



# MADRP Bulletin

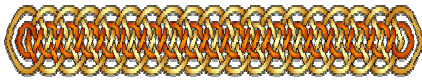
## June 2006



Maine Association of Dispute Resolution Professionals

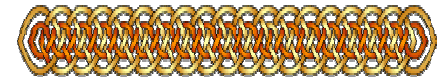
Volume XI, Issue V

June 2006



## President's Message

By John Alfano



MADRP's Spring Conference was a big success. The conference was an interesting mix of topics relating to tools of our craft.

**Jim McGuire** discussed methods to put in our toolboxes to help us resolve conflicts in mediation. One of his methods baffled the math challenged and perplexed those of us who are not.

**Diane Kenty** and **David Webb** discussed the pros and cons of licensing and credentialing. Just when we I think we should be moving toward some system of credentialing, discussions such as this make me doubtful. *Write the Bulletin with YOUR ideas on credentialing.*

**Connie Gemmer** and **Diana Fletcher** made an excellent presentation on marketing, stressing the need for personal contacts. Both of them agreed, that the most cost effective method to sell yourself is through personal contacts with prospective clients.

**The luncheon speaker** for the conference was **Attorney General Steven Rowe**. He spoke about the need to expand mediation beyond the court. He said that ADR is the opportunity for the citi-



*Jim McGuire presented straightforward strategies using math to make the point.*



*Atty. Gen. Steven Rowe*

zens of Maine to find justice without having the expense of court. The surprise of the day was his offer to meet with MADRP representatives to discuss how his office and the State may advance mediation and conflict resolution. This is not a new idea; for example, Maryland has a Mediation and Conflict Resolution Office (MACRO) , a court-related agency, which serves as an ADR resource for the state. MACRO supports innovative dispute resolution programs, and promotes the appropriate use of ADR in every field. MACRO works collaboratively with many others across the state

to support efforts to advance effective conflict resolution practices in Maryland's courts, communities, schools, state and local government agencies, criminal and juvenile justice programs and businesses.

Before the end of the meeting a committee was appointed chaired by **Jonathon Reitman**, with **Jack Montgomery**, **Kim Vogel**, **Alan Toubman**, **Ann Gosline** and **Diane Kenty** to make a proposal to take to the Attorney General.

## MADRP EX. DIR. HIRED

The MADRP Board of Governors is pleased to announce the hiring of the first MADRP Executive Director, in the person of **Roger A. Moody**. Roger comes to us with a strong background in municipal service, as the former Manager of Camden. He has a strong interest in community dialogue. Please introduce yourself to Roger and welcome him into our fold! *Look to an upcoming bulletin for more on our new director.*

MADRP'S Southern Region presents its First Meeting  
**A Midsummer Symposium: The Future of Mediation  
Is Neutrality the Way Forward?**  
Perceptions from the Bench and Mediation Practitioners  
Inspired by Bernard Mayer's book "Beyond Neutrality"  
**Wednesday, July 12, 4 to 6pm at the Portland Country Club**  
**See mailed MSBA flyer or [www.madrp.org](http://www.madrp.org) for details**



## Progress Report on State ADR

By Jonathan Reitman

As those of you know who were at the Spring Conference when Maine Attorney General Steve Rowe spoke, he offered to meet with MADRP representatives who had ideas about how ADR processes might be more widely used by state government. MADRP President John Alfano asked several of us to meet to discuss what ideas we would present to the Attorney General. On June 6, I met with Ann Gosline, Diane Kenty, Jack Montgomery, Kim Vogel and Allan Toubman to begin our internal discussion.

We reviewed the history of attempts in Maine to discuss use of ADR processes with the King and Baldacci administrations. We also discussed efforts in other states which have created statewide Offices of Dispute Resolution (sometimes housed in the executive branch, sometimes in university settings). Finally, we discussed the current efforts to develop a Maine Solutions program (based on the model of Oregon Solutions), which would address primarily public policy disputes. We agreed that all of these

experiences provided valuable learnings which should guide our efforts in our discussions with the Attorney General.

We have begun to address some specific ideas that we would address with Steve Rowe (e.g. adjusting agency rulemaking on adjudicatory processes to include references to ADR, and including ADR provisions in state contracts). However, we all agreed it was most important to hear from the Attorney General himself what ideas he has about the topic, and which agencies within state government he thinks might be both receptive to enhanced use of ADR, and in which ADR might be a "good fit." Several of us left the meeting with assignments to examine further.

