was the best possible outcome, when you consider the fractures in our country.

Thanks, Jerry Roscoe, for shining a light on mediation, work we have been doing at the National Conflict Resolution Center for 40 years. While our cases aren't high profile, like Dominion v. Fox, every settlement is just as satisfying.

Dinken is president of the National Conflict Resolution Center, a San Diego-based group working to create solutions to challenging issues, including intolerance and incivility. To learn about NCRC's programming, visit ncrconline.com



From left, Diana and Eliezer Lombrozo, Peggy and Peter Preuss, and Miguel and Veronica Leff at San Diego Opera Ball for All last Saturday.

SCENE

Italy comes to San Diego

San Diego Opera Ball for All, When in Rome

BY U-T STAFF

Hundreds of opera lovers gathered on April 22 for the San Diego Opera Ball for All, When in Rome.

The black-tie event was held at the Hyatt Regency La Jolla at Aventine. Veronica and Miguel Leff and Diana and Eliezer Lombrozo co-chaired the event. The evening honored the legacy of Peter and Peggy Preuss, longtime champions of the arts and education.

A cocktail hour was followed by an Italian-themed dinner and dancing to the beat of Jacqueline Foster Showdance.

Celebrated mezzo-soprano Guadalupe Paz, who recently created the role of Frida Kahlo for the world premiere opera "El Último Sueño de Frida y Diego," serenaded guests with Italian arias and songs.

The ball raised more than \$600,000 for the San Diego Opera.

If your organization has

held a philanthropic or gala-type event, you're welcome to email a high-resolution photo along with information on the event to society@sduiontribune.com.

Please clearly identify those in the photo, make them aware their image might appear in print and online, include the photographer's name for credit and be sure to include the who, what, where, when and why information on the event.

LA JOLLA

FROM B1 said environmental impacts of the closure need to be studied. "There is a whole part of the environmental problem that is not being looked at," he said.

Hoffman has long advocated an EIR. In an August guest commentary published by the La Jolla Light, a publication of the U-T Community Press, he wrote that the report is necessary "to study the entire La Jolla Canyon marine ecosystem as well as the land, traffic, parking and other environmental impacts on the community of La Jolla" of a sea lion habitat at Point La Jolla that he said serves as a tourist attraction and pollutes the water with feces and urine.

La Jolla Parks & Beaches trustee Tom Brady echoed

the need for an environmental impact report. "I think the City Council is remiss in its responsibility because it didn't do an EIR."

Fellow trustee Marie Hunrichs said she was concerned about setting a precedent for year-round closures and questioned whether the Children's Pool would be next. The Children's Pool, where harbor seals haul out and give birth, is closed to the public from Dec. 15 to May 15 annually for the pupping season.

La Jolla Parks & Beaches member Melinda Merryweather said local surfers and swimmers "know how to relate to the sea lions" and that tourists and others who are less familiar with pinnipeds are the problem.

"If the tourists are the problem ... maybe they shouldn't be allowed in that area," she said.

Hadley suggested that

she propose a way to identify who the tourists are and how to enforce such a policy.

Trustee Phyllis Minick noted that there are dogs across La Jolla "and people have been bitten, but we find a way to deal with that without closing streets and parks."

La Jolla Parks & Beaches Vice President Brenda Fake said "the Coastal Commission has failed this community" in its determination that a year-round closure is necessary.

A City Council hearing with opportunities for public comments will be held to review input from the City Attorney's Office about the ordinance and any environmental analysis, but that hearing has not yet been scheduled.

LaCava previously said the city intends to have the new ordinance and permit approved by October, before

existing law.

San Diego tenant protections

The San Diego ordinance has the same goal as the state bill — to raise the bar for "no fault" evictions — but in a different way. The proposal would require landlords to give tenants two months' rent if they evict them when the lease hasn't been violated. Seniors or people with disabilities would get three months' rent.

State law only requires one month of rent for relocation.

Phillip Molnar of The San Diego Union-Tribune noted rent has increased 19.8 percent in two years in the city and that the current vacancy rate is around 4.2 percent, making it difficult for many people to find new, affordable housing.

The council will consider amendments to delay the timing of when the ordi-

PARKING

FROM B1 Supervisors Chair Nora Vargas appeared with Gloria at the opening of the new safe parking lot.

"This is about people in our community, human beings, who need to make sure they have a safe space, a place they can call home," she said.

The lot will operate 24 hours a day and will provide clients access to resources to find housing, employment assistance, credit repair, financial education and other services.

City Councilmember Jennifer Campbell, also speaking Wednesday, noted that studies have shown that 33 percent to 47 percent of people who use safe parking lots find housing within their first six months in the program.

Jewish Family Service CEO Michael Hopkins said most people in the safe parking programs have some sort of income and just need help getting back on their feet.

In Vista on Tuesday, the City Council unanimously voted to contract with Jewish Family Service to operate a 25-lot safe parking program in the Eucalyptus Avenue parking lot at the Civic Center, 200 Civic Center Drive.

