



Richard Copeland

CONFLICT SOLUTION SERVICES

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Resolving societal conflict with R.E.S.P.E.C.T.

WHEN IT COMES TO DISPUTES CENTERED AROUND PEOPLE'S FUNDAMENTAL RIGHTS, R.E.S.P.E.C.T. IS IMPERATIVE

Having handled civil-rights cases as a litigator, and now being in the middle of such conflicts as a mediator, I am frequently asked how we can avoid, or at least minimize the violation of people's rights. My answer is always that the solution starts and ends with RESPECT.

January 6, 2021 – A day etched in America's memory

On January 6, 2021, the world watched as a group of American citizens stormed the United States Capitol in a violent manner – destroying property, overtaking the floors of the houses of Congress, occupying the offices of Congresspersons and assaulting law enforcement officers in “protest” of the in-progress certification of the 2020 Presidential election by the legislators. A woman was shot and killed in the mayhem that some described as an attempted coup and an act of domestic terrorism. Many consider those events to have created one of the darkest days in the history of American democracy.

Later in the evening of January 6, after having been chased out of their place of work through acts of force and intimidation, United States Senators returned to their chamber to uphold their constitutional duties. In the early morning hours of January 7 the legislators certified the results of the 2020 Presidential election. To many, these actions reflected a triumph of democracy and one of the brightest moments in the history of the Nation.

The conflicts of 2020 set the stage for January 6, 2021

The events of January 6, 2021 came immediately upon the completion of one of the most difficult years ever – one in which conflict between Americans played out on an almost daily basis over issues of social justice and civil rights. In response to the COVID-19 pandemic, many scientists and medical professionals recommended that citizens wear masks to curb the spread of the virus. Some people

have rejected wearing masks, claiming that it is their body and therefore their right to decide what they will wear. In several instances, people asserting their right to not wear masks engaged in physical altercations with those who chose to do so. When government agencies later imposed restrictions on the number of people who could engage in indoor worship at religious facilities due to COVID-19 concerns, religious organizations sued for constitutional violations, with several cases making their way to the Supreme Court.

As the friction over people's rights relating to COVID-19 recommendations and restrictions were just beginning, on May 25, 2020 an ongoing and long-running conflict rose again when George Floyd died under law enforcement restraint on a Minneapolis street. The incident, which was captured on video, sparked national protests and civil unrest concerning the violations of people's constitutionally protected rights during interactions with police officers. Floyd's death raised awareness of incidents occurring earlier in 2020 including those involving Breonna Taylor, Ahmaud Arbery and Christian Cooper and once again called into question the issues of implicit and explicit bias in American society, and particularly the legal system.

The topics of COVID-19, policing, and racial bias shaped much of the 2020 presidential campaign. At the first presidential debate on September 29, 2020, Americans witnessed what NBC “Nightly News” anchor Lester Holt said, “could have been a low point in political discourse.” In discussing important topics involving the future of American citizens' rights, Donald Trump and Joe Biden spent much of the evening trading insults. During the debate, Trump brought up Biden's son's battle with drug use and belittled Biden's collegiate academic performance at the University of Delaware, stating, “He was the lowest or almost the lowest in your class. Don't ever use the word smart with me because

you know what – there's nothing smart about you, Joe.” At one point, Biden said to Trump, “Will you shut up, man?” He followed later with, “It's hard to get any word in with this clown,” and referred to Trump as Russian President Vladimir Putin's “puppy.”

The vitriolic campaign ultimately culminated in the election, where, when election night ended on November 3, 2020, the result still hung in the balance. After several days of finalizing vote counts in closely contested states, including Georgia and Pennsylvania, Biden was declared the winner. Trump, however, would not recognize Biden's victory, claiming voter fraud in large urban areas such as Atlanta and Philadelphia. Trump's claims of fraud were viewed by many as a threat to the right to vote, with Trump's challenge to vote-by-mail and ballot drop boxes being deemed by some as the modern day version of literacy tests and poll taxes. Trump's repeated proclamations after the election that he would not concede paved the way to the events of January 6, 2021.

