

Resolution

The Ohio Commission on Dispute Resolution & Conflict Management's Electronic Newsletter

Fall 2006



Welcome to *Resolution* the Commission's electronic newsletter. *Resolution* is published semi-annually by the Commission on Dispute Resolution and Conflict Management, 77 South High Street, 24th Floor, Columbus, Ohio 43215-6108. It is available online through the Commission's Web site at: www.disputeresolution.ohio.gov. The Commission welcomes your comments, news, calendar events, and suggestions for future issues.

Commissioners and Staff www.disputeresolution.ohio.gov/commissn.htm#commissioners

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Education – K-12 Schools and Higher Education

Commission Welcomes New Director of Education Programs

Jennifer Batton, after eight years of dedicated service to the Commission as Director of Education Programs, left in July to become Director of the Global Issues Resource Center at Cuyahoga Community College. Her creativeness and energy were key to the growth of the Commission's Education Programs. Her co-workers and many friends wish her all the best in her new responsibilities.

We welcome to the staff Sarah Wallis as the Commission's new Director of Education Programs. Sarah is responsible for programs and services related to conflict resolution education in schools K-12, colleges and universities. Prior to joining the Commission Sarah worked as a Licensure Officer and Program Administrator in the School of Education at Antioch University McGregor. She holds a Master of Arts Degree in Conflict Resolution and is currently pursuing a Master of Education and licensure in Adolescent and Young Adult Education. She is a volunteer mediator with the Dayton Mediation Center and a youth soccer coach. She is fluent in Russian and has traveled extensively in Europe and Asia. Sarah can be reached at: 614-644-9275 or via E-mail at Sarah.Wallis@cdr.state.oh.us.

Ohio Middle Schools Benefit from Conflict Management Programs

To achieve safe school environments conducive to quality teaching and high academic achievement, the Commission promotes conflict management education programs in primary and secondary schools, colleges and universities. Through grants, training, and resource development the Commission works to institutionalize conflict management education into the daily operations of education organizations. Ohio's model is based on a comprehensive approach that spans the building, district, and ideally the community

Last spring the Commission and the Ohio Department of Education awarded 50 competitive grants to middle schools across the State to implement school-based conflict management programs during the 2006-07 and 2007-08 school years. Funding for this initiative is through a \$1.3 million grant with Vanderbilt University from the U.S. Department of Education.

Grant awards include funding for program design and implementation, school conflict management, bullying prevention, and peer mediation training for school teams, including teachers and administrators, and 32 hours of on-site staff development to integrate non-violent conflict resolution skills and concepts into classroom management. Schools also receive age-appropriate lesson plans and a variety of resource materials to assist in program implementation.

County Juvenile Detention Facilities Take Advantage of New Conflict Management Course

Based on the success of a pilot course designed for juvenile detention facility staff last spring, the Commission is offering the course again in November. The four-day course focuses on conflict management theory and skills including effective conflict de-escalation strategies, cultural competence and techniques for handling disruptive behavior. The training is appropriate for officers, counselors, social workers, teachers and administrative staff. Madeleine Trichel the Executive Director of Interfaith Center for Peace will conduct the November course in Cleveland. For more information please contact the Commission at 752-9595 or Madeleine Trichel at mtrichel@peace-center.org.

Pre-Service Teacher Education Project Addresses Teacher Satisfaction and Retention

The Conflict Resolution Education in Teacher Education (CRETE) project is a collaboration between the Commission, Temple University, and Cleveland State University. It is funded by the U.S. Department of Education – Fund for the Improvement of Post-Secondary Education, the George Gund Foundation, and the Commission. The goal of the project is to educate pre-service teachers in conflict resolution education and social and emotional learning to increase teacher satisfaction and teacher retention. University faculty, pre-service teachers, and mentor teachers are being trained in the following topics: the skills of conflict management; classroom management techniques; mediation; cultural competency; bullying prevention; and curriculum integration. As the project enters its third year, the faculty at Cleveland State University have begun to conduct training sessions themselves for other faculty and students and discussions are underway regarding expansion of the national pilot project.

Registration Underway for Fall 2006 Conflict Management Training

Registrations are now being accepted for Commission-sponsored trainings open to K-12 educators across the State. Topics include bullying prevention, conflict management as a classroom management tool, and peer mediation. For more information and to register for a training, please visit the Commission's Web site at: <http://disputeresolution.ohio.gov/scmtrainings.htm>.

