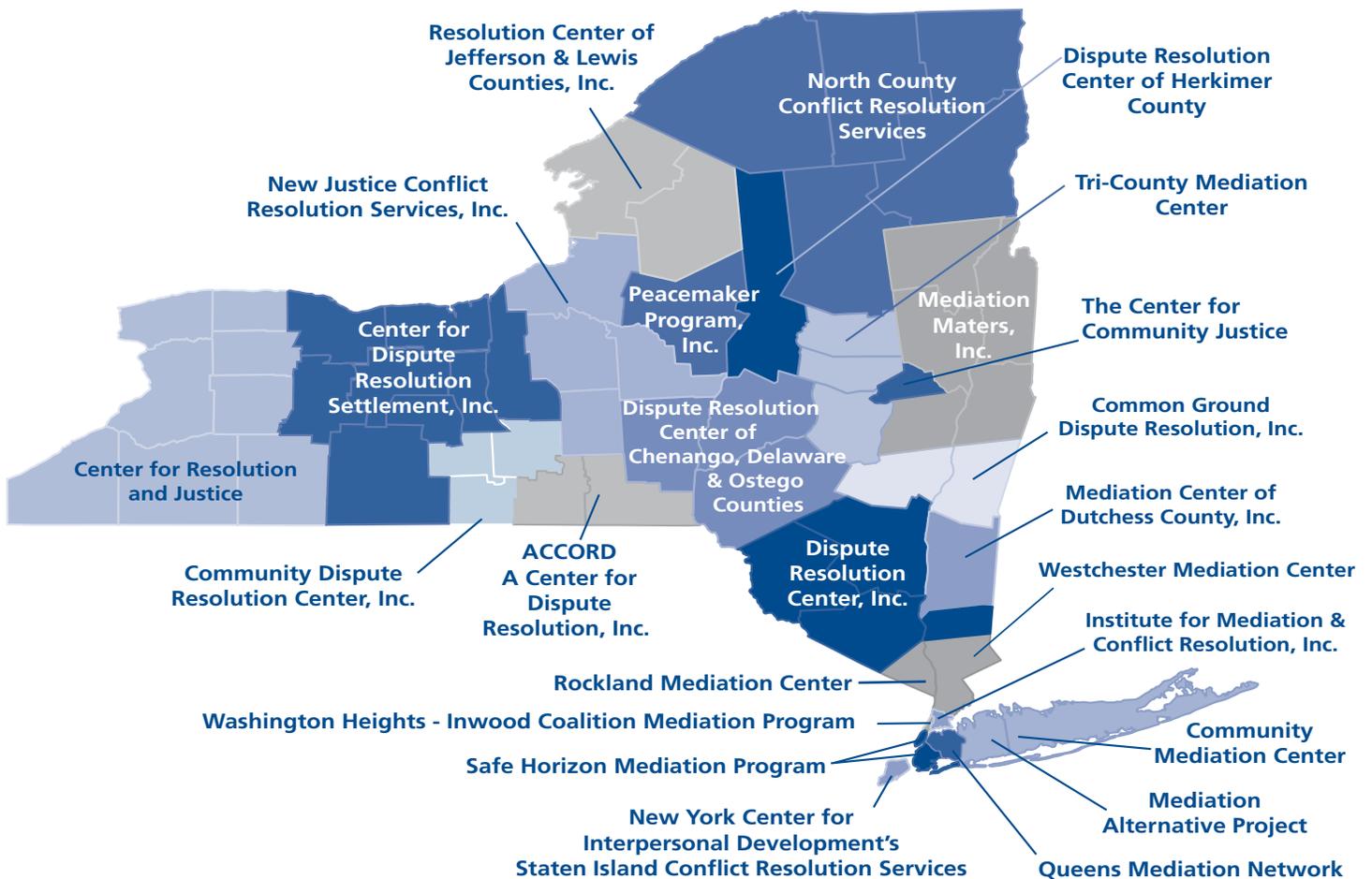


NEW YORK STATE UNIFIED COURT SYSTEM

Community Dispute Resolution Centers Program

ANNUAL REPORT

2008-2009



New York State's Community Dispute Resolution Centers

The Office of Alternative Dispute Resolution and Court Improvement Programs compiles a Directory of Providers that contains more detailed information about each of the CDRCs. The Directory can be found at:

www.nycourts.gov/ip/adr/DirectoryofProviders.pdf

*State of New York
Unified Court System*



*Ann Pfau
Chief Administrative Judge*

*25 Beaver Street
New York, N.Y. 10004
(212) 428-2100*

September 22, 2009

Hon. David A. Paterson
Governor of the State of New York
Executive Chamber
State Capitol
Albany, NY 12224

Dear Governor Paterson:

Pursuant to Chapter 524 of the Laws of 2005, I transmit the annual report of the activities of the Community Dispute Resolution Centers Program covering fiscal period April 1, 2008 to March 31, 2009.

The Community Dispute Resolution Centers Program, in its 28th year, is available as an alternative to formal court proceedings to every citizen in the 62 New York counties. The New York State Unified Court System is indebted to the more than 1,400 professionally-trained volunteer mediators across our state, in conjunction with Community Dispute Resolution Center staff, who help parties communicate, allowing them to resolve their conflicts in a peaceful and meaningful way.

Your support of this valuable program is greatly appreciated. We look forward to working with you in serving the people of the State of New York.

Thank you,
A handwritten signature in cursive script, appearing to read "Ann Pfau".

New York State Unified Court System

HON. JONATHAN LIPPMAN
Chief Judge of the State of New York

HON. ANN PFAU
Chief Administrative Judge

Office of Court Administration

LAWRENCE K. MARKS, ESQ.
Administrative Director

RONALD P. YOUNKINS, ESQ.
Chief of Operations

Division of Court Operations

NANCY M. MANGOLD
Director

DANIEL M. WEITZ, ESQ.
Deputy Director

Office of Alternative Dispute Resolution
& Court Improvement Programs

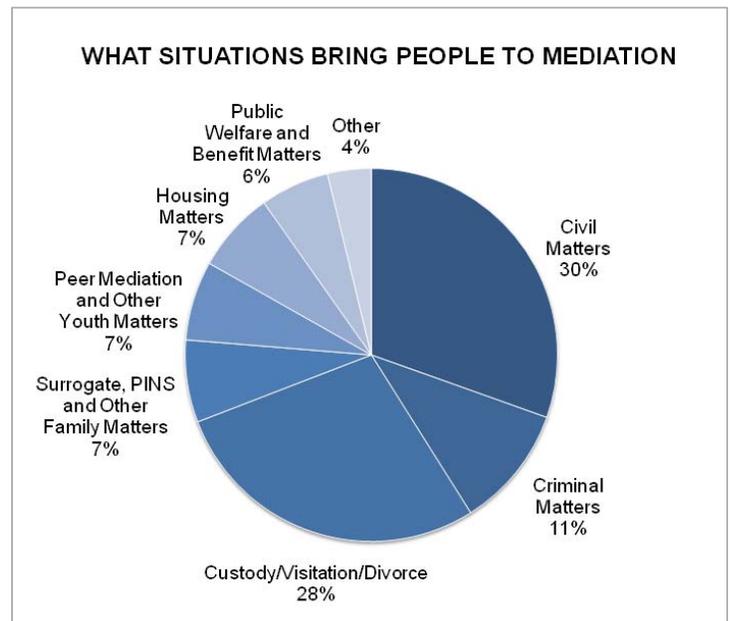
DANIEL M. WEITZ, ESQ.
Coordinator

MARK V. COLLINS
Assistant Coordinator

A MESSAGE FROM THE COORDINATOR

Our network of Community Dispute Resolution Centers (CDRCs) is one of the few programs of its kind in the nation, providing a vast array of alternative dispute resolution (ADR) services to the people of New York State. This year alone, CDRCs collectively served 98,395 individuals and screened 38,590 cases, resulting in 21,550 mediations and other dispute resolution processes. While these numbers are themselves impressive, what stands out most are the incredible stories of the work of CDRC staff and volunteers. For this reason, we have chosen this year to spotlight a critical focus area for many CDRCs – restorative justice. The programs that CDRCs have developed over the years in this area are changing the way communities address crime while simultaneously expanding opportunities for victims and offenders to have face-to-face conversations.

CDRCs and our office place a principal value on quality ADR services. CDRC mediators are held to some of the highest standards in the country, from the initial training they receive to their guided apprenticeships to the ongoing observation and training requirements that we expect of them. In recognition of these expectations, we focused our 2008 statewide conference of the CDRCs on the topic of quality assurance. We also support quality services through the work we do to certify mediation trainers, and this year, our office hosted what we hope will become a regular gathering of certified trainers to discuss pedagogical considerations related to mediation and training.



CDRCs have continued their efforts to ensure quality even in these challenging fiscal times. We strongly support CDRCs in this work by directing our resources to training for mediators and staff whenever possible, whether by funding CDRCs to offer their own advanced trainings for mediators or by sponsoring trainings through our office that are open to mediators and staff statewide. As we provided assistance through these efforts, we also recognized the increased importance of financial accountability. Our office has responded in numerous ways this year, most notably through the RFP processes in which we engaged to select CDRC providers in all 62 New York counties. Additionally, we continued to provide support by hosting conversations at Directors' Meetings, offering customized assistance for organizational advancement and continuing our resource development trainings series for not only CDRCs but also for the other agencies that provided contracted services through our office – Court Appointed Special Advocates programs, Children's Centers and Parent Education programs.

I am delighted to introduce this report, which covers the fiscal year ending March 31, 2009. I hope you will find that the data, stories, information and analysis contained herein demonstrates what an extraordinary program we have in our CDRCs.

Daniel Weitz

WHO WE ARE

The Community Dispute Resolution Centers Program (CDRCP) is a program of the New York State Unified Court System (UCS) Office of Alternative Dispute Resolution and Court Improvement Programs (ADR/CIP). The CDRCP was created with the goal of providing access for all New Yorkers to affordable or free alternative dispute resolution (ADR) services such as mediation and arbitration. Mediation is a process in which a neutral third party helps people in conflict talk through their differences and, if possible, come up with their own solution. Mediators, unlike judges or arbitrators, don't make decisions for people in conflict but empower parties to discuss or resolve conflict in the way that works for them. Established in 1981, the CDRCP funds independent not-for-profit agencies – Community Dispute Resolution Centers (CDRCs) – in every county of New York State. The CDRCs received \$8,838,196 in UCS funds between April 2008 and March 2009, including funds from local judicial districts. During that time, CDRCs served 98,395 individuals and screened 38,590 cases, resulting in 21,550 mediations and other dispute resolution processes.

