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Our Mission

The Maine Association of Mediators is a nonprofit 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.

Submission deadline

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mainemediators.org

The President's Message

By Peter J. Malia, Jr.

After taking the month of July off, the Maine Association of Mediators Board of Governors regrouped in early August at board member Chris Neagle's office in Portland. Among other things, the Board discussed the Association's Annual Meeting and program, which will take place on November 7, 2013 at Sweetser's Brunswick office.

In addition to the usual Annual Meeting business, such as saying goodbye to outgoing board members and welcoming incoming board members, we are excited to present (in conjunction with Sweetser) **Cinnie Noble** of Toronto, an internationally acclaimed conflict resolution coach. Ms. Noble will be presenting a day-long conference entitled "Conflict Management Coaching: Helping People Help Themselves."

Although the phrase "space is limited – apply now" is overused, it really does apply in this case. There are only 60 seats available, and this will be a popular program not only for mediators, arbitrators and other neutrals and facilitators, but also for social workers, teachers, guardians ad litem, human resources personnel, and the list goes on and on. Who wouldn't benefit from a full day conflict management training program?

Therefore, it is important that you reserve your seat now if you are planning to attend. You can reserve your attendance on our website by clicking on the "conferences" tab. The cost is \$110.00 for MAM members and Sweetser employees and affiliates (although there is a \$10.00 discount if you reserve your seat now).

Ms. Noble will be teaching us what conflict management coaching is, and how it fits within the ADR field. She will also be presenting an overview of a seven stage conflict management coaching model that she has developed, and she will delve into the neuroscience principles that informed the development of her coaching model. This will be a "must see" program.

The Board also discussed Conflict Resolution Day, which takes place the third week in October. See elsewhere in the BULLETIN for details of a gathering near you hosted by members **Michael Eisensmith**, **Gene Coughlin** or **Karen Groat**.

Finally, Board Member, **Matt Caras** wrote an excellent article which appeared in the Maine Lawyer's Review entitled "The Maine Association of Mediators Launches Ombuds

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Program.” As Matt pointed out in his article, the Maine Association of Mediators has adopted the Model Code Standards of Conduct for Mediators, which has also been adopted by the Association for Conflict Resolution and the American Arbitration Association. Our Members are required to follow those standards. As Matt said in his article: “The compelling purpose of the Model Standards – to promote and ensure the integrity of the mediation process principally through mediator impartiality and confidentiality – is so fundamental to the success of mediation as an institution that the Model Standards are increasingly perceived as creating a standard of care for mediators.” For more on MAM’s Ombuds Process, click on the “Ombuds Program” tab on the MAM website.

Looking forward to seeing you at an event this fall.

MAM Book Review

By Ann Gosline

Civic Fusion, Mediating Polarized Public Policy Disputes by Susan L. Podziba

Paperback: 346 pages

Price: \$42.15 (Amazon.com) and see website civicfusionbook.com

Publisher: American Bar Association (February 16, 2013)

The beauty of the pro-life and pro-choice leaders was striking. Six women, tragically united by the shooting deaths at two women’s health clinics, were talking about partial birth abortions, also referred to as bans on uncertain abortion procedures.

These are the opening lines of *Civic Fusion*, describing a moment in the “Abortion Talks,” one of the most unusual and iconic public policy dialogues in the mediation field. *Civic Fusion* is a clear and insightful discussion of public policy mediation. And it is a good read.

The term “civic fusion” is the author’s metaphor for how public policy processes can foster the best of civic engagement and create personal bonds across deep belief chasms. In Part I of the book, the author explains the metaphor, as well as the preconditions for moving away from the “usual discussion of passionately polarized partisans . . . a heated non-exchange of ideas. . . .” She writes, “It turns out you don’t find the devil in the details of policy conflict, you find constraints and difficult choices that require civic responsibility. If people are willing to fuse their ideas while maintaining their beliefs and values, you may also find consensus strategies for addressing complicated issues.”

In Part II, the author discusses three very different projects. The first took place in Chelsea, Massachusetts, after the State took over governance of the city because of extensive corruption and fiscal mismanagement.

