



# The New York Mediator

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## MAINTAINING QUALITY AT THE COMMUNITY DISPUTE RESOLUTION CENTERS

The New York State Unified Court System's State ADR Office is continuing to focus on achieving, maintaining, and enhancing the highest quality of mediation within the alternative dispute resolution community. With the encouragement and support of staff and mediators in Community Dispute Resolution Centers throughout the state, centers have met this challenge in a number of innovative ways.

### Basic Training

The core element of a mediator's skill building efforts is begun at the basic mediation class room training, where effective training experience provides trainees an understanding of the proper role for mediators. Though the standards for community mediators in New York State require a twenty-five hour training, many centers exceed this minimum requirement. Jodi Miller, Director of Mediation Services of Dutchess County contends that initial impressions stick with people and have a tremendous impact on mediator's behavior. We try to impress on our trainees the importance of empowering the parties to resolve their own dispute and helping parties to recognize one another's needs and interests.

### Apprenticeship

Apprenticeship is an extremely important stage in a mediator's effort to become an experienced and successful practitioner. In New York State, mediators are required to observe at least one mediation and co-mediate a minimum of two sessions under the supervision of a mediator.

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## THE COMMUNITY DISPUTE RESOLUTION CENTERS AND ADR IN NEW YORK STATE

By: Daniel M. Weitz, Esq.  
Director, State ADR Office

Nearly 20 years after its inception, the Community Dispute Resolution Centers Program (CDRCP) remains a model of innovation throughout the state and beyond. The CDRCP provides dispute resolution services in each of the 62 counties in the state. Last year, centers conducted more than 23,000 conciliation, mediation and arbitration conferences serving over 57,000 New Yorkers. Over 77% of cases that were mediated resulted in a voluntary agreement by the participants. The success of the CDRCP would not be possible without the hard work of New York's more than 2,000 volunteer mediators and arbitrators as well as the individuals who staff the local dispute resolution centers.

Building on the success of the CDRCP, the New York State Unified Court System has begun to develop a number of court-annexed ADR Programs. The CDRCP is now a part of the larger State ADR Office administered by the Office of Court Administration. The State ADR Office was established in January 1998 to promote the use and development of court-annexed ADR and to expand the range of services provided through the CDRCP.

Court-annexed pilot ADR programs have been developed in the courts at every level using mediation, neutral evaluation, arbitration and summary jury-trials. There are Supreme Court mediation programs in Monroe and Erie Counties, and in the Commercial Divisions of New York and Westchester Counties. One of the most innovative ADR programs is in the Chautauqua County Supreme Court, which conducts summary jury-trials for "non-complex" personal injury cases.

The Unified Court System has increasingly used ADR for matrimonial cases in Supreme Court. There are matrimonial screening parts (MSP) in Erie and Monroe Counties where court employed referees settle newly filed cases at a rate of nearly eighty percent. New York and Nassau Counties provide neutral evaluation programs and Westchester County now offers mediation through volunteer attorney mediators.

Several courts have established pilot ADR programs through collaborative partnerships with their local community dispute resolution center. Since 1998, the Dispute Resolution Center of Orange and Putnam Counties has operated a pilot divorce mediation program in collaboration with the Orange County Supreme Court. This program utilizes co-mediation teams consisting of experienced matrimonial attorneys and non-attorney mediators, all of whom are trained and certified by the Dispute Resolution Center. Experienced attorneys trained in facilitative mediation skills work side by side with experienced community mediators to help divorcing couples resolve their disputes.

With the support and guidance of Ann Pfau, Deputy Chief Administrative Judge for Management Support and Nancy Mangold, Assistant Deputy Chief Administrator for Court Operations, ADR has become an integral part of the innovation and change occurring throughout the Unified Court System. The Comprehensive Civil Justice Program developed by Chief Judge Judith Kaye and Chief Administrative Judge Jonathan Lippman outlines the court system's immediate plans for the expansion of ADR. The development of mediation programs is now underway for the newly created Commercial Divisions in Nassau and Erie Counties. Additional plans include the expansion of

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## UCS, NYSDRA SPONSOR NYS TRAINING INSTITUTES

The New York State Unified Court System works in collaboration with The New York State Dispute Resolution Association (NYSDRA) to provide valuable training opportunities for mediators and staff of the Community Dispute Resolution Centers throughout the state. This collaboration resulted in three recent Training Institutes across the state. In Saratoga Springs, on September 18, 1999, 64 participants attended the trainings offered by Kenneth Handin, Duke Fisher, Leslyn McBean and Bruno Romero. In Batavia, on October 23, 1999, 91 participants attended the trainings of Pat Barnes, Duke Fisher and Roz Magidson. In New York City at the John Jay College of Criminal Justice of the City University of New York, on January 21, 2000, 87 participants braved inclement weather to attend the trainings of Duke Fisher, Roz Magidson, Beryl Blaustone and Elayne E. Greenberg. A total of 223 mediators and staff of the Community Dispute Resolution Centers participated in these trainings.

At these workshops Patricia Barnes presented a session entitled "Collaborating with Attorneys in Mediation." The purpose of this workshop was to provide mediators with the necessary skills to deal effectively with attorneys in the mediation process. Discussions focused on the need to reevaluate the way mediators interact with attorneys and logistical and procedural issues of having attorneys involved in the process. Skill development and practice included creating a collaborative atmosphere and maintaining focus on the needs of the parties.

Beryl Blaustone and Elayne E. Greenberg presented the workshop, "How Mediators Can Effectively Work with Lawyers in the Mediation Process." This workshop was designed to help mediators understand how to include lawyers as client advocates in mediation. This interactive participatory workshop addressed mediators' concerns and developed awareness, strategies and skills for effectively incorporating attorney participation in mediation.

Duke Fisher presented an interactive perspective on power imbalance in mediation. Participants had an opportunity, through extensive power simulation, to directly experience a power imbalance, examine their personal reactions to the imbalance, and evaluate their attempts to manage the situation. Discussion included awareness and support for neutrality, self-determination, creative direct communication, problem solving, and collaboration.