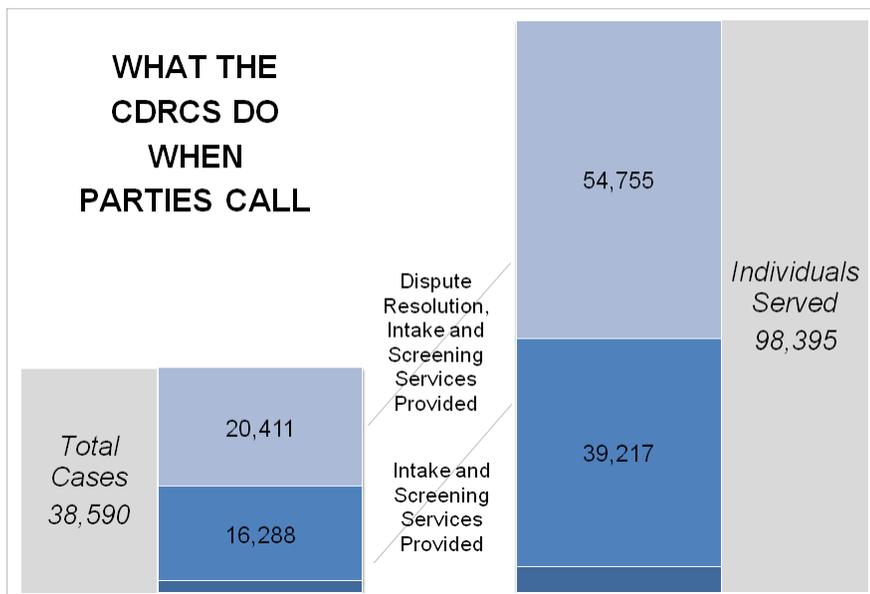
CDRCs offer constructive processes for resolving differences and conflicts between individuals, groups and organizations as an alternative to avoidance, destructive confrontation, prolonged litigation or even violence. Mediation is designed to value individual interests and needs as well as relationships. By working through conflict in the community and building connections between people and groups, ADR helps to make communities work for all of us.

“Thank you to the entire ACCORD staff for being here for the public and providing a wonderful resource. The mediators were awesome.”

– MEDIATION PARTICIPANT FROM ACCORD, A CENTER FOR DISPUTE RESOLUTION, INC.

Many common types of disputes – neighbor disagreements, custody and visitation arrangements, and landlord-tenant issues, for example – are well suited to mediation. While many people who have filed in court for these issues are referred to CDRCs for mediation, any New Yorker may use the services of the CDRC in his or her local area, regardless of whether he or she has a case pending in court.

Once a CDRC becomes aware of a dispute through a referral or directly from a person in conflict, CDRC staff members conduct interviews with the parties to explain the mediation process and give parties an opportunity

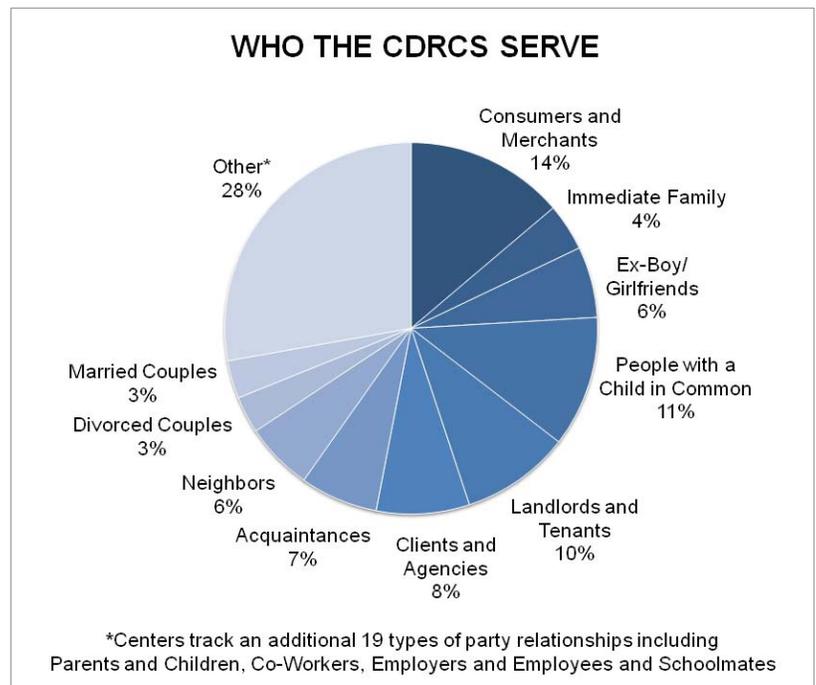


to talk about their conflict. Each case is also carefully screened to ensure that the matter is appropriate for dispute resolution services. Of the 38,590 cases handled by CDRCs this year, 1,891 were found to be inappropriate for mediation. After this intake process, each person involved in the case voluntarily decides whether to participate in mediation or another ADR process. As this chart shows, more than half of the people who worked with CDRCs this year participated in an ADR process.

The vast majority of cases handled by CDRCs are mediated by volunteers from the local community. In order to ensure that these volunteer community mediators are taught a core curriculum statewide, ADRCIP certifies trainers to provide Initial Mediation Training and Custody and Visitation Mediation Training. Volunteers must complete both initial training and an apprenticeship before mediating cases (for more information, see page 20).

"I would recommend mediation to anyone. The mediator listens to everyone's part. She was fair and didn't take sides."

– MEDIATION PARTICIPANT FROM THE INSTITUTE FOR MEDIATION AND CONFLICT RESOLUTION, INC.



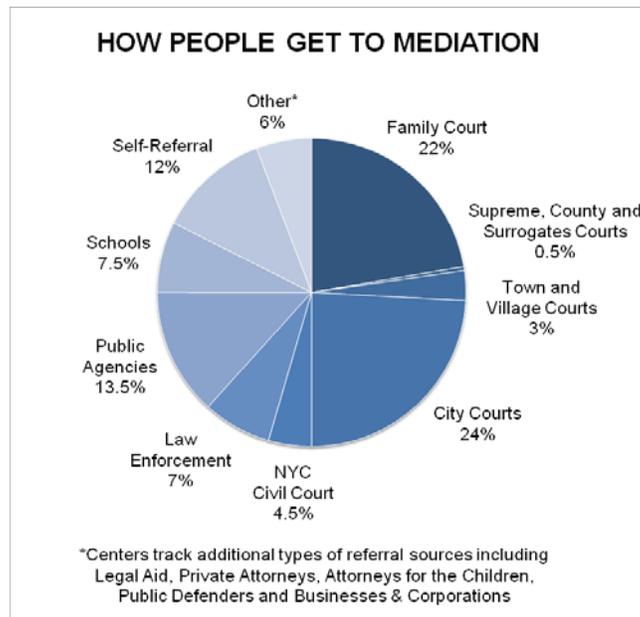
success story

For some families, a CDRC becomes a place where they can have the conversation they cannot have anywhere else. Though these families may initially be referred to the CDRC by the court, they end up coming back on their own to mediate when they need to make changes to their parenting agreements. CDRCs work with these families to turn their mediated agreements into court orders, an arrangement that saves the courts time and provides families with a safe place to talk through the issues they are facing.

Such has been the case with a particular family that has mediated six different times at the Center for Dispute Settlement, Inc. (CDS) in Ontario County. The first two times this family came to mediation because they had filed petitions in court, and their judge referred them to CDS. The mother, father and paternal grandmother were each involved in the initial mediation sessions several years ago. Since then, the parties have made use of the process when there have been changes in their lives that affect how they share time with their children. Every time they come to mediation, they work hard in conversation for several hours and come out with an agreement that they are satisfied with. CDS staff observes, "Even though they can't be together, they have a commitment to working this out together...since mediation isn't an adversarial process, they are able to do that. They do argue and get emotional as they are talking things out, but it's clear that they care about each other and their kids."

WHY WE COLLECT DATA

ADRCIP collects data from every CDRC throughout the year, gathering information about the types of cases handled, who has referred them, what processes parties go through and the ultimate outcome of the case. In addition, ADRCIP tracks information about the people who utilize CDRCs, collecting demographic information about the parties. To ensure that data is reported using the same standards across the state, ADRCIP provides CDRCs with software – the Dispute Resolution Case Management System (DRCMS). DRCMS is not only used for ADRCIP's data collection, but includes built-in reports and saves all of the data entered through the software to a database stored at the CDRC. The CDRCs can use the information available in the database or in the built-in reports to analyze their work.



Once select data is transferred from the CDRC, ADRCIP is able to analyze statewide trends in the use of ADR while also noting individual CDRCs’ achievements and changes in the cases they handle and the people they serve. In 2008-2009, CDRCs handled 38,590 cases, a slight uptick from 2007-2008, but the cases themselves were anything but the same as the prior year. One major achievement statewide is the 29% increase in the amount of cases screened inappropriate. Cases screened inappropriate for mediation could be the result of power imbalances, presence of domestic violence or other issues related to the nature of the case. CDRCs, aware that they must be diligent in screening out cases where mediation is not the right option, have strengthened their screening tools and practices to better identify those cases. These revised tools and practices have resulted in CDRCs screening out more cases that are not appropriate for mediation.

STATEWIDE TRENDS

In terms of the kinds of cases that come to CDRCs, there were, as always, increases and decreases both locally and statewide. After a record high of parenting cases in 2007-2008, these custody, visitation and support cases declined in number by 9%. In spite of the statewide trend, some counties continued to see a rise in parenting issues cases, most notably in Chautauqua, Columbia, Greene, Sullivan and Wayne counties. The reasons for the increases are as diverse as the communities the centers serve.

HOW LONG DOES IT TAKE?

From First Intake Conversation to Completion of Mediation/Arbitration

17 DAYS = Single-session Mediation/Arbitration

83 DAYS = Multiple-session Mediation/Arbitration

PARENTING ISSUES

Common Ground Dispute Resolution, Inc., serving Columbia and Greene counties, attributed the 108% increase in parenting cases over the prior year to renewed outreach efforts to health organizations, hospitals and health providers, as well as a strong and continued partnership with the local courts. In other counties, CDRCs changed their practices and realized increases in caseload. At the Center for Resolution and Justice in

Chautauqua County, staff members are now able to talk with parties immediately upon their arrival to court, increasing party familiarity with mediation. The Dispute Resolution Center, Inc., in Sullivan County now has mediators present in Family Court, and has become a familiar agency in the court, operating a parent education program in the same county. The Family Court in Wayne County now refers all parties to mediation at the intake phase, accounting for the 149% increase in parenting issues cases.