Since we are at a formative stage in formulating our approach, we ask all MADRP members who have suggestions on this topic to email them to Jonathan Reitman at [jreitman@goslinereitman.com](mailto:jreitman@goslinereitman.com). We will incorporate as many as possible into our ultimate approach to Steve Rowe and will keep the membership informed.

### HELP WANTED at Community mediation Services In Hallowell

#### Coordinator of Mediation Services

A person is needed full-time to coordinate and manage cases and to administer program contracts. Applicants should have at least 40 hours of mediation training and a commitment to community mediation. Experience working with consumers of mental health services, juvenile offenders and/or agricultural issues a plus. Submit a cover letter, resume and three references by June 16, 2006 to Community Mediation Services, P.O. Box 177, Augusta, ME 04332, fax to 621-8399 or e-mail to [mediate@zwi.net](mailto:mediate@zwi.net). EEOE

### SAVE THE DATE

For MADRP's Fall Conference

#### *The Power of Facilitation From the World Stage to the Conference Table*

Friday, November 17, 2006  
8:45am to 3:30pm

A conference on  
Professional Facilitation  
**WATCH HERE FOR MORE DETAILS**

## SCREENING FOR DOMESTIC VIOLENCE IN FAMILY MEDIATIONS: PART II

by Doris Luther

In my experience, it is actually possible to be too subtle with your screening questions. There is a lot of shame and fear related to being a victim of domestic violence. The victim is reluctant to admit it for fear of being accused of causing it - "well, you shouldn't have made him mad!" or fear of being looked down on - "why do you stay - what's wrong with you?" or fear of reprisal from the abuser. There is a lot of ignorance on the topic.. Some people don't know enough to label it as domestic violence. For some who may have grown up in an abusive home and married an abusive partner, it is "normal". They don't know that this is not what happens in every family.

A few months ago a client responded to my initial probing question - "How do the two of you deal with conflict and disagreements?", by saying, "Oh, he doesn't abuse me." I knew something was off in that answer because there was a protection from abuse order, so, I asked a few more questions. What she revealed was that he never hit her, but he raped her on a regular basis. She was terrified of him and had installed motion detectors in her home which her small children had learned to avoid. If I had stopped after she told me he didn't abuse her I might never have learned this crucial information.

*Continued on next page*

Continued from previous page

Lawyers may say to their clients, “The mediator has to screen for domestic abuse”. The woman may deny abuse, only to reveal later that she was scared of him, he controlled her activities and/or the money, or threatened to hurt the children or the pets if she didn’t do what he wanted. All of these are most certainly abuse and often, not always, accompanied by physical violence.

So, how do we get to the information we need? There are as many questions to ask as there are mediators. I start with simpler questions, and then move to more probing ones, depending on the responses. If I think there is something unsaid, I will probe more deeply.

- What is the temperature of your relationship right now?
- Are the two of you able to communicate?
- How do the two of you deal with conflict or differences?
- What happens when the two of you argue?
- How do each of you behave?
- Has it ever gotten physical between you?
- Has there ever been any physical fighting? If yes, ask who hit whom—make no assumptions.
- Do you feel that there will be any negative consequences as a result of participating in this mediation today?
- How do you feel about being in the same room?
- Do you feel like you can speak up for yourself?

More tips:

- ~Be sure to do the screening in a room that ensures privacy.
- ~Screen the man first, so that he can be candid rather than reactive.
- ~Ask questions slowly and tactfully and give lots of room for the answers.
- ~Do not let attorneys hurry you through this process. *Continued*



## Ancient Hawaiians Inform Present Day Mediation By Brad Smith

On a recent trip to the Pacific I was fortunate enough to meet a long standing mediator on Molokai in the Hawaiian islands. It did not take long for the conversation to come to the use of ho’oponopono in present-day dispute resolution.