Kenneth Handin and Roz Magidson presented "Developing Child Custody Determination and Parenting Plans", based on Joan B. Kelly's work in *Custody and Access Issues: What's New? What Works?* These trainings provided participants with the most current information about child development critical to the planning of parenting arrangements. Ken integrated research and "best interest" standards for an objective reference to determining the relative priorities involved for mediators to better assist disputants in making custody decisions that would support and sustain the child's adjustment.

Leslyn McBean and Bruno Romero presented a workshop on cultural sensitivity and mediation. Through the use of interactive discussions, role-playing, and written materials, participants were guided toward achieving cultural competency in mediation. The workshop provided a forum to accomplish three main objectives: resurrecting and exposing one's cultural biases or blindness, confronting and checking the issues involved, and realizing the potential of becoming a culturally competent mediator.

The state ADR office has already begun discussions with NYSDRA in efforts to plan the 2000 to 2001 New York State training institutes. Evaluations from the current year's workshops, in conjunction with general input from mediators and staff, will be used to help the training committee decide on the types of advanced training workshops to target for next year

## CDRCP and ADR in NYS

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neutral evaluation for tort cases and increased utilization of mediation in Family Court. Work will begin soon on a Multi-Door Courthouse in Queens County where cases will be screened and referred to the most appropriate process for resolving the dispute. The court will likely offer mediation, neutral evaluation and arbitration as appropriate dispute resolution options.

The State ADR office also provides educational opportunities for judges, court employees, members of court rosters and the bar. Mediation training sessions were held this past year for the Appellate Division's Attorney Client Grievance Mediation Program, the Westchester Supreme Court Matrimonial and Commercial Division Mediation Programs, and in the New York County Commercial Division Mediation Program.

The court system also established a Statewide ADR Advisory Committee to provide guidance to the court system on the development of court-annexed ADR. Community mediation is well represented on this committee with Andrew Thomas and Judy Saul, both of whom direct community dispute resolution centers. Several other members of the committee serve as community mediators.

The State ADR Office recently published the first issue of *The ADR Update*, a brief newsletter intended to keep Judges and court personnel apprised of developments in court-annexed ADR. *The ADR Update* also features an Alternatives in Focus section that highlights a specific ADR process in each issue. The State ADR Office has also produced new brochures and updated our website at:

<http://www.courts.state.ny.us/adr>.

The future of ADR in New York is bright. The State ADR Office will continue to provide educational programs, encourage collaboration between the CDRCs and local courts and develop innovative ADR programs across the state. On behalf of the State ADR Office, I would like to thank New York's volunteer neutrals as well as the community dispute resolution center staff for their dedicated service. It is safe to say the momentum we presently see in the development of court-annexed ADR in New York would not be possible without the success of the CDRCP.



## News From The Programs

### Albany County

In September, the Center for ADR presented a Basic Mediation Training which was geared toward one of Albany's low-income communities. There were 17 trainees, 7 of whom were minorities. Nine of the trainees have begun the certification process, and two trainees have begun a flyer and outreach campaign in order to publicize the Center's activities in the community.

It is our hope that more intensive training and outreach in Albany's low-income communities will result in greater visibility for the Centers and the services we offer, as well as an increased case load. We also hope that this increased visibility will allow the Center to become involved in more public, multi-party issues of concern to the various communities we serve.

Since September we have been meeting with Judge Thomas Keegan, the Administrative Judge for the Third Judicial District, staff of the Unified Court System's State ADR Office, as well as members of the matrimonial bar to discuss the possibility of bringing a Court-annexed divorce mediation program to the Supreme Court. A working group has been formed, and we have begun the process of addressing concerns of practicing attorneys and designing a procedure that can benefit the Court, the Bar, and the parties involved in the divorce process. Representatives of the Orange County Divorce Mediation Program - Roz Magidson, Brett Lynn, Richard Greenblatt and Richard Mandel - have provided us with invaluable assistance throughout this process. Pat Marinelli, the Center's Board President, and Jerry Neugarten, one of our divorce mediators, have also worked hard on this project.

We are excited to be taking the next step in both our divorce mediation program, and in our growing relationship with the various courts we serve.

This year, the Center's already solid Family Court and Community Mediation programs have shown new growth. The number of referrals and mediated agreements from Family Court continue to

grow thanks to the confidence shown in the program and in our mediators by Albany County Family Court Judges Beverly Tobin, Gerald Maney, and Dennis Duggan. This growth has occurred despite our bidding a reluctant farewell to Mary MacAvoy, our Program Coordinator who resumed her teaching career. We are pleased to welcome Grace Thompson, who has hit the ground running. Grace is a paralegal, computer expert, and CASA volunteer who has worked with the Center for many years.

We continue to place one and sometimes two mediators in Albany City Court. This results in an average of 6-7 mediated agreements each week. We continue to enjoy a terrific working relationship with Albany City Court Judge Leslie Stein.

### Bronx County

In Bronx county, the Institute for Mediation and Conflict Resolution (IMCR) launched an intensive and extensive outreach campaign during the months of October and November, 1999 as a means of informing the public about its alternative dispute resolution services. Reporters from Bronx TV Channel 12 visited the Dispute Resolution Center on October 28, 1999 and interviewed staff, mediators and clients. Bronx Net followed with a video interview of Titus Rich, Outreach Specialist and Francisco Negron, Community Coordinator. Highlights of both interviews were aired throughout Bronx County, triggering a series of calls from the public requesting additional information.

**New Site:** IMCR has begun the scheduling of mediation cases as an implementation of its collaborative venture with Neighborhood Youth and Family Services (NYFS), under the leadership and supervision of Francisco Negron, IMCR Community Coordinator

**FY 1998-1999:** During the city's fiscal year, IMCR Dispute Resolution Center scheduled 1,707 cases of which 1, 534

had hearings held. There was an 83 percent resolution rate. The Center continues to provide special education, PINS, child-custody and visitation, early intervention, and interpersonal dispute mediation and lemon-law arbitration thanks to referrals from the Court Dispute Referral Center, police precincts, community agencies and walk-ins.