The statewide decline in these cases was exemplified by reductions in parenting issues cases in Broome (23%), Delaware (53%), Erie (87%) and Westchester (21%) counties. In Erie County, the court's creation of a mediator roster that includes both private ADR practitioners and the Center for Resolution and Justice (CRJ) – the CDRC in Erie County – resulted in fewer cases for CRJ. In Delaware County, filings in court for custody and visitation dropped markedly, in correlation with a decrease in population and economic downturn, meaning more parents cannot afford to live apart. Staffing changes in several counties statewide also contributed to declines as vacant positions had to be filled and other community organizations educated about the referral process.

YOUTH IN MEDIATION

The number of cases involving young people increased dramatically in 2008-2009. In New York City, Manhattan and Staten Island both showed increases approaching 50% for youth cases. Separate from general youth cases, mediation by youth with their peers – peer mediation – increased in both Staten Island and Schenectady County, due in part to increased presence in and outreach to schools by staff at the New York Center for Interpersonal Development's Conflict Resolution Services and The Center for Community Justice, respectively.

Juvenile delinquency cases have increased in New York County by 227%, an increase that Safe Horizon's Manhattan Mediation Center (MMC) attributes to a strengthened relationship with Corporation Counsel in Manhattan and with juvenile probation, who both consistently refer juvenile delinquency cases. MMC also staffs a program at a Harlem middle school where an Outreach Coordinator travels regularly to mediate cases with students and teachers. In Schenectady County, The Center for Community Justice's enhanced visibility in a local high school dealing with significant issues related to violence, trauma and abuse has helped increase their youth caseload.

SMALL CLAIMS

Another increased caseload in 2008-2009 was small claims matters, particularly in Clinton, Richmond (Staten Island), Schenectady and Sullivan counties. At the Staten Island New York Center for Interpersonal Development's Conflict Resolution Services (NYCID), the quintupled caseload reflects a dynamic change from prior practice. NYCID is now able to review all cases that come to the court for appropriateness for mediation, as opposed to only seeing those cases that court personnel actively refer. Although the percentage of cases that reached a dispute resolution stage was only 18%, those 327 total small claims matters that reached the dispute resolution stage ended with a voluntary agreement 78% of the time.

At The Center for Community Justice in Schenectady County, staff accounted for the county's 26% increase in

WHEN MONEY CHANGES HANDS

Through Mediation Agreements
or Arbitration Awards

\$2,071 = Average Payment per Case This Year

\$973,185 = Total Payments Made This Year

small claims cases with prioritized outreach, expanded presence of staff in local courts and strengthened collaborations with referring sources. In Clinton County, North Country Conflict Resolution Services saw a 51% increase in small claims cases. Staff credits education about the difference between town and village courts, where the limit for an award is \$3,000, and City Courts, where the limit for an award is \$5,000, for the increase in cases, positing that parties find mediation more palatable in these cases because the court is able to make an agreement reached in mediation into a court order for up to \$5,000.

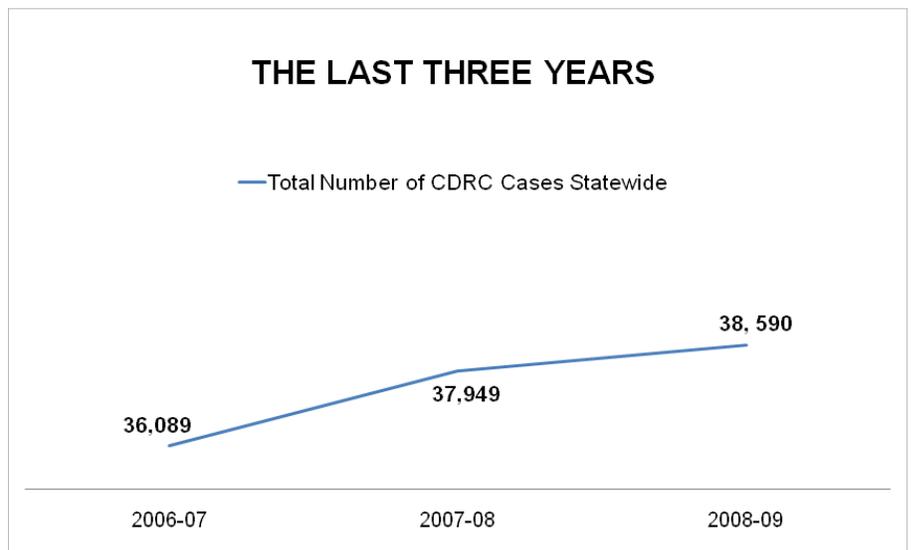
In Sullivan County, the Dispute Resolution Center, Inc. has reached out to more town and village courts, providing more mediators to the Village of Monticello Court, resulting in additional small claims mediations. Overall, a more comprehensive intake process has increased the opportunity for staff to provide people with detailed information regarding mediation and related services more specific to their needs.

In other counties, small claims work declined. For example, in Erie County, small claims cases were down 87% this year, but that is largely attributable to a change in center practice to only record a case after the center has made contact with at least one party, as opposed to recording the case when a phone call was made to the party. At ACCORD, A Center for Dispute Resolution, Inc. in Broome County, the Small Claims Case Manager was, due to her expertise and experience, temporarily utilized to implement a time-intensive Family Team Meeting Program in Tioga County. In addition, the agency as a whole undertook a significant effort to strengthen screening practices, which required staff to spend two to three hours per week honing tools and policies to ensure the appropriateness of cases that come to mediation. Small claims dropped 18% in 2008-2009, but now that the Family Team Meeting program is up and running, the Small Claims Case Manager is back to her original work. ACCORD is cautious about predicting an increase in cases, however, because its strengthened screening tool and education about these enhanced practices to the court may well result in fewer overall, but more appropriate, referrals.

In any given year, the communities in New York State experience changes – population changes, economic changes, court staffing changes, program changes. CDRCs use the data they collect and their local partnerships to track these changes and determine how to best meet the needs of their local area. What is remarkable about the aggregate network of CDRCs is that they adapt to their communities, channeling resources to programs that their communities demand.

More detailed case data is available at www.nycourts.gov/ip/adr/stat_graphs.shtml.

ADRCIP also publishes a Statistical Supplement each year that is available upon request.



SPOTLIGHT: CDRCs AND RESTORATIVE JUSTICE

The first mediation between a victim and an offender was conducted 35 years ago in Kitchener, Ontario as a part of reform in North American prisons and jails. This relatively new and emerging concept – restorative justice (RJ) – focused on repairing the personal and community harm caused by crime while holding offenders directly accountable for their actions and providing opportunities for offenders to help heal the harm caused by their crimes. The RJ work that began in the 1970s has come to dramatically change the ways we can work with people who commit crimes, and the outcomes of this work have been much more powerful for not only offenders, but victims and entire communities.

Restorative justice has completely reframed the concept of what crime is by recognizing crime as an offense against human relationships, and victims and the community as central to achieving justice. Instead of focusing solely on the offender and defining justice as the placing of blame or guilt and the meting out of punishment, RJ recognizes that crime causes harm to the victim, the community and the offender. Restorative justice seeks to right the wrong done by holding the offender accountable with the goal of restoring the losses, as much as possible, to all who have suffered due to the crime. Restorative justice is not a single program or set of programs, but rather a guiding philosophy. Restorative justice can be understood by asking the oft-quoted "three questions": Who has been hurt, what are their needs, and whose obligation is it to meet the needs and repair the hurt?

As early as the 1980s, New York's CDRCs mediated between victims and offenders, and since then, they have created a range of additional programming that draws on RJ principles. In recognition of this work, in 2004 ADRCIP sponsored a three-day training for CDRC staff that brought internationally recognized RJ practitioner and scholar Mark Umbreit to Albany. Now, several years later, ADRCIP is seeing the result of the CDRCs focusing their attention on restorative justice by developing services in their communities that are responsive to local needs. This article does not purport to reflect the extent or the diversity of RJ work being done by all NYS CDRCs, but it does aim to capture a few examples of the unique RJ programs that some CDRCs offer in their communities.

CRIMINAL COURT MEDIATION

Since 1989, the New York Center for Interpersonal Development's Conflict Resolution Services (NYCID), the CDRC serving Richmond County, has operated a Criminal Court Mediation Program, the first program of its kind in the nation. In collaboration with the District Attorney's Office, NYCID receives referrals of misdemeanor cases involving first-time offenders who have not yet been assigned a court case. A typical case might revolve around shoplifting, assault, trespass, harassment or petit larceny. When parties mediate, the court allows them to reach restitution agreements totaling up to \$5,000. If either party chooses not to mediate, or if the parties mediate but are unable to reach an agreement, the case returns to the District Attorney's office for traditional resolution in court. In this, its 20th year, the program, has expanded to include cases already assigned in court and non-first-time offenses.

COMMUNITY DIALOGUE

One application of RJ involves conversations between groups of people who have a history of tension. Often, CDRCs are in an ideal position to bring together these groups because they are able to host the conversation in a safe, neutral environment and provide a skilled and compassionate facilitator for the dialogue. The

Westchester Mediation Center (WMC) has developed a project to respond to this need. A Police-Youth Dialogue process in Yonkers, generously supported by Elias Foundation, allows a broad cross section of students and police officers to discuss relations between youth and police to help both groups reach mutual understanding. For a success story about a group of people whose experience at WMC sparked the creation of this program, see below.

success story

Three young teens visiting a relative were playing football in the yard when their ball crossed into a neighbor's yard. The boys went to retrieve their ball and were shocked to see the neighbor come out of the front door with a handgun at his side. As the neighbor shouted at them to get away, the terrified boys ran home and told their mothers what had happened. Upon hearing the story, the mothers called the police and marched over to confront the neighbor. The mothers were yelling and berating the neighbor when police arrived. The neighbor, an off-duty police officer, was offended and somewhat threatened by the hostility of the upset mothers and asked the police officers to have the boys arrested for trespassing.

The next thing everyone knew, the teens were handcuffed and put into a police car.

