



The Mediation Monitor

Issue 4

April-June 2014

Empowering people and organizations with alternative methods for resolving disputes

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Mediation Models

In the recent advanced training presented by the Nevada Dispute Resolution Coalition (NDRC), trainer Rebecca McGruder talked at one point about the models of mediation used by different practitioners. The most common types are facilitative, evaluative, and transformative. These models are considered the big three and most commonly used by mediators.

In the facilitative model the mediator manages a process that allows parties to problem-solve by defining the issues in the conflict and exploring needs, interests, and options for a fair settlement. Once viable options have been identified, the mediator assists parties in the negotiation stage of the mediation. The parties maintain control over deciding which option for solution best suits everyone's needs, and therefore the outcome of the mediation.

The evaluative model is similar to a settlement conference held by a judge. The mediator's role is to point out the weaknesses of each party's case as a way for parties to understand the risks they might face by taking the case to trial. Evaluative mediators are focused on legal rights more so than the needs and interests of the parties. It is not uncommon for mediators using this model to make 'mediator proposals' that are useful when parties get stuck in the decision phase of mediation. The mediator has a high degree of control over the process and a degree of influence over the outcome depending upon how amenable the parties are to having the

mediator propose an option for settlement.

Transformative mediators focus on empowering parties by providing an environment where the parties determine the direction of the process as opposed to the mediator having a heavy hand in managing the process. The transformative mediator places a high priority on the needs, interests, values, and points of view of all parties. In this model parties have more control over the process than in the facilitative or evaluative models.

Community mediation centers such as NMC use the facilitative model of mediation. With the heavy focus on communication and problem-solving. The facilitative model works well for a variety of case types from landlord-tenant to divorce.

There is no one 'right' model of mediation. All models are appropriate depending upon the parties' choice for control over the process, the outcome, and how much mediator assistance parties may need or want.



**Beginning
Mediation
Training
April 2014**



Congratulations to the Beginning Mediation Training Class 2014



Thank you to awesome trainers

Margaret Crowley
Jeanette Belz
Betsy Kosier

Congratulations to the graduates

Robbie Debuff
Alys Dobel
Joyce Farnsworth
Wendy Lang
Joey Orduna Hastings
Jeff Shapiro
Karen Starr
Jennifer Stouffer
Cortney Young
Alicia Nyland

Sandra Delehanty
Kimberly Eberly
Robert Johnson
Brian Reeder
Lisa Schettler
Rachel Spencer
Barbara Stearns
Sharon Usher
Ann Drendel-Haas



**Practicing mediator skills.
Role play, role play, role
play...**

**Upcoming
Trainings**

**Save the date:
October 8
9am—5pm
UNR Campus**



Conflict Resolution Training for Educators

In collaboration with UNR, the Neighborhood Mediation Center is offering a one-day training for educators.

The class will cover:

- ◇ The Making of Conflict
- ◇ Conflict Styles
- ◇ Emotions and Conflict
- ◇ De-escalating Anger
- ◇ Building Collaborative Negotiation Skills
- ◇ Overview of Mediation

This training will assist educators with their desire to create a positive learning environment and to develop students' conflict competence and social skills.

CEUs Available

David Gamble is the Program Coordinator for the Washoe County Health District's Medical Reserve Corps Volunteer Program (MRC). The MRC was created to support public health and emergency response efforts during natural disasters and other emergencies. By providing trained volunteers to help staff shelters, to assist with alternate care sites, and to facilitate points of dispensing, the MRC provides a level of support that allows our region's patient care facilities to conserve limited medical resources during disasters.

David has substantial program management and coordination experience. He has managed programs for the National Council of Juvenile and Family Court Judges, the Washoe County Family Court's supervised visitation program "The Peace Center" and the Washoe County School District's Diversity and Equity Office.

David has degrees from the universities of Penn State, Pittsburgh and Nevada at Reno. He is the recipient of several awards from organizations recognizing him for his outstanding leadership ability and contribution for service in his professional, church and community based activities.

David resides in Washoe County with his family and describes himself as a lifelong learner with many areas of interest.



Serving on the NMC Board is a wonderful opportunity for me to help our community become safer and better. The NMC provides a process where differences can be resolved in a more civil environment other than in a court setting!