**Breakfast Meeting:** On November 10, 1999, IMCR held its first Breakfast Meeting at Hostos Community College, thanks to Consolidated Edison Company which supports organizations such as ours that improve people's lives and provide opportunities for social and educational advancement. During the event, the following community leaders were honored for their contribution towards improving the quality of life in the county: **Rose Trentman**, New York Athletic and Boxing Commission; **Captain Michael C. Phipps**, NYC Police Department, Precinct 43; **Krishna Philpot**, Police Administrative Aide, Precinct 48, NYC; **Dr. Hui-Li Huang**, Family Medical Practice, Bronx County; and the **Honorable Jeffrey Klein**, New York State Assemblyman. The keynote speaker was **Glenn Alleyne**, Director of Community Affairs, Bronx Borough Presidents Office.



Krishna Philpot, Cap. Michael Phipps, Rose Trentman, Dr. Hui-Li Huang and Assemblyman Jeffrey Klein were honored for efforts to improve the quality of life in Bronx County.

The Honorable Eardell J. Rashford, Bronx Housing Court presided over the Swearing-in of newly certified community mediators. IMCR welcomes the following volunteers: *Titus Rich IV, Todd Hanks, Delwyn Neill, Prof. Larry Grosberg, Katherine Stoessel, Donna Fab-*

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## Program News

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reau, Stephen Peters, Rev. Rhonda Hoehn, Christina Gross, Rev. James Law, Brian Phillips, Karen Reynolds, Diana Cruz, J.D., Cheryl Bulrach, Atty., Jacqueline Rivera, Rhea Glassman, Bodden Sween, Carmen Benitez, Honey Fennelys, Anja Clauss, and Iris Carrasquillo.

**Training:** The following are IMCR's weekend Basic Community Mediation training dates for the year 2,000: (1) January 21-23 and 28-30; (2) March 31-April 2 and April 7-9; (3) August 18-20 and August 25-27; (4) November 10-12 and November 17-19.

For more information, contact Stephen E. Slate, Executive Director at (718) 585-1190; Fax (718) 585-1962; by e-mail:

### **Broome/Tioga Counties**

In the Broome / Tioga County Program, Executive Director, Frank Woods has accepted a position as Principal Court Analyst in the Unified Court System's State ADR Office. Although we are sorry to see Frank leave this program, we congratulate him on this new appointment and this well-deserved opportunity. He has done a wonderful job developing and expanding programs in Broome and Tioga Counties and we thank him.

Donna Rehak will replace Frank as Executive Director of ACCORD. Donna is a Binghamton native with academic training in the field of Alternative Dispute Resolution and mediation experience. Before coming to Accord, Donna was most recently the Associate Director of the Community Dispute Resolution Center, serving Chemung, Schuyler and Tompkins Counties.

In November 1999, ACCORD officially became the contract agency for the Surrogate Decision-Making Committee Program under the auspices of the NY State Commission on Quality of Care. The Broome area program covers six counties (Broome, Tioga, Tompkins, Chenango, Delaware and Otsego). The program is an alternative approach to the court system for obtaining an informed decision about major medical treatment for mentally disabled clients in programs or facilities operated, licensed or funded by the office of the Department of Mental

Hygiene. The program is volunteer-based, innovative, timely, cost effective and provides more personalized decision making on behalf of mentally disabled individuals.

Also in the fall of 1999, ACCORD began providing intake services in Broome County Family Court. Joan Good, Broome County Family Court Clerk, and her staff provided support and input to help integrate the position into the framework of the court. Family Court staff and judges are supportive of the intake services provided by ACCORD. Our presence in the offices of family court offers us an opportunity to provide information and referral for our mediation services. Our family court mediation cases have increased since we began providing intake services.

This year Accord has provided peer mediation training in four Broome County schools: two elementary schools in Johnson City, Windsor Middle, and Harpursville Middle School. Each school district received the basic peer mediation training reaching a total of approximately 80 students. Additionally, the Johnson City schools received a day-long training for the aides and monitors who work with the children daily.

Frank Woods provided a full mediation training for professionals within our community. The training gave the participants an opportunity to learn the value of mediation and elect to continue toward completing the state requirements for mediators. Ten interested, excited professionally-trained mediators were added to our volunteer pool as a result of this training.

In Tioga County, ACCORD, in conjunction with the Tioga County Youth Bureau, sponsored a workshop for approximately 80 participants. The topic was **Bullying Behavior**, presented by Mark Mattaini, from Jane Addams College of Social Work at University of Illinois at Chicago.

For more information on any of our programs, contact Donna Rehak, (607) 724-5153, fax number (607) 724-0059, or check our website at [www.tier.net/accord](http://www.tier.net/accord).

### **Cayuga County**

Andrew Thomas, executive director of the Center for Dispute Settlement is

pleased to announce that the Cayuga County Dispute Resolution Center, which has provided services since 1987, has merged with the Center for Dispute Settlement, the third oldest agency of this kind in the United States. Barbara Bowen is the new Director of CDS Cayuga County office located at 95 Genesee Street in Auburn, NY. The office recently relocated from the Weedsport office.

"The merger is a welcome one," says Ms. Bowen, "and brings an official Family Court custody and visitation mediation program to our county." As a resident of Auburn, she knows the community's needs and hopes more people will take advantage of the center's services which are affordable for anyone requesting them. Ms. Bowen takes over for Ann Petrus, the former director, and will supervise all programs and cases in community mediation, custody and visitation, school mediation education and training for Cayuga County.

The Center for Dispute Settlement is a not-for-profit agency serving individuals, neighborhood groups, businesses and organizations in 8 counties, which include Monroe, Livingston, the Finger Lakes Region of Ontario, Seneca, Steuben, Yates and now Cayuga. It uses and promotes peaceful dispute resolution as an alternative to the court system through

- Negotiation
- Mediation and Conciliation
- Arbitration
- Fact-finding and Facilitation
- Training and Education

For more information or requests for services in Cayuga county call Barbara Bowen at (315) 252-4260 or the Monroe County office at (716) 546-5110.

### **Chemung/Schuyler Counties**

Since the Chemung County and Schuyler County offices opened two years ago, programs in both counties have expanded and doubled in the number of cases each office handles. In the fall of 1999, another 20 mediator volunteers completed basic training and mediators from both counties completed custody/

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## Program News

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visitation and parent-teen training requirements.