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The State appointed a “Receiver” to oversee the functioning of the city. After several years, the Receiver determined that it was time to establish a new city charter and return governance to the city’s residents. Although the Receiver had the authority to recommend a new charter to the governor, he chose to develop a charter by engaging community leaders in a consensus process. The Receiver retained **Susan Podziba** and **Roberta Miller** as a mediator–public outreach team. The “charter preparation team” they brought together developed a proposed charter under extensive publicity, with some powerful local interests working to undermine their efforts. The team ultimately reached consensus on a proposed charter, which that was passed by Chelsea’s citizens in a referendum. Perhaps equally important, the process helped to rebuild the civic infrastructure of the highly diverse city.

By contrast, the “Abortion Talks” took place in secret for almost six years. In response to fatal shootings at two Brookline, Massachusetts abortion clinics, the governor and the Boston Archbishop jointly called for talks between pro-life and pro-choice leaders. Leaders from both sides, however, had grave concerns about talking with “the enemy.” At the time the situation was so polarized that some leaders feared that even talking with the other side could place them in physical danger. All were concerned that participating in the talks publicly would divide and distract their own movements. After talking with Susan Podziba and **Laura Chasin** of the Public Conversations Project, six high level pro-choice and pro-life leaders agreed to come together to for facilitated talks, in secret. The participants ultimately decided to make their discussions public through an article they drafted together and which was published in the Boston Globe. In the Globe article, they described the evolution of their discussions and how they developed deep relationships while continuing to disagree deeply over the issue of abortion. They committed to work to change in the tenor of public discussions. They agreed that while they would continue to discuss the issues passionately, they would discourage violence and the use of incendiary language by either side. They wrote in their article,

[W]e have glimpsed a new possibility: a way in which people can disagree frankly and passionately, become clearer in heart and mind about their activism, and, at the same time, contribute to a more civil and compassionate society.

The project stories in Civic Fusion are page-turners, especially the discussions of the Chelsea Charter process and the Abortion Talks. (The third project was a complex negotiated rule-making in the federal sector.) The author describes difficult questions she faced in each project and how she addressed them, sometimes reaching out to colleagues. She describes times when projects took unexpected turns and hit bumps in the road. There is a great deal to learn from these project descriptions.

Part III describes building the all-important foundation for a successful process, whether through a formal assessment to determine whether a process should be undertaken, or through pre-meeting discussions with participants when the mediator is hired after the parties have committed to a process. Part IV is a very practical discussion of strategies for managing negotiation dynamics, including information complexity and high emotional dynamics, and other recurring challenges, themes and problems. Both parts reflect the author’s depth of experience.

I highly recommend this book for public policy mediators or those potentially interested in this work. Further, Parts I and II would be very useful for leaders interested in understanding the potential of these processes.

Editor’s note: Ann Gosline is a public policy mediator with Gosline & Reitman Dispute Resolution and Facilitation. For purposes of disclosure, Ann has known Susan Podziba for many years as a colleague and is a former member, along with author Podziba, of the Public Conversations Project.

MAM celebrates mediation and conflict resolution

October has become a time to promote and celebrate peaceful conflict resolution practices worldwide. Dedicated dispute resolution practitioners are helping to educate the public about mediation and other innovative conflict management processes. The American Bar Association (ABA) declares the third week of October “ABA Mediation Week,” in part building on the efforts of many other national, state and local organizations, including the Association for Conflict Resolution (ACR) which has celebrated conflict resolution since 2005 on the third Thursday. MAM, along with the ABA and ACR, as well as numerous other organizations, works throughout the year to raise awareness of the importance of mediation and conflict resolution. A focus in October allows us to exchange stories and ideas with our peers about the work—both its satisfactions and challenges.

The ACR uses a logo of the tree as a symbol to celebrate growth in Conflict Resolution. This first year of celebration, MAM is starting small but just like the tree, the seeds we may plant one year may continue to grow and blossom in the future.



Conflict Resolution Day and Mediation Week goals include:

- Promote awareness of mediation, arbitration, conciliation and other creative, peaceful means of resolving conflict;
- Promote the use of conflict resolution in schools, families, businesses, communities, governments and the legal system;
- Recognize the significant contributions of (peaceful) conflict resolvers; and
- Obtain international synergy by having celebrations happen across the country and around the world on the same day.