Commission Presents at September 11th Remembrance Ceremony

The Commission participated in a September 11th tribute sponsored by the Alicia Titus Memorial Peace Fund at Urbana University. Alicia Titus was killed by the tragedy of September 11th and a peace fund has been developed in her name at Urbana University where the Titus family has close ties and affiliations. The Commission was invited to present at this event which focused on breaking the cycle of violence.

Speaker's Bureau Helps to Curb School Bullying

The Commission continues its efforts to help curb school bullying by promoting a statewide speaker's bureau on school bullying. The Bureau provides a broad base of well-trained youth and adult speakers capable of presenting information about bullying prevention, suicide, and mental health needs across the State under the auspices of the Ohio Suicide Prevention Foundation. Speakers are provided at no cost to Ohio schools and youth-serving agencies. To schedule a youth or adult speaker to come to your school or organization, or to become a speaker, please contact Elnora Jenkins at the Ohio Department of Mental Health at: <mailto:JenkinsE@mh.state.oh.us>.

Course on Managing and Resolving Conflicts in Schools Available on CD-ROM

The Commission in partnership with Dr. Tricia Jones at Temple University, the U.S. Department of Education and the National Association of School Psychologists has developed an on-line course for teaching school-based conflict management. The course can be ordered on CD-ROM through the Commission's Web site at: <http://www.disputeresolution.ohio.gov/pdfs/cdflyerschoolconflicts.pdf> or can be accessed on-line at: <http://www.k12coordinator.org/onlinece/onlineevents/conflictresolution/index.html>

Japan's Largest Newspaper Covers Commission's Work in Education

The Commission hosted Ms. Tomoko Takemura, a Deputy Editor at the Yomiuri Newspaper in Tokyo, for a week as she covered the Commission's work in conflict resolution education. Ms. Takemura came to Ohio after reading about Ohio's leadership in this field. While in Ohio Ms. Takemura visited schools and organizations where the Commission and its partners are doing work in conflict resolution education, including public schools in Columbus and Cleveland, a juvenile detention facility in Medina, local and federal courts in Columbus and Cleveland, and Cleveland State University. Articles featuring the Commission and its work appeared in the Yomiuri Newspaper this summer.

Community & Court-Connected Dispute Resolution

Directory of Community and Court-Connected Dispute Resolution Programs

The Commission's Directory of Court and Community Dispute Resolution Programs has been updated on the Commission's Web Page. To access the directory please visit: <http://www.disputeresolution.ohio.gov/nfpmap.htm>

Ohio Community Mediation Association (OCMA)

by Kenzi Bisbing, OCMA Member and Program Coordinator, Townhall II, Kent

For the last five years the Ohio Community Mediation Association (OCMA) has been a united voice for community mediation throughout Ohio. There are over a dozen community mediation centers across the State that provide non-violent alternatives to resolving disputes. The following are highlights from several of OCMA's member organizations.

Columbus-Based Center Listens to All Voices: A core belief of community mediation centers is to build ways to listen that include the voices of the entire community. To better listen to its local community, Community Mediation Services of Central Ohio recently hired bilingual staff, and earlier this year welcomed a new member to its Board of Trustees who is from Central Ohio's West African Community. To learn more about the programs and services of Community Mediation Services of Central Ohio, please visit [http://www.communitymediation.com./](http://www.communitymediation.com/)

Mahoning Valley Offers Mediation to Address Student Truancy: Mahoning Valley Dispute Resolution Services recently expanded its list of services to include truancy mediation. Mahoning Valley now offers mediation services to address student truancy in its local school districts. Many Ohio community mediation programs offer truancy mediation services. The success of the program grows every year. In addition, Mahoning Valley Dispute Resolution Services has a new Program Manager, Dorothy (Dottie) Kane. For more information on truancy mediation please visit [http://www.disputeresolution.ohio.gov./](http://www.disputeresolution.ohio.gov/) and click on Court and Community. To learn more about Mahoning Valley Dispute Resolution Services please e-mail Dottie Kane at mailto:dmiller_anthem@yahoo.com.

Westlake Center Mediates Neighborhood Disputes: The Conflict Resolution Center of the West Shore, Inc. in Westlake, Ohio is working with local law enforcement, the Lorain County Chief Law Enforcement Agency, and the Lorain County Prosecutor's office to provide community mediation services for neighborhood disputes in 15 different communities. The Center is also offering a new program called "Girls Club" for girls in grades 7 & 8. The program works with girls in the Parma Public Housing Unit over the course of three weeks to address topics such as body image, self-esteem, relationships, gossiping and friendship. The Center hopes to expand this program to other sites around the County. To learn more about Conflict Resolution Center of the West Shore, please visit <http://www.bay-village-ohio.com/conflictresolutioncenter/>

