



The Mediation Monitor

Issue 7

January—March 2015

Empowering people and organizations with alternative methods for resolving disputes

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Reno Justice Court Begins Mandatory Mediation for Small Claims

The Neighborhood Mediation Center (NMC) has been offering voluntary mediation to the Reno and Sparks Small Claims courts for years, but starting March 1 in Reno Justice Court (RJC), parties to small claims cases will be mandated by the court to attend Mediation. Cases will be scheduled for Tuesdays and Wednesdays during the hours of 11:30 am to 1:30 pm at the RJC courthouse. Mediators with NMC will volunteer their time to assist parties in conflict to reach a satisfactory resolution without having to attend a trial.

When people engage in a lawsuit, they may find themselves expending time and money they do not have. And there are no guaranteed outcomes for either side meaning that all too often, even those who prevail in court are not fully satisfied with the Court's decision. On the other hand, Mediation allows parties to:

- Reach a mutually acceptable solution that a court would not have the power to order
- Save time and money
- Preserve ongoing business and/or personal relationships

Mandatory mediation programs have been used by courts in the US and other parts of the world for over two decades. Cases types include small claims, divorce, workplace, environment, and criminal cases involving both adults and juveniles.

NMC Board, Staff and Mediators bid a fond farewell to Dr. Carlos Romo

Carlos and his wife Nancy are leaving Reno in March to make a new home in Oregon where they will be closer to their children and grandchildren. Carlos has served the community in numerous ways since moving to Reno in 1972. He has supported NMC by volunteering his time as a mediator, and as Chair of the NMC Board from 2010 to 2013. Carlos is an active member of AARP and has served on the Nevada Executive Council. Over the last year, his role with AARP has expanded and he will continue to work with the organization after he's settled in Oregon. Carlos, your contributions to our community are invaluable. Thank you!

**The Neighborhood
Mediation Center
and UNR present**

***“Mediation
And Conflict
Resolution
Training”***

**April 14-18, 2015
Tuesday through
Saturday
8 a.m. to 5 p.m.**

**\$1,050 by
March 13**

**\$1,250 after
March 13**

**Instructors
Claudia Wahl
Monica Kales**

Beginning Mediation Training

The Neighborhood Mediation Center and UNR Extended Studies offer community members an intensive skill-based, 40-hour training in Facilitative Mediation.



Learn how to analyze, address and manage conflict effectively by gaining a valuable education in mediation and conflict resolution. Mediators come from a wide variety of backgrounds and use their skills in business, education, counseling, law and law enforcement, social services, ministry, and as conflict resolution professionals.

For more information about the field of mediation and conflict resolution, call the Neighborhood Mediation Center at 775-788-2127 or visit www.mediatenmc.org. You can find the link to register for the Beginning Mediation Training class on the NMC website under the training tab.

***NDRC
Annual
Advanced
Mediation
Training***

World renown trainer, mediator, and Director of the Center for Dispute Resolution, Kenneth Cloke was in Reno on January 31 presenting the annual Advanced Mediation Training, sponsored by the Nevada Dispute Resolution Coalition (NDRC). The training was phenomenal and well attended by mediators and other professionals from the community. Ken Cloke’s vast experience in mediation shone through as he talked about the responsibility of the mediator to open a space for people to move from a conflict dialog to a resolution dialog. He offered an array of advanced techniques that he successfully uses to help clients resolve conflict and heal the relationship. Ken encouraged mediators to improve their practice with continuing education and partnerships with other disciplines.

Thank you, NDRC! <http://www.nvdrc.org/>

**NMC
Volunteer
Profile**

Judge Harold Albright

NMC Board Vice Chair

Harold G. Albright, Senior Judge, has lived in Reno since 1951. After being educated in Nevada schools he received his Doctor of Jurisprudence degree from the Willamette University College of Law in 1971. He worked for a year at Mount Bachelor Ski area in Bend, Oregon and then returned to Reno to practice law. He is married and has two children and three grand children living in Reno. In 1999, after approximately twenty seven years in private practice, he ran for and was elected to serve as Justice of the Peace in Reno Township. Judge Albright served for twelve years before retiring and currently serves as a Senior Judge in Justice Courts throughout the state of Nevada.