Please come to any of the following MAM gatherings to celebrate Conflict Resolution Day and Mediation Week – scheduled as follows:

Thursday, October 17

■ **Bangor – at 3:00 pm**

Vafiades, Brontas & Kominsky

23 Water Street

FMI: Gene Coughlan 207-947-6915

■ **Caribou – at 3:30 pm**

Northern Maine Development Commission, 11 West Presque Isle Rd

FMI: Michael Eisensmith 207 551-5851

Friday, October 18

■ **South Portland – at 2:30 pm**

YouthOpportunities

50 Lydia Lane

FMI: Karen Groat 874-1175 ext 6018

Volunteers of America-Northern New England (VOA-NNE)TRAINING in September and October

Wednesday, Thursday, Friday – Sept. 25 – 27, 2013

Friday, Saturday – Oct. 4– 5, 2013

Time: 8:30 a.m. – 4:30 p.m.

Location: Westrum House, 22 Union Park, Suite 1, Topsham, Maine

Enrollment Fee: \$850, CEUs/CLEs available

For more information contact: mediate@voanne.org

This training is for individuals interested in becoming a VOA-NNE volunteer mediator or applying mediation skills to personal and professional lives. The training includes lectures, demonstrations, interactive discussions and practice with mediation scenarios. The primary focus of the training is both on learning new skills and how to apply mediation skills in daily life. At the conclusion of the training, participants receive a Mediation Certificate.

Participants learn:

- Conflict theory and management
- Theories and practice of mediation
- Screening for mediation appropriateness
- Ways to build and enhance client rapport
- The impact of mediator influence, bias and the directive impulse
- Standards of mediator practice
- Identification and management of ethical issues
- The professional limitations of mediation practice

Presented by **Karen Groat, Director of The Opportunity Alliance Mediation Services Program** and **Elaine Bourne, Program Manager, Volunteers of America Northern New England, Community Mediation Services VOA-NNE Advanced Mediation Training**

Family Law, October 23-24, 2013, 9 a.m. - 4 p.m.: This two-day training is designed to meet the 10-hour requirement for Mediators who want to be on the Family Matters CADRES roster and is also recommended for anyone wanting to conduct family mediation in private practice.

FMI: <http://www.voanne.org/Services/Mediation/Mediation-Training-Schedule.aspx> – Instructor: June Zellers

Domestic Violence, October 25, 2013, 8:30 a.m. - 5 p.m.: This one-day course is designed to meet the 8-hour requirement for domestic violence (DV), for the Family Matters CADRES roster.

FMI: <http://www.voanne.org/Services/Mediation/Mediation-Training-Schedule.aspx> – Instructor: Mary Beth Paquette

What's ahead, MAM?

- **SEPT 25–27, OCT 4–5, Wednesday start date, in Topsham, ME**
40 hour Mediation Certificate Training cosponsored by Opportunity Alliance/ VOANNE (fee)
 FMI: elaine.bourne@voanne.org or 207.373.1140, ext. 238 at VOANNE
- **SEPT 27, Friday, in Augusta, ME**
Camp Finance for nonprofit board members (fee)
 FMI: MANP@mainenonprofit.org or (207) 871-1885
- **OCT 23, Wednesday, in Auburn, ME**
Board Bootcamp: Moving the Board from Good to Great (fee)
 FMI: MANP@mainenonprofit.org or (207) 871-1885
- **OCT 23–24, begins Wednesday, in Topsham, ME**
Advanced Family Law mediation training with June Zeller (fee)
 FMI: elaine.bourne@voanne.org or 207.373.1140, ext. 238 at VOANNE
- **OCT 25, Thursday, in Topsham, ME**
Advanced Domestic Violence mediation training with Mary Beth Paquette (fee)
 FMI: elaine.bourne@voanne.org or 207.373.1140, ext. 238 at VOANNE

Save the Date!

Calling all member mediators and interested persons to the **MAM 2013 Conference/Annual Meeting**

DATE: November 7, 2013

TIME and PLACE:

Program: 9:00 a.m. – 4:30 p.m.

Business meeting: 4:30- 5:00 p.m.

Sweetser in Brunswick (limited to 60 attendees)

Conference: “Conflict Management Coaching: Helping People Help Themselves”

Presenter: Cinnie Noble

Registration is now open! Visit www.mainemediators.org

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