The original staff recommendation was to place the program at the Civic Center's Alta Vista Drive lot with a start-up and operating budget of \$315,000. After some discussion on the site, council members agreed to instead place the safe parking program at the city's southern parking lot off of Eucalyptus Ave, and they in-



MAYOR TODD GLORIA'S OFFICE

San Diego Mayor Todd Gloria speaks with Michael Johns, who will live at a new safe parking lot.

created the annual budget by \$111,000 to add nighttime security.

City Councilmember Katie Melendez first proposed a safe parking program in Vista in January 2022, and Jewish Family Service was selected to run the program that June. Community meetings about the program will be held in coming weeks, and the lot is expected to open by August.

The safe parking lot area will open to clients from 5:30 p.m. to 7 a.m.

Jewish Family Service Chief of Staff Chris Olsen told council members that 70 percent of clients at their lots are experiencing homelessness for the first time, 25 percent are older than 60, half are older than 50, 20 percent have families with children and 14 percent are younger than 20.

Olsen also said 33 percent of people at the Encinitas site have left to permanent housing and 57 percent overall have a positive exit, meaning they found housing or moved into a shelter rather than returning to their car. People stay an average of 46 days before having a positive exit

from the site, he said.

One public speaker questioned the choice of the lot's original location over the Eucalyptus Avenue lot, which led to the council discussion about moving it, and three people said they opposed it in their neighborhood.

Vista Homeless Services Program Manager Jonathan Lung said the site was selected because clients could use the Civic Center restrooms that are compliant with the Americans With Disabilities Act.

Melendez said she brought the idea to the council more than a year ago because a number of constituents had concerns about people sleeping in cars in the city.

"Twenty-five spots barely scratches the surface of the need," she said. "But there are so many people sleeping in our parks and their vehicles, and these 25 spots will alleviate the improper use of residential neighborhoods, because that absolutely is occurring right now."

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ASHLEY MACKIN-SOLOMON U-T COMMUNITY PRESS
La Jolla Parks & Beaches' Bob Evans (left), Brenda Fake and Tim Seery at Monday's board meeting.

this year's seasonal closure is set to end.

Other La Jolla Parks & Beaches news

Fence repair: Evans said there has been progress in an effort to repair or repair the white wooden fences along Scripps Park and the surrounding coastal areas.

"There are a lot of steps that need to be taken, but (recently) we met with the city and ... we're developing that coordination agreement of what we want the scope of work [to be] combined with what the Transportation Department will allow us to do," he said.

Evans said the next step

is getting the scope of work "clearly defined" and getting approval of the city. Thus, work will not begin for a few months.

Shack roof: The Windansea surf shack, which is maintained by Friends of Windansea, is slated to get a new roof of fronds in coming weeks.

Merryweather said the previous roof was removed recently and that palm fronds are limited due to a continuing infestation in the area of South American palm weevils. As soon as enough are secured to make a proper roof, they will be installed.

Next meeting: La Jolla Parks & Beaches next meets at 4 p.m. May 22 at the La Jolla/Riford Library, 7555 Draper Ave. Learn more at lajollaparksbeaches.org.

Mackin-Solomon writes for the U-T Community Press.

SMOLENS

FROM B1 annual rent hikes to 5 percent plus the inflation rate, with a maximum of 10 percent. SB 567 proposed lowering the maximum threshold to 5 percent.

But members of the Senate Judiciary Committee on Tuesday objected and only agreed to advance the bill if that provision was removed. The bill now focuses almost solely on closing what Durazo calls loopholes in eviction laws.

Current law allows "no fault" evictions when landlords want to move into a unit, rent it to family members, make substantial renovations, or remove the unit from the market.

Durazo and tenant advocates say the existing rules lack enforcement and still allow landlords to turn around and seek higher rent for the unit in relatively

short order.

SB 567 would require landlords moving in or renting to family to make sure the unit is occupied at least three months after the tenants are evicted, according to Lindsey Holden of the Sacramento Bee.

The landlords or family members also must live in the unit for at least three years. If the rental is removed from the market, it could not be rented for at least 10 years under the bill.

Landlords could not force tenants to move unless renovations or repairs take at least 60 days and are needed for health or safety reasons. They also would have to give renters details about the renovations.

A representative of the California Apartment Owners Association said the bill contains "more extreme eviction protections" and that lawmakers were breaching a good-faith agreement reached on the

tenant who has occupied a lot in a park for at least nine months in a 12-month period.

Violators would be subject to a \$500 fine.

The measure was passed unanimously by the Assembly Committee on Housing and Community Development on Wednesday.

These measures are not a long-term solution. But as long as there is an affordable housing crisis, the demand for stronger tenant protections isn't likely to subside.

Tweet of the Week

Goes to Jonah Goldberg (@JonahDispatch), Los Angeles Times columnist, editor in chief of The Dispatch.

"The Tucker Carlson exploratory committee announcement next week is gonna be lit."

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