The importance of respect

In the immediate aftermath of people storming the Capitol, one word reverberated as to what is needed to carry America forward in a productive and peaceful manner: RESPECT. It started with then-Senate Majority Leader Mitch McConnell denouncing attempts to overturn the results of the presidential election, declaring, “I will vote to *respect* the people's decision.” In responding to the overtaking of the Capitol Building, then-President-Elect Biden stated, “Our way is plain: it is the way of democracy – of lawfulness and *respect* – *respect* for each other, and for our nation.” Perhaps R. Clarke Cooper, the then-Assistant Secretary of State for Political-Military Affairs, put it best when he tweeted, “Americans are bound together in a common life and a common pledge to each other. In the midst of our struggles for justice and truth, we must work together with mutual *respect* and

forbearance, not confront each other with hatred and bitterness.” Unfortunately, however, getting people to respect each other is not an easy task.

With America seeing the difficulty that people have in respecting each other play out over the last year – from people punching store employees because they are told to wear a mask, to a citizen under the restraint and control of law enforcement begging for his life until his last breath, to police officers being shot simply because of the uniform they wear, to people disagreeing with the views of others to the extent that they attempted to undermine the principles of democracy to get their way – it is clear that many people have some work to do.

Resolving conflicts with the R.E.S.P.E.C.T. approach

In my practice, I have developed a methodology that is designed to help people in conflict learn to respect each other. When it comes to disputes centered around people’s fundamental rights, this is imperative. The R.E.S.P.E.C.T. approach was derived as an acronym from the word respect and consists of the following elements: Responsibility, Education, Similarity, Perspective, Empathy, Communication and Togetherness.

R: Responsibility

Responsibility means that people approach a conflict by showing the other party that they will voluntarily address the issue in front of them and will be trustworthy. When people sit down to address a conflict, it is important to show their commitment to the process. The fact that someone shows up on their own to begin addressing a problem provides hope that a negotiated resolution can be reached.

The second part of responsibility, trustworthiness, is something that each party must earn from the other side. A person earns trust by showing another that they will be accountable and will work in a manner that creates a safe environment. Without trust, people

cannot stay focused on the task of resolving the problem and will not feel comfortable with either the other party or the process. People want to know that the person with whom they are working will deliver on what they say.

E: Education

Education involves people learning how the other person or group lives and operates. Learning about people’s individual and group preferences helps create an environment in which parties can negotiate a solution to a problem by meeting each party’s respective needs. When it comes to the issue of policing in a manner that best upholds the rights of citizens while recognizing the need for law enforcement to carry out its job, the model of relationship-based policing uses the education of personal and group interests to improve the outcomes of citizen-police interactions. Relationship-based policing strives to create an environment open to change by having officers get out of their patrol vehicles and instead use foot patrol to engage in conversations with people and learn about them and their community without being in a situation where the interaction arises from a call for service. Relationship-based policing provides a method for officers to know those in the community in which they work on a person-to-person level and gives them insight as to how the people in the community they patrol live and would like to be treated. Similarly, citizens who get to know the officers policing their areas will learn that these are men and women with families and lives outside of their jobs and will have the opportunity to view them as fellow human beings as opposed to a nameless officer wearing a uniform.

S: Similarity

People’s ability to find similarities that they have with someone else can be very powerful in breaking down barriers between them. By and large, in addition to the fact that everyone is human, an individual shares at least one commonality with another person.

Something as small as people knowing that they each have children or that they like the same sports team, restaurant or movie can serve as the basis to start a conversation, build a relationship and open up a deeper dialogue about difficult issues. To start resolving a problem, it is important for a person to stop viewing the other person as an outsider, but as someone with whom they share things above and beyond simply being involved in a shared conflict.

