



January 2011

Volume IX, Issue I

Professionals Committed to Cooperative Conflict Resolution

## MAM Board of Governors

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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 for  
March issue:

**February 15, 2011**

## The President's Message

By Peter J. Malia, Jr., Esquire

In my last president's message, from the December 2010 bulletin, I looked back on our accomplishments in 2010 and looked forward to welcoming some new board members with renewed enthusiasm and fresh ideas for 2011. We held our first board meeting of 2011 on January 6, making a number of important policy decisions of which I will inform you in this article, in an effort to keep you up-to-date and allow you to offer your thoughts and opinions on our proposed agenda.

In years past, as many of you know, we have held a spring conference, often located in Freeport, which has included a keynote speaker followed by a number of breakout workshop sessions. This year, in lieu of the spring conference in Freeport, we have decided to offer more programs that will be shorter in duration and dispersed throughout the year. We hope to offer at least one evening program in Portland and at least one program north of Portland (perhaps in Augusta or Bangor). However, we decided to create a subcommittee to bring back the spring conference in Freeport in 2012.

We also created a **Practice Quality Committee**, which is intended to provide leadership and planning to the Board of Governors and our members in the areas of ethics, standards and qualifications. We also created a **Public Information/Outreach Committee**, the goal of which is to increase public understanding and awareness about ADR, in general, and about our organization, in particular. If you have any thoughts about either of these committees, or if you have any interest in participating on either of these committees, please reach out to Dick Romeo (rromeo1@maine.rr.com), chair of the practice quality committee, or to Paula Craighead (pcraig01tufts@aol.com), chair of the public information/outreach committee.

In addition, we kept our **Meeting And Events Committee** intact, the purpose of which is to plan and present educational events for membership. If you are interested in offering suggestions to or participating on that committee, please contact its chair, Debbie Belanger (dbelanger@maine.rr.com). We also kept our **Nominating Committee** intact, which is chaired by Maria Fox (mariafox@mfoxlawoffice.com.) If you have an interest in

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## Sitting in Conflict: In the Room, In Ourselves

By Todd R. Ketcham, Esquire

We all sit with conflict. As mediators, we often provide the space for people in conflict to learn to work with their differences, together, in a supported environment. As human beings, we exist in a world of conflict—though challenged to be authentically mindful of each of our unique reactions to and experiences with conflict. I am constantly learning to observe the words, emotions, expressions and needs of those who enter a mediation session with me. Whether mediating the conflict of others, or communicating in other aspects of our lives, cultivating the craft of listening with genuine empathy is truly powerful.

Throughout the course of my communication and connection within the mediation community, I have been guided to the principles of **transformative mediation** and those of **nonviolent communication**. These are two voices from the chorus of the conflict-resolution world that have resonated deeply with me.

Briefly, **nonviolent communication** has the following underlying premises:

- **Human needs are universal and intrinsic:** We all have the same needs. They live within us, so they cannot be given or taken away. We often have different strategies for nurturing our needs; it is at the particular level of strategy that conflicts often occur. By focusing on needs, we can prevent, reduce and resolve conflicts.
- **All actions are attempts at nurturing needs:** Every action is motivated—consciously or unconsciously—to nurture needs.
- **Feelings are signals from our needs:** Our feelings are important messengers, telling us when our needs are fulfilled and when they are not. When we pay attention to our feelings, we can get important clues about how to nurture our needs. When we pay attention to the feelings of others, we get important clues about which of their needs are calling for attention.

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## The President's Message (cont.)

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serving on our board or you have a suggestion for someone else to serve on our board, please contact Maria.

I would also like to take this opportunity to thank Jan Tockman, who has agreed to serve as our Board Secretary for 2011, as well as Paula Craighead, who has agreed to serve as our bulletin liaison this year. If you have any ideas for the bulletin or any articles you would like to submit, please contact Paula ([pcraig01tufts@aol.com](mailto:pcraig01tufts@aol.com)).

Our 2010 year-end financials indicate that our actual income was \$22,042.00, and our expenses were \$20,317.00, with a net of \$1,725.00 for the year. Also, regarding our Maine Residential Real Estate Mediation Program: Although our seven rostered real-estate mediators could be busier, there are several new mediations in the works and the program is operating efficiently under the guidance and supervision of Program Administrator Eliza Nichols.

Finally, we are pleased to offer you our first program of 2011, **Building Bridges**, to be held on February 3, 2011, at Youth Alternatives Ingraham in South Portland, beginning at 10:00 a.m. and ending at 11:30 a.m. See the notice in this bulletin to find out more about the program.

As always, feel free to contact me if you have any questions, concerns, issues or suggestions regarding the Maine Association of Mediators. I can be reached at [pmalia@hastings-law.com](mailto:pmalia@hastings-law.com) or 207-935-2061. ~

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- **Choice:** We are agents of choice and have the capacity to choose how we think, how we communicate and how we act. To nurture needs, we can become “choice-full” about how we think, listen, talk and act. We can continually learn new ways to nurture needs.

**Transformative mediation** is a framework that notes that conflict can have potentially destructive and dehumanizing impacts on interaction, but people have the ability to change the quality of their interaction to reflect relative personal empowerment and/or relative openness or recognition of the other. As shifts and changes occur, the interaction has the power to rebuild or reconnect a relationship or conversation in a constructive and humanizing way. Interactions can move from destructive to constructive and from dehumanizing to humanizing, enhancing personal strength and interpersonal awareness. Mediators have a goal of helping involved parties identify the opportunities for empowerment and recognition, and to aid them in choosing whether and how to act upon these opportunities.