Stark County Center Creates New Mediator Group: The Community Mediation Center of Stark County has created a Mediator Associates Group. The group was created as a result of several practicing mediators expressing the concern that one of the drawbacks in private practice is the sense of working in isolation. Working by oneself has advantages but the disadvantages are clear in that there is less overall support, opportunity for case sharing, getting information, and networking. The Mediator Associate Group provides all mediators the opportunity to meet on a regular basis to network and discuss current topics in mediation. The Mediation Center serves as the hub for mediators and those who support and promote mediation, for meetings, information sharing, coffee, and camaraderie. Persons interested in joining the Mediator Associates Group can obtain further information by contacting the Executive Director, Teresa Cusma, at <mailto:teresacmc@sbcglobal.net>. Please see additional highlights from Stark County in the Contributions section of *Resolution*.

Town Hall II Provides Innovative Training: To celebrate National Conflict Management Day, October 19, 2006, Townhall II in Kent, Ohio is offering a free seminar entitled "Surviving the Holidays". Community members are invited to learn how the riddle of holiday stress and conflict can be easily solved. Townhall II is also working with local courts and school districts to provide "Children in the Middle" and "After the Storm" to families of divorce. These are conflict management seminars that teach listening and communication skills along with conflict management skills to families of divorce. This program is evidence-based and shown to reduce parental conflict, child reported stress, and litigation. For more information on the programs and services offered by Town Hall II, please visit <http://www.townhall2.com/>

To find out more about your local community mediation center, how they can work with you to address your community's needs, or how you can help them better serve their community please visit the following links:

<http://www.ohiocommunitymediation.net/>

<http://www.NAFCM.org/>

<http://www.disputeresolution.ohio.gov/>

Truancy Prevention Through Mediation Program Continues Growth

The Truancy Prevention Through Mediation Program (TPMP) offers Ohio students, families, schools and juvenile courts the option of using mediation to address the root causes of student truancy and tardiness. Twenty-six Ohio counties have adopted the Program as a proven, successful approach to improve attendance. For the 2006-2007 school year over 350 schools in close to 100 school districts are participating in the Program. For the 2006-07 school year the Commission is targeting program development in urban school districts, and is currently working with city school districts in Youngstown, Columbus, and Cincinnati.

By emphasizing early intervention and in-school mediations, truancy mediation keeps families out of court; resolutions are reached in most mediations, and the percent of cases that slip back into truancy and require court action is small. Perhaps more important, truancy mediation allows families, in a confidential setting, to discuss the problems that are contributing to the missed days and to search for mutually acceptable solutions, which

may include assistance from a social service or government agency, an entity that can provide the support the family needs to deal with its problems and be better able to get the children to school on time every day.

Two recent evaluations of the program demonstrate its value, one regarding Canton City Schools, and one for Columbiana County (see below). These and other evaluations, and further information about the model and its best practices, are available at <http://disputeresolution.ohio.gov/courtcommunity.htm>. Questions or requests for further information should be directed to Ed Krauss, 614-752-9681, ed.krauss@cdr.state.oh.us.

Following is an example of the successful use of the truancy mediation model, provided by the Conflict Resolution Center of the West Shore.

Susan is the mother of six. She received a notice from the school that her oldest child, Jill is in danger of being truant. The notice requested Susan's presence at a truancy mediation. Enraged, Susan called the school, told them her daughter had not missed the number of days they say she has, and that she had no intention of coming to the mediation because all the school wants is "to get into her business".

A week later Susan receives a letter from Ben's school. Ben is also in danger of being truant. The school explains that her presence at the mediation is requested; if she does not attend Ben's case may be referred to the court. Susan, Ben and Susan's second husband come to the mediation. The mediator and Ben's teacher are also present.

As the mediation progresses, the mediator guides the parties to the problem-solving stage. Ben is held accountable for his part in being too tired to get up for school. Susan begins to realize that certain behaviors have to change. She suggests that Ben get to bed earlier and establishes a specific time. The teacher suggests that Ben not have a telephone, television or video games in his room as these may tempt him to stay up past his bedtime. The mediator asks Ben if he is willing to take responsibility for getting to bed on time. Ben agrees and signs the agreement, along with Susan, her husband, and Ben's teacher.

Susan then apologizes for not attending her daughter's mediation. She explains that she did not fully understand what mediation was, or how it would work. She said she was very pleased with Ben's mediation. She asks the mediator for a business card and states that she will call the Board of Education to suggest that mediation be used for issues of discipline and academics as well as time and attendance. She ends the session by stating that she believes a lot of the effectiveness of mediation is that a third-party helps everyone understand each other and that by signing the agreement, they are signing a contract which they are expected to honor.

