



Message from the President

Dear MADRP Members,

It's just amazing to think what we're up to- there's so much going on with MADRP. The **Uniform Mediation Act** has re-surfaced and Doug Lotane, our Public Policy Chair is actively researching the details to keep us all informed and our **Confidentiality Forum in Bangor on April 8** will help us prepare MADRP on how to properly respond to the UMA. Paul Charbonneau, our Practice Quality Chair, is tracking the progress of the **national credentialing effort** and will be sharing updates through *The Bulletin*. (Be sure to take the ACR Survey on Credentialing!) Diane Kenty has just sent us the revised **national standards for mediation** that will be sent out to you via our **new Yahoo group email**. If you haven't signed up for the group email list (our quick notification system about upcoming important events), then please email our Public Information Chair, John Alfano, (jalfano1@maine.rr.com) to find out what to do. It's easy. Paul Botticello, our Facilitator Section Chair is meeting regularly with a committee to prepare for our **Appreciative Inquiry Conference on May 17th** with Bernard Mohr. And finally, at our **March 2nd** membership meeting, Lucy Weiss will discuss how to **Successfully Market Your ADR Practice**. On a personal note, we're in the middle of a "Nor'easter" and my power has gone out three times as I'm writing this! Eeeeeek! Here's to a Happy February.
— Susanna —

March 2nd Membership Meeting

In October of 2004, Virginia "Lucy" Weiss completed her Mediation training and decided her specialty would be to provide her marketing expertise to people developing their mediation practices. Her previous experience more than qualifies her for this task and includes 15 years as one of the most successful Account Executives (marketing and sales) for WHOM, WJBQ, WCLZ, and WGAN Radio stations and Tri-Media Advertising Agency. Her responsibilities included: new business development, the initiations of marketing campaigns and proposals, negotiations and managing local business promotions. She was consistently a top sales performer and generated over one million annual advertising revenues.

For our March 2nd Membership Meeting, Lucy will share her secrets to successful marketing such as:

- The definition and need for marketing
- How to successfully define Mediation to the public
- Understanding marketing as a Battle of Perceptions: Positioning in the prospect's mind
- How to differentiate yourself from the competition (i.e. legal avenue)
- Inexpensive marketing ideas through direct marketing avenues
- How to mass marketing through advertising
- How to evaluate marketing options

The program will be held on the University of Augusta campus in the Student Union, room 218. Take exit 112A off 95 than follow Civic Center Drive, turn right onto Community Drive, then left onto University Drive. Once there it will be easy to find the Student Union by asking (it's a small campus). See you there.

MADRP Survey Results

Results of a survey done at our fall meeting and conference will be reported in sections. If you didn't fill out a survey or want to comment on results— send your votes or comments to kmtucker1@verison.net to be included in upcoming bulletins.

1. Is MADRP meeting your needs? Yes: 31 No: 4

2. What do you like best about what MADRP offers?

Conferences: 28 Professional development: 18 Network Opportunities: 17 Bulletin: 16 Membership meetings: 15 Brown bag lunches 15 Website: 11 Monitoring of legislation 11 Marketing: 7 Roster development: 5

February's Bulletin Sponsor



JOHN C. ALFANO
ARBITRATOR and
MEDIATOR

John is a fulltime arbitrator and mediator in private practice since 1983, primarily in labor and employment conflict resolution and reorganizing distressed work sites. He is listed on the rosters of the American Arbitration Association, Federal Mediation and Conciliation Service, Maine Labor Relations Board Panel of Mediators and New Hampshire Public Employees Labor Relations Board.

John has been in the labor relations since 1968, first, as a union officer and later, a staff person for the Maine Education Association from 1971 to 1983. In 1983, he went into practice as a mediator, appointed to the Panel of Mediators for the Maine Labor Relations Board. In 2001, he and Jack Hunt formed Hunt & Alfano Mediators, P.A.

John is on the Board of Governors of MADRP and Chairperson of the Public Information Committee, Secretary of the Biddeford Zoning Board of Appeals, and member of Biddeford Historic Properties Commission. His hobby is antique and special interest cars and trucks.

John mentors new mediators interested in labor and employment mediation and arbitration. He can be reached at 207.282.3992 or jalfano1@maine.rr.com

Penquis C.A.P., Inc in Bangor has two positions available in its Dispute Resolution Program. Contact Marc Sevigny at 973-3500 for more information.

CONFIDENTIALITY in MEDIATION

DATE: Friday, April 8, 2005
LOCATION: Black Bear Inn in Orono
TIME: 9:00 am - 3:00 pm
FEE: \$25.00 (MADRP members) \$30.00 (non-members)
Lunch is provided

Confidentiality is an essential element of the mediation process. How far should mediation confidentiality extend? Does a mediation privilege require absolute protection or are there legal and public policy reasons for restricting its scope? These and other issues will be explored in an open forum discussion between the audience and a panel of representatives from diverse mediation communities in Maine. The Uniform Mediation Act will be back before the Maine Legislature this year, making this discussion on confidentiality very relevant. Put this date on your calendar and join us for this event.

Panel members include: Jill Culver [Worker's Compensation], Diane Kenty [CADRES and the Courts], Tracy Quadro [Federal and Community Mediation], Attny. Tom Johnston [Labor and Employment], and Attny. Kevin Cuddy [member of Maine State Bar Association ADR Committee]

Contact Bambi Magaw at 862-5110 or bammo2@earthlink.net to sign up for this event. Registration deadline is March 18, 2005.