The Community Dispute Resolution Center considers programs for young people and their families to be among its highest priorities. In October 1999, Gina Tinker-Williams was hired to focus on youth and family program expansion in Chemung County. She brings to our program experience working with at-risk youth and families. We offer Parent-Teen mediation, youth mediation, and youth mediation training services through our Chemung program.

Gina joins Paula Smetanka, Chemung County Court Program Coordinator who has developed a strong Family Court Program through collaboration with Chemung County Probation, Chemung County Family Court, and Chemung County Department of Social Services.

The Chemung/Schuyler/Tompkins programs say good-bye and good luck to Donna Rehak, Associate Director who is leaving to become the Executive Director of the Broome/Tioga Programs at ACCORD. For information regarding the Chemung County program, please call Paula Smetanka, Coordinator, at (607) 734-9087. For information regarding the Schuyler County program, contact Britany Beck-Wickham, Coordinator, at (607) 535-7637.

### ***Chenango/Delaware Counties***

In Delaware County and Chenango County the Dispute Resolution Center is located on Sherwood Road in Delhi and the Eaton Center in Norwich, and is sponsored by Catholic Charities of Delaware & Otsego Counties. The referral sources are diverse and include courts, local and state law enforcement, clergy, counselors, town-village-city governments, human service agencies, schools, word-of-mouth, etc. Although our Family Court work represents much of our caseload, we have maintained a strong community influence in resolving conflicts through mediation, conciliation and arbitration. We continue to be appreciative of the strong support received from the 6th Judicial District which has shown innovation and responsiveness to the needs of families in our counties. Family Court will become even

more user friendly with the addition of intake personnel overseen by the Dispute Resolution Center.

The Dispute Center is working with other Centers and the Cooperative Extension on the W/WET Force to collaboratively problem solve agricultural environmental issues through the use of mediation.

The Dispute Center is taking its direction from the expertise of the Herkimer Dispute Resolution Center and creating a Peace Makers Program for 4th/5th graders in both Counties. It is the Center's goal to access every 4th/5th grade student in both counties and offer skills and information to help these students better understand conflict and anger and to learn to live peacefully. The Center is working with teachers to develop a curriculum compatible with the NYS standardized testing preparation and to begin a year of Friday Peace Days in the school districts.

The Center has been active in supporting local human service agencies in creating friendly work environments through mediation and guideline setting and is offering local industry on-site mediation for employee-employee or employee-employer mediation. In turn, local business is supporting the Center through contributions and printing of materials.

The Center volunteer pool is well trained and far exceed State training requirements. They remain very active and are greatly appreciated by the Center staff for their commitment. We encourage participation in our programs and are always interested in recruiting new mediators and support volunteers.

For more information please contact Donna Kankiewicz, Director at (607) 746-6351 in Delaware County and (607) 336-5442 in Chenango County.

### ***Clinton County***

Northern New York Centers for Conflict Resolution, Inc. is the Alternative Dispute Resolution Program in Clinton County. The Clinton County Center serves the most northeastern corner of the state, bordering both Canada and Vermont.

In August of this year our Center marked the first anniversary of our on-site city court mediation program. Center

staff and volunteers provide mediation services for all small claims cases scheduled by the Plattsburgh City Court. Since our initial scheduling, we have received referrals for 487 cases. Although actual numbers vary from one day to the next, we average 15-20 cases on a given day. Case types vary, but consistently include landlord/tenant, consumer/merchant, etc. We are extremely pleased with the program's success and wish to acknowledge the talent and generosity of our team of experienced mediators: Terry Brawner, Jim Duffany and Susan Patnode.

Clinton County's active and successful Family Court Mediation Program will complete its sixth year of providing Custody/Visitation mediation services at the end of November. Referrals are generated from Probation, public and private agencies, legal services and private attorneys. We are pleased that our presence in the county is constant and familiar, and as a result, we are regularly sought as a resource. In recent months, our Center certified 6 new Family Court mediators.

In our community mediation program, we continue to emphasize the importance of collaboration and cooperative community efforts. We work on a regular basis with a wide range of public and private organizations that are charged with meeting the needs of our rural population. Recent collaborations include support and assistance to the Child Care Coordinating Council's Supervised Visitation Program, the Rural Law Center's Youth Education Program and North Country Legal Services *Pro-se* Divorce Clinics. The Clinton County Center regularly offers workshops and trainings to agencies, schools, churches and businesses in order to provide information and to increase skills in communication, problem-solving, and anger management. Workshops are recently provided to 2 departments at SUNY Plattsburgh.

For further information, please contact Julie A. Davies, Clinton County Coordinator at (518) 563-1227 or Fax Number (518) 562-0118; E-mail: [nnyccr2@gisco.net](mailto:nnyccr2@gisco.net)

### ***Columbia/Greene Counties***

In Columbia and Greene counties,  
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## Program News

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the alternative dispute resolution center is Common Ground Dispute Resolution, Inc.. Common Ground has grown over the past several months adding one additional position, and yet undergoing a major staff transition since three people have left to either start a family, move out of the country or make a mid-life career change.

The center now welcomes three new staff members, George Carroll, Joseph Capobianco and Pegge Duleba. George, a former Family Court Clerk, is the full time Coordinator whose primary role involves coordinating the Family Court Mediation Programs in Greene and Columbia counties. Joe, a former teacher is the part time Project Coordinator conducting community education for youth and adults in mediation and conflict management. Pegge filled the new Services Coordinator position in January to manage and develop the community caseload, including the Hudson City Court Project and the much anticipated separation and divorce mediation program. Pat Marek has remained the Executive Director for more than 5 years and was honored recently as Woman of the Year nominee by the Business and Professional Woman in our two counties.

In the winter of 1999, a basic mediation course was held as a non-credit professional development course through Columbia-Greene Community College. Assistant District Attorney Tim Berry presented to the group on the criminal justice system and several experienced mediators participated as mentors/coaches. The training was open to the public to incite awareness of mediation and the work of the center, and to increase the mediator panel. Nine individuals were added to the list of apprentice mediators along with two new staff members: George Carroll, Joseph Capobianco, Dodie Duncan, Brydon Fitzgerald, Linda Friel, Roderick Link, Jr., Christine Modafferi, Michael Schwartz, Grant VanHoesen, Ann Walker and Betsy Wright.