In ancient times the Hawaiian culture used this “specific family conference in which relationships were set right through prayer, discussion, confession, repentance and mutual restitution and forgiveness”. Molokai is the most Hawaiian of the major islands and the small population still carries the collective unconscious surrounding this method of resolving conflict. The mediator can either conduct a ho’oponopono or identify certain tenants of this tradition, in the Hawaiian language, which often resonate with the parties at the mediation table: words like “hala” mean transgression, offense or error, but more importantly hala is viewed as a cord which binds the victim, offender and specific action. Also called the “aka cord”, this negative energy is filled with “anger, the wish for revenge, the time strengthened knots of old grudges, the newly tied knots of guilt for the deed, fear of discovery, and the dread of confrontation”. Obviously the goal is for each party to cut these cords. The releasing or letting go is called “kala”, a state of forgiveness and forgetting where the incident and whatever pain it generated is stripped of its energy and the parties can look back on the incident as “no big thing anymore”. To get to that state of kala the energy

of “mahiki” is brought forth, the energy of peeling off or to “cast out, as of a spirit”. “Hihia” is that rare verbal gem or one word which carries volumes of meaning and most accurately describes the emotional entanglement which has resulted from the hala. “ ‘Oia’i’o” or absolute truth and sincerity ultimately finds its way into the ho’oponopono session. This is heartfelt truth in the “telling of all the essential material, no matter how painful this may be. No matter what is told is painful to others.” ‘Oia’i’o”, by definition, would not contain any vindictiveness or desire to hurt. Lastly, for the purposes of this abbreviated article, is “mihi” or repentance, an apology or confession on one hand and the full forgiveness of kala on the other,

Hawaiians live with spirit as part of their everyday life and family members knew that if they acted with falseness or insincerity during the ho’oponopono session that their “aumakua” or ancestor gods would punish them.

The cultural context of dispute resolution and any research, however brief, towards that understanding is time well spent.

Many thanks go to the book Nana I Ke Kumu which the quotes were derived from.

*Brad Smith is a mediator specializing in disputes where maintaining continued relationship is necessary. He has been practicing self-Identity through ho’oponopono since 1996, which he learned while living in Hawaii.*

---

~If you have any perception of intimidation, be sure to offer the option of separate rooms.



# MAINE ASSOCIATION OF DISPUTE RESOLUTION PROFESSIONALS (MADRP)

P.O. Box 8187  
Portland, ME 04104

Phone: (877) 265-9712  
Website: [www.madrp.org](http://www.madrp.org)

MADRP *Bulletin*  
June 2006 Issue

## Two Great July Events

Look for details below, inside, and on the web at

[www.madrp.org](http://www.madrp.org)



# MAINE ASSOCIATION OF DISPUTE RESOLUTION PROFESSIONALS

## 2006 MADRP Officers

**John Alfano, President**  
**Tracy Quadro, Vice President**  
**Carol Corwin, Treasurer**  
**Wendy Whiting, Secretary**  
**Susanna Liller, Immediate Past President**

## 2006 Committee Chairs

**Events - Conference and Annual Meeting:** Bill Van Twisk  
**Practice Quality:** Paul Charbonneau  
**Public Policy:** Doug Lotane  
**Public Information:** TBD  
**Membership Meetings and Professional Development**  
*Portland:* Marion Killian  
*Augusta:* Kim Vogel  
*Bangor:* Bambi Magaw  
**Membership:** Lisa Levinson  
**Advertising:** John Alfano

**Facilitator Section:** Pam Plumb and Tobey Williamson  
**ME Residential Real Estate Mediation Program (MRREMP):** John Alfano  
**Bulletin:** Anita Jones  
**Nominating Committee Chair:** To be appointed by President  
**At-large Board members:** Jane Clayton  
**Program Liaisons:** Diane Kenty (CADRES), Community Mediation Center  
TBD

### 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.

## MADRP Calendar of Events

- July 12** Learn how our Maine Residential Real Estate Mediation Program Works, University of Maine at Augusta, Student Center, Room 118, 10:00-12:00 (Networking & Cont. Ed.)
- July 12** So. Region's Midsummer Symposium, 4 to 6, Portland Country Club (a Networking & Continuing Education meeting)
- August 2** Board of Governors meeting
- September 6** Non-Violent Communication, Penquis CAP, Bangor, 10:00-12:00 (a Networking & Continuing Education meeting)
- October 4** Board of Governors meeting
- November 17** MADRP Fall Conference: The Power of Facilitation, 8:45 to 3:30, Abromson Community Education Center, USM
- December** Board of Governors Planning Retreat

