

Maine Association of Mediators

February 2007 Bulletin



Maine Association of Mediators
Professionals Committed to Cooperative Conflict Resolution

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HAVE YOU RENEWED YET?

If not, you may become out of touch with your professional organization



Message from the President By John Alfano

I want to touch on two areas for this issue of the Bulletin: restructuring and member participation. These two areas have a profound effect on the success of the Association.

Finally, we are seeing the results of restructuring. The Regional Coordinators have been busy planning and offering programs in their regions. The regional programs make it easier for us to attend Association functions, to take advantage of the training opportunities and the net-working with colleagues and potential clients, in addition to CADRES credits. Many of our programs are approved by the bar toward the annual CLE requirements. Details of these programs are in this issue of the Bulletin. Plan to attend the next program. You will not be disappointed with the quality and value of the experience.

Member participation is the basis for the success of the Association. Each of us has unique skills and abilities that the rest of us can benefit. The success of a volunteer organization is the degree of participation of its members. The Association has had and continues to have a tremendous number of knowledgeable and energetic members who have contributed to our success. Don't wait to be asked to offer your services. If you have an article for the Bulletin, have an idea for a regional program or want to lead a program, contact me by email or phone, I will pass on your idea to the appropriate person.

AND

DON'T FORGET TO RENEW YOUR MEMBERSHIP TODAY!

FIRST SOUTHERN REGION WORKSHOP A BIG SUCCESS

By Jay Bartner

On March 15th, from 4-6 pm, the Southern Maine Region held its first skill building session. Deb Bopsie, from Youth Alternatives, presented a workshop entitled "Working with Challenging Behaviors and High Emotions". About fifteen participants, from diverse backgrounds, engaged in a lively discussion on topics that ranged from handling aggressive attorneys and advocates to dealing with participants who display intimidating body language. Deb's years of experiences at Youth Alternatives has given her opportunities to participate in mediations involving challenging participants. Deb's confidence and expertise provided workshop participants with an exciting inside glimpse at how an experienced mediator is able to confront a hostile mediation environment and ultimately redirect high emotions into a productive and meaningful experience. To end, participants engaged in a mock mediation with Deb as the difficult client.

EXPANDING OUR CLIENT BASE By Roger Moody, MAM Executive Director

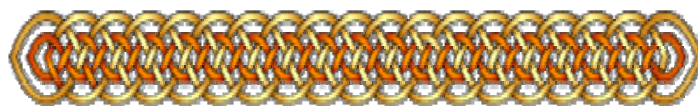
One of the primary tasks for the Association's Executive Director is that of marketing and sales, with the goal of expanding the statewide client base for practicing facilitators and mediators to gain wider acceptance and utilization of ADR techniques and strategies. The greater use of ADR would, of course, also generate more income for ADR practitioners. Nothing wrong with that! "Doing well by doing good", is the catch phrase that businesses use around that concept. Part of my past work experience in the banking sector was with "sales" in expanding banking product utilization among governments and nonprofits. Those same sales approaches are applicable to the sales of many different products and services.

I'm pleased to help any Association member in making sales calls to organizations and groups you may have been thinking about, but haven't actually approached. Our initiative to expand the use of facilitation and mediation in the municipal sector is underway, but I want to provide help to you where you need it the most. The best way to do that is to contact me at 236-9058, or execdir@mainemediators.org. I'm anxious to serve you, and appreciate hearing your ideas and needs for spreading the word about new and expanded opportunities for facilitation and mediation in Maine.



SMILE . . . AND THE WHOLE WORLD SMILES WITH YOU

By Deborah Belanger



Regional Events

Anyone from any region may attend these meetings.

The Northern Region

Thursday, May 17 from 3 to 6:15pm

at the Spectacular Event Center, Bangor

A “Spring Tune-up for Mediators and Advocates in Family Law Cases” with Jane Clayton, Esq, Kerry Clark Jordan, Esq. and Magistrate Bruce Jordan; followed by “Judicial Settlement Conferences—The Judge’s Perspective” with Judge Kevin Stitham

Monday, June 25, 1 to 3

Acadia Hospital, Penobscot Room, Bangor

Following the CADRES North Region meeting (Monday, June 25 from 10 to Noon) this program, presented by David Webb, Esq. is on “Workplace Mediation, with a focus on management/employee relations”. Webb has presented in Tel Aviv and Dublin

See next page for other Regions’ Events

Anxious, sad, frustrated and confused describe the many emotions of people entering our mediation rooms. We work on not getting ‘caught up’ in their feelings which is easier said than done at times. I recently read an article titled ‘Neural Wifi’ by Daniel Goleman, author of Social Intelligence: The New Science of Human Relationships and it became apparent why this work of ours is so tough. It is also thought provoking to reflect on how this phenomenon could work to our advantage.