Currently, 22 mediators are certified and active at the center, with 22 individuals in various stages of the apprenticeship process. The following three mediators successfully completed the apprenticeship

process and were subsequently certified this past year: Kimberly Snyder, Liesse Chable and Carol Weinstein. Twenty mediators practice family mediation primarily for custody and visitation issues. The center managed more than 200 of these cases last year. To meet the mounting requests for mediation by the courts, the center is planning a training in custody and visitation mediation.

The Hudson City Court Program has been active each month mediating small claims matters referred directly from the bench while the court is in session. Mediators Chris Post and Eugene Aleinikoff devoted much of their time in this venue, and have been assisted by mediators Tom Myers and Angella Pace this past year. Caseload for 1999 reached 81 mediated cases. Chief Court Clerk Karen DeBenedetto has been a catalyst for the program over the past few years, as well as spearheading our involvement to mediate cases on the criminal court calendar.

The center is developing a working relationship with the Cornell Cooperative Extension in Greene County independently, and in conjunction with other area mediation centers and Extension offices in the neighboring southeastern counties/Hudson Valley region. The agencies have been considering the issues and opportunities for a collaborative partnership. Discussions will continue to review capacity building, issues critical to agricultural viability and environmental quality, and collaborative decision making processes that involve relevant stakeholders.

Common Ground has assisted several schools this year with violence prevention programming. A peer mediation program was implemented in the Germantown Central School early in the school year. The program kicked off during International Youth Peace Week in December. To the good fortune of the school, former Common Ground Coordinator Terry Lamacchia, who is now teaching full time at Germantown, is involved in coordinating the program on site. Efforts are being made to develop a peer mediation program at Chatham High School, with a component to mediate teacher-student disputes by matching a teacher and a student as co-mediators. Chatham Middle School has the oldest operating program

in the county, now in its tenth year.

For additional information contact Pat Marek, Executive Director at (518) 943-0523 or (518) 828-0047 or by e-mail at [cgdrinc@capital.net](mailto:cgdrinc@capital.net).

### **Dutchess County**

In Dutchess County, the ADR program is the Mediation Center of Dutchess County (MCDC). In August, Jody Miller was appointed Executive Director, replacing Renee Boyd, who left the Center to pursue her love of teaching at the college level. Jody had been Director of Family Programs at MCDC, creating and developing the Family Court Program, as well as overseeing training for the Center. She has worked in the field of mediation as both a youth and adult trainer, program developer, and consultant, beginning at Ulster Sullivan Mediation in 1989.

In its newest initiative, the Center is pleased to be working with Vassar College in establishing the Vassar College Mediation Program. Twenty-eight students, faculty, and staff were trained as community mediators over twenty-five hours in October and will mediate both student and employee issues. The college has been interested in expanding ADR opportunities on campus and is excited to have mediators available from its diverse community. The Center will continue to work with the college over the Spring semester, providing technical support and special topic in-services. In addition, several of those trained have applied for apprenticeship to gain certification through the Center.

MCDC is pleased to serve as the Hudson Valley regional office for Vocational Educational Services for Individuals with Disabilities (VESID) mediation referrals. This new program comes to us as a result of NYSDRA's new contract with VESID, which will provide mediation between clients and supervisors regarding eligibility and services. Mediators with Special Education Mediation experience from surrounding counties will be trained and assigned on a rotating basis.

The Family Court Program continues to grow beyond our expectations. In 1998-99, the Center handled over 370, of which 194 mediated. This was a 52% in-

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## Program News

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crease over 1997-98, in which two-hundred seven cases came to the Center. Carol Polak, Program Director is available to meet with parties three and a half days per week at Family Court, where she can provide information, complete intake and schedule appointments. The duty judge can call Carol into the courtroom when needed, and occasionally parties mediate during a "second call," whereby they return to the judge after mediation. In addition, child support cases are referred by both Hearing Examiners.

MCDC welcomes it's newest staff member, Karen Tuttle, coordinator of the Surrogate Decision Making Program. Karen comes to the Center with years of experience in human services and has wonderful ideas for the growth of mediation. Welcome Karen! For more information, contact Jody Miller, Executive Director at (914) 471-7213, Fax (914) 471-7264, or e-mail: [jbmill@vh.net](mailto:jbmill@vh.net)

### ***Erie/Allegany/Cattaraugus/Chautauqua/Genesee/Niagara/Orleans/Wyoming***

The Dispute Settlement Center is ready for the challenges of the upcoming year with a new main office location in Buffalo and a new staff team in its Buffalo, Jamestown and Olean offices. This period of transition presented an opportunity for management to evaluate the current direction of the organization and focus on plans for expansion of current programs and development of new dispute resolution services. Immediate future goals of the organization are to work with the Eighth Judicial District to expand Family Court mediation services beyond Erie County and to actively market commercial dispute resolution services to the legal and corporate Western New York communities.

The Better Business Bureau has recently expanded throughout Upstate New York and the Capital District. The BBB has begun discussions with Community Dispute Resolution Centers (CDRC's) so that the organizations might collaborate to deliver commercial dispute resolution services to the communities served by the CDRC's.

### ***Essex County***

In Essex County, the ADR Program is the Northern New York Centers for Conflict Resolution, Inc. In July, 1999, Judi Good became the new Coordinator for the Essex County office located in Lake Placid, following the departure of Anne Stephens.

Our attention has been focused on case development and case management. We continue to receive calls and referrals from various constituencies in the community including individuals, police departments, department of social services, schools and colleges, attorneys, counselors and the courts. With our exerted effort toward responding to the needs of these constituents, cases have increased moderately. Not unlike many people, the reluctance to seek outside assistance in a conflict situation continues to exist. Much of our communication to disputants during intake is reinforcing and supporting their voluntary decision to reach out and make connections for the best interest of both parties. It is explained that mediation includes meeting the personal needs of each disputant as well as the shared relationship needs in a safe and confidential setting. Emphasis is placed on the success rate of mediation as well as the importance of preserving relationships.