During his practice, Judge Albright became very interested in alternative methods of dispute resolution. He was appointed to the Nevada Supreme Court Committee on Alternative Dispute Resolution where he worked with others to draft the court rules for mandatory alternative dispute resolution which operate today. While serving as Justice of the Peace, he met Trip Barthel who was the Director of the Neighborhood Mediation Center. They worked together to establish the first program for voluntary mediation in small claims cases in Justice Court. This program still operates in the Reno Justice Court and becomes a mandatory program in March 2015. In 2001 he received the Peacemaker of the year award from the Nevada Dispute Resolution Coalition and he currently serves on the Board of Directors of the Neighborhood Mediation Center.



"When I served as Judge, I was able to personally witness the satisfaction parties experienced with the extraordinary service they received from the process of mediation, and the wonderful job the volunteers of this organization do. I am more and more convinced of the benefits we provide to the community."



**2015
Association
for Conflict
Resolution
Conference
Reno Nevada
Oct. 7-10,
2015**

[Association for Conflict Resolution](http://www.acr.org)

*Is
certification
for
mediators
necessary?*

From the Executive Director's Corner..... Mediator Certification

Certification for mediators is usually a lengthy process requiring many hours of training beyond the initial 40 hours. This is often followed by the successful completion of a practicum. A good example of the requirements for certification come from Mediate.com. This organization requires 100 hours of mediation training, and at least 500 hours of mediation case experience. The mediator is required to carry liability insurance and must complete yearly continuing education training.

A few states and court programs require certification regardless of whether you are a volunteer or are paid for your services. Some mediators are required to be certified for case types such as divorce, custody, and labor disputes, but by far the vast majority of mediations are effectively performed by non-certified mediators.

Certification credentials may appeal to some prospective clients, but so far there are no research findings that indicate that certified mediators are more sought after, or more successful than non-certified mediators. Another consideration for certification is that the process can be costly in terms of time and money.

A major drawback to requiring certification is the grassroots appeal of mediation for the general public. The fact that mediators are for the most part not required to be certified or licensed can mean greater access to the process. Costs for mediation stay affordable, and in some cases can be offered for free. Non-certification also means there is a greater diversity of mediator style and experience to choose from at all income levels.

Some might say that quality over quantity counts, and that certification implies regulation for the sake of quality. Conversely, it could be argued that regulation does not always equate to quality. Remember the 2004 Vioxx scandal at the heavily regulated FDA? Estimates of the people who died from the early release of a very dangerous drug ranged from 55,000 to 60,000. Granted this is an extreme example of regulation not working as intended, but then those are the kinds of cases that make the news.

Granted, trained, experienced mediators aren't perfect. But as in any other profession, the vast majority of mediators faithfully practice a set of industry principles found in the [Model Standards of Conduct for Mediators](#). This document was approved by the ABA, AAA, and ACR in September of 2005

Mediation has been around for over 3,000 years and my guess is that it will continue to be a safe, effective process for conflict resolution without the need to certify practitioners.

Click the link below to find out
more about mediation and NMC

www.mediatenmc.org

NMC is primarily funded
by Washoe County
court filing fees.

Using Silence in Mediation



People can be very uncomfortable with silence during a conversation, and this discomfort can be even more pronounced during a mediation. Mediators are trained to summarize, reframe and ask questions to move parties forward in the process. These are standard techniques that all mediators use. Another technique that isn't as often used, and that can be highly effective, is the use of silence.

Brad Heckman, founder and CEO of the [New York Peace Institute](#) believes that the use of silence by the mediator can be of great benefit to the parties. He states that, “Eventually someone is going to say something, and it needn't be the mediator. And that's really an example of this being the parties' process, honoring their self determination” (Ó Súilleabháin, A., 2014).

Silence offers participants an opening to speak to what they feel is important and relevant. Often this can take the process exactly where it needs to go.

*Did you know that the words **silent** and **listen** use the same letters?*