Instead of a typical court proceeding, the Probation Department suggested the parties participate in a restorative justice process for first-time offenders, facilitated by mediators from The Westchester Mediation Center. Everyone agreed. Instead of the neighbor trying to defend his right to have a gun, or the teens having to defend their innocence, the process allowed each person to understand more about each other's perceptions and the broader context of the events. The mothers were able to explain that they felt wronged by the system which had, in their opinion, arrested their children only because the neighbor was a police officer. The boys were able to tell the neighbor that they were just playing ball and meant no harm. The neighbor got to explain his ongoing troubles with vandalism by trespassers and that, not knowing these young men, he assumed that they were the same ones who had caused damage.

Everyone came to see how his or her actions contributed to the escalation of the situation. In the end, the neighbor apologized for bringing his gun to the door. He felt terrible that he had frightened young people. The boys acknowledged that they were horsing around on the neighbor's lawn and could understand that he might not look at them as just kids playing. The mothers were finally able to understand that by approaching the neighbor in such a hostile manner, they contributed to the misunderstanding.

Since completing this case, The Westchester Mediation Center of CLUSTER has been funded to facilitate a Police-Youth Dialogue project, designed to foster better relations between police and the young people in the communities they serve. These three young people were part of the first round of dialogue. See pages 9-13 for more information about this and other restorative justice programs.

The Westchester Mediation Center also works with the Guardian Association, an organization of black law enforcement officials, to hold conferences for middle and high school students caught bringing weapons, such as knives and box cutters, into school. The conferences allow students and law enforcement officials to openly discuss the impact of weapons in a school community and the safety concerns that led the students to bring the weapons into the school in the first place. The Westchester Mediation Center held 12 of these weapons conferences this year.

VICTIM-OFFENDER DIALOGUE

The Center for Resolution and Justice (CRJ) convenes victim-offender dialogues in Niagara, Erie and Genesee counties. Facilitators meet with the parties separately before the dialogue session to explain the voluntary nature of the process and to ensure that each party can participate safely and openly. Facilitators help juveniles with minor criminal offenses prepare for the dialogue by exploring ways to reach reparation agreements with the people they have victimized. Where victims choose not to participate, young offenders enter a Crime Impact Class with the goal of discussing and understanding their actions and the impact on both victims and the community. These efforts could not be successful without the strong support of community institutions like the Probation Department in Niagara and Genesee counties, Niagara's Juvenile Justice Task Force and the Genesee County Justice Center. Victim Offender Dialogue and Crime Impact classes were used in about 50 cases this year, including 30 dialogues between victims and offenders.

In addition to the work of the CDRCs, ADRCIP is also directly involved in victim-offender dialogues in collaboration with the New York State Department of Corrections, Office of Victim Services. Through this program, ADRCIP coordinates dialogues between offenders, who are incarcerated in a New York State prison, and victims of violent crime and their families. The program seeks to aid victims in their journey toward healing and to increase understanding for both victims and offenders. For further information on this program, see the 2007-2008 CDRC Annual Report (pages 22-23).

COMMUNITY ACCOUNTABILITY BOARDS

In Schenectady County, individuals charged with "quality of life" crimes, such as raising noise levels and painting graffiti, are referred to a Community Accountability Board (CAB) by the court, District Attorney or Public Defender. The CDRC for Schenectady County, The Center for Community Justice, oversees the CAB, whose focus is repairing damage while strengthening community. Once clients have admitted responsibility for the crime, they sit before members of their own community (the CAB) to learn how their behavior affected others and how they can repair the resulting harm. Offenders are responsible for developing a plan with the CAB, which may include community service, written apologies, attending classes, receiving therapies, and restitution. Clients who comply with all the requirements of the program receive a recommendation to the court for the case to be dismissed with no criminal record. Many program clients have become community volunteers after completing their restoration plans.

COMMUNITY SERVICE PROGRAMS

Clients who are sentenced in court to community service may be referred to The Center for Community Justice in Schenectady County. Once referred, clients are assigned to one of more than 60 local not-for-profit agencies, volunteering to provide service to the community that is consistent with their skills and capabilities. The work assignments are set up to offer a way for offenders to serve in constructive roles and gain a sense of

community responsibility. For a success story involving this program, see below.

success story

Many CDRCs do additional work in their communities that complements their mediation programs and creates new opportunities for linking people with much needed services. Through these efforts, CDRC staff members build relationships with other community organizations, such as the relationship between the Probation Department and the CDRC that serves Schenectady County: The Center for Community Justice (CCJ).

The relationship between Probation and CCJ developed because of the work CCJ does to supervise court-ordered community service for individuals under the age of 21. This year, one young person was ordered to complete community service in response to vandalism charges, and he had already begun his service through CCJ. One day, though, he unexpectedly dropped in to talk with his probation officer and expressed great feelings of despair and thoughts about wanting to hurt himself. Recognizing that he needed additional support, the probation officer sent the young man and his mom to CCJ.

Once at CCJ, the mom and son met with both the community service coordinator and the director of ADR services to explore the situation further. After they had been talking for a short time, they decided that mediation would provide them with the chance they needed to talk.

During the mediation, which lasted several hours, both parties were able to tell their stories to each other and share their emotions freely. It turned out that the son had been attending school irregularly and was on the cusp of dropping out. The young man was able to speak openly in mediation because he trusted that the conversation would be kept confidential, and the mom knew that she could communicate in the way she was most comfortable.

PINS DIVERSION MEDIATION

In Oneida County, staff members from The Peacemaker Program, Inc. meet weekly to review cases and take mediation referrals from the Department of Social Services (DSS) and the Probation Department for youth who have been determined to be at risk for becoming the subject of a PINS petition. A PINS (Persons In Need of Supervision) is filed for youth who have displayed behavior that shows a need for supervision beyond parents and guardians by Probation or DSS. Local school districts also refer parents and teens to mediate school discipline situations, attendance issues and other behavioral concerns. The goal of these mediations is to work with youth, parents, schools, social services professionals and others to find mutually agreeable solutions that meet the needs of all involved.

EDUCATIONAL PROGRAMS

Many CDRCs are using RJ principles to develop successful educational programs for young people. In

collaboration with the Montgomery County Probation Department, Tri-County Mediation Center provides an education and skill-building program to first-time juvenile offenders ages 12-16. This four-week program teaches participants how their beliefs, actions and communications affect themselves and others in the community as a whole. The program focuses on supporting healthy behaviors and building constructive decision-making skills.

In Onondaga County, New Justice Conflict Resolution Services, Inc. works in collaboration with the Probation Department and the Salvation Army to offer a program that focuses on the reduction of anti-social and gang-related violent activity. The RESPECT program for youth ages 11-16 and PROJECT RESTORE for youth ages 16-20 educate and train young people in conflict resolution skills to reduce violent and criminal conduct and increase potential for continued education and employment. These programs challenge a criminally oriented culture and make connections between positive choices and opportunities for success in personal life, education and employment.

"If it wasn't for the RESTORE program, I would be out on the streets doing bad things!"

– RESTORE PARTICIPANT
FROM NEW JUSTICE
CONFLICT RESOLUTION
SERVICES, INC.

The Dispute Resolution Center (DRC), Inc. has a rich variety of restorative justice programming. One initiative in Orange County is the ROPE – Reaching Out to Provide Enlightenment – program, held bi-monthly at the Federal Correctional Institution at Otisville. A select group of extensively trained inmates work to deter young people from a criminal lifestyle by encouraging them to take responsibility for their actions, value the importance of education and learn effective coping skills for family and social problems as an alternative to criminal behavior. Alongside ROPE, on alternate months Bad Choices/Harsh Realities has the same goals and focus, but is presented outside prison by inmates who are brought to DRC's Newburgh site.

YOUTH COURT

Youth Courts employ RJ principles around New York State and offer a positive alternative to the juvenile justice system. One CDRC, the Resolution Center of Jefferson and Lewis Counties, Inc., sponsors such a program: the Youth Court of Jefferson County, which celebrated its 11th anniversary last year. This is a peer sentencing court that utilizes specially trained youth volunteers who serve as youth advocates and community advocates instead of defense and prosecution teams. Only youth offenders who admit responsibility for their actions are able to have their cases heard in this setting. Youth offenders not only hear the perspectives of their peers in the course of the proceedings but are given individually designed sentences structured to include community service activities and provide educational opportunities that help the young people connect their actions with consequences. Since its inception, local law enforcement has referred more than 860 young people ages 7-15, who have performed more than 15,000 hours of community service.

The restorative justice programs at work through CDRCs across the state are using mediation, dialogue and educational and service programs to bring together individuals and groups of people who otherwise would have no occasion to speak to one another, let alone understand and learn from each other. This different approach has the effect of changing communities' responses to crime and to the people who commit crime. For offenders and people at risk of becoming offenders, the impact is huge – by understanding the impact of crime and repairing harm done, their lives are forever changed. ADRCIP will continue to support this valuable work and looks forward to the future development of these programs.

success story

The Washington Heights - Inwood Coalition Mediation Program in upper Manhattan directs a mediation program at three schools in its neighborhood. The program, called Peace Center, trains students to mediate conflicts between their peers and, with the support of an adult mediator, between students and teachers.

In a local high school, one teacher was extremely frustrated by how a particular student was interrupting her class and interfering with her teaching. She brought the student to mediation to try to address this problem. Once they began talking to one another, the student opened up about struggles he was having in his family. He had immigrated to the United States to live with his father, who was separated from his mother, and the student had recently learned that his father had another family in the U.S., including a new brother and sister. The student expressed his sadness, and it became clear that he needed someone to listen to him. The teacher did listen, and after the mediation, she told the program coordinator that she could understand the student and his behavior for the first time. He improved his behavior in class and has since encouraged other students facing similar difficulties to try mediation. The student was so impressed with the power of the program that he decided to become a mediator for Peace Center himself.

CDRCS IN THE SCHOOLS

212 = Schools Served by
CDRCS This Year

149 = School Districts Served by
CDRCS This Year

PEER MEDIATION

918 = Students Trained as Peer
Mediators by CDRCS This Year

SCHOOL-BASED AND OTHER YOUTH TRAINING

4,722 = Students Who Participated in Conflict Resolution
and Other CDRC-Sponsored Trainings This Year

2,461 = Hours of Peer Mediation, Conflict Resolution and Other Youth
Trainings Conducted by CDRCS This Year

STUDY EXPLORES CORE VALUE OF COMMUNITY MEDIATION

One of the core values of community mediation is that volunteer mediators should reflect the demographic characteristics of the community served and that mediators should be selected with sensitivity to cultural diversity. This value led ADRCIP and Alison Morantz, Ph.D., of Stanford University to develop a study exploring the ways in which the pairing of mediators and parties might be connected to agreement rates and parties' satisfaction with the process.