The Expansion Committee and Penquis Dispute Resolution Center's presented a workshop by Sara Pierce of Mount Desert on Integrated Awareness.

Sara, a pediatric physical therapist, mother of five, and Integrated Awareness teacher, has worked with children, families and community providers for over twenty years.

Her workshop on Integrated Awareness focused on how to approach perceived "unfairness" as it shows up in the mediation process - without violating your neutrality. Sara helped participants recognize, and remain present, when they started to "check out" or go into their own patterned responses to unfairness.

We practiced in role plays how to support the energy of fairness without developing a preference for what others choose. It also gave everyone a greater understanding of exactly how much non-verbal influence we, as mediators, have on what happens at the table.

If you would like to learn more about Sara's work with individuals and groups she can be reached at DTA at 667-6783.

BULLETIN SPONSORS: Sponsor a *Bulletin* for just \$50. With the *Bulletin* posted on the MADRP web site, sponsors will have their article available to everyone logging on. Contact *John Alfano*, jalfano1@maine.rr.com.

New Yahoo Group

If you haven't already done so- please join the Yahoo Email Group to receive notices from MADRP! Email jalfano1@maine.rr.com for more details.

ADR in Practice--by Bill Van Twisk

I asked Linda Gifford, Legal Counsel for the Maine Association of Realtors® (MAR) to answer a few questions regarding Realtors and the new mediation program that MADRP administers for the Maine Residential Real Estate Mediation Program. Linda has been a licensed real estate broker and owns Linda Gifford Law Office and Central Maine Title Company.

How have Realtors utilized mediation, or other forms of ADR) in their practices?

Realtors encourage clients to engage in mediation of disputes, as required in the purchase and sale agreement, as opposed to going to court. Also the National Association is encouraging the use of mediation rather than arbitration in business disputes between Realtors. Realtors have used their own internal arbitration process for many years, but Mediation usually results in a better solution, in that the parties participate in arriving at the solution. Also mediation, as opposed to arbitration, is even more private, involving only the parties and a mediator, as opposed to two groups of peers, the grievance committee and the professional standards hearing panel.

Why did MAR set up its own mediation program, rather than requiring mediation through private mediators in the marketplace?

We set up our own program for mediation because we wanted to be sure the knowledge of the mediators was of a real estate nature, and not just general.

Do you have any thoughts on how the contract Mediation provision is working?

I have not been involved directly in mediation, so only have anecdotal information to share. But some licensees believe that the mediations have gone extremely well. Timing is always an issue. Nip the problem in the bud so to speak, rather than letting it fester and get more emotional than it already is.

Any comment on the low "utilization rate" MADRP has experienced?

Low utilization is probably more a testament to few problems, plus the cost is high compared to the usual small complaint that a buyer might have about the new home. And Realtors are usually pretty transaction oriented, and often fix small items, or mediate informally to insure a good result for all parties. It is not as if people are failing to mediate and ending up in court. It is just that what may seem like a problem, may go away in the light of day, or after a conversation with the Realtor or with other homeowners about the nature of homeownership (no house is perfect, even brand new ones).

MADRP CALENDAR OF EVENTS

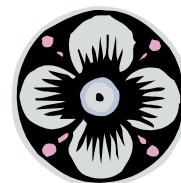
Membership Meetings are held 9:30 to 12:00 on the first Wednesday of January, March, July and September. Our annual conferences are held each May and November. Board meeting are held the first Wednesday of February, April, June, August, October and December plus a mini Board meeting is held an hour before each membership meeting.

March 2nd Membership meeting on Marketing Your Practice at the University of Maine Augusta, Student Union room 218.
Networking and coffee 9:30 to 10:00, program from 10:00 to 12:00.

April 6th Board of Governors Meeting 8:30– 11:30 49 Winthrop Street
Hallowell

May 17 Spring Conference on Appreciative Inquiry

June 1st Board of Governors Meeting 8:30– 11:30 49 Winthrop Street
Hallowell



Give in to the urge to write: send responses, opinions, poems, interviews, inspirational thoughts to nmark@usm.maine.edu

**MAINE ASSOCIATION OF DISPUTE RESOLUTION
PROFESSIONALS (MADRP)**

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"Speech is civilization itself. The word, even the most contradictory word, preserves contact- it is silence which isolates."
--Thomas Mann

2005 MADRP Officers

Susanna Liller, President
Marc Sevigny, Vice President
Carol Corwin, Treasurer
Tracy Quadro, Secretary



2005 Committee Chairs

Expansion: Bambi Magaw/ Marc Sevigny
Events: Jeff Croft
Practice Quality: Paul Charbonneau
Public Policy: Doug Lotane
Public Info: John Alfano
Meetings: Deb Bopsie
Membership: Lisa Levinson
Profession Development: Kathy Leen
Advertising: John Alfano
Facilitator Section: Paul Boticello
ME Residential Real Estate Mediation Program (MRREMP) Sharon McHold
Bulletin: Nancy Markowitz
Nominating Committee: Nancy Markowitz
At-large Board members: Sheila Mayberry
Program Liaison: Karen Tucker, Diane Kenty

MADRP MISSION

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