Consider **mirror neurons** –

“Mirror neurons reflect back an action we observe in someone else, making us mimic that action or have the impulse to do so”*. They fire as we see someone smile or shed a tear, so we participate in the other’s actions as if it were us. They do the same with emotions, when we see an emotion on someone’s face we at once sense that feeling within ourselves.

What effect might a look of calm compassion on our face have? What if we exude our desire to better understand these folks’ situations? Could it be possible for our clients to mimic that look and share our desire to better understand the other?

Consider **memes** -

“Memes are described as “ideas that spread from mind to mind as emotions do. The notion of a meme was modeled on that of a gene: an entity that replicates itself by getting passed on from person to person”.* Memes have a surprising force in setting the tone in social situations. In an experiment with two groups of volunteers, one group listened to a list of words of impoliteness, i.e. rude and obnoxious, while the other heard words like considerate and polite. They then asked participants to deliver a message to someone who was speaking to someone else. Two out of three of those primed for rudeness butted in to interrupt while eight out of ten of those primed for politeness waited for the conversation to end before speaking up.

How do we prime folks for our mediation sessions? Are there words we would want to use or words to avoid in discussing ground rules or expectations of the mediation?

Consider **crowd contagion**-

“Crowd contagion looks suspiciously like mirror neurons coordination writ large. Crowd contagion goes on even in the most minimal of groups, three people sitting face to face with each other in silence for a few minutes. In the absence of a power hierarchy, the person with the most emotionally expressive face will set the shared tone.” *

See next column for continuation

Could a mediator establish a positive tone in a session merely by using his/her facial expression?

Another study done at Yale University put volunteers in two groups to make bonus decisions. The tasks were to try and get as large a bonus as possible for single employees while still making the best overall distribution for the group as a whole. The conflicting tasks led to tension, yet one group had a feeling of distress overall and the other group was feeling good about the outcome. The difference - one person in each group was an experienced actor who had an assignment to be either confrontational and downbeat or helpful and upbeat. It was shown that the actors could shift mood without the participants seeming to know why their mood had changed.

Could mediators play the role of that actor?

This article points out the words we use and our facial expression can make a big difference in the session. Picture the participants entering the mediation room, distracted by each other and nervous about the outcome. What is our body language saying to them and what words are we choosing to speak? Or possibly in the initial setting one attorney says ‘we won’t get anywhere today’ . . .or that they will ‘walk out if they see more of the obnoxious behavior they saw at the case management conference’. What is our response? It is important to consider the subtle power of emotion contagiousness. It has a great impact on our sessions.

* Neural WiFi, Daniel Goleman, Psychology Networker, November/December 2006

Regional Events

The Southern Region

Monday, April 30, 12:15 to 1:30

60 Pearl Street, Portland

The regular monthly peer lunch where mediators meet informally to mull over cases with their peers

A Teaser!

Time, date and place TBA

“Mediation: How Far is Too Far?”

How far should mediators insert themselves into the process? As mediators sense success or failure, they may be tempted to inject themselves further into the process.

This symposium will provide a stimulating three-hour discussion for mediators, attorneys and other conflict resolvers.

The Central Region is missing a coordinator.
There are no events planned there at this time.

USM COURSES IN MEDIATION

New – Certificate Program in Divorce Mediation (*see course listings below*). Requirements are the Certificate Program in Mediation (or equivalent 40 hour training), 16 hours of Divorce Mediation training, 10 hours of Family Law for Mediators, and 8 hours on Mediation and Domestic Abuse.

Family Law for Mediators (10 hours)

Instructor: June Zellers

Thursday and Friday, May 10 and 11, 9:00 a.m.-3:00 p.m.

\$250 includes morning refreshments

Divorce Mediation: Fundamental Skills (8 hours)

Instructor: June Zellers

Wednesday, May 16, 8:00 a.m.-5:00 p.m.

\$205 includes morning refreshments

Divorce Mediation: Complex Issues (8 hours)

Instructor: June Zellers

Wednesday, June 6, 8:00 a.m.-5:00 p.m.

\$205 includes morning refreshments

Mediation and Domestic Violence (8 hours)

Instructors: Jacqueline Clark and Debbie Mattson

Monday, May 21, 8:30 a.m. – 5:00 p.m.

\$205 includes morning refreshments

Negotiation Skills and Strategies (7 hours)

Instructor: Diane Kenty

Friday, May 18, 8:30 a.m.-4:30 p.m.

\$195 includes morning refreshments

Course descriptions and registration are online at www.usm.maine.edu/cce (click on the Business and Management catalog.)