This year, with the help of two CDRCs – the Livingston County office of the Center for Dispute Settlement, Inc. and Safe Horizon's Brooklyn Mediation Center – the research team completed a pilot phase to validate a survey tool used to collect information on parties' perception of mediation. The survey was adapted from the Subjective Value Inventory, an innovative tool developed at MIT to examine outcomes in negotiation. In validating the mediation survey, the research team wanted to make sure it had captured the elements of a party's subjective valuation of mediation and that the survey questions were as clear and understandable as possible. CDRC staff members were invaluable at this stage, offering their expertise about the mediation process and knowledge of their clients.

After the validation stage was complete, CDRCs in 23 counties (listed below) administered the mediation survey during the data collection phase. Because the study requires CDRCs to collect detailed demographic information about clients, including race, gender, age, income, education and employment status, ADRCIP staff provided a series of trainings for CDRC staff focused on gathering this information. By enhancing the ability of CDRC staff to ask clients these sensitive questions, ADRCIP will also be better able to analyze the impact of CDRCs on communities statewide.

ADRCIP is excited about the potential of this project to inform the way centers conduct intake interviews, screenings for appropriateness, volunteer recruitment and volunteer training. The results of the study are expected at the end of next year.

CDRCs AND COUNTIES PARTICIPATING IN THE RESEARCH PROJECT

CENTER FOR DISPUTE SETTLEMENT, INC.: LIVINGSTON, ONTARIO AND YATES COUNTIES

CENTER FOR RESOLUTION AND JUSTICE: ALLEGANY, CATTARAUGUS,
CHAUTAUQUA, ERIE, GENESEE AND NIAGARA COUNTIES

COMMUNITY DISPUTE RESOLUTION CENTER, INC.: CHEMUNG, SCHUYLER AND TOMPKINS COUNTIES

DISPUTE RESOLUTION CENTER, INC.: ORANGE, PUTNAM, SULLIVAN AND ULSTER COUNTIES

DISPUTE RESOLUTION CENTER OF HERKIMER COUNTY: HERKIMER COUNTY

NEW JUSTICE CONFLICT RESOLUTION SERVICES, INC.: ONONDAGA AND OSWEGO COUNTIES

RESOLUTION CENTER OF JEFFERSON AND LEWIS COUNTIES, INC.: JEFFERSON COUNTY

SAFE HORIZON MEDIATION PROGRAM: KINGS AND NEW YORK COUNTIES

THE WESTCHESTER MEDIATION CENTER: WESTCHESTER COUNTY

CDRCS FOCUS ON QUALITY

On May 20 and 21, more than 120 CDRC staff members from every CDRC in the state gathered in Poughkeepsie for the 2008 CDRCP Spring Conference. The conference, entitled “Quality Assurance and Community Mediation,” was organized and funded by ADRCIP to convene mediation staff to exchange ideas and best practices related to monitoring and improving the quality of mediation and intake services.



*Dr. Dorothy
Della Noce*

The conference began with a thought-provoking keynote address by Dr. Dorothy Della Noce, Assistant Professor of Communication Studies at James Madison University. In her address “Quality and Control: Tales and Tensions from the Field,” Della Noce explored past attempts by the mediation field to ensure the quality of mediators and mediation training. By drawing on the lessons learned from these experiences, she urged the audience to engage in a meaningful pursuit of quality by working together to share resources, dialogue about the elements of quality mediation practice, clearly define mediation models and conduct meaningful research to inform quality assurance practices.

Over the next two days, CDRC staff, ADRCIP staff and others in the field attended and presented 20 workshop sessions on a wide range of topics related to quality assurance. As the conference was attended by staff performing a wide range of responsibilities, workshops were specifically designed to be useful to case managers, program coordinators and directors, volunteer managers and executive directors. Topics focused on the intersection of quality assurance and volunteer management, mediator evaluation and development, organizational management, intake and case coordination and specific types of cases. The conference was enthusiastically received. One attendee remarked, “Great conference. The workshops were very thought-provoking. I was impressed with what the other agencies are doing and walked away with many ideas to share with our agency.”

ADRCIP would like to thank Dr. Della Noce and all of the conference session presenters, including those from outside of the CDRC network who generously shared their time and ideas: Charlotte Carter of the New York State Dispute Resolution Association, Lorig Charkoudian of Community Mediation Maryland, Duke Fisher of Learning Laboratories, Hugo Prein of Utrecht University and Susan Weinrich of the Council of Community Service.



*CDRC and ADRCIP staff at
this year's CDRCP Conference*

CDRC DIRECTORS RESPOND TO ECONOMIC TIMES

Twice each year, ADRCIP hosts directors from CDRCs for statewide meetings as an opportunity to explore topics of interest, dialogue with peers and exchange resources. Together with ADRCIP, directors Jenny Besch of the Westchester Mediation Center, Michelle Leonard of Queens Mediation Network, Jody Miller of the Mediation Center of Dutchess County, Inc. and Steve Robinson of The Peacemaker Program, Inc. planned the October Directors' Meeting.

In response to the dramatic fiscal events of the year, this meeting focused on the impact of the economy on CDRCs. Directors shared experiences about how changes in the economy affected them locally, discussed strategies for addressing changes in funding and explored how the sudden economic changes have impacted staff morale.

With an increased need to develop new sources of revenue, the agenda also focused on social ventures and earned income opportunities. A panel of directors, including John McCullough of New Justice Conflict Resolution Services, Inc., the CDRC serving Cortland, Madison, Onondaga and Oswego counties, Judy Saul of CDRC, Inc., the CDRC serving Chemung, Schuyler and Tompkins counties, and Sherry Walker-Cowart of the Center for Dispute Settlement, Inc., the CDRC serving Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates counties, discussed their organizations' past experiences creating successful fee-generating programs. Directors also worked in focus groups to exchange specific ideas about potential fee-generating programs including divorce mediation, multi-party facilitation, professional training, school-based services and other ADR services (see page 27 for information about facilitation).

CDRCS PRESENT

Throughout the year, CDRC staff conduct outreach and share their expertise by presenting at local, state, national and international conferences. The following are some examples of the many conferences at which CDRC staff presented and facilitated:

“A Call for Justice” sponsored by the American Bar Association
Criminal Justice Section (Washington, DC)

American Bar Association Section of Dispute Resolution National Conference (Seattle, WA)

Association for Conflict Resolution Annual Conference Youth Day (Austin, TX)

Association for Conflict Resolution of Greater New York Annual Conference (New York, NY)

Center for ADR Annual Conference (Greenbelt, MD)

Hudson Valley Fruit Growers Conference (Kingston, NY)

Nicaraguan Fifth National ADR Conference sponsored by the Nicaraguan National ADR Office:
DIRAC – Dirección de Resolución Alternativa de Conflictos (Granada, Nicaragua)

Third Annual International Conference on Transformative Mediation (Santa Barbara, CA)

NYSAMP EXPANDS ACCESS TO DIVORCE MEDIATION

Two years ago, the New York State Agricultural Mediation Program (NYSAMP), a collaboration of the New York State Dispute Resolution Association, ADRCIP, and CDRCs throughout the state, invited key stakeholders in the state’s agricultural sector to participate in a strategic planning process. During the process, stakeholders identified a number of ways that NYSAMP could expand services to be more helpful to the agricultural community, including increasing the availability of high-quality family and divorce mediation. NYSAMP Statewide Program Director Charlotte Carter explains, “As with any family, farm family separations cause extraordinary stress on a family and have a dramatic impact on children. Additionally, though, farm family separations create complex financial ramifications for the family and its creditors that often result in the dissolution of the family farm. Mediation is an affordable and efficient way for families to make important decisions about raising children and dividing property, as well as possibly generating creative solutions that can preserve the viability of family farms, a critical part of the local and state agricultural economy.”

In partnership with the Center for Dispute Settlement, Inc., NYSAMP began to address this need by providing a four-day farm family divorce training. The training, held in January in Geneseo, was geared to CDRC staff and volunteer mediators with extensive experience mediating custody and visitation disputes. The training was conducted by Daniel Burns, an experienced divorce mediator and attorney, Charlotte Carter, and Karen Mastronardi and Bruce Dehm of NY FarmNet. Mediators from Monroe, Livingston, Ontario, Yates, Steuben, Wayne, Seneca and Cayuga counties attended the training and will continue their training by participating in special apprenticeship programs with their local CDRC.



*Farm Family Divorce Mediation Training
Planning Committee*

Daniel Kos, who oversees NYSAMP for ADRCIP, describes the importance of NYSAMP: “Expanding access to high-quality ADR services in rural areas is a critical part of the CDRCP vision. We are excited that NYSAMP is partnering with rural CDRCs to provide these affordable and much needed services.” NYSAMP plans to partner with CDRCs in other regions throughout the state to continue to provide divorce mediation training and to expand the availability of these services to the agricultural community.

“My divorce mediation took three sessions. It was a difficult process each time, but the mediator managed to keep us on track and our emotions in check. We actually left smiling.”

– MEDIATION PARTICIPANT FROM NORTH COUNTRY CONFLICT RESOLUTION SERVICES

LISA HICKS-YACKEL AND JUDY SAUL RETIRE TO NEW ENDEAVORS

Lisa Hicks-Yackel and Judith Saul – two influential leaders in the field of community mediation – retired from their long-held positions this year. Lisa Hicks-Yackel led the New York State Dispute Resolution Association (NYSDRA) as its Executive Director since 1994. During her tenure, Hicks-Yackel greatly expanded the use of ADR in New York State by cultivating new relationships with state agencies and developing referral channels to CDRCs. Among these programs begun under Hicks-Yackel is Lemon Law Arbitration for car owners, a partnership with the Office of the Attorney General.



Prior to helming NYSDRA, Hicks-Yackel was the director of the Wayne County CDRC at the Center for Dispute Settlement, Inc. Under her leadership, NYSDRA expanded from a single-person office to an organization with eight staff, effectively serving CDRCs and private ADR practitioners. NYSDRA board member Stephen P. LaLonde, of LaLonde Dispute Resolution Services, describes her impact, “Few organizations can say that they have been led and shaped by the extraordinary commitment, dedication and accomplishments of their leader. NYSDRA is fortunate to be able to count itself in this small group because of Lisa’s belief in ADR and her singular leadership abilities.”

