



The Mediation Monitor

Issue 3

January—March 2014

Empowering people and organizations with alternative methods for resolving disputes

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Happy Spring - Happy Relationships

Spring is right around the corner, and as a time of renewal and growth, it is an apt analogy to our personal lives when we think about oh say, spring cleaning. That time when you drag the lawn furniture out of the garage, dust things off, and maybe even tackle a project left over from last year....

We don't often think about it, but spring cleaning may also be applied to relationships. Yes, even relationships need dusting off and rejuvenating once in awhile. For instance, you might have a relationship with your neighbor that has soured, or a family situation that has left its mark on a relationship that's important to you, or a friendship that hit a bump, or perhaps you are having difficulty with a co-worker or partner.

If you would like to work toward putting a relationship back on solid ground, there is work to be done and mediation can help. Mediators provide a forum for neighbors, friends, family

members and co-workers to come together to have a constructive dialogue about what went wrong and what will fix the problem.

A lot of people think mediation is all about warm and fuzzy, but it is quite the opposite. Mediation is about honesty, taking responsibility for past wrongs and making a good faith effort to make things right. This is hard work, but if the relationship is important to you, and you are willing to make the effort, then you have an excellent chance of experiencing a positive result. All you have to lose is a good deal of stress, anxiety, and the possible loss of a meaningful relationship.

A Tribute to former Nevada Legislator, Bernie Anderson

The Board, Staff, and Volunteers of the Neighborhood Mediation Center gratefully acknowledge Mr. Bernie Anderson's contribution to our community through Assembly Bill 208 that resulted in the establishment of the Neighborhood Mediation Center in 1999. Sadly, Mr. Anderson passed away in January of this year.





Upcoming Trainings

Beginning Mediation Training

The NMC will sponsor a Beginning Mediation Training class from April 23rd to the 27th on the UNR Campus. Trainers Jeanette Belz, Margaret Crowley, and Betsy Kosier will return to provide the community with state of the art skills and hands-on mediation training. This training is a collaboration between NMC and the University of Nevada Reno Extended Studies Program. Registration forms can be found at www.extendedstudies.unr.edu. If you would like further information about this training call NMC at 788-2127.

Here's what last year's participants had to say:

"This was an excellent introductory course to mediation in general. Well organized and executed."

"Absolutely the most valuable continuing education course I have ever participated in."

"This course exceeded my expectations. Every professional, neighbor, parent—heck — everybody should take this training."

"Exciting, thought provoking and life changing."

Nevada Dispute Resolution Coalition Advanced Mediation Training

2014 Advanced Mediation Training

"Getting to the Heart of Conflict"

Trainer: Rebecca T. Magruder, MSW, JD
Date: March 14, 2013
Time: 8:30 a.m. - 5:00 p.m.
Place: Associated General Contractors
Training Room
5400 Mill Street
Reno, NV

NDRC is excited to share information about the 2014 Advanced Mediation Training. Follow the link for more detailed information including the registration form and registration fee.

<http://www.nvdrc.org/trainings.html>

Lauri Macklin has been a corporate coach since 1994 in areas such as communication skills, professional presence, presentation, time management, career transition, and work/life balance. Clients have included The Walgreen Co, KPMG, Glenwood Capital, Performics, and the Chicago Symphony Orchestra, among others. Over time, so many of her clients needed coaching on how to deal with difficult managers, co-workers or clients, she found herself attending mediation trainings. In 2009 Lauri began to mediate and has been a volunteer with the Neighborhood Mediation Center since 2010. Lauri is a Registered Corporate Coach, and holds a Masters/Professional Certificate in Dispute Resolution from the Straus Institute at Pepperdine where she received a Cali Award for Excellent Achievement in Cross Cultural Mediation and Dispute Resolution. She is fluent in Portuguese and French, and manages Spanish.



"It is a great responsibility to be a mediator as well as an honor to be able to help others when they have locked themselves in conflict. I learn about my own conflicts by assisting others with theirs."

NMC update: Board elections were held at the NMC Annual Meeting held on December 10, 2013. The newly elected Board Chair is John Albrecht who replaces outgoing Chair Carlos Romo. Hal Albright was elected Vice Chair, Dawn Huckaby was elected Secretary, and Janis Reams was re-elected as Treasurer. Carlos Romo remains a board member as do Dave Randolph and David Gamble. Congratulations and many thanks to all NMC Board Members for their dedicated volunteer service.

Upcoming Conferences

Association for Conflict Resolution
ACR 14th Annual Conference

Conference Dates
October 8-11, 2014
Cincinnati, Ohio

Website: <http://www.acrnet.org/annual2014/>

ACR Conferences gather conflict resolution practitioners, students and interested parties from all corners of the globe to network, learn new skills, discuss cutting-edge issues and keep abreast of what is happening in the expanding field of conflict resolution. ACR's annual conference attracts more than 600 people from around the world and offers more than 50 workshops.



ACR 14th Annual Conference • October 8-11, 2014 • Cincinnati, Ohio

NEIGHBORHOOD MEDIATION CENTER

Phone: 775-788-2127
Fax: 775-322-5404
www.mediatenmc.org
E-mail:
mediatenmc_claudia@yahoo.com

SEEKING NEWSLETTER CONTRIBUTIONS

If you would like to contribute to the NMC newsletter, we welcome articles, and information on upcoming trainings and conferences, as well as other events and information related to mediation and conflict resolution. Please send us your ideas. review.

