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Mediation Monitor

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Archived newsletter issues can be found at www.mediatenmc.org

**Empowering people and organizations with
alternative methods for resolving disputes.**

"You cannot build your next question, until you have heard their last answer."

Alice Estey, Woodbury Institute.

Helping a beginner mediator to listen a little more, and to think ahead a little less.

Hello <<First Name>>: Happy Holidays to you and your family!

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From the Mediation Toolbox

The Importance of Party Self Determination

Dawn Rafferty & Mark Batson Baril

Self-determination, and the ability to not make suggestions and/or give advice, is probably the hardest mediator skill to embrace. Some feel it is wrong to not provide all the resources we can to help folks. Other forms of mediation, evaluative for instance, do give advice. However, there are so many reasons to adhere to the self-determination doctrine, the biggest two being: (1) when we start to think that we as the mediator know what is better for the parties than the parties themselves do, we lose sight of the fact that we can never know everything that is going on for a party (spoken and unspoken) as well as they do and therefore can never understand as well as they can the best choice to make; (2) choices made by the parties and not pushed upon them by the mediator result in more durable agreements in the long term for the very reason outlined in (1) and because most of us when negotiating are more likely to stick to an idea and follow through with it if we reasoned through and came up with it on our own. An additional simple third observation I have made in many mediations I have done relates to me being sold on the ideal possible solution that the parties could be running with, when all of a sudden, out of left field comes something else from the parties so brilliant and spot on for the situation that I as the outsider am flabbergasted. Perhaps a new mediator tool - waiting for... "The Flabbergastion"

Here's a great article on the topic written by Bush and Folger: [Reclaiming Mediation's Future: Getting Over the Intoxication of Expertise, Re-Focusing on Party Self-Determination.](#)

And another great one, "[A Case Against Giving Advice](#)" by Sandi Adamas and Alice Estey.

[BTW - you can find the ever growing list of mediation tools here on our LinkedIn page.](#)

Need a little more conflict resolution in your life?
Please join one of our upcoming trainings...



University of Nevada, Reno

NMC and UNR Extended Studies present

[40-Hour Beginning Mediation and Conflict Resolution Training](#)
[Monday-Friday, March 21-25, 2022](#)



[Conflict Resolution and De-Escalation Skills Training](#)
[Let's co-create and customize this one day training for you and your organization.](#)

Volunteering with NMC

Since 1999 our volunteers, the board of directors, the staff, and our community partners have teamed together and worked hard to build a strong resilient foundation for conflict resolution and conflict education in our community. Countless hours of dedicated volunteer time have gone into building The Neighborhood Mediation Center. Thank you to each and every NMC volunteer, past, present and future! We are a team of about thirty active volunteers and NMC is looking for volunteers. Both experienced and new mediators are welcome, while in addition - administration, marketing and other types of skills are very welcome. What do you like to do? Can you give NMC a hand in the community? [Take the first step here.](#)

Visioning the Future of NMC

For more than twenty years now NMC has empowered people and organizations with alternative methods for resolving disputes. A dedicated parade of smart, caring people have worked hard. That foundational work is solid and with it we will continue to do what we have always done in the community. That said, and given the strong organization that we have, NMC has just started the process of visioning how we can contribute to our community, and perhaps make an even bigger impact than we do now. We'll move from a classic SWOT (Strengths Weaknesses Opportunities Threats)

know: **What are the unmet needs you know about and how can we work together to see if NMC can/should meet those needs?** Do you have an answer to that question? Please [email Mark](#) or [make contact](#) with us in a way that works best for you. Thank you and please stay tuned!

If you find yourself fascinated by the topic of visioning and the question of where Community Mediation Centers can have the biggest impact, here's a link to the [State of Community Mediation 2019 report](#). (PDF download)

To Zoom or Not to Zoom, that is the question.

We're on a newly paved road and marked change in how work is done in our world. Covid launched us into that world quicker than we were ready for and now we're in so deep it's hard to see another way. Mediation is no exception to that and a study group at www.mediate.com recently found that online mediation has been so successful that many mediators and parties now prefer it to face to face. Word on the street is that we mediators are not going back to face to face mediations as a world of conflict resolvers. The advice they are giving - get used to it and adapt or become irrelevant. The convenience, time and travel costs savings, and online sharing tools line-up tightly on the plus side, while the inability to read body language, build trust as quickly, and get a real sense of what is going on fill the negative side of Zoom mediations.

In the world of community mediation it is quite the pickle we find ourselves in right now. The current reality of public mediations, facilitations and trainings is that we must keep each other safe and wear masks, which limits all participants ability to read a major body language component, facial expressions. Can we really trust someone as quickly if we can't see their expressions? As we community mediators, and especially court mediators and those of us that love in person meetings, find ourselves back in the room with parties and co-mediators, fully masked to meet the current mitigation protocols, we might be asking ourselves whether Zoom might be a better option. Perhaps in my next in-person mediation, I'll laugh when that thought crosses my mind, and I may be the only one that knows I'm laughing :) (MBB)

The Executive Director Perspective

Way back in June of 2021 I landed here at NMC and found myself expertly introduced and guided by Monica Kales, our immediate past ED, Dawn Rafferty, our brilliant Program Manager, great volunteers, and of course, the board of directors. Thanks to all of you, not only for welcoming me aboard, but for doing such a great job in building the NMC. That kind of solid foundation makes for an easy landing. A few months in now, I find myself somewhat acclimated to the logistics, in love

The Chair of the Board Perspective

Great Mediators:

I thought I would take this opportunity to thank each and every one of you for the extraordinary effort you have made to continue to serve the members of this community with your unselfish hard work and dedication. Having been a Judge here I know firsthand the need that exists for people to have their problems addressed and solved. I also know the limitations a judge has to solve

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dumbfounded by the number of opportunities there are for conflict resolution, conflict education, and better communication in the community we serve. Beyond my immediate task of continuing what has been done so well for so long, I find myself in that uncomfortably blissful stage of being the newcomer, where all things are possible, opportunities are around every corner, and the sky is the limit. I am going to try and hang onto that feeling as long as I possibly can!

number of cases presented and also help people tailor their own solutions to those problems. Due to your skills, you help people resolve their matters and very, very few of those cases return to court unresolved or with the resolution unfulfilled. The satisfaction people feel from your work and the amount you help the justice process to speedily handle matters profoundly meets the needs that we have as a community. Please accept my sincere thanks and respect.

Do we know each other? Will you consider working with me and NMC? Where is it you have been and what do you know that will help the community we live in be even more conflict resilient? How can we work together, right now?

Harold Albright

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