“One of the beauties of NYSDRA is that we have the capacity to provide a wide variety of dispute resolution services statewide, which has increased the use of dispute resolution processes in neighborhoods, schools, agencies and families.” – LISA HICKS-YACKEL

Judy Saul led the Community Dispute Resolution Center (CDRC), Inc. serving Tompkins, Chemung and Schuyler counties as its founding Executive Director since 1983, where it began with 77 cases in Tompkins County and has grown to also serve Chemung and Schuyler counties and is widely seen as a national leader in the field. ADRCIP Assistant Coordinator Frank Woods expresses his respect, “Judy was my original mentor in this field, and I was then, as now, impressed by her singular ability to both effectively run an organization and bring such a deep knowledge of the mediation process to her work. The fact that she was able to do both those things not only well, but in such a highly principled way, is what made her such an outstanding executive director. I try to emulate those characteristics in my own work, and I’m thankful to Judy for the inspiration she’s been to me and so many others.” A Fellow at the Institute for the Study of Conflict Transformation, Saul has pioneered the use of transformative mediation both at community mediation centers in the United States and in a variety of contexts internationally.

A past co-chair of the National Association for Community Mediation, Saul was an early board member of NYSDRA and was instrumental in the creation of ADRCIP’s Standards of Conduct for CDRC Mediators. She also played a pivotal role on several committees for ADRCIP, including the Mediator Ethics Advisory Committee (for more information on MEAC, see page 21). Saul leaves CDRC, Inc. as Executive Director, but she will remain connected to the ADR field as a consultant, trainer, coach and volunteer mediator.



“I am proud of the work CDRC has done and I’ll miss serving there, yet it’s great to see the organization in good hands and know it will continue to grow.”
– JUDITH A. SAUL

HOW TO BECOME A CDRC MEDIATOR

CDRC mediators must complete 30 hours of initial mediation training provided by a CDRC-certified trainer (for a list of certified trainers, see page 26). ADRCIP requires that mediators be trained in the dynamics of conflict, goals and purposes of the mediation process, effective listening and questioning skills, cultural diversity, ethics, agreement writing and the limits of mediation, among other topics. In addition to successfully completing the 30 hours of initial training, mediators must complete an apprenticeship with their local CDRC in order to become approved volunteer mediators.

Apprenticeship allows CDRCs to monitor the development of their newly trained mediators. During this period, apprentices learn from experienced mediators by mediating or co-mediating at least two structured role-plays, observing at least one actual mediation session, and mediating or co-mediating at least five cases under the direct supervision of a coach, mentor or staff person. After at least one of these mediations, apprentices will debrief with staff or complete a self-evaluation instrument. Finally, CDRC staff will observe each apprentice and provide a written assessment. The apprenticeship gives mediators the opportunity to grow in their new skills with guidance and support from experienced mediators and CDRC staff who manage cases.

Once the new mediator feels ready and the center is confident in his or her abilities, a mediator is certified by the local CDRC (not by ADRCIP) and is eligible to mediate cases without a mentor. To remain certified, CDRC mediators must mediate a minimum of three cases per year and complete at least six hours of continuing education, which is often provided by the CDRC on topical issues such as those displayed on the following page.

New York mediators who volunteer their time and expertise are the core of the CDRC, providing communities with access to mediation services in every corner of the state. Collectively, these highly trained volunteers make up the most vibrant network of community mediators in the nation.

If you are interested in becoming a volunteer mediator, contact your local CDRC. To locate the CDRC in your county, see the map on the inside cover of this report.

"I have lost track of the number of mediations I participated in over these many years, but my sense of amazement and appreciation for the process has never waned. When one considers the cumulative impact of each mediator in providing our respective communities, counties, states and nations with a peaceful means for conflict resolution, then the full value of this incredibly wonderful program becomes truly evident."

– VOLUNTEER MEDIATOR FROM THE DISPUTE RESOLUTION CENTER OF CHENANGO, DELAWARE AND OTSEGO COUNTIES

1,409 = Active Volunteer Mediators Statewide

164 = Active Staff Mediators Statewide

258 = New Mediators This Year

619 = Mediators Trained In Special Case Types This Year

A SELECTION OF THIS YEAR'S MEDIATOR IN-SERVICE TOPICS

- “Advanced Agreement Writing”
- “At the Crossroads, Dealing with Impasse”
- “Cultural Sensitivity, Cultural Competency and Cultural Identity”
- “Dynamics of Domestic Violence”
- “Effective Post-Mediation Conversation”
- “Ethical Issues for Rural Mediators”
- “Getting in Touch with Your Ego and Bias Indicators”
- “Giving and Receiving Feedback”
- “How to Work Effectively with Your Co-mediator”
- “Microaggression and Mediation”
- “Parent-Teen Mediation Refresher”
- “What Does Success Look Like?”



Mediators and CASA volunteers at a joint cultural competency in-service in Albany conducted by both Mediation Matters and ADRCIP staff

608 = Hours of In-Service Training
CDRCs Provided This Year

THIS YEAR'S MEDIATOR MILESTONES

25 YEARS

LAURA BRANCA
KIRBY EDMONDS
NEIL MCGILLICUDDY
PETER MILLER
PEGGY WALLBRIDGE
BARBARA WOLFSON

20 YEARS

VIVIAN BERGER
ROGER BRACH
CONNIE BRIGNOLE-SAWICKI
DUKE FISHER
MICHELE KIRSCHBAUM
DIANE MARCIL
TONI MORRISON
STEPHEN E. SLATE

15 YEARS

SARAH BARKER
BERNARD DANIS
JULIE DAVIES
ROBERTA FROST
NANCY GARDNER
BONNIE HAGAN
ELIZABETH HEILPERN
LESLYN MCBEAN-CLAIRBORNE
FRANK MENDESON
DEENA NEWMAN
TONI NORTON
SUSAN PATNODE
JEANETTE SCOTLAND
MARTIN SCHULMAN
JAY STEINGOLD

CDRCS CREATE ADVANCED TRAININGS FOR MEDIATORS

ADRCIP provides educational opportunities for volunteer mediators through training grants to CDRCs, free or low cost trainings and shorter in-service trainings conducted by ADRCIP staff. Each year, ADRCIP sponsors trainings focused on skill development and current trends in the field.

ADRCIP encourages local CDRCs to create training opportunities that are customized to the communities they serve. In 2008, ADRCIP issued a request for training proposals to CDRCs and funded four projects specially designed to meet local needs. The trainings themselves were held in late 2008 and early 2009.

“These grants have made it possible for us to offer advanced trainings led by exciting and accomplished trainers. Attendance from our local and neighboring CDRCs always exceeds expectations, and these trainings provide a great opportunity for mediators to network, learn and evaluate best practices.”

— DONNA KANKIEWICZ OF THE DISPUTE RESOLUTION CENTER OF CHENANGO, DELWARE AND OTSEGO COUNTIES

The following CDRCs hosted trainings for mediators from more than 20 counties:

The Center for Dispute Settlement, Inc. (CDS) provided two one-day trainings in Rochester and Canandaigua on “Mediation Impartiality in the face of ‘Isms’: Creating an Inclusive Mediation Environment.” Conducted by Arthur Brown, President of Teaching and Training by Design, the trainings utilized actors to uncover and address the biases and stereotypes that mediators may bring into the mediation room.



Mediators working together in a small group at CDS’s advanced mediation training

The Dispute Resolution Center, Inc. hosted “Brain-Based Mediation Skills,” a two-day training led by Elaine Magidson, President of Creative Counseling-Consulting. Drawing on concepts from Neuro-Linguistic Programming, trainees developed new questioning skills and learned strategies for moving parties beyond impasse.

The Dispute Resolution Center of Chenango, Delaware and Otsego Counties offered an introduction to group dialogue and facilitation processes with “Abacadabra: Transforming Dialogue into Debate.” The one-day training was conducted by Peter Glassman and Esther Patterson of Mediation Matters, the CDRC serving Albany, Rensselaer, Saratoga, Warren and Washington counties.



The Mediation Center of Dutchess County, Inc. (MCDC) worked with Baruch Bush, co-author of *The Promise of Mediation* and co-ordinator of the transformative approach to mediation to present “Rethinking Conflict: Popular Culture and the Transformative Orientation,” a two-day training using popular film and media to explore transformative approaches to conflict.

Baruch Bush working with mediators at MCDC’s advanced mediation training

COMMITTEE TACKLES ETHICAL DILEMMAS

The Mediator Ethics Advisory Committee (MEAC) was created by ADRCIP in 2006 to respond to ethical inquiries from CDRC mediators and staff and to promote professional development and consistent practice in the dispute resolution field. The 13-member committee also recommends changes to the 2005 Standards of Conduct for CDRC Mediators published by ADRCIP.

This year, MEAC published three opinions responding to the following inquiries:

- Does a mediator have an obligation to tell an 18-year-old that he or she may be violating an Order of Protection by attending mediation? Should the mediator report a potential violation of an Order under the circumstances of the mediation, and, if so, to whom? If the parties had signed a written agreement, would the 18-year-old have legally incriminated herself by potentially violating the Order and, if so, what would the mediator's responsibility be to the parties, the center or law enforcement?
- Does a mediator, who is also an attorney, have an obligation to tell the parties in the mediation of a dispute regarding attorney fees that their matter may be covered by the Attorney Client Fee Dispute Arbitration Program (governed by Part 137 of the Rules of the Chief Administrator)?
- Does a mediator have an ethical obligation to take action in a custody-visitation mediation where the mother has acknowledged (and/or the mediator suspects) that the parents will be splitting up their children into two separate households, but keeping all of the children in the same school despite living in separate school districts (in possible violation of governmental regulations) and that existing tension could escalate between the two younger children and the father's live-in girlfriend's four older children? Should the mediator take action before the agreement for this arrangement is signed? If so, how?

MEAC members are drawn from geographically diverse communities in New York State, each serving terms of staggered lengths. Committee members may be volunteer CDRC mediators, employees of a CDRC or other alternative dispute resolution scholars and practitioners.

To read the published opinions for the above inquiries and MEAC's previous opinions and to find the CDRC Standards of Conduct, please visit www.nycourts.gov/ip/adr/meac.shtml or contact Sheila Sproule.

