



Mediation Monitor

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What If?

Our most recent beginning mediation class was held in October. On the second day, the students were given the homework assignment of going home and finding a way to listen with neutrality to someone close to them. During check-in the following morning, one of our students recounted his homework experience. When he arrived home after that second day of class, he found his wife and 5-year old son having a difficult interaction. Deciding this could be an opportunity to do his homework, rather than intervening with his usual response of supporting his wife first in the situation, he engaged them both, asking each of them to tell him about the argument. His wife was somewhat confused by his approach but she indulged him. Engaging his son in conversation by actually listening and using reflection for understanding, he found that his child became much calmer and was able to articulate what he wanted and needed and why. Regardless of the outcome of the child's desire, the encounter was calmer, and more respectful and satisfying to all three family members. Our student had a true "Aha!" moment.

What if we could all interact in our family, social, work and online circles with true respect, dignifying someone's wants, needs and perspectives even though satisfying those wants and needs may not be possible, or the perspectives in actuality are unrealistic or uninformed? What if we were all taught from the time we can speak to engage in respectful, open-minded and compassionate communication? Take a few minutes to imagine how mindful and effective communication strategies might make our personal lives as well as the world more peaceful; how choosing to engage in deliberately thoughtful ways might spread kindness, patience, and understanding through our life circles, like the rings of a perfectly round stone cast on a glassy pond.

Vicktor Frankl, Austrian neurologist, psychiatrist, and Holocaust survivor, is quoted as saying, "Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and our freedom." Choice, power, growth, freedom—healthy families, healthy societies and systems of all kinds need all of these to thrive. Mediation offers parties in dispute a place to voice their needs and wants while encouraging them to sincerely hear and understand the needs and wants of all concerned. A lofty goal and a challenging task, yet possible more often than not.

Wishing you holidays filled with peace, joy and kindness, and a healthy new year!

In Memoriam

Dave Randolph

With deep sadness, we mourn the recent loss of one of our longest serving volunteer mediators and board members to the COVID-19 virus. David Randolph held a PhD in Sensory Psychology and Physiology from the University of Massachusetts, Amherst. While in college, Dave served as a research fellow at the Retina Foundation in Boston. He also served in the military and, inspired by his work at the foundation, spent years researching vision problems experienced by military personnel. He shares credit for the development of goggles used for night vision and for protection against laser eye damage. While stationed in Massachusetts and Kentucky, he lectured on experimental psychology at Northeastern University and the University of Louisville.

Upon retirement, Dave and his wife moved from the Bay Area to Reno. He became affiliated with the University of Nevada, Reno and began serving on its Social and Behavioral Institutional Review Boards. He also became a substitute teacher for the Washoe County School District, joined a local bowling league, and took a beginning mediation training through UNR Extended Studies. After the training, he began volunteering for the Neighborhood Mediation Center and eventually became a board member of the organization, most recently serving as Vice-Chair.

We will miss Dave's boundless energy, insightful observations and forthright views on his many and varied interests and passions, and in particular, his dedication to the field of mediation.

NMC and UNR Extended Studies offering in-person Mediation Training Opportunities!

With instructors

Monica Kales, Executive Director, NMC and Dawn Rafferty, Rafferty Consulting LLC

24-Hour Advanced Mediation Training Wednesday-Friday, February 24-26, 2021

Topics: Review of the Facilitative Mediation model, enhanced opening statements, neuroscience and disputes, layers of listening, deeper questions and role play each day

40-Hour Beginning Mediation and Conflict Resolution Training Monday-Friday, March 22-26, 2021

Topics: Conflict and Negotiation theory, the Mediation process, mediation theory and practice, Self-awareness and Cultural considerations, Effective Communication, Ethics and Standards of Practice and multiple role play opportunities

Information/Registration: www.extendedstudies.unr.edu or by calling 775-784-4046

“One of the most sincere forms of respect is actually listening to what another has to say.” Brent McGill

“Paperwork—Someone has to do it!” By Dawn Rafferty

You might have heard the saying, “no job is complete until the paperwork is done.” Well, mediations here at the Center are no different!! Under our contract with Washoe County, NMC is required to keep a database of cases, and we have the internal policy of keeping hard copies (paper) of all mediation paperwork for two years. On occasion this has been valuable when the information on the computer screen doesn’t quite tell the story or details are inaccurate. We use a program called Caseload Manager to log all the metrics associated with each mediation, the “who, what, when, how” info. This data helps quantify the benefit of the center’s mediations to both the courts and the community, and shows trends of types of mediations.

Our small claims, civil, and community mediations really do cover a broad spectrum of conflicts. We have mediated cases involving animal control issues, neighbor conflicts, merchant/consumer disputes, real estate transactions, auto repairs, loss of personal property, landlord/tenant disagreements, elder issues, and stalking/harassment cases, to name a few. There was even a memorable case regarding a dispute in the ownership of and veterinarian bill for an iguana!

The database also allows us to keep track of how many mediations our volunteer mediators do and how many hours they spend in mediation. All of our mediations are currently being done virtually, and as a result we have fewer regular, active mediators than normal. But, even at that, our active mediators are dedicated and hardworking! The current active mediators have an average 138 hours of mediation with an average of 47 cases through their work with NMC. As you might expect, the record keeping component of the center yields valuable information.

“The Importance of Listening” By Nancy Dyer

The year 2020 will be remembered as the year of change, some have been small, some have been large and some may never return to what we once knew as normal. Zooming in court has become our accepted normal, at least for now. Most mediators look forward to the day that in-person mediation returns, but Zoom has worked exceedingly well for a few reasons: the courts have taken over most of the ground work; pre-confirming with participants; checking participants in; making sure their devices are working adequately. Even though the case load has been light at times, people seem willing to participate because they do not have to come down to the courthouse. Now, we have seen/heard of people trying to mediate from some interesting places such as cars, on the courthouse steps, or sitting next to each other on a porch. Some participants have been doing some interesting things such as delivering food or driving their cars. Although most participants find Zoom makes it easier to attend, it brings challenges all the way around.

The one thing that has not changed is the mediation process: verifying that parties have the authority to negotiate and named parties are the only people present, and supporting the principles of self determination and neutrality. There are times when parties disappear from view (intentionally or accidentally) and mediators must pay particular attention through both visual and auditory means to make sure they are as present as they can be. One thing that is useful in the mediation is explaining in the breakout introduction that mediators may check for understanding from participants – “What did you hear the other side say?” This can be done throughout the mediation and may be particularly useful when each party gives their opening statement. It should be emphasized that hearing each other does not constitute agreement. Just feeling heard can lead parties to resolve their dispute.