Please let us know if you would like to be added to the NMC Newsletter electronic mailing list.

NMC is primarily funded by Washoe County from court filing fees.

From the Program Director's Corner ... Small Claims Court Refreshers Who should be in the room? And 'The Opening'

The last refresher dealt with the courtroom presentation. Once you've given the presentation and both plaintiff and defendant have chosen mediation, take the parties to the mediation room. Before entering the room, verify who will be in the room. Normally, only named parties are taken in unless all parties agree to others being present. The 'others' could be witnesses or persons with specific, pertinent information regarding the case, i.e.; the mechanic or handy man who actually did the work, the tenant or manager who was actually present during some sort of repair or walk-through, the sales person who actually made the sale, etc. It could also be someone who is present simply for moral support. Once there is agreement on who is in the room, seat the parties. Verify that anyone representing a business has negotiation authority. If the owner is not present, representatives may have some level of authority but may need to take a break to call if an agreement is information that exceeds his/her authority.

Once settled, proceed with your opening. Start with introductions. Utilizing first names can create a more amenable atmosphere. Inquire if first names are appropriate but allow parties their preference. Inform parties that mediation is a *confidential* process. You cannot be called to attest to anything that occurs in mediation and any notes you take will be destroyed at the end of mediation. Explain that mediation is *voluntary*, that at any point in the mediation, one or both parties can elect to terminate the mediation and return to court. Inform them that your job is to guide or manage the mediation as a *neutral* third party and you do not advocate or make decisions for anyone. Mediation empowers parties with *self-determination*. Documentation is shared between parties only. Mediators should not touch or look at evidence. Ask parties to listen for new information. Once parties have reached court, they've probably stopped talking. New information can sometimes shift positions. Lastly, explain the *ground rules*: cell phones off; no interruptions while each party is recounting his/her perspective; use *constructive* language; maintain *respect* for each other, for the mediator and for the process. Last but not least, emphasize that participating in *good faith* is paramount.

The Hidden Costs of Workplace Conflict

When protecting the organizational bottom line, it's worth understanding the costs of workplace conflict. Many of these costs are hidden and they include theft, property damage, absenteeism, low productivity, low morale and turnover. Turnover can become even more expensive when valuable organizational knowledge follows a long-term employee out the door.

Another huge cost to organizations is the price tag of litigation when a conflict becomes intractable. Dr. Dan Dana, retired President & Director of Program Development at the Mediation Training Institute International, reveals that all these costs added together cause corporations to pay out billions of dollars each year due to the destructive affects of unresolved conflict.

Many organizations have come to adopt a CMS or conflict management system to help employees better manage workplace differences and relationships. A CMS includes conflict management training for employees and managers, and offers employees alternative dispute resolution processes such as negotiation, mediation and arbitration when parties are unable to work through conflict on their own.

Although CMSs require an initial investment of time and money, the investment is by far less expensive than ongoing workplace conflict.

If you wish to know more about how a CMS could benefit your organization, please call NMC and ask for Claudia at 775-788-2127.

NMC Discussion Forum

The NMC Discussion Forum, held on February 18 at Bishop Manogue High School, brought mediators together to talk about impasse, a common challenge faced by mediators when parties are unable to make progress toward resolution. Impasse can be thought of as hitting a wall or encountering a roadblock and can surface at any point during the mediation process — from the minute parties are seated up to the point of writing an agreement. Even though it may be perceived as a roadblock, it is frequently an indication that there is something that needs exploration before further progress can be made.

Those in attendance discussed reasons why parties are sometimes unable to move successfully through conflict to resolution. Some of the reasons that were identified include: parties are stuck in their positions, in their story; parties are stuck in the past, unwilling to be future focused; fear that a relationship will end if conflict goes away; cultural or gender differences; difficult personalities; parties may be overwhelmed by the mediator moving too fast, too many issues on the table; the conflict may not be ripe for resolution.

The mediators then discussed several techniques that can work to move through impasse. Some techniques identified include: good pre-mediation preparation on the part of the mediator; utilizing caucuses or separate sessions; taking a break; silence; re-visiting common ground or points of agreement no matter how small; asking parties to articulate the consequences of not resolving the conflict through mediation; utilizing 'parts' theory—asking parties if they can agree to part of what's being said/proposed; chunking/unpacking—helping parties to gain agreement on smaller issues to build momentum for agreement on larger issues; the mediator acknowledging and even accepting impasse as the conclusion of the session which can sometimes shift the dynamic in the mediation and remind parties that they own the conflict and the outcome.

Discussion was also held on the question, "Is it ok to for mediation to end in impasse?" The consensus was yes. It's not a mediator's job to 'fix' problems or force agreement. Parties may agree to disagree. The opportunity to communicate in a guided, safe environment may be enough for people. They may need time to digest what's happened and how best to proceed.

NMC's first discussion forum was very well received. There were many positive and appreciative comments including, "Do it again!". Several participants offered topics for future discussions. NMC plans to hold 3 discussion forums per year. They will provide an environment for mediators to meet and share with the goal of learning new skills and improving upon the skills they already possess. Future forums will be announced by email and through the newsletter.

"My fondest wish is that our social evolution keeps pace with our technological progress, so that the peaceful resolution of disputes will similarly become as commonplace as microwaves and mobile devices. Then it will no longer seem that mystical forces -or card tricks, or magic pennies — are needed to bring together the bitterest of enemies for a common purpose."

~ Jerry Lazar, Mediator by day and Magician by night