THIS YEAR'S MEDIATOR ETHICS ADVISORY COMMITTEE MEMBERS

DAN WEITZ, Chair
 RAYMOND BAKER
 SIMEON BAUM
 CHARLOTTE CARTER
 MELANIE CHAPEL
 ALFRED CHAPLEAU
 BRENDA EPISCOPO
 GENE A. JOHNSON, JR.
 LELA LOVE
 JODY MILLER
 JACQUELINE NOLAN-HALEY
 JUDITH A. SAUL
 HOPE WINTHROP
 SHEILA SPROULE, Deputy Chair
 AMY SHERIDAN, Counsel

ADRCIP CERTIFIES MEDIATION TRAINERS

ADRCIP certifies mediation trainers to provide Initial Mediation Training as well as Custody and Visitation Mediation Training. By certifying mediation trainers, the CDRCP ensures that volunteer mediators are provided with mediation skills in a core curriculum of the highest quality. Trainers wishing to become certified must complete a demanding application and interview process followed by six months of extensive preparation with ADRCIP. The process culminates in an in-person observation of a complete training. This year, ADRCIP received one training application, and that candidate is now going through the certification process. ADRCIP thanks certified trainer Karleen Karlson for her assistance in reviewing the application and taking part in the interview of the candidate for certification.

In order to continue to assure the highest quality of mediation training for volunteer mediators, ADRCIP launched enhanced standards for trainer recertification. To remain on the certified trainer panel, trainers have to demonstrate that they continue their ADR education and provide community mediation training. The most stringent component of the recertification process is re-observation, in which ADRCIP observes certified trainers at least once every five years. The re-observation process includes a detailed review of training materials, agendas, and an in-person observation of at least one day of training.

This year, the following trainers were recertified:

DUKE FISHER	ROSALYN MAGIDSON	BRIDGET REGAN
CAROL LIEBMAN	JODY MILLER	

1,111 = Hours of Training Conducted by Certified Mediation Trainers This Year

CERTIFIED TRAINERS GATHER TO EXPLORE CULTURAL COMPETENCY

On March 31, certified mediation trainers from across the state met at the Pace University Judicial Institute in White Plains for the Certified Trainer Gathering. The gathering is a professional development opportunity for trainers to meet in a collegial setting to share training approaches and discuss important issues related to mediation and training. This year, trainers chose to focus on issues related to training cultural competency and diversity in mediation trainings. ADRCIP assembled a team of its staff from across programs, some with personal experience training on this topic, to create a plan for the day designed to maximize participants' learning and growth, both as individuals and as trainers.



The first part of the day focused on demonstrations by certified trainers Bridget Regan, Judy Saul and Chris Watler that gave participants an opportunity to experience and discuss three different approaches to training cultural

Certified trainers and ADRCIP staff at this year's Certified Trainer Gathering

competency and diversity. Aside from providing training exercises that trainers could use in future trainings, the demonstrations also inspired open conversation about how best to address this important and sensitive topic in trainings with prospective mediators. The second part of the day built on those conversations, where participants also talked in groups about how their own cultural background and experiences influence their approaches to training on this topic.

Mark Kleiman, longtime mediation trainer and Executive Director of Community Mediation Services in Jamaica, New York, noted that the certified trainer cadre "is a special group and the experience was a special time. I appreciate the presenters for their courage and the participants for their respect and responsiveness." Kleiman went on to "hope this has begun an ongoing dialogue that can allow us all to bring the best training and mediation services to our communities."

CDRC TRAINERS DEVELOP SKILLS

Whether training volunteer mediators at the CDRC, children at schools or employees at a business, providing high quality training in mediation and conflict management is an important part of CDRCs' missions. Each year, CDRC staff members provide thousands of hours of training in their local communities. In order to increase their capacity to provide high quality training, ADRCIP offers workshops to develop the skills of both new and experienced trainers.

In October, Duke Fisher, certified trainer and founder of Learning Laboratories, and Brenda Episcopo, Executive Director of The Peacemaker Program, Inc., led a two-day workshop titled, "Learn to Play, Play to Learn." Episcopo and Fisher taught the group more than two dozen interactive games that could be used in initial mediation trainings, in-services and community presentations. The trainers drew on their extensive experience applying experiential learning approaches to teaching conflict resolution. Participants practiced designing games, leading games, preparing groups to participate in games and facilitating post-game debriefs.



Participants left the training with another teaching method in their repertoire. The value of the training was articulated by one participant who said simply, "I learned new ways to improve my skills as a trainer...It was one of the best trainings I have been to in a long time."

Participants debrief a game during this year's Trainer Development Workshop

2,367 = Adults (In Addition to Mediators) Trained by CDRCs This Year

ADRCIP-CERTIFIED TRAINERS

TRAINER NAME	CERTIFICATION		AFFILIATION
	Initial Mediation Training (30-hour)	Custody and Visitation Mediation Training (12-hour)	
Patricia Barnes	•		Pace University
Adam Berner	•	•	Law and Mediation Office of Adam J. Berner
Jenny Besch	•	•	The Westchester and Rockland Mediation Centers of CLUSTER
Beryl Blaustone	•		CUNY Law School at Queens College
Rodney Brown	•		Brown, Brown & Associates
Elizabeth Clemants	•		Draft, Inc.
Ivan Deadrick	•		Center for Court Innovation
Donna Durbin		•	Center for Dispute Settlement, Inc.
Duke Fisher	•	•	Learning Laboratories
Peter Glassman	•		Mediation Matters
Gene A. Johnson, Jr.	•		GAJ Consulting
Donna Kankiewicz	•	•	Dispute Resolution Center of Chenango, Delaware and Otsego Counties
Karleen Karlson	•		Albany Law School
Mark Kleiman	•	•	Community Mediation Services, Inc.
Michelle Leonard	•	•	Community Mediation Services, Inc.
Carol Liebman	•		Columbia Law School
Lela Love	•		Benjamin N. Cardozo School of Law
Rosalyn Magidson	•	•	Dispute Resolution Center, Inc.
Leslyn McBean-Clairborne	•	•	CDRC, Inc.
John McCullough	•	•	New Justice Conflict Resolution Services, Inc.
Jody Miller	•	•	Mediation Center of Dutchess County, Inc.
Bridget Regan	•		International Center for Cooperation and Conflict Resolution at Columbia University Teachers College
Eileen M. Rowley	•		Atlantis Mediation
Judith A. Saul	•	•	CDRC, Inc.
Beth Schwartz	•	•	Fordham Law School
Stephen E. Slate	•		Institute for Mediation and Conflict Resolution, Inc.
Joseph B. Stulberg	•		Ohio State University College of Law
Andrew Thomas	•		ALT Associates
Chris Watler	•		Harlem Community Justice Center

ADRCIP TRAINS FACILITATORS

In addition to providing mediation and arbitration services, some CDRCs around New York also serve the needs of their local area by intervening in large, community-wide conflicts. Many centers are currently using multi-party facilitation methods to help a wide variety of groups – such as government agencies and committees, school boards and planning boards, private businesses and not-for-profit organizations – improve their communication and decision-making. A natural extension of mediation, group facilitation is a powerful way for CDRCs to address larger scale community conflicts, and has the potential to help CDRCs develop key community relationships and generate income.

This year, ADRCIP offered the first in a series of multi-party facilitation trainings to enhance the capacity of CDRCs to provide facilitation services. In March 2009, staff members and volunteer mediators from six different CDRCs joined eight ADRCIP staff in attending a two-day training in Cohoes focusing on the Technology of Participation (ToP) – a group facilitation method developed by the Institute for Cultural Affairs (www.ica-usa.org). Sometimes referred to as the "sticky wall method," ToP is a facilitation method used in community and business settings around the world that is particularly adept at helping groups communicate, reach consensus, create action plans and conduct strategic planning. Embedded in this methodology are mechanisms that maximize individual participation, honor diverse perspectives, spark creativity and deepen understanding.

The method resonated with participants in the training, who were inspired by its possible applications, as evidenced by these thoughts shared by Dawn Wallant, Executive Director of Common Ground Dispute Resolution, Inc., the CDRC serving Greene and Columbia counties, “What I loved about this method was the way that it mirrored our values of group participation. The funky, fun sticky wall will be extremely valuable as we continue to work with groups in our community.” ADRCIP's Rebecca Koch and Daniel Kos led this training, which was so well received that they repeated it in June 2009 in both New York City and Syracuse. Staff and volunteers from an additional 12 CDRCs attended at these two locations.

Cohoes



New York City



Syracuse



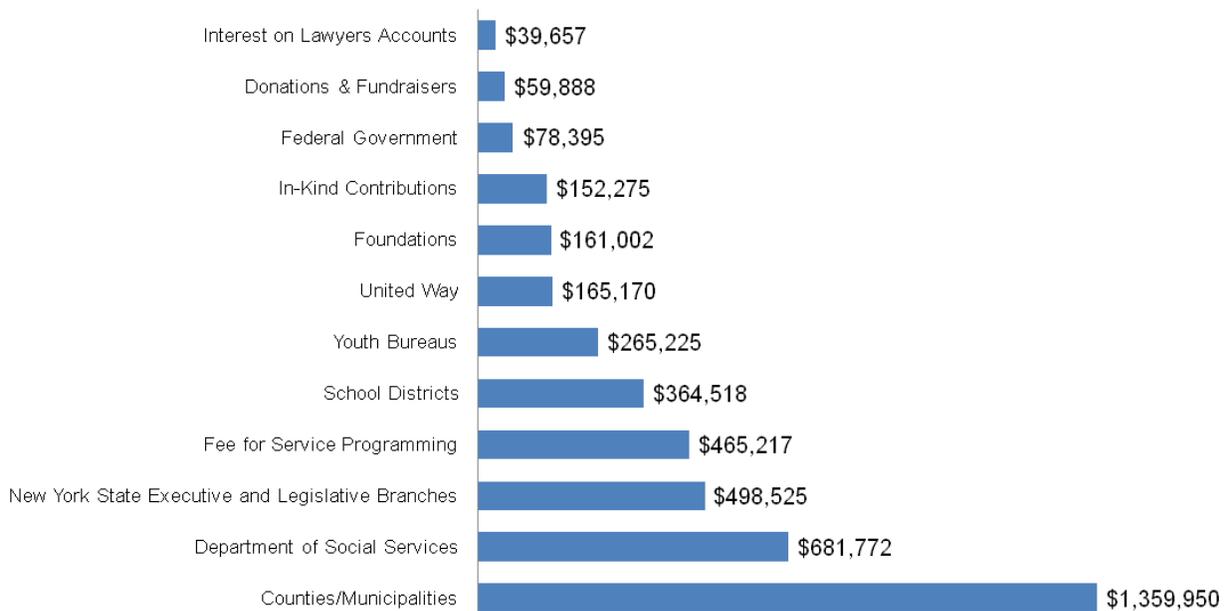
ADRCIP HOSTS RESOURCE DEVELOPMENT WORKSHOPS

