



Mediation Monitor

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Compromise or Collaboration?

In fact, there are five categorized styles of dealing with conflict identified by Kenneth Thomas and Ralph Kilmann in their famous "Thomas-Kilmann Conflict Mode Instrument (CMI)." The five identified styles are: Avoiding, Competing, Accommodating, Compromising and Collaborating. Each of the styles indicates a person's behavior with respect to assertiveness and cooperativeness. Given the unique personality of each party, the issues at hand, and the level of conflict in a dispute, mediators encounter all of the above styles at one point or another in their work.

The avoiding person can be seen as unassertive and uncooperative, someone unwilling or unable to engage in problem solving, or in discussing the issue at all. At the opposite end of the continuum, someone considered collaborative may be seen as being both assertive and cooperative, willing to work with the conflicting party to find a solution that works for both or all. Depending on the situation, any of these styles may be appropriate.

In an ideal world, a mediation in which all parties participate in a collaborative way can produce outcomes that result in mutual satisfaction; an outcome that provides all concerned with getting what they need, and hopefully as much of what they want as possible—the proverbial "win-win" result.

While collaborative outcomes are often reached, sometimes compromise is the best outcome achievable. Settling a dispute through compromise allows all parties to be at least partially assertive and partially cooperative. All parties give more than someone who is merely competitive, simply present to "win", and less than someone who accommodates, who "goes along to get along", but is ultimately left feeling unsatisfied, even exploited.

The Thomas-Kilmann CMI self-assessment is available online. Most of us are a combination of the five styles and interact in one style or another in any given set of circumstances, and our styles can change over time. Knowing our own styles can be very helpful to us when we find ourselves in conflict. A peace that is achieved by taking all stakeholder interests into consideration is the most lasting.

Save the Date!
**The ABA Dispute Section Annual Spring Conference will be held from
 April 10-13, 2019
 Hyatt Regency
 Minneapolis, Minnesota**
**Open to attorneys, judges, law students, mediators,
 And conflict resolution professionals**
**For more information:
www.AmericanBar.org/Dispute**



“Intelligent and useful instructor feedback to role playing exercises”

“Excellent ability to encourage participation”

“Class size was great—easy to interact. Very much enjoyed Dawn and Monica”

“New information on neuroscience and conflict coaching very useful”

August 2018 Advanced Mediation Training

Monica Kales, NMC Executive Director, and Dawn Rafferty of Rafferty Consulting LLC recently had the pleasure of training 8 individuals in “Advanced Mediation Skills” through its collaboration with UNR Extended Studies. The students had the opportunity to refresh their understanding of the Facilitative mediation process and deepen their skill base through self-awareness activities, class discussion and by participating in complex role plays, coached by seasoned volunteer mediators from the NMC. They also received an introduction to facilitation and conflict coaching as well as advanced neuroscience considerations in conflict.

They were very engaging and insightful individuals from a variety of professional backgrounds whose participation contributed in valuable ways to the course.

The Neighborhood Mediation Center appreciates its ongoing affiliation with UNR Extended Studies. The opportunity to train individuals from many walks of life in conflict resolution and mediation with the hope that what is shared and learned can translate to better, more satisfying and peaceful relationships is truly a privilege.

40-Hour Beginning Mediation and Conflict Resolution Training

**Instructors: Monica Kales and Dawn Rafferty
March 25-29, 2019—Monday-Friday, 8am to 5pm
Redfield Campus UNR Extended Studies**

Program Topics include:

**Conflict and Negotiation Theory
Models of Intervention**

Instruction in the Facilitative Mediation Model

Effective Communication Strategies

Self-Awareness and Cultural Considerations

For more information and registration, go to:

www.ExtendedStudies.unr.edu

775-784-4046

***"A man convinced against his own will
is of the same opinion still."***

Dale Carnegie

All Mediations Matter

Most mediators are involved in the mediation process because of a desire to help others peacefully remove an impediment that may be interfering with their lives. It is crucial for mediators to remain neutral, stay true to the mediation process, be positive in their questions and actions regardless of the issues involved, and treat all participants/issues fairly.

Mediators as neutrals must stay true to the process. It is not up to us to decide if an issue is trivial or unworthy of our attention. We must always be diligent and willing to listen to both sides. If one side is emotional, over-bearing, or denying the other party their say it is up to us to decide how to proceed: continue with the mediation as usual, remind them of the Confidentiality Agreement, take a break, or break into a caucus session. Many of the same case types repeatedly appear (i.e. landlord/tenant) and we may think "here we go again," but remember this is a real issue for the participants. We need to keep in mind that the individuals involved in mediation are concerned enough with this issue to either pursue it through mediation or the courts. The mediation process may be a new experience for participants, but they show a willingness to resolve this issue merely by showing up. We help by remaining neutral and following the mediation process: explain mediation, actively listen to both sides and as positively as possible reframe what they have said and facilitate any needed conversation to hopefully resolve the issue.

Besides having control over the mediation process, mediators can and should personally recognize their own biases to hopefully maintain neutral. Self-acknowledgment of personal biases allows us to turn our attention to the parties and the issues of their dispute. If a mediator does not allow for self-reflection and awareness of personal biases, this could unconsciously affect the outcome of the mediation by paying more attention to one side or speaking more congenially to one party. Remember, it is not whether there is any real bias, but does either of the participants perceive bias. Our job is to make all parties feel welcome and heard.

Even if mediation does not progress to an agreement it does not mean it has been unsuccessful: feeling heard can be a success for some individuals. We do not, nor should we try to control all aspects of the case. We can control our neutrality and the mediation process.

"Mediation is one of the most effective tools of non-violence. It can turn parties away from conflict, towards compromise."
Miroslav Lajcak

"I think unconscious bias is one of the hardest things to get at."

Ruth Bader Ginsburg

"Bias and prejudice are attitudes to be kept in hand, not attitudes to be avoided."

Charles Curtis

Plan to attend NDRC's Advanced Mediation Training offered in Reno!!
Mediator and Attorney, Doug Noll presents a one-day training based on his book entitled:
"De-Escalate: How to Calm an Angry Person in 90 Seconds or Less"

Date: February 1, 2019

8:30am to 4:30pm

Early registration: By January 11, 2019: NDRC members \$200.00 and Non-members \$250.00
After January 11, 2019, Members \$225.00 and Non-members \$275.00

For more information, email:

cyoung@fclaw.com