Columbiana Truancy Mediation Effort a Success

The Columbiana County Family and Children First Council (FCFC) has taken the leadership role in implementing the Truancy Prevention Through Mediation Program. To determine the value of the program, a company with experience in evaluating truancy mediation, Luminesce Consulting, studied the results from the 2005 - 2006 school year. That report states, in part:

*During the 2005-2006 school year, seven schools in four districts utilized the *Truancy Prevention through Mediation Program*. In total, 133 mediations were scheduled for this school year. **In each of the districts, statistically significant reductions in the number of absences and tardies were demonstrated for those students/families that participated in the program.** (Emphasis in original)*

In addition to the FCFC leadership and the dedication of the mediators, the Columbiana truancy mediation effort was successful in large part for two reasons -- the training provided to those mediators and the cooperative relationship of the members of the truancy task force.

The training was provided by Kenzi Bisbing from Townhall II in Kent, Teresa Cusma from the Community Mediation Center of Stark County, and Ed Krauss, Commission Staff. Funds provided by the Supreme Court of Ohio Dispute Resolution Section supported this training.

To make the program run as effectively as possible, a task force of the FCFC, Columbiana County Juvenile Court, the involved school districts, and the Columbiana County Job and Family Service (CCJFS) was created to discuss systems and procedures.

In addition, the CCJFS awarded a grant to the FCFC to cover the cost of mediators. The rationale for providing that grant was that reducing truancy, by definition, means that students have more opportunities to learn, and therefore a greater chance of earning a high school diploma. County Job and Family Services are charged with implementing programs that are likely to break the family cycle of poverty, and helping a student earn a diploma, especially one from a family where that rarely happens, is a positive effort toward breaking that poverty cycle. The support of the CCJFS is deeply appreciated by those managing the mediation program and by the Columbiana County Juvenile Court. The full report may be viewed at <http://disputeresolution.ohio.gov/courtcommunity.htm>.

Updates From The Supreme Court of Ohio: Dispute Resolution Section

Rule 16 Changes Adopted

On August 8, 2006 the Supreme Court adopted the proposed changes to Rule 16 of the Rules of Superintendence for the Courts of Ohio, effective January 1, 2007. The Dispute Resolution Section of the Supreme Court in collaboration with the Supreme Court Advisory Committee on Dispute Resolution and the Ohio Judicial Conference Dispute Resolution Committee are developing implementation resources which will include the rule, relevant statutes, sample local rules incorporating the requirements of the rule and preferred practices regarding the procedures required by the rule which will be sent to all local courts before the end of the year.

Domestic Abuse Issues Training Schedule

(Balance of calendar year 2006)

November 2-3 Cuyahoga County
Contact Person Hazel Beard Beard@thebridgemediation.com

December 7-8 Summit County
Contact Person Hazel Beard Beard@thebridgemediation.com

State and Local Government Programs

This fall the Commission is once again offering a three-part workshop series on Improving Public Policy through Collaboration. This series is designed to provide participants with an understanding of how *appropriate*, or alternative dispute resolution (ADR) techniques can be used in the public policy arena. Each session includes presentations by seasoned practitioners and a mix of lecture, group exercises and “hands-on” practice.

The Ohio Commission on Dispute Resolution & Conflict Management
Presents
Improving Public Policy Through Collaboration
2006 Workshop Series

Workshop I

**Dispute Resolution Programs
in State Government Today**

September 29
8:30 a.m.-12:00p.m.

31st Floor, South B/C
77 South High St.
Columbus, Ohio

Learn from your colleagues! Representatives of ADR programs from workplace dispute, public policy, public complaint, regulatory and enforcement programs will address the special challenges and opportunities of ADR programs in public agencies. (CLE credit available)

Cultural Competencies in Mediation

1:00 p.m.-4:30p.m.

Location noted above

This workshop will focus on the rapidly changing demographics of age, race and ethnicity in the workplace and the resulting impact on the mediation process. Participants will gain knowledge of the current integration of cultural competencies in mediation, an increased awareness of usage and associated skills. (CLE credit available)

Workshop II

**Managing Conflict
in the Workplace**

October 20
8:30 a.m.-4:30 p.m.

31st Floor, South B/C
77 South High St.
Columbus, Ohio

Workplace conflict, ineffective meetings and “difficult people” can sabotage your best efforts to create a high performance workplace. This skill-based program will share techniques to improve your conflict management skills in the workplace. (CLE and CEU credit available)

Workshop III

**Can We Talk?: Upgrading
Your Public Engagement Strategy**

December 1
1:00 p.m.-4:30p.m.