P: Perspective

Everyone has their own “truth.” Many people believe that their story constitutes “the facts” about a particular situation. Yet people need to understand that others see and experience the world differently. What people bring to a dispute is their own perspective about what happened. Reframing a conflict into a story that acknowledges everyone’s perspective helps to refocus and assess the issues and creates a common narrative from which people can begin to tackle a problem.

E: Empathy

While every element of the R.E.S.P.E.C.T. formula is important, without empathy, it is difficult to meaningfully address conflict revolving around the issue of another’s civil rights. Empathy and sympathy are often confused with each other and are not the same thing. Sympathy involves a person feeling badly that another has experienced something negative. Empathy involves the ability of a person to put him/herself in another person’s shoes and feel what the other person is going through. Feeling and sharing the emotions of another is a powerful happening. A person allowing him/herself to dig deep inside and experience another’s feelings with respect to a particular situation helps to broaden his/her perspective and approach resolving a dispute with intelligent compassion. When it comes to civil rights and social justice, until people are willing to do the hard work of allowing themselves to go to

a place where they can feel what it would be like to have opportunities denied to them based solely on a physical characteristic, conflicts will likely continue to surround these issues and will be more difficult to resolve.

C: Communication

In watching various news programs where pundits push their opinions about police issues, COVID-19 restrictions, and elections, it is clear that Americans are most often talking at each other and not with each other. While every interested person or group in a conflict needs to be provided an opportunity to speak, the most important part of a conversation is the ability to listen to each other. When discussing a conflict person-to-person or in a group setting, it is imperative for people to sit and listen to the other side uninterrupted as if they are hearing the other's perspective for the first time. Listening to someone, without being ready to give an immediate retort or pushing a person's own position, many times results in people hearing things they have never considered before or hearing things in a different manner such that it changes their own perspective. When people open up and are able to transform their thinking, it allows for solutions to problems that may not have previously been contemplated.

T: Togetherness

All parties to a conflict must work together to solve a problem. Everyone

needs to own the resolution to a dispute. If only one side is contributing possible options or deciding an issue, the other side invariably feels that their interests have either not been heard or met, in which case the solution is bound to fail. By working together, everyone takes ownership of the solution and is invested in seeing that it works. Changing policies and training relating to policing is more acceptable to citizens when individuals from their community have participated in effectuating those changes. Some municipalities have created bodies like the Los Angeles Police Commission consisting of members who are not law enforcement professionals and are responsible for overseeing the police department and setting policies. By jointly working together to solve a problem, particularly when it comes to addressing someone's rights, the resolution is more likely to be long lasting.

Hope for a better 2021

The afternoon of January 6, 2021 began with what many perceived to be a threat to the foundation of democracy and an attack on the United States' government institutions. Those events presented an immediate threat to the rights of American citizens. When one of the highest levels of conflict in recent memory presented itself to the United States Legislature, they collectively responded with R.E.S.P.E.C.T. to protect the United States Constitution. As the

Congresspersons returned to the Capitol to do their work and when January 6 advanced to January 7 and they certified the results of the 2020 presidential election, there was hope that maybe with R.E.S.P.E.C.T., 2021 will be a better year than 2020.

Richard ("Rick") Copeland is the founder and principal of Conflict Solution Services, a mediation and conflict coaching firm located in Glendale. As an attorney, Rick spent more than a decade equally representing plaintiffs and defendants as a litigator in Civil Rights, general liability, professional liability, construction defect, employment, insurance coverage, insurance bad faith and ERISA matters before transitioning to practicing alternative dispute resolution in 2012. A full-time neutral since 2014, in the last five years he has mediated more than 600 Civil Rights cases. Holding a Masters in Dispute Resolution from the Straus Institute for Dispute Resolution (2013-Pepperdine Law School) and certificates for completing the Mediation (2011) and Advanced Mediation (2015) training from Harvard University, Rick has served as a lecturer for the course "Managing Conflict Effectively" through UCLA's Undergraduate Fiat Lux program and has presented on the topics of mediation and civil rights mediation at MCLE seminars.