Our Family Court and Community Programs have continued with cases involving custody, visitation and property settlements, as well as cases involving grandparents, parents, and children. Many of these family mediation cases have involved longer mediation sessions or multiple sessions in order to arrive at an appropriate resolution. We plan to continue to develop and connect with law guardians and Family Court personnel for ease in referrals. Our community cases have involved many neighbor and business disputes surrounding property issues. The mediation evaluations we have received from disputants have been enormously successful. It has truly been a satisfying endeavor.

We are excited about our newest venture working with the Probation Department in Elizabethtown for juveniles ages sixteen and under in victim/offender mediation. We are in the process of working

out details of the program regarding screening participants, parental involvement, and logistics. A victim/offender mediation training took place on November 12, 1999 at the Town Hall building in Lake Placid. A number of volunteer mediators from our office as well as staff from the Probation Department participated in this training provided by Tom Buckner, Principal Court Analyst with the State ADR Office. Kyle Blanchfield, Trainer and Executive Director of the Northern New York Centers for Conflict Resolution, Inc. was also on hand with training expertise. We anticipate an increase in the number of cases with this new program, allowing more mediators the opportunity to share their skills. Since July, four mediators have completed certification requirements. We congratulate and thank them and all our mediators for offering their valuable skills and time to our community service.

One of the most satisfying aspects of being involved with the NNYCCR, Inc. is the opportunity to connect with organizations at the local level and share the passion for preserving relationships. NNYCCR, Inc. has been represented at the local college level. It is the hope that these visits instill in students an understanding and awareness of conflict resolution in their relationship with others, an ability to resolve their own conflicts, and a knowledge of mediation and NNYCCR, Inc. as a resource. North Country Community College Resource Fair for students and faculty has resulted in referrals to our office. A two-hour presentation was provided to Resident Assistants at Paul Smith's prior to the opening of school; two one-hour sessions were held at Clinton Community College's Diversity Celebration on AMediationCFrom Me to WeCa Better Way Toward Preserving Personal and Professional Relationships Despite our Differences@.

For further information, please contact Judith K. Good, Essex County Coordinator, at (518)523-7234, or by fax at (518)523-7211, or by e-mail at [nnyccr3@gisco.net](mailto:nnyccr3@gisco.net)

### ***Franklin County***

In Franklin County, the ADR Pro-  
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## Program News

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gram is the Northern New York Centers for Conflict Resolution. Our center provides varied conflict resolution services to a rural northern community. Currently, we continue to focus our resources toward the expansion of these services in the county. Many outreach efforts are being promoted in order to make courts and community members more aware of our expanded services.

Community mediation continues to be one of the most salient parts of our program. Mediators have been trained and are available to provide these services to all who desire to avail themselves of the mediation process. The mediators who volunteer their time and skills to our organization have played a major role in the success of the Centers. They handle all types of mediations such as neighborhood disputes, interpersonal disputes, merchant-consumer complaints, landlord-tenant issues, evictions, and many other types of family problems.

The Centers offers the mediators their deepest gratitude for their enthusiasm and dedication in meeting the challenges of our diverse programs. We are most appreciative for their unrelenting efforts on our behalf as well as their knowledgeable and empathetic consideration of our clients and their problems. These caring, dedicated people have contributed to our expansion and to the respect which we enjoyed in the community, and for what we are deeply grateful.

The Franklin County Northern New York Center For Conflict Resolution is located in the Ross Biondo Complex, Fourth Floor, Suite 400, at 231 West Main Street, Malone, New York 12953.

For more information, contact Kyle E. Blanchfield, J.D., Executive Director, or Diana C. Dufresne, M.Ed., Program Coordinator, at (518) 483-7498 or fax at (518) 483-9633. E-mail: [nnyccr@gisco.net](mailto:nnyccr@gisco.net)

### **Fulton, Montgomery & Schoharie Counties**

Tri-County Mediation Center is the CDRC for Fulton, Montgomery and Schoharie Counties, with our main office in Amsterdam and our satellite offices in Cobleskill and Gloversville. All counties

have been very active in the past few months, with coordinators Carol Montgomery and Carmen Vazquez receiving many referrals from businesses and the communities, along with the city and family court cases. The fall season again brought the school and the correctional facility trainings, and program director Marsha Lawyer joined the coordinators "on the road". The peer mediation training's in the schools have been the start of some very effective peer mediation programs. One high school in Schoharie County reported 43 peer mediations during the school year last year, and out of those 43 mediations, there were 42 agreements reached that were upheld for the remainder of the school term.

During the past year, our "Latinos en Mediacion" program has really taken off. The number of Latino parties coming in for mediation has increased by 77%. We attribute this to the extensive outreach being done in the Hispanic community and the availability of bilingual/bicultural mediators. We currently have 6 active volunteers, male and female that speak fluent Spanish.

We have recently begun sitting in the City of Gloversville small claims court, and have gotten off to a really good start there. The judge has been extremely cooperative, and has gone out of his way to make our staff member feel welcome.

On September 28th, we held our annual volunteer recognition dinner in Amsterdam. The guest speaker was Pat Marinelli from the New York State Dispute Resolution Association who talked about mediation and legislation. Special guest Ron Stout, Executive Assistant of the Fourth Judicial District also said a few words. We hold this event every year to let our mediators know how much they are appreciated and that without them there would be no program.

For more information about Tri-County Mediation Center, please contact any of the above mentioned staff members at (518) 842-4202 or e-mail us at [tri-comed@midtel.net](mailto:tri-comed@midtel.net).

### **Hamilton County**

In Hamilton County, the ADR program is the Northern New York Centers for Conflict Resolution, Inc. The center

continues to inform the public of the programs available to county residents. During the first quarter of the year, a press release was printed in the county paper, directly resulting in two additional cases for the center.

The availability of surrogate decision making mediation has been primarily responsible for an increase of the center's caseload. To date, the center has handled three surrogate decision making cases since the program's inception. Hamilton county is home to a number of residential facilities, and it is expected that the number of surrogate decision cases will increase.

As the center continues to add more programs and services, it is hoped that the caseload will grow. Among the services now available are: Lemon Law arbitration, special education, early intervention, divorce and parent/child mediation, and surrogate decision making mediation.