31st Floor, South B/C
77 South High St.
Columbus, Ohio

Obtaining meaningful public input is an important part of democratic governance. This session will compare and contrast public input and engagement models such as the National Issues Forum, the 21st Century Town Meeting models and others. Examples of large-scale online public “dialogues” and public input opportunities will also be discussed.

Who Should Attend?

Mediators and Mediation Program Administrators, Labor Relations and Human Resources
Professionals, ADR practitioners interested in public sector applications

Registration

Registration will be taken on a first come, first served basis. Space is limited.
Sessions are free for registered individuals!

For the **September 29th** session, please register no later than **September 15th**

For the **October 20th** session, no later than **October 6th**

For the **December 1st** session, no later than **November 17th**

To register, please contact Portia Gray at (614) 752-9595 or portia.gray@cdr.state.oh.us. For more information, please visit the Commission’s Web site, www.disputeresolution.ohio.gov/ or contact Maggie Lewis at (614) 752-9598.

Building Consensus in Northeast Ohio: Portage County Negotiates Storm Water Regulations

In an effort to provide effective, consistent storm water management countywide, the Portage County Board of Commissioners contacted the Ohio Commission on Dispute Resolution in 2005 to facilitate the development of model ordinances for ten communities regulated by the USEPA Storm Water regulations. The Board of Commissioners felt that it made “good sense” to develop one set of ordinances for adoption by all communities within the county so that storm water management could be addressed consistently throughout this growing Northeast Ohio county.

The Portage County Storm Water Ordinance Committee (SWOC) was comprised of 23 representatives from ten “regulated communities” including Portage County, Brimfield Township, Franklin Township, Ravenna Township, Rootstown Township, Suffield Township, City of Ravenna, City of Streetsboro, Brady Lake Village, and Village of Sugar Bush Knolls, state regional county and township organizations, as well as independent advocacy groups such as the Ohio Farm Bureau and the Home Builders Association and a citizen representative. Members met five times during March 2005-May 2006 to create model ordinances to address Illicit Discharge Detection and Elimination Construction Site Storm Water Runoff Control and Post-Construction Storm Water Management as required by the USEPA. These three ordinances will serve as a model for smaller and unregulated communities, and will become an integral component of the Portage County Storm Water Management Plan (SWMP). It is anticipated that individual communities will adopt the model ordinances for implementation in 2007.

“Public policies, such as storm water management, are multi-faceted and impact many areas of the community without regard to jurisdictional boundaries. Effective and meaningful legislation cannot be developed without the input from the independent political subdivisions, regulatory authorities and users of these policies. The professional facilitation services and guidance provided by Mr. Bartenstein were invaluable in ensuring that each voice was heard throughout this process”, commented Kerry Macomber, Assistant to the Portage County Board of Commissioners.

The SWOC agreed to make decisions by consensus, rather than by voting. Consensus was defined as an agreement *to live with*, i.e., to support, rather than block, the implementation of any particular recommendation. Facilitation services were provided by Commission associate facilitator, Fred Bartenstein and Commission staff, and Portage County Soil and Water District staff provided administrative and logistical support. Funding for the process was provided by a grant from the Ohio Commission on Dispute Resolution’s Public Disputes Project. For more information about the project, please contact Kerry Macomber, 330/297-3600 or James Berleir, PCSWCD 330/297-7633. For more information about the Public Disputes Program, please contact Maggie Lewis, Ohio Commission on Dispute Resolution 614/752-9598.

Commission Helps to Increase Diversity of Practitioners in Public Policy Dispute Resolution

The Association for Conflict Resolution, Environmental and Public Policy Section recently launched a pilot project intended to increase the Section’s diversity. The project matches specialists in environmental ADR with practitioners from under-represented racial and ethnic backgrounds to help the practitioners to gain access into the field of public policy dispute resolution. For the pilot phase, three practitioners have been paired with volunteer mentors. The Commission’s Associate Director Maggie Lewis is serving as one of the volunteer mentors. Over the course of the year, the practitioners and mentors will meet regularly and will spend at least 20 hours working together on an environmental public policy case. In July the mentoring pairs attended a training that helped to augment practitioner skills in the field and included sessions for the mentors on how to successfully coach and mentor.

Ohio's Workplace Mediation Program: It's Your Solution!

The Ohio Workplace Mediation Program (WMP) is designed to provide all state employees with an additional forum to resolve workplace conflicts. It is a free, confidential and voluntary program and is not intended to replace or modify the current dispute resolution procedures introduced through collective bargaining and/or other employee plans.