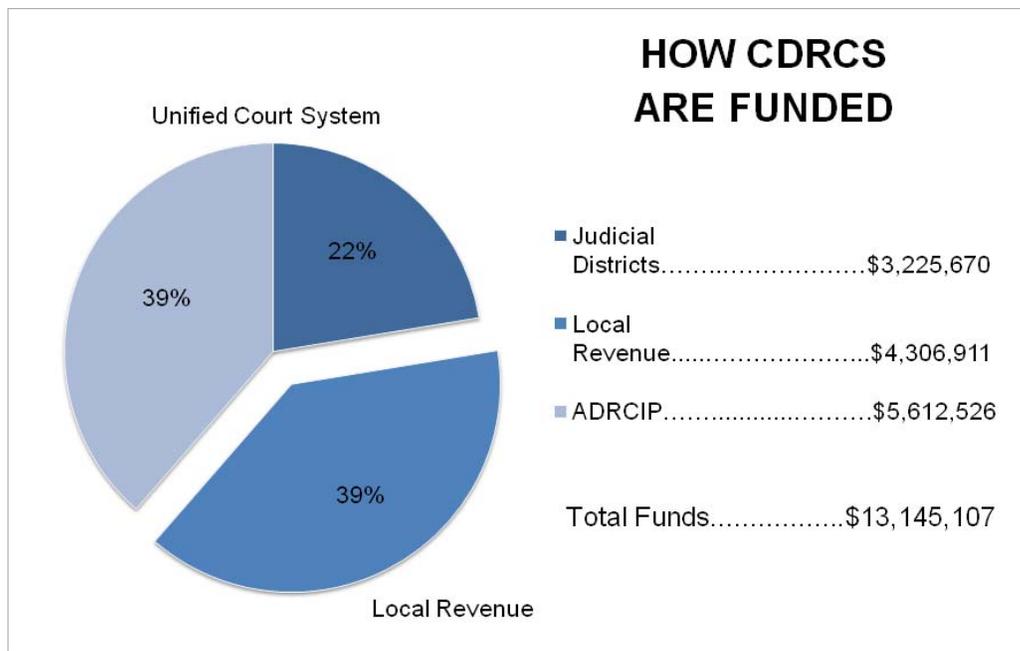
In 2006, ADRCIP launched the Resource Development Workshop Series. Geared to staff and board members from CDRCs and other ADRCIP contractors (CASA programs, Children’s Centers and Parenting Education), the series focuses on enhancing the capacity of not-for-profit agencies to secure local funding and resources. By helping to build this capacity among CDRCs, state community mediation funding can be leveraged to achieve greater impact in local communities. In difficult economic times, the need for Resource Development training at the not-for-profit level is more important than ever.

This year’s event featured two one-day workshops: “Putting the ‘Special’ in Special Events” and “Putting the ‘Appeal’ in Fundraising Appeal Letters.” During the first day, P. Burke Keegan, a nationally known fundraising consultant and author of *Fundraising for Nonprofits*, led the group in a thorough exploration of the elements of special event fundraisers and why events succeed. As part of the event, a panel including CDRC Executive Directors Roz Magidson of the Dispute Resolution Center, Inc. and Brenda Episcopo of The Peacemaker Program, Inc. presented on their organizations’ successful events.

ADRCIP’s Daniel Kos led the second day’s session on writing successful fundraising appeal letters. Drawing on his experience as a fundraising writing instructor, Dan helped the group dissect and rewrite effective fundraising letters. A number of CDRCs were able to incorporate key points of this training in their fall and winter letter writing campaigns. Diana Campos, the Director of Development at CLUSTER Community Services, which operates The Westchester and Rockland Mediation Centers, commented that “the two mailings that we have done since the training have been a great success! Despite the economy, we have raised more money with our letter writing campaign this year than in previous years.”

WHO SUPPORTS CDRCs LOCALLY





ADRCIP SUPPORTS BOARD DEVELOPMENT

With the dramatic change in the economic climate and substantial cuts in funding from local sources including foundations, local government and businesses, CDRC staff and board members have turned their attention to finding new ways to raise funds to sustain their full range of programs. The full commitment of Boards of Directors is key to that process. The need for strong board involvement was recently recognized by the Dispute Resolution Center, Inc., the CDRC serving Orange, Putnam, Ulster and Sullivan counties, and they called ADRCIP in to help.

Board Chair John Burke explains, “Our board is a talented group of people who do a great deal for DRC. One area, though, where we have needed to be more active is with fundraising, especially during these times. We knew we needed to come together to develop a concrete strategy to support the good work we do. ADRCIP has helped us get the ball rolling.”

In January 2009, ADRCIP staff members Darlene Ward and Daniel Kos, both of whom have experience leading not-for-profit boards, facilitated a day-long board retreat that focused on the roles of a board, explored fundraising basics and culminated in the creation of a fundraising plan for 2009. During the retreat, the board assessed its own capacity and connections, creatively explored its options and developed a realistic plan.

ADRCIP offers technical assistance to the CDRCs in a wide range of areas including fundraising and board development. ADRCIP’s commitment is best explained by Assistant Coordinator Mark Collins, who says, “Increasingly, grantors see themselves as partners of the agencies they fund, and by helping organizations increase their capacity to fundraise, we are ultimately investing in their long-term sustainability and the breadth of programs they can offer. We are fortunate to have significant not-for-profit expertise among our staff, and we welcome the opportunity to partner with our contract agencies as they seek to enhance their impact in their communities.”

AUDITING A CDRC

Each year, at least one randomly selected CDRC is audited by the New York State Unified Court System’s Office of Internal Audit. This year, the Center for Dispute Settlement, Inc. (CDS), the CDRC serving Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates counties, was audited. The audit team reviewed CDS's annual expenditures, inventory records, personnel files and other policies. ADRCIP staff members were involved after the audit was completed to ensure that the auditors' recommendations were followed and to solicit feedback from CDS about how ADRCIP can help CDRCs adhere to requirements. The goal of the internal audit is to determine that funds provided to the CDRC were spent in accordance with the Unified Court System’s fiscal and program requirements. Sherry Walker-Cowart, President and CEO of CDS, commented that “although this was a long and arduous process, we learned a lot that will help with ensuring compliance with the UCS program and operating requirements.”

LOW COST

\$229 = Total UCS Cost per Case Screened

\$433 = Total UCS Cost per Case Conciliated, Mediated or Arbitrated

\$90 = Total UCS Cost per Individual Served

HIGH RETURN

76% of Cases Conciliated, Mediated or Arbitrated Resulted in an Agreement or Final Decision

ADRCIP SELECTS CDRC PROVIDERS

Every five years ADRCIP issues a Request for Proposals (RFP) to select the organizations that will provide CDRC services. This year, ADRCIP participated in two RFPs – one to select providers in the 57 counties outside of New York City, as well as a collaborative RFP process with the New York City Mayor’s Office to select providers for the five boroughs of New York City. Because they both provide substantial funding for the New York City CDRCs, ADRCIP joined the Mayor’s Office of the Criminal Justice Coordinator to choose providers. These two RFP processes resulted in the selection of the providers depicted on the map located on the inside cover of this report. They include a new center in Rockland County, where CLUSTER, Inc., the existing CDRC provider in Westchester County, was selected. For more information about the new CDRC in Rockland County, see page 31.

The RFP process is required by state contracting laws and ensures that taxpayer monies are spent responsibly and awarded fairly. The process for the 57 counties outside of New York City began in July 2008 when not-for-profit organizations around the state were notified of the RFP and invited to complete an extensive proposal, detailing how they would serve their local communities in the next five years. Applying organizations wrote the roughly 20-page proposal during the summer and submitted final drafts in September. Each proposal was read by a review committee comprised of local court personnel and ADRCIP staff members. In October, these review committees met to grade proposals and selected organizations. Selections were based on ADRCIP’s values of effective community mediation programs. Specifically, organizations were selected based on their ability to:

- Provide a wide range of mediation and other ADR services to the courts and community
- Establish a diverse group of local agencies that regularly refer cases to mediation
- Ensure the highest quality of mediation and case management services
- Utilize and develop a diverse panel of volunteer mediators
- Educate the public about mediation and other ADR processes
- Demonstrate excellent organizational leadership at the board and senior staff levels
- Maintain strong fiscal, technological, facilities and human resources support

RFP not only served its role in determining the best providers for each county but also provided CDRCs and ADRCIP the opportunity to reflect on current practices and plan for the future. Stephanie Bornt, Program Director for Tri-County Mediation Center, the CDRC that serves Fulton, Montgomery and Schoharie counties explains, "This was our first experience writing a [proposal for an] RFP. Although we found the process extremely challenging, Tri-County staff worked collaboratively as a team to prioritize the needs of the counties we serve and how best to meet those needs."

CLUSTER NOW SERVES ROCKLAND COUNTY

As a result of the Request for Proposal (RFP) process (see page 30 for more information), ADRCIP contracted with CLUSTER Community Services, Inc. to be the new CDRC provider in Rockland County. CLUSTER, Inc. is a Yonkers-based not-for-profit organization that has long operated the Westchester Mediation Center and provides mental health services, homelessness prevention assistance, and programs for youth. Toni Volchok, Executive Director of CLUSTER, Inc., is enthusiastic about the new Rockland Mediation Center: "We look forward to this wonderful opportunity to work with our neighbors in Rockland to deliver the highest quality dispute resolution services and build a vibrant and dynamic program."

The new center, located in Nyack, opened its doors February 1, 2009. The Rockland Mediation Center will continue offering small-claims mediation but is also planning to expand programming to include school-based services; parent-child, elder, and other family mediation; along with restorative justice initiatives and mediation for other community disputes. ADRCIP Assistant Coordinator Mark Collins is very optimistic about the future of the Rockland Mediation Center, commenting that ADRCIP looks "forward to CLUSTER serving the residents of Rockland County with the innovative and far-reaching services that have made their program in Westchester County so successful."



Community members, CLUSTER staff and board members and ADRCIP staff gather at the opening of the Rockland Mediation Center

OFFICE OF ALTERNATIVE DISPUTE RESOLUTION AND COURT IMPROVEMENT PROGRAMS

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