Questions? Contact Susan Nevins at snevins@usm.maine.edu or 228-8410.

The State of Mediation in Maine Are We Getting There Yet?

One Mediator's take on the progress in the ADR field
By William Van Twisk

So here's a businessperson who has tried to study the mediation field as it has come to be here in the State of Maine. Regular reflection helps me to stay excited and motivated as I ask myself "where are we headed?"

After all, we all might acknowledge that the number of conflict resolution professionals who are making a "full-time job" of this work is limited. 2005 MAM Pres. Susanna Liller noted here the way that many of us are "patching together" different sorts of work. Article here: <http://www.mainemediators.org/bulletins/September05.pdf>

I looked into this field for a number of months following my week-long "certification course" before getting going down a path toward actual, for-profit practice. During that time, I heard from others who faced the same confusion in finding direction here. You know some of these dilemmas, I am sure: How shall I obtain the proper credentials? What are these qualifications that should appear on my resume? Wait--I need experience to be on the roster and I can't get on the roster until I have experience! Where is the demand likely to be in the future? I can get excited personally about the potential I can see--but are any of these areas of practice commercially viable?

Wow, I said "commercial". In my own background in small business, I followed a long-established pattern where all it took to be successful, really, was some basic training, focus on providing quality services, being likable, and then gradually growing your business through referrals and personal marketing. In short, motivation to succeed could conquer all.

Was ADR work like that? Or are there special hurdles that we all must overcome? Compared to other start-up businesses, shouldn't success come to us more quickly, since our work provides such great social benefits? Or is this perception of supply and demand not quite right?

I tend to think that in the world of private practice, most of the usual cold, hard business rules apply. Maybe the legal profession has taught us that being the nice guy, by itself doesn't mean very much. It's putting it all together--skill-set, the persona, the marketing, clever ideas for new specialties, and what else? There's the magic.

MAM is now focusing on some practical "sales activities" as Exec. Director Roger Moody terms them, including Roger's networking efforts, and our State ADR Committee pursuing an initiative to widen the use of ADR processes by government. In the world of business, telling everyone about what you have to offer for others' benefit is an excellent idea. We all share in this goal, and to best apportion one's available services, even nonprofits need to spend

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Continued from page 3 some time in "marketing".

Ah, but keeping the balance! Even as a capitalist who must keep the profit motive central, I hold close the advice of our Maine scholars like Paul Charbonneau, who (to paraphrase) maintains that "the study of practical skills is fine, but we need to be grounded in research and theory--we have to know all about why we do what we do." It's probably no mystery why many of our ADR stars are academics, and I want to know more of what they know; I'll take my business and marketing training elsewhere--that's fine. (And because I was patient, I got my wish, and recommend Boston mediator Dina Beach Lynch's services; the web address says it all: www.adrpracticebuilder.com)

And so it goes. My own practice, yours, our professional association, and the field--all facing some similar challenges as this endeavor grows and is defined each day. This really is the exciting part to me, that we have the flexibility to create our model as we see fit, and not according to any rigid pattern. Being here in the forefront means we all get to have a part in what shapes up!

We have our individual differences, some strikingly so: facilitative and evaluative practitioners, entrepreneurs and salaried staff, those practicing judicial DR as well as ADR,

those fortunate few who do it every day and those like me, who still maintain the second or third income. We need to appreciate this diversity always--however it's going to be harder if our focus is on those differences instead of the common ground.

Never enough time for everything, yet one of the core elements of my business plan is immersion in Maine's only state-wide professional CR association. Have I been frustrated and impatient with my association at times? You bet! But in a short time, my involvement here has given me a window into the history and present "state of the field", I've met the standouts, regional stars, sages, thinkers AND do-ers, and have a much clearer vision of the hurdles ahead. We're not there yet, and as the rising tide floats all of our boats together, we might find the seas a little rough at times, but the voyage well worthwhile!



MAINE ASSOCIATION OF MEDIATORS

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MISSION

The Association is a non-profit organization of diverse professional interests seeking to broaden public understanding and acceptance of alternative forms of dispute resolution. The Association strives to enhance professional skills and qualifications of mediators, arbitrators, and other neutrals through training, educational development and promotion of standards of professional conduct.

Maine Association of Mediators 2007 Calendar of Events

See elsewhere in this publication for further details

- April 30 Peer lunch at 60 Pearl St., Portland, for informal discussion
- May 17 Mediating with the Modern Family Unit & Judicial Settlement Conferences, Bangor
- June 6 BOG Meeting at University of Augusta, Student Center, *Members welcome*
- June 25 Workplace mediation with Dave Webb, Bangor
- October 17 Annual Meeting of Membership
- December 5 BOG Retreat