



Solving Conflict

5 STEPS TO IMPLEMENTING AN ALTERNATIVE DISPUTE RESOLUTION PROGRAM

Most community associations will face some form of conflict. Many turn to alternative dispute resolution and consensus building to foster greater understanding and improve communication. This constructive, people-centered strategy is far less costly than the traditional justice system and promotes harmony rather than discord among neighbors.

Alternative dispute resolution does not replace the legal system. It's intended to make the legal system work more efficiently because it will separate and examine all of the substantive, procedural, and psychological issues that comprise a dispute, leaving a clearer picture of what should legitimately be left to the courts and what issues would be impossible or inappropriate for the courts to resolve.

Follow these five steps to implement an alternative dispute resolution program in your community:

- 1. Develop a policy of proactive conflict management.** Community association board members and managers should obtain training in negotiation and mediation. Publicize the association's commitment to preserve relationships through constructive conflict resolution. Modify association documents to mandate alternative dispute resolution prior to legal proceedings.
- 2. Maintain strong communication with members.** Studies show that most conflict results from poor communication. Contact members at the first hint of a communication breakdown. The earlier the association intervenes, the fewer financial, social, and emotional costs it will incur.
- 3. Involve those closest to the problem.** A satisfactory and timely resolution means working with the individuals directly involved in the conflict.
- 4. Seek reasonable solutions.** Association boards and managers must blend the elements of business, government, and community. Their resolution strategies must be technically and legally sound, workable, and socially responsible. If the board and manager overemphasize legal issues, they can turn minor problems into major battles. Do not overlook the human factor when making a decision.
- 5. Supplement—don't replace—the legal system.** Litigation often is a legitimate approach to resolving a dispute, but litigants frequently misuse the legal system by expecting it to work out their problems for them. The truth is that the justice system can only address specific issues from a legal standpoint. This is why litigation often is an ineffective means of resolving disputes over the long term. A dispute comprises many dimensions. What is repeatedly identified as the cause of the conflict—and the issue that ends up in court—really is a smoke screen for the true dispute. Consequently, after the issue is decided in court, the root cause of the conflict remains.

» Learn more about alternative dispute resolution in **Conflict Resolution: How ADR Helps Community Associations.** www.caionline.org/shop

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