



Message from the President

Sometimes it pays to wait until the 11th hour to write my "President's Column".

I just had the perfect conversation to help me entice you to MADRP's November 10th Conference— managing "Difficult Conversations" with Debbie Goldstein. This afternoon I was on the phone with Steve Schuit, a principle with the Greenshoe Group, a Maine consulting and conflict resolution business that serves clients worldwide. Steve was a facilitator at Seeds of Peace this summer. They use the "Difficult Conversations" model and Steve told me he approaches all new models with some "healthy skepticism" and his initial caution to this model was no exception. However, he was pleased to report to me his discovery, when using it with the Palestinian, Israeli and Cypriot teenagers, that it worked! He described it as very practical model that gives everyone a common language, allows everyone to take responsibility for the conflict— and diminishes the tendency for people to blame or point the finger at others.

Come on the 10th and see for yourself. I think we'll all have a new tool to add to our toolbox.

—Susanna—

SAVE THE DATE

MADRP's Fall Conference and annual meeting

WEDNESDAY, NOVEMBER 10, 2004. 8:30 am -4:00 pm

SENATOR INN in Augusta

Join Debbie Goldstein, co-author of Difficult Conversations to learn proven techniques for successful conversations and then participate in some the difficult conversations the MADRP community has encountered this year— and see for yourself if this process might work for us. If you have any "conversations" you'd like to see happen or if you didn't receive or need another registration form:
email: Jeff Croft, Events Chair, at jeff@solidecisions.com

Slate of MADRP Officers and Board Members of Governors 2005

At the Annual Membership meeting, the MADRP membership votes on the proposed slate of Board of Governors put forward by the Nominating committee and approved by the Board at the last Board meeting.

Officers:

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

Standing Committee Chairs: (committees listed in our Bylaws)

Practice Quality: Paul Charbonneau
Public Policy: Doug Lotane
Public Information: (currently unfilled)
Nominating: Nancy Markowitz
Meetings and Events: Deb Bopsie (meetings); Jeff Croft (events)
Membership: Lisa Levinson
Expansion: Bambi Magaw

Members with particular assignments/responsibilities/committee work:

Advertising: John Alfano
Bulletin: Nancy Markowitz
Facilitator Section: Paul Botticello
Professional Development: Kathy Leen
At-large: Kathleen Roberts, Brad Smith, Sheila Mayberry

Community Program Liaisons (non-voting members)

CADRES: Diane Kenty
Community Mediation Center: Karen Tucker
MRREMP: John Selser

Many thanks to Nominating Committee Members: Chair, Anita Jones, Rick Greene, Karen Groat, Doris Luther, Felicity Myers and Nancy Markowitz

MADRP UPCOMING EVENTS AND NEWS

Mediation and Domestic Abuse November 16

This eight-hour workshop that meets the requirements of the Maine Court Alternative Dispute Resolution Service for training in mediation and domestic abuse, addresses the significant issues involved for the practice of mediation in the context of domestic abuse. This interactive program provides an understanding of how domestic abuse impacts on the practice of mediation and the necessary skills needed to respond safely and knowledgeably to the issues raised by domestic abuse.

Advanced Training in Transformative Mediation Practice

Nov 29 - Dec 1 This course is designed to deepen students understanding of the premises and principles of the transformative orientation to mediation practice. As an advanced course, intensive, coached video-taped role plays and exercises provide a formative assessment of the ability to conform mediation practice consistently with theoretical foundations. Prerequisites for Above Programs: Previous forty-hour training in mediation

Both programs are offered by Paul G. Charbonneau. To learn more about program content and expectations, call him at 207 594-2910 or e-mail: pgcharbo@midcoast.com

For information about Costs and Registration, call USM at 780-5900

New Hampshire Conference:

Information and registration for the November 5th, 6th NH Conflict Resolution Association's 2004 Annual Conference is now available on NHCRA's website at

<http://www.nhcra.org/conference.htm>.

Maine Family Law from A to Z

Presented by Cushman Anthony Esq. and June Zellers, Esq. **October 21st, 22nd 9:00-3:00**

Learn the basics of the law and court procedures that enable mediators to successfully handle family law cases and fulfill the required 10 hours of family law training to qualify for listing on the CADRES domestic relations roster. This course also qualifies for continuing education credits for retention on CADRES roster. To register contact: Cushman Anthony at 775-3091 mainemedi8@aol.com or June Zellers at 582-9007 jzellers@prexar.com.

Confidentiality in Mediation

Join MADRP's Expansion Committee

DATE: November 19, 2004

TIME: 8:30 check in program 9:00 am - 2:30 (lunch provided)

LOCATION: BLACK BEAR INN in ORONO

FEE: \$25.00 (MADRP members) \$30.00 (Non-members)

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? Are the confidentiality needs different in labor and management disputes from neighborhood disputes? Does Maine's Human Rights Act mediations have different confidentiality needs than a Worker's Compensation Act mediation? What about in private practice mediations?

The format is an open forum discussion with a panel of representatives including Maine Trial Lawyers, Worker's Compensation, the Courts (CADRES), Community Mediation Centers, and others.

Registration deadline is November 5, 2004. For more information contact Bambi Magaw 862-5110 or email bammo2@earthlink.net. The Black Bear Inn is offering participants reduced overnight accommodations.

