



Mediation Monitor

Issue 17

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"Isn't it Obvious?"

How often do we take the time to look beyond the obvious? So many times, we truly believe we know the facts of any given situation—our facts are THE facts, our story is the ONLY story. There simply isn't another perspective that bears consideration.

All of us have a world view, usually based in our family of origin and built upon by the experiences that shape us throughout our lives. Much of that worldview can serve us well most of the time. However, there are times when what's obvious to us isn't so obvious to someone with whom we're having a disagreement.

F. Scott Fitzgerald posited that, "The test of a first-rate intelligence is the ability to hold two opposed ideas in mind at the same time and still retain the ability to function." While there are certainly many indicators of intelligence, in every mediation, depending on the number of parties at the table, the mediator is presented with at least two opposed perspectives and is expected to function effectively within the framework of all perspectives that are offered.

The concepts of neutrality and an individual's right to self-determination, two of the core tenets of mediation, don't really come naturally to many of us. Can anyone be truly impartial? Can we really allow someone to make decisions for him/herself that we may disagree with, sometimes with good reason? With curiosity and a desire to interact and communicate with people in effective and positive ways, these concepts can be learned through developing self-awareness and practicing the skills learned in mediation trainings. Developing the ability to not only hear two opposing views but help people in conflict find middle ground by encouraging a conversation that holds up those two perspectives is a large part of the mediator's job.

In the course of our work at the Neighborhood Mediation Center, the majority of people we encounter have never been in mediation. We endeavor to explain that, given a chance, mediation can help with their situation, either by improving their communication, finding mutually agreed-upon ways of managing the situation or even by crafting a lasting resolution that both parties or all stakeholders take ownership in, helping everyone move on with their lives.

The hope of mediation is that, with cooperation and good faith participation, all parties to a dispute will become open to considering alternative perspectives and be willing to expand their definition of what's "obvious."



“The instructors were awesome. Very knowledgeable and engaging”

“Great examples and ability to display the concepts”

“The hands-on mediating to apply what was learned in the class was very valuable”

“One of the best trainings I’ve ever had”

April 2018 Beginning Mediation Training

Claudia Wahl, former NMC Executive Director, and Monica Kales recently finished training 20 participants in the Facilitative model of mediation at the annual 40-Hour Beginning Mediation and Conflict Resolution course. The course is offered in collaboration with UNR Extended Studies. The students were introduced to the process of mediation and had the opportunity to practice applying the skills in several role plays over the week.

This year’s participants came from a wide variety of backgrounds including the Nevada National Guard, Washoe County agencies, local hospitals and community assistance non-profits, for-profit businesses and consulting firms, University of Nevada staff and a Department of Homeland Security employee from Vermont! They were very engaging and insightful individuals whose participation contributed in valuable ways to the course. Congratulations and thanks to this group!

NMC appreciates its ongoing relationship with UNR Extended Studies, especially Assistant Director Shera Alberti-Annunzio and Jordan Tucker, Instructional Designer. They and their staff make what can be an intense week of training comfortable and welcoming. Thank you, Extended Studies!

24-Hour Advanced Mediation Skills Training

Instructors: Monica Kales and Dawn Rafferty

August 1-3, 2018 Wednesday thru Friday, 8am to 5pm

Redfield Campus UNR Extended Studies

- ◆ Review the Facilitative model of mediation and related skills
 - ◆ Set the tone with the opening statement
 - ◆ Develop greater awareness of gender and culture
 - ◆ Improve agreements
 - ◆ Introduction to Conflict Coaching
 - ◆ Practice skills in complex role plays

For more information

www.extendedstudies.unr.edu

775-784-4046

Prerequisite: 40-hour Beginning Mediation Training

30-Hour Divorce and Child Custody Mediation Training

May 29-June 1, 2018

Nancy Cleaves, MSLA and Katherine Berning, MA, JD, trainers

For more information, contact:

carsonmediationcenter@gmail.com or 775-887-0303

From the Program Director's Corner

Often when a mediator appears in Small Claims Court as part of a mandatory mediation program they are met with derision, skepticism, and outright disdain; many participants are unfamiliar with the process so it is the mediator's job to explain the process and its benefits. Participants may be taken aback that they are not going to have a judge decide whether they are going to pay all/part/or nothing when the process finishes and at other times they are relieved to see they do not have to appear before a judge. In court, mediators meet with individuals in a conflict that may be long-standing without any advance planning or preparation and many times come out with agreement; this is the miracle of mediation.

Some of the obstacles/impediments mediators meet are ignorance about the process, stubbornness, unreasonable expectations, and open contempt that the process can or will work. Mediators maintain neutrality and encourage participant self-determination to show there is a better and less-confrontational way to resolve issues. In mediation there is no need for anyone to make a decision of right or wrong or determine guilt; participants are free to craft an agreement of their own making.

In a mandatory mediation program, mediators as the neutral try to bring a fresh perspective to a conflict, hear from both sides, help parties define the issues, ask questions, get the disputing parties to talk, and let them decide how to proceed or resolve the issue. During the mediation it is common to find the reason for filing the suit is not always the real or only issue. It is the mediator's job to try and discern what these not-so-obvious issues are and try to bring them in the open. There are no pre-mediation interviews and research of the situation and law; just on-the-spot working with individuals who are not getting along. Successful mediation does not take care of all situations that a person may be going through, but it is one less worry; no court to decide, according to the evidence and law, who wins and who loses. Hopefully, both parties win.

Just as Anne Sullivan helped Helen Keller to navigate language and actions in a positive manner, mediators help disputants to communicate in a non-contentious way and try and resolve their issues. Mediators are the "miracle workers" in a mandatory mediation program.

"Peace is not the absence of conflict but the presence of creative alternatives for responding to conflict -- alternatives to passive or aggressive responses, alternatives to violence." — Dorothy Thompson

"When we aren't curious in conversations, we judge, tell, blame and even shame, often without even knowing it, which leads to conflict."

Kathy Taberner and Kirsten Taberner Siggins, Co-Authors

*The Power of Curiosity: How to Have Real Conversations that Create
Collaboration, Innovation and Understanding*