

OPINION

editorials, letters, commentary and perspective

What do you think of the U.S. Forest Service seizure of the notes, film and camera of two journalists at Warner Creek? Let us know.

▶ SOUND OFF

EDITORIAL

Mediation process improves our legal system

OUR OPINION:

Keeping legal disputes out of the courts and in the hands of involved parties brings speedy resolutions and responsibility

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What do you think? Write us a letter expressing your opinion or E-mail us at ode@oregon.uoregon.edu Letters to the editor must be limited to no more than 250 words, legible, signed and the identification of the writer must be verified when the letter is submitted. The Emerald reserves the right to edit any letter for length or style.

If you get into a car accident and are forced to sue the other person in order to reclaim damages, you are looking at two to three years before the problem is resolved in the courts.

Now, imagine for a moment that you are given the opportunity to sit down with the guy who hit your car. The two of you will meet with a facilitator who will guide you to a mutual resolution next week. The decision you agree on will be signed by a judge who will enforce it if necessary.

This is mediation. It is the future of our justice system in America, and it is a step in the right direction.

The courtrooms of America are clogged with all kinds of disputes that could be settled through mediation. Many law professors see a variety of ways to apply the process, from divorce and business contracts to personal injury and criminal cases.

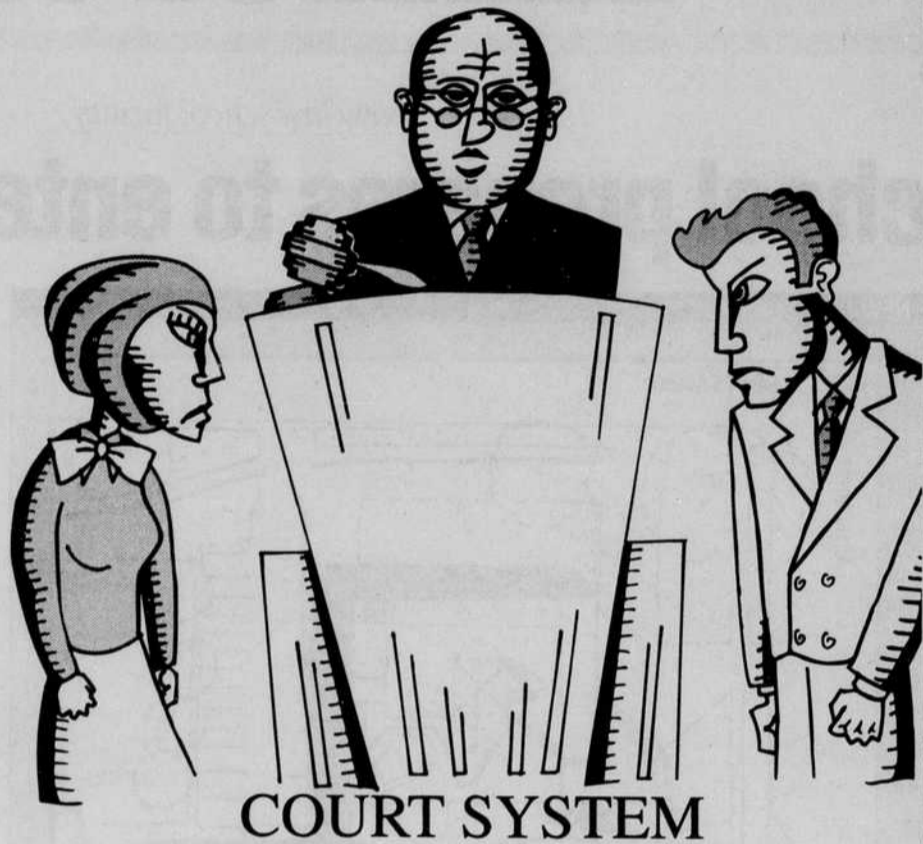
In the last decade, this country has adopted a mentality that a lawsuit will solve a problem or make some money. Mediation is the perfect remedy to a growing problem.

First, the people who have legitimate disputes can look to this process to help them find a solution that works for everyone involved. Secondly, the people who are only out to work the system for their own gain, will be forced to sit down in a session to find resolution. This kind of face-to-face interaction may weed out those people who manipulate the legal system.

The most positive aspect of mediation is that it forces people to take responsibility for their actions. Litigants do not have a lawyer to hide behind; a lawyer who can argue their clients' way out of accountability. Mediation gives individuals an opportunity to air their concerns in an open environment. A place where their concerns are central to finding a resolution.

Of course, not all cases can be resolved through mediation. Going to court is sometimes the only way to solve some disputes. But for the majority of people who are willing to make an honest effort to find resolution, this is a great start toward an efficient judicial system.

This editorial represents the opinion of the Emerald editorial board.



HISTORICAL CHECK

In 1989, Multnomah County Courts developed a mediation program to give participants in lawsuits an opportunity to work out a solution for themselves before going to court.

In 1993, University of Oregon School of Law held its first mediation clinic in conjunction with the Lane County Courts. Students and faculty learned hands-on mediation skills.

In 2020, the State of Oregon will have adopted a fully-integrated dispute resolution system. The system seeks to provide the public with a variety of legal options before going into litigation.

EDITORIAL

Seizure of public information was big mistake

The U.S. Forest Service had no legal right to seize the notes, film and cameras of two Register-Guard journalists.

The seizure came last weekend as the journalists were covering protesters' attempts to block access to a salvage logging sale in Warner Creek.

First, the initial arrests of the journalists were out of line. According to the Register-Guard, when the reporter and photographer offered to leave, they were handcuffed and taken to jail. If Forest Service officials had ordered them to leave and they failed to obey that would have provided a basis for an arrest.

According to the Register-Guard, the Forest Service gave the media two options: don't cover the event, or be arrested. This borders on prior restraint, which the Supreme Court ruled unconstitutional in 1931. If the media is supposed to be the watchdog of the

government, how can the government seize the very tools necessary to do the job? It cannot.

In addition, the Oregon Shield Law prohibits the seizure of a reporter's notes, unless law enforcement officials have "probable cause" to believe the reporter has committed, is committing or is about to commit a crime.

The journalists were charged with criminal trespass. It is not necessary to seize their film and notebook to prove this.

The Forest Service's actions demonstrated a lack of training and thought by their employees on several levels.

- Their decision was illegal.
- Their decision was unethical. This action interferes with media's right to present an accurate first-hand account of the event.

- They failed to realize that the Register-Guard and other media would see the

incident as an attack on their First Amendment rights and would fight the seizure.

- They failed to consider that, given the above, the Register-Guard would give the incident prominent exposure and bring unwanted negative publicity to the Forest Service.

- And finally, seizing the materials would not stop the newspaper from writing the story.

Obviously, someone at the Forest Service realized this. Yesterday the materials were returned to the Register-Guard. Officials said the film was sent to be processed, but no one looked at it.

The Forest Service broke the law with its action last weekend. Returning the notes, film and camera cannot right the wrong committed.

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