The Hamilton County center is located at the Speculator Village Hall, P.O. Box 471, Elm Lake Road, Speculator, NY, 12164. Due to the size of the county, and the location of the towns within its borders, the center has secured an additional location for mediations in the Town of Indian Lake for those individuals who find traveling a hardship. This alternate location has proved beneficial in a number of cases, and will continue to be available for county residents.

For more information, please contact: Toni Morrison, Program Coordinator, at (518) 548-8213.

### **Herkimer County**

In Herkimer County, the Dispute Resolution Center is located at 61 West Street in Ilion. Our Center provides a variety of conflict resolution services to the community. Michael Kapala, our Community Coordinator, oversees a caseload comprised of predominantly interpersonal, consumer and housing disputes. Since Mike began with our Center, we have seen a 29% increase in the number of cases closed, in an average of 16 days.

We are pleased to announce the implementation of our Family Court Mediation Program, under the supervision of Vern Davis. Vern had been a volunteer

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## Program News

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mediator, volunteering with both Herkimer and Otsego Counties. He has established a relationship with the Herkimer County Family Court personnel and developed a referral protocol.

The Bad Check Recovery Program allows people to satisfy their obligation to merchants for checks returned for "Insufficient Funds" without police or court intervention. We have expanded this service to include two additional stores. We continue to provide Hearing Officers for grievance hearings requested by HUD/ Section 8 tenants who have had their application denied or their assistance terminated. Mike and Vern have also completed Lemon Law arbitration training.

The TREATY Program, our school-based conflict resolution and peer mediation program continues to expand. Our TREATY staff was asked to collaborate with the Little Falls Police Department on a school violence prevention grant. The grant was awarded and conflict resolution services will be offered at the high school. During the 1998-99 school year, the program was offered at 19 schools in 12 districts, two of which expanded services to include a peer mediation component. These workshops represent 648 hours of training presented to 279 adults and 2418 students. We will be hosting our first Annual Peer Mediation Day in December. The conference will be a full day, and will be attended by 105 peer mediators from 5 Herkimer County school districts.

For more information about the Dispute Resolution Center or the TREATY Program, please contact Annemarie Adams at (315) 894-9917, or fax (315) 894-6313, or e-mail [adamsdrc@dreamscape.com](mailto:adamsdrc@dreamscape.com).

### **Jefferson/Lewis Counties**

In Jefferson and Lewis counties, the ADR program is conducted by the Jeff-Lewis Mediation Center, Inc. Our center recently entered into an agreement with the Jefferson County Agricultural and Farmland Protection Board to conduct the voluntary mediation program found in Jefferson County's "Recognizing the Right to Farm" law. Should any dispute arise regarding any agricultural operation which cannot be settled by direct

negotiation between the parties involved, the parties may by mutual agreement submit the matter to the Jefferson County Agricultural and Farmland Protection Board as a request for mediation, to attempt a resolution of the matter prior to, or alternatively to the filing of any court action. The actual mediation process will be coordinated and conducted by a volunteer mediator from the Jeff-Lewis Mediation Center, Inc. A three-member Dispute Resolution Committee from the Agricultural and Farmland Protection Board will be available to provide expert opinion about a disputed agricultural practice or concern. Our center and its volunteers are pleased to help our agricultural community in this way.

As a member agency of the Jefferson County Landlord/Tenant Community Education Committee, our center helped organize a three-county forum entitled, "Legal Rights and Responsibilities of Tenants and Landlords," which was hosted by James P. O'Rourke, Assistant Attorney General in Charge and Deborah Rathbun, Legal Aide of the Watertown Regional Office of the Attorney General. Approximately 115 people came to hear Barbra Kavanaugh, Assistant Attorney General in Charge of the Buffalo Regional Office, speak on "Myths and Realities;" Honorable James C. Harberson, Jr., Watertown City Court Judge, speak on, "Procedural Requirements for Evictions;" and Camie E. Baker, Executive Director of our center, speak on, "Community Agencies that Assist Landlords and Tenants." Those attending also had the opportunity to talk with the speakers one-on-one and to meet with representatives from community agencies that deal with housing issues. This was found to be a very informative evening.

For more information contact Camie E. Baker, Executive Director, at 315.785.0333 or 315.376.7991, by fax at 315.785.0322 or through e-mail at [mediate@imcnet.net](mailto:mediate@imcnet.net).

### **Kings/New York Counties - Victim Services**

The Victim Services Mediation Program recently underwent a change of administrative personnel. During the summer, Janice Tudy-Jackson resigned as Program Director and Debra Shime ac-

cepted this position. A Deputy Program Director position was created and Jim Goulding moved from Program Director in Brooklyn into this new position. Kim Payne, formerly the Deputy Director in Brooklyn became the Brooklyn Mediation Center Director and Elizabeth Clemants, formerly the Manhattan Deputy Director became the Manhattan Mediation Center Director.

The Victim Services Manhattan Mediation Program recently implemented a *Pro-Se* Civil Court mediation program. In July 1999, Laurie Levin, then the Assistant State-wide ADR Coordinator, and Gail Davis, ADR Coordinator for NYC Civil Court, met with Administrative Judge Fern Fisher-Brandveen to discuss the possibility of mediating in Civil Court. They received approval for the project and it commenced in September. Ms. Davis conducted a special training for 17 experienced Manhattan program mediators who agreed to make themselves available. The mediators, with a coordinator, report to court each morning and mediate cases assigned to them by the sitting judge. Parties are given a brief explanation about the process and voluntarily participate in mediation. There is a private mediation room available where the sessions take place. Once finished, the parties return to the court where their agreement is reviewed by the judge and Aso ordered@. To date, the judges have been very supportive and appreciative of the project. With their continued interest, the program will continue to be successful.

At the Midtown Community Court, Manhattan Mediation Program Coordinator Stuart Sears has been conducting Community Impact Panels on a bi-weekly basis. This court processes misdemeanor community-based matters from the Midtown and lower West-side areas of Manhattan. The panels consist of defendants who have admitted to having committed a public nuisance type offense (walking dogs without a leash, public urination, riding bicycles on the sidewalk, etc.) and community members whose neighborhood quality of life has been impacted. The sessions involve each defendant's explanation about what happened, and the community member's impact response. At

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## Program News

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the end of the session, the coordinator requests that each defendant make a commitment not to repeat the offense. These panels are seen not only as a way to reduce court processes, but also to empower community residents in effecting improved living conditions in the community.