MADRP's Reading Group

The reading group met on October 5th and discussed an excerpt of a provocative new book by Bernie Mayer, *Beyond Neutrality*. His central thesis is that the field of conflict resolution is facing a crisis as a result of over-reliance on the role of the third-party neutral and the failure to provide what people in conflict are seeking.

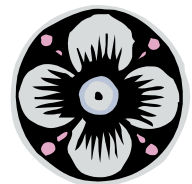
Come join us at the next meeting on Monday, December 6th from noon to 1:30 p.m. in room C of the Campus Center, USM in Portland— bring your own brown bag lunch. The group will continue reading Mayer's book- next discussion will be chapters 3 and 4. Contact Kathleen Roberts kroberts@usm.maine.edu by October 29 if you want to buy the book at a discount rate. Questions or to RSVP contact Diane Kenty at dkenty@maine.rr.com

MADRP CALENDAR OF EVENTS

November 10th: 8:30 am-4:00 pm Annual Conference and Meeting
Senator Inn, Augusta

December 6th, 7th: MADRP Board of Governors Retreat

January: Membership Meeting— stay tuned for details



Community Mediation Services seeks a part-time Coordinator of Mediation Services to manage cases and administer a contract with DHHS. Requirements include; 40 hour mediation training and a commitment to community mediation. Submit cover letter and resume to Community Mediation Services, P.O. Box 177, Augusta, ME 04332-0177, fax to 621-8399 or e-mail to mediate@gwi.net. All qualified applicants will receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, physical or mental handicap or sexual preference.

Mediators Wanted

Community Mediation Services in Hallowell is seeking 4 to 6 Mediators for its USDA Mediation Program. A small stipend is available per case and travel may be required. Mediators who live in rural, agricultural areas and/or have some background in agriculture, including farm credit, wetlands determination, pesticide issues and grazing on federal lands, are preferred. If interested, send your resume, cover letter with any agricultural experience, to: Ag Program, CMS, PO Box 177, Augusta, ME 04332-0177 or call 621-6848 for more information.

Each November our MADRP conference focuses on the development and enhancement of our ADR skills. This year, "Managing Difficult Conversations" continues this tradition. I attended a workshop with Debbie Goldstein and experienced shifts in my understanding that resulted in changes in my mediation and group facilitation work.

I highly recommend you attend!

Karen Tucker, Acting Director,
Community Mediation Center

If we were logical, the future would be bleak indeed. But we are more than logical. We are human beings, and we have faith, and we have hope. -- Jacques Cousteau

The Silver Bullet By Tracy Quadro

Our last membership meeting featured an interesting discussion regarding various techniques to try when a mediation has reached an impasse. One of the techniques, nicknamed the "Silver Bullet," involved a mediator supplying a number to the parties in caucus. If each party accepted the number, the mediation would end and the mediator's number would become the settlement. If either party rejected the number, the mediation would continue.

My initial reaction to this technique was one of shock and horror. As a community mediator, my golden rule is that the mediator, simply by virtue of being in the position of discussion moderator, possesses a "power" that may influence the parties unless mindful care is taken. This being the case, whenever the mediator injects an opinion about how the case should proceed, it is "tainted" by this power dynamic and may unduly influence a party to do something that would not have been his or her choice. In community mediation, a failure to come to agreement does not imply a failure of the mediation process, so there is really no need to "break impasse." The mediation is still considered a success if the parties choose to "agree to disagree" after hours of trying. Using this rationale, the Silver Bullet technique may be harmful to the mediation process, the way I and some other mediators practice mediation.

However, after hearing the discussion, my mindset began to change a bit. I began to understand that different types of mediations generate different kinds of expectations in the minds of the parties. For example, even though the Silver Bullet may be inappropriate in a community mediation setting, the parties in a labor negotiation or a settlement between litigants or business contacts may welcome it. In such a mediation, where a settlement agreement is expected, and many parties perceive that the mediator is not doing his or her job if the number is not reached, the Silver Bullet may well be the technique that brings the process to a mutually satisfying conclusion.

My conclusion after hearing what many mediators in the discussion had to say was that we may need to look beyond our own practice areas and keep an open mind about what various types of participants may need as part of *their* mediation process. When viewed through another's eyes, the Silver Bullet does not seem so shocking and horrifying after all.

A Zen Poem: Even the General took off his armor to gaze at the peonies.

Become A MADRP Bulletin SPONSOR for \$100 you can help defray costs and provide exposure to your practice. Send an article about yourself and your practice- include your picture either electronically in jpeg format or by mail to: jalfano1@maine.rr.com or John Alfano, 5 Libby Drive, Biddeford 04005 with your check for \$100 payable to MADRP. This may be used as a deductible advertising business expense and thanks in advance for your support.

Give in to the urge to write: send responses, opinions, poems 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

2004 MADRP Officers

Susanna Liller, President
Diane Kenty, Vice President
Carol Corwin, Treasurer
Tracy Quadro, Secretary



2004 Committee Chairs

Expansion: Bambi Magaw/ Marc Sevigny
Meetings & Events: Jeff Croft
Practice Quality: John Selser
Public Policy: John Selser
Public Info: Sheila Mayberry
Membership: Lisa Levinson
Profession Development: Kathy Leen
Resource development: Anita Jones
Advertising: John Alfano
Facilitator Section: Anita Jones
Maine Residential Real Estate Mediation Program (MRREMP) Jack Eler
Bulletin: Nancy Markowitz
Nominating Committee: Anita Jones
At-large Board members: Karen Tucker, Dan Eichorn

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.