Mediation is an informal, structured process in which a neutral third party helps disputing parties to work through and resolve problems. The mediator guides the parties through a process in which the issues are discussed, options for resolving the problem are generated, and mutually acceptable solutions for an agreement are considered. The parties control how the problem will be resolved.

Mediation offers each party to a dispute an:

- * Opportunity to be heard;
- * Opportunity to develop new ways of dealing with a problem;
- * Opportunity to create their own solution;
- * Opportunity to save time, expense and emotional distress of living with unresolved conflict in the workplace.

For more information about the Ohio Workplace Mediation Program, please contact the Ohio Commission on Dispute Resolution by calling 614/752-9595 or visit the Commission's Web site at:

www.disputeresolution.ohio.gov.

Contributions

Mediation vs. Meditation, Finding Peace

by Desiree Lyonette, Attorney and Mediator, Lucas County

Following mediations involving children, and sometimes parents, participants will read the survey questions out loud and refer to mediation as meditation. While it seems that these two words have completely different meanings, it really isn't that far fetched to consider that there are some similarities.

Other than the words sounding similar, at first glance there has not been any correlation between the two. Taking a closer look, mediation often exhibits many opportunities to heal and rejuvenate people. In some cases mediation mirrors meditation.

Taking a deep breath. Often this tactic is used in meditation to assist those practicing meditation in relaxing and calming, and ultimately rejuvenating the spirit. In mediation, the participants have the chance to do the same. Stepping back and taking a deep breath gives both parties a chance to regroup, calm themselves and allow for the opportunity to take a step back and clear their own mind, so that the parties are more receptive to the information presented from the other side. This simple task often can create the possibility for parties to move closer to a resolution by allowing each to consider options that they may not have even been aware existed prior to taking that breath.

Meditation often requires parties to separate themselves from others to focus and concentrate on the need for peace. In mediation this same theory can be viewed as "the caucus." While the mediator is an extra "body" in the room during a caucus, this tactic often provides the participants the same opportunity, to block out any negative energy in the room, and focus on the parties' needs. This gives the parties a chance to achieve peace through using the caucus to overcome the negative obstacles that are preventing them from achieving peace through arriving at a mutual agreement resolving the conflict.

Chanting consists of repeating the same verse or word. Venting involves yelling the same information repeatedly. Chanting allows the parties to find their rhythm and tune out extraneous information. Venting allows the recipient, (ventee) to tune the venter out, which creates the need for the venter to yell longer or louder, but it also provides the venter a chance to clear the air, and "get things off their chest." Both chanting and venting provide an outlet in their proper forums. Each can be short or long in duration. Eventually, the chanter and the venter stop. In both cases someone feels better when this act ceases. Sometimes it is the ventee, sometimes the venter, and sometimes the mediator!

Personally, comparing mediation to meditation I think mediation is a much better healing resource. Meditation allows an individual to improve his or her own well-being. When mediation works at least two people benefit, but sometimes even more people have the opportunity to create better situations for the participants and those who benefit from the resolution. The result of inner and outer peace can be documented in written form with mediation. With meditation can anything really be documented? Of course arguably, after meditating who would want to attempt to document it, by the time you are done recording all your findings, you would just feel the need to meditate again.

Between the two options, I would whole-heartedly argue that mediation would be the better choice since it can help many and provide the opportunity to build bridges and improve ongoing relationships. Then again, anyone who knows me and my passion for mediation would not be surprised by my position.

The State of the Field of Mediation

By Jay M. Patterson, President, Ohio Mediation Association

So what's going on in the mediation field? For those less familiar with the mediation profession, this article attempts to provide a brief sketch of the status of the field of professional mediation. Over the decades the use of mediation has steadily grown as an effective tool to help people not yet in agreement reach mutually acceptable and beneficial resolutions. However, more could and should be done to improve quality of life through increased use of mediation. Much work remains to be done to change the cultural paradigm of how society deals with conflict.

First, for the unfamiliar, a brief descriptor of mediation might be instructive. Although there are many approaches to mediation, it basically involves the use of a neutral professional mediator that guides the process of the discussion among people seeking a mutually acceptable outcome. Quality mediation involves much more than having a person with good people skills involved in the discussion. Good mediation involves specific techniques, methods, or steps utilized by a trained professional that empowers people to make progress in ways they have not made prior to engaging in the mediation process.

