



# Mediation Monitor

Issue 23

January—June 2021

Archived newsletter issues can be found at [www.mediatenmc.org](http://www.mediatenmc.org)

## *A little interpersonal communication humor!*



*When I saw this recently in a store, I admit to getting a pretty good chuckle out of it, and I couldn't resist taking a picture. Have you ever been on the receiving end of this discussion? Have you ever used this argument yourself? I know I have, more often than I care to admit. Odds are most of us have engaged in conversations like these somewhere along this journey called Life.*

*Mediators are no strangers to this dynamic in mediation. Parties come to mediation, stories prepared and rehearsed, convinced their perspective is the only logical one. It can be quite surprising, and often unsettling, for parties to hear each other's versions of what brought them to the mediation table.*

*While interjecting thoughtful humor can occasionally be appropriate in mediation, there is rarely humor in opposing perspectives. Parties' stories are relayed sincerely and with conviction, sometimes even seeming embodied; the experience has affected them to their core. Because we are trained to understand that there are at least two sides to every situation, we do our best to listen to, acknowledge and validate parties, with impartiality, open minds and sincere hearts. Throughout the process, using reflection and questions, we endeavor to create a calm space for parties to share as much information as possible so they can propose and negotiate solutions and make decisions based on informed consent. Ideally, parties will come away at least having deeply heard each other and even better, with crafting a mutually satisfying agreement that can help them move through and beyond their conflict.*

*In reality, there is truth in almost every perspective. Facts are important, even paramount, of course. At the same time, experiences relayed through any individual's lens or worldview will be colored by who they are, where they come from, and the life they have lead; herein lie the stories that are told. Helping parties sift through the collective experiences of a given conflict to reach common understanding and a mutually beneficial outcome is the work of the mediator.*

### Board of Directors

*Harold Albright, Chair*

*Vacant, Vice Chair*

*Joshua Halen, Secretary*

*Andrew Robinson, Treasurer*

*David Gamble, Director*

*Darby Phelps, Director*

*Ann Wilson, Director*

### Staff

*Monica Kales  
Executive Director*

*Dawn Rafferty  
Program Director*

### Inside this issue:

Executive Director's Column ..... 1

*"Interpersonal communication humor"*

2

*Exits and Entrances!*

From the Program Director's Corner ... 3

*Agreements—the best indicator of success??*

*Save the Date!*

## *Exits and Entrances*

By Monica Kales

*“Every exit is an entrance to somewhere else.”*

— Tom Stoppard, Playwright

### **Exits**

Late last year, I gave notice to NMC’s Board of Directors that I intended to leave the position of executive director by the end of this fiscal year. In 2009, I began as a volunteer with NMC, became program director in 2011 and was fortunate enough to be named executive director of this gem of an organization in 2017. My nearly 12 years at the NMC have been thoroughly enjoyable. Mediation is a passion for me; it’s an amazing process that can help people in dispute move on with their lives in positive and peaceful ways. To be allowed entrée by complete strangers into their complex situations with the goal of helping them find new and creative paths to resolution is truly humbling. Teaching prospective mediators and others new communication and conflict resolution skills that help them more confidently deal with conflict in all areas of their lives is a privilege, and a delight! The gratitude I have for all of the people I’ve worked with, learned from, and been supported by, including our wonderful board and volunteers, co-workers and co-trainers, students, and the countless parties I’ve mediated, is immeasurable. Parting is bittersweet but also full of hope and anticipation for discovering new and inspiring horizons, for myself, and for the NMC!

*Speaking of new horizons .....*

### **Entrances!**

The Board of the Neighborhood Mediation Center is pleased to introduce its new executive director, Mark Batson Baril. Mark holds an advanced degree in mediation and conflict studies and comes to the Center with a decade of alternative dispute resolution experience including as an Organizational Ombuds, facilitator, mediator, and team conflict coach. Previous to his pivot to ADR, Mark worked in process engineering and manufacturing in corporate settings and as an entrepreneur in his own small businesses. For the last several years, he has been practicing through his own ADR company, *Resologics*. Mark will bring a wealth of experience as well as fresh energy and vision to the Neighborhood Mediation Center!

*Welcome to the NMC, Mark!*

*“The only solutions that are ever worth anything  
are the solutions that people find themselves.”*

*Satyajit Ray, Writer*

By Dawn Rafferty

### **Are written agreements the only indicator of successful mediation?**

What is the measure of a successful mediation? An agreement is the tangible, most easily quantifiable answer, but is it really the best metric? From Michael Tsur’s article, *The Art of Writing a Mediation Agreement*: “A written agreement is not necessarily the barometer of a successful mediation. Sometimes, a certain dynamic develops that leads the parties to bridge their differences so profoundly that they do not feel the need for a written agreement.” Of course we always prefer to end a small claims or in-house mediation with a written agreement; however, we rarely know what happens with those cases that don’t conclude with signed document. Quite possibly something was revealed or said or understood that might allow the parties to settle post-mediation, before moving on to a hearing or other legal process. Just having had the mediation conversation is a win. Self-determination, a foundational tenet of facilitative mediation, suggests that the parties are in control of the outcome, agreement or not, and if the parties are satisfied, is that not success?

If we push for agreements to get those data points, how much do we compromise our ethics and foundational tenets; self-determination, mediator neutrality and a voluntary process? Do data points really tell the story?

The answer is a complicated one. It is a paradox, which goes hand in hand with the paradox that IS mediation.

**SAVE the DATE**  
**Association for Conflict Resolution (ACR)**  
**Annual Conference**

*“Reflective Engagement”*  
*Learning from our Past, Transforming our Future!*  
*September 29—October 21, 2021*  
*Omni Orlando Resort*

**ACR is excited to announce that this year’s annual conference will be held  
in person with virtual opportunities!**

**For more information: [acrnet.org/events](https://acrnet.org/events)**

**In collaboration with the resort, ACR is actively monitoring COVID protocols, restrictions and guidelines.**