As I explored the paths of the above ideas, I was drawn into a connection with David Webb, Karen Groat and Peggy Smith. All of us work with parties in conflict as part of our profession, and our connection uncovers a touchstone with which to ground our work with others. It has been truly an empowering moment. In the words of Peggy’s website, [www.opencommunication.org](http://www.opencommunication.org), “Open Communication helps people develop skills we can all use to foster sustainable internal, interpersonal and organizational peace.” Undoubtedly, engaging in the dialogue about how mediators can develop these skills to sit with people who are in conflict is a relevant conversation in our life’s work of building peace.

Please join in this conversation on February 3 at Youth Alternatives Ingraham in South Portland. Our conference is called *Building Bridges: Incorporating Principles of Transformative Mediation and Nonviolent Communication in your ADR Practice*. Information and registration are available at: <http://www.mainemediators.org>. See you there. ~

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For further reading on **nonviolent communication**, go to: [http://en.wikipedia.org/wiki/Nonviolent\\_Communication](http://en.wikipedia.org/wiki/Nonviolent_Communication), which includes the resources noted here:

- Rosenberg, Marshall. *Nonviolent Communication: A Language of Compassion*. Encinitas, CA: PuddleDancer Press; 1999; ISBN 1892005026.
- Sarles, Sharon. "Non-violent? Communication?: A Review of Rosenberg's NVC Method." *Southwest Facilitator's Network* (Southwest Facilitator's Network). September 2001. [http://www.southwestfacilitatorsnetwork.org/Links\\_reference.htm](http://www.southwestfacilitatorsnetwork.org/Links_reference.htm). Accessed January 2011.
- Rosenberg, Marshall. *Nonviolent Communication: A Language of Life*. Encinitas, CA: PuddleDancer Press; 2003; ISBN 1892005034.
- Flack, Chapman. "The subtle violence of nonviolent language." *Cross Currents* (Association for Religion and Intellectual Life). September 2006. <http://www.thefreelibrary.com/The+subtle+violence+of+nonviolent+language.-a0152267677>. Accessed January 2011.
- Little, Jason. "Buddhism and nonviolent communication." *Shambhala Times*. January 31, 2009.
- Fullerton, Elaine. "The development of 'Nonviolent Communication' in an early years setting to support conflict resolution and develop an emotional intelligence related to both self and others." *Behaviour4Learning* (GTC Scotland). February 2009. <http://www.behaviour4learning.ac.uk/ViewArticle2.aspx?anchorId=10132&menu=17867&ContentId=15871>. Accessed January 2011.

For an explanation of the origins of nonviolent communication and its applications today by Marshall Rosenberg, founder of a nonviolent communication franchise and training program, visit the YouTube site: [http://youtube.com/watch?v=1dpk5Z7GIFs&feature=youtube\\_gdat\\_a\\_player](http://youtube.com/watch?v=1dpk5Z7GIFs&feature=youtube_gdat_a_player), or search YouTube for “nonviolent communication.”

For further reading on **transformative mediation**, go to: [http://en.wikipedia.org/wiki/Nonviolent\\_Communication](http://en.wikipedia.org/wiki/Nonviolent_Communication), which includes the following resources:

- Bush, RAB; Folger, JP. *The Promise of Mediation*. San Francisco, CA: Jossey-Bass; 1994.
- Bush, RAB; Pope, SG. “Changing the quality of conflict interaction: The principles and practice of transformative mediation.” *Pepperdine Dispute Resolution Law Journal*. 2002: 3(1), 67–96.
- Della Noce, DJ; Bush, RAB; Folger, JP. “Clarifying the theoretical underpinnings of mediation: Implications for practice and policy.” *Pepperdine Dispute Resolution Law Journal*. 2002: 3(1), 39–65.

Maine Association of Mediators presents



## BUILDING BRIDGES:

Incorporating Principles of Transformative Mediation and NonViolent  
Communication in Your ADR Practice

Where: Youth Alternatives Ingraham, 50 Lydia Lane, South Portland

When: **Thursday, February 3, 2011** from **10am-11:30am**

CLE's: 1.5, including .5 ethics credit

Teleconferencing: Yes!

To register, contact: [Administrator@mainemediators.org](mailto:Administrator@mainemediators.org)

Panelist: **Karen Groat**, Director of  
the Family Mediation Program at  
Youth Alternatives, South Portland,  
ME

Panelist: **Peggy Smith**, Founder  
and Principal Trainer of Open  
Communication, and co-founder of  
Maine NVC, Lincolnville, ME

Panelist: **David C. Webb**,  
Attorney and Mediator, Law and  
Mediation Office of David C. Webb,  
Brunswick, ME

Moderator: **Todd Ketcham**,  
Attorney and Mediator, Cooper & Bull,  
PA, Westbrook, ME



Our panel will offer the respective views of Non Violent Communication and Transformative Mediation as helpful principles for when we sit with conflict in various kinds of mediations.

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Learn more about MAM or advance register at [www.mainemediators.org](http://www.mainemediators.org)