Mediation is utilized in all segments of our society for all types of concerns or disputes. It is effectively used for workplace disputes, car accidents or other torts, divorce, organizational matters, family or relationship problems, school conflicts, consumer/supplier disputes, neighbor disputes, health care conflicts and other matters too numerous to list. Mediation not only produces outcomes that are more satisfying to the parties, it is also often faster and less expensive than other traditional problem solving processes.

Large sums of financial and human resources are spent utilizing traditional methods of conflict management. Public funds, in particular, could often be put to more efficient use by the increased use of mediation to resolve matters that would otherwise pay for such things as police responses and court personnel to handle the ever-increasing load placed on Ohio's court dockets.

Despite the increased use of mediation with all deliberate speed, professional mediation has not even scratched the surface of its potential to improve quality of life for countless numbers of people. In order for mediation to realize its true potential it must be institutionalized in our society and must become a part of the everyday thinking of the general public. For example, when we need transportation in an unfamiliar city, we know we can rent a car, call a taxi, or ride the bus. When we have a broken arm we know to seek a doctor. When we need assistance in getting an agreement or resolving a conflict, mediators are not generally the first professionals that come to mind, if at all. Mediators, governmental leaders and other persons in a position to affect societal change need to do a much better job making professional mediation more widely known and thus utilized. When mediation is more familiar, it will become more accepted and, in turn, more trusted as a common way to resolve a matter.

There are many ways mediation could be encouraged. Public resources could be used for a public awareness campaign in much the same way smoking cessation or anti drunken driving campaigns have successfully changed the cultural paradigm. Mediation could be required or encouraged as part of tort reform. Governmental or private sector contracts could contain mediation clauses agreeing to the use of mediation prior to utilizing other means of resolution. Regulatory agencies could incorporate mediation programs or procedures as a way to resolve matters without adversarial enforcement actions.

Mediation does not make the world a perfect place. It does not solve all the world's problems. However, professional mediation quite often achieves a satisfying resolution even though traditional methods were often unsuccessfully attempted first. It seems time to try a different approach to managing conflict which would be to use mediation first.

The Ohio Mediation Association, the only statewide professional mediation association for all regions and types of mediators in Ohio, welcomes opportunities to work collaboratively with legislators, other entities of state and local government, and the private sector on improving the quality of life of Ohioans through greater use of mediation. Interested persons should feel free to contact me personally at jmpmediation@ameritech.net or visit the OMA web site at www.mediateohio.org.

Dayton Peace Museum

Carly Lane, Student Intern, the Ohio Commission on Dispute Resolution & Conflict Management

The historic Pollack house in Dayton, Ohio, is the home of the Dayton International Peace Museum. The center is home to both permanent and rotating collections of exhibits dedicated to the history and promotion of peace. The museum also serves the community as a gathering for those committed to a community of peace, hosting activities and special events geared towards children and adults. Among the many peace education services provided by the center is "Peace Through Creative Expression," a workshop for children given by Frank Swift, a local artist. The workshop is designed to allow children to express and explore their feelings about conflict through art, music, movement and other modes of creativity.

As part of the museum's exhibition, the PeaceMobile is available for visits to schools and other activities. The classroom van, painted by Earlham college students, travels around Ohio, sharing messages of peace. For more information about the PeaceMobile or any of the exhibits and services at the Dayton International Peace Museum, check out their website at <http://www.daytonpeacemuseum.org/>.

What Do Couples Really Want, Anyway? A Case Study in Interest-Based Negotiation

By John Bertschler, PhD and Judge Kathleen O'Malley

Abstract: This case study shows an application of the principle of Interest-Based Negotiation vs. Position-Based Negotiation (Fisher and Ury, 1981) to a case of post-decree divorce mediation. It also shows how the principles of collaborative mediation can produce results very different from those expected in the traditional adversarial litigation process. The differences represent considerable savings in time and cost to the former spouses, the maintaining of a collaborative parenting relationship between former spouses as opposed to the creating or worsening of conflict between them, and the correct diversion of a petition for amending a judgment entry from a busy court docket to a mediation venue. Views from a mediator and sitting judge are exchanged.

John Bertschler, PhD is a psychologist and mediator in private practice in Independence, Ohio. He has practiced divorce, family, and organizational mediation since 1996.

Judge Kathleen O'Malley is a sitting judge in the Court of Common Pleas, Domestic Relations Division, Cuyahoga County (greater Cleveland) Ohio.

The full article, which may be found at <http://www.ncsmmediation.com/> provides an excellent example of a mediator using effective listening and questioning techniques as part of an interest-based post-decree conflict over parenting time and responsibilities, common points of contention that come before mediators. The case study is followed by comments from the mediator, Dr. John Bertschler, with additional comments by Judge Kathleen O'Malley.