NMC update: Thank you to the Washoe County Commissioners for voting to grant NMC funding through the next fiscal year. NMC is primarily funded by a percentage of court filing fees. NMC provides mediators to both the Reno and Sparks Justice courts on a weekly basis. Mediators are also available, in most cases free of charge to the Washoe County Community. Mediation is a great way to work through issues in conflict and come to satisfactory agreements. Here are some comments from parties who have recently mediated: "I was so glad mediation was there—it was so cordial. I felt lifted up to a greater good." This is a really fascinating process. The mediators gave us space to settle—very skilled." "Thank you for this service." "Quicker than court and more personal." "I got my money back." "I love it. This was the program I needed." "It was easy and quick." "I liked that we could communicate about the problem."

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

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

From the Program Director's Corner — Small Claims Court Refreshers

The last column addressed who should be in the room and the opening. Once you've completed your opening, briefly explain *"The Process"*. In Small Claims, this is your opportunity to do 'intake'. Let parties know that you will listen to each of their perspectives, one at a time, that you will briefly summarize what you've heard after each party has spoken and will then enter into a conversation. Ask each party to refrain from interrupting while listening to each other's perspectives. Let them know they can take notes if desired and will be able to ask questions about or respond to what they've heard during the conversation phase. Maintain good eye contact with each party during their opening statements, giving them your full attention. Take notes as necessary.

Once the conversation begins, keep your mediator 'tool box' open. Remember that when volunteering for NMC, we use the facilitative model of mediation, not evaluative (directive). It's your job to manage the process as a neutral that supports party self-determination. Be careful not to offer ideas to parties but help them explore ideas they generate. Be careful of saying anything that may be construed as legal input or knowledge about what will happen in court if they don't settle. Use techniques that help parties to move off positions and into dialogue about resolution. Focus on forward movement. Remain mindful of issues that may need further vetting if the progress becomes stalled. In emotional situations, acknowledge the emotion as necessary being careful not to contribute to escalation. Remain curious. Listen for and explore interests under positions with questions that are as unbiased as possible. Many people have expressed difficulty with remaining neutral and there will be times you can't help feeling bias. If you find yourself favoring one party over the other, remind yourself why you're at the table. Set the bias aside and continue with an open mind. There are always at least two sides to every story.

Time can become an issue at court. This doesn't mean you should rush through the process; just keep it in mind. If the mediation is making progress but is running long, let the bailiff know you are still working. If an agreement is in formation, ask parties if they are ready to write it down. If an agreement appears unlikely, that's ok — it's not necessary or desirable to force an agreement that may fall apart. If the mediation ends without agreement, take the parties back to court. Whether or not you settle, the only piece of information shared with court staff is that the mediation did or did not settle. In order to honor confidentiality, do not discuss the mediation with anyone.

The Light Side



Giraffe mediator breaks ice with lame joke.

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

Reframing the Dialog in Mediation

Reframing is such an important mediator skill, and it seems to present one of the biggest challenges for mediators. We use reframing to change the words and tone of a statement made by one party to the other. We do this when the statement is particularly critical, blaming, or involves negative labeling. Changing the tone of the statement is done so the other party is better able to hear the context of the statement. Reframing is the ability of the mediator to listen with a “neutral” ear and to use “neutral” language throughout the process.

Effects of Negative Framing:

- Power-play; frequently part of abusive relationships; one-sided
- Forces people away from what is important to them; talks them out of their concerns
- Confuses people
- Raises side issues not relevant to the conflict
- Escalates, redirects, and perpetuates conflict; does not open avenues for resolution

Effects of Positive Reframing

- Redefines how we understand an experience
- Helps parties see the other point of view
- Uncovers meaning or context
- Reduces toxicity and blame; moves toward neutrality
- Makes difficult statements easier to hear
- Clarifies issues and interests
- Interactive
- Creates a new story; changes how the conflict is described
- Opens opportunity for resolution

***"What is said never
changes anyone.
What is understood
is life changing."
Anonymous***

Six levels of reframing:

From Negative to Positive:

Participant: The neighbor's dog barks all the time!
Mediator: You would like a quieter home environment.

From Hostile to Neutral

Participant: He lied to me!
Mediator: You value honesty.

From Past to Future:

Participant: I'd like to make an agreement but I can't trust Sarah!
Mediator: You want to resolve your issues, and it will be helpful to know you can trust Sarah going forward.

From Individual to Community

Participant: I can't continue to work with her looking over my shoulder!
Mediator: Some people work better with privacy.

From Complaint to Need

Participant: She never lets me see my children.
Mediator: You need to spend more time with your children.

From Accusation to Goal:

Participant: He's always late with the rent and then I get charged late fees because my bills are late.
Mediator: Your goal is to pay your bills on time and avoid late fees, and therefore you need to receive the rent when it is due.