Stark County Mediation Center: Mediation Stories

- **Referral to Mediation from the Stark County Family Court**
- **Mediation of Home Owner/Contractor Dispute**

Referral to Mediation from the Stark County Family Court

The parties (all names changed for confidentiality) are Sally and Peter. They are divorced, and have two children, ages 12 and 8. The Family Court asked the Mediation Center to provide assistance in resolving the concerns. A Guardian Ad Litem had been appointed for the children.

The children have been living with their mother since the parents dissolved their marriage in 2004. Peter would like to spend more time with his children. He states that he has almost stopped trying to see or call them because of verbal harassment from Sally. Sally and her family continually berate Peter in person and on the phone, often in front of the children.

Peter's current girlfriend has a history of drug abuse, and is no longer in custody of her children; in addition, one of Peter's friends was arrested and imprisoned for drug abuse - facts which Sally uses against Peter.

Peter states that his girlfriend has been in treatment, has been clean for nine months and no longer uses drugs. In a caucus, Peter discussed his friend's situation, but asked that his comments not be shared with Sally.

Sally responded that Peter is now not the man she married, that he is a different person, and that he can't be trusted to protect their children from criminal influences - examples being the girlfriend and the friend who was arrested. She does regret that Peter is not the dad he used to be, and that she doesn't know or trust the man that Peter is today.

Both parties are angry and untrusting of each other. They carried into the mediation their attitudes and past communication history of sarcasm, verbal sparring, and unproductive exchanges.

At the first mediation Peter attempted to reassure Sally that the children would be safe with him, and agreed not to leave them alone with his girlfriend. Both parents agreed not to be critical or speak disrespectfully about each other in the presence of the children, or to the children. These two agreements were a good start.

At the second mediation the parties renewed their understandings and agreed that the past way of communicating was not helpful, and that both would like to communicate in a more respectful and productive manner. They agreed that it is important for the children to see this behavior in their parents as role models. Later in the session Peter apologized to Sally for mistakes he had made and said he wanted to regain her trust, and wanted to be assured that Sally would not treat him in a disrespectful manner in front of their children. Sally responded in a positive manner and shared that their son had told her he doesn't like it when she speaks to Peter in that manner.

This exchange proved to be a pivotal moment. Instead of being defensive, looking for opportunities to counter-attack, they began to really listen to each other, to really share. Sally talked about how difficult it has been to be a single parent, and that she would like Peter to help her more with the children. Peter responded that he wants to do exactly that; to assume more responsibility, be more of a help to Sally, and ease her burdens. The parents began to set up an agreement to share those burdens. They agreed to try different shared parenting structures, see what worked best, and then return in the near future to finalize the agreement to present to their attorneys. The mediation concluded with a positive and hopeful attitude on the part of the parties.

Mediation of Home Owner/Contractor Dispute

The parties (all names changed for confidentiality) are Mary (home owner) and John (Contractor). Mary claimed that John did not complete the remodeling work he had agreed to do. She thought they had begun with a good understanding of what needed to be done and how. John said he also thought things were clear until the work was underway; as it progressed, he said she was adding additional repair items and not being clear on what she wanted. John tried to accommodate her but began to feel he was being taken advantage of, since the changes were affecting his profit margin. John decided he had to wrap it up and move on.

Mary was not satisfied with the work as John left it, and she withheld \$2,500 of the final payment. John began the filing process in small claims court, where he was offered the option to try mediation first. He agreed to try mediation before filing, and when the mediator contacted Mary she also agreed to see if mediation would resolve their dispute.

In the mediation the co-mediators soon realized that Mary and John had a strong distrust of each other as a result of miscommunication, assumptions, and the resulting strained relationship. The mediators asked both parties to share their perspectives, and to clarify their understanding of what each other meant, thus shedding light on misunderstandings.

It turned out that Mary had gotten incorrect information from a well-meaning friend. John was able to educate her on construction terms and costs, and what were realistic expenses and profit margins. Upon learning this, Mary revised her list of required repairs to be more appropriate for the amount of money being paid. John agreed with her revised list.

An agreement was eventually reached. John agreed to complete the work during the week of May 8th.

The parties also agreed to return to mediation if they had a future conflict. Mary agreed to pay John \$2,500 when the work was completed. Several days later Mary reported to the Mediation Center that the work had been completed as agreed and that she had made her final payment to John.

Training Opportunities

To view statewide training opportunities in dispute resolution and conflict management, please visit the Commission's Web site at: <http://disputeresolution.ohio.gov/trainings.htm>.

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