During the summer, the Brooklyn Mediation Program received funding to start a PINS mediation project in Family Court. With the support of Supervising Judge Joseph Lauria and the collaboration of the Probation Department, and under the direction of Victim Services Family Court Coordinator Peggy Noonan, the project will shortly begin to receive PINS referrals. To increase the number of specially trained mediators in this area, we conducted PINS training in November. In the meantime, staff has been busy meeting appropriate personnel in the court to insure a smooth referral and case management process.

For further information about these programs, please call Debra Shime (212) 577-1742 or Jim Goulding (212) 577-8433.

### **Livingston County**

Mediation Week in Livingston County in October was an opportunity to share with the public the positive aspects of alternative dispute resolution. For the second year in a row the Livingston County Board of Supervisors issued a proclamation in conjunction with the week A display in the entrance to the Government Center served as a focal point providing an opportunity to dispense information and dialogue with the general public. This year's display was a diorama depicting two slice of life moments. The first depicted the aftermath of a playground tussle; the victim bloodied and on the ground, the aggressor storming off. A sign in front of the scene pled AThere must be a better way.@ The second window showed three people at a table; a mediator and two disputants. The message in front read AHeal the hurt through mediation.@ The display was designed by Judge Ralph Domescek, a member of the Livingston Advisory Council. Promotional Band-aid holders with the heal the

hurt message were given out to the public for two weeks. They were designed and donated by Robert Wiggins a member of the Livingston County Advisory Council. Mediation Week culminated with a festive pot-luck supper at St. Mary's parish center on October 28<sup>th</sup>.

SUNY student Jason Nasella was the fall communication intern at CDS/Livingston County. Jason will be working with Letitia on the Livingston school agenda and they will make joint presentations to area schools using the AWork it Out A video. Jay also helped organize this year's pot-luck supper and used his creative talents in assembling a new bulletin board for Mediation Week.

Judge Gerard Alonzo presided over the swearing-in of mediators for the Center for Dispute Settlement at a recertification ceremony on December 16<sup>th</sup> at the Livingston County Courthouse. Mediators who qualified for recertification (having completed their minimum amount of mediations, and attended at least 6 hours of in-service training yearly) gathered to take their oath.

FOR MORE INFORMATION:  
CONTACT LETITIA ROSENTHAL  
Livingston County Mediation Services  
Custody and Visitation Mediation Services, 6 Court Street, Geneseo, NY 14454. 716-243-7007 Fax 716-243-7006

### **Monroe County**

On April 1, 1999 the Center for Dispute Settlement, CDS, formally began providing community mediation and custody & visitation mediation (C&V) to the entire Seventh Judicial District. In addition to Monroe County, the CDS service area includes the counties of Cayuga, Livingston, Ontario, Seneca, Steuben, Wayne and Yates. The custody & visitation Mediation includes programs for all eight counties in both Family Court and Supreme Court. In addition, CDS is working out the final details of a Monroe County Family Court pilot mediation program for Persons In Need of Supervision, (PINS).

These changes are reflected in restructuring with the appointment of Fred Chase to Director of Programs and Operations, Todd Samolis as CDS Special Projects Director, Donna Durbin as CDS

C&V Mediation Programs Director and Colleen Kingdom as Supreme Court C&V Mediation Program Coordinator. Carolyn Barnett Bryson was appointed CDS Monroe County Director for community mediation with the departure of Anne Pokras. Anne accepted the Interim Executive Director position to lead the National Association for Community Mediation (NAFCM) in July.

Two other positions were filled to advance the Center's initiatives. Nanette Castle was appointed CDS Marketing and Public Relations Associate to increase public awareness about ADR and the Center's services. Her responsibilities include media contacts, promotion, advertisements and printed collateral. Kate Forest will join CDS the first of the year as the Training Director. Formerly the Training Director for the Monroe County Bar Association, Kate brings a high level of standards in the development and delivery of training and workshop services.

As part of the Police Community Relations Program, CDS Special Projects and the City of Rochester Police Department conducted a full Civilian Review Board (CRB) training of 14 new panelists. The 40-hour training is in police practices, procedures and policy. It includes an eight-hour ride-a-long. The CRB panels are made up of three trained CDS mediators who review RPD departmental investigations of alleged police misconduct. This provides a unique process in the City's civilian oversight of law enforcement. Two other facets of the CDS Police Community Relations Program are citizen's intake of complaints against the Police and a Police Conciliation Program.

In a new Special Projects program development, CDS along with the Irondequoit Town Police Department and Ibero-American Action League agreed to pilot a three-month police complaint intake process for citizens at CDS in December.

A number of these new developments are a direct result of the agency's strategic plan. Following a Blue Ribbon Panel that was convened two years ago, CDS identified specific areas to enhance the quality of the Center's services, better utilize resources and focus on programs to achieve

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## Program News

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the CDS mission, "To use and promote peaceful dispute resolution processes throughout our communities.

In the wake of the Columbine High School and other tragedies involving young people, CDS has recommitted itself to work to create safe environments for learning and living. The 1999-2000 Annual Supporting Campaign is quickly approaching the goal of \$15,000 to underwrite specific youth initiatives, special events and activities.

These new initiatives were led by the May 20<sup>th</sup> Community Forum, "How Do We Make Our Schools Safe," that was sponsored by CDS and the Jennifer Koon Peacemaking Foundation. Andrew Thomas, CDS Executive Director and David Koon, NYS Assemblyman led a panel discussion involving a town police chief, school superintendent, two students, parent and County District Attorney. The Forum was moderated and aired live by WXXI, the local public radio station, and was covered by all of the major TV networks and daily newspaper. Since then, CDS has sponsored three Peer Mediator Summits involving a total of over 300 students, one each for grade school, middle school and high school students to promote peaceful dispute resolution, build skills and networking between schools in the eight counties.

In September, CDS held its most successful Annual Awards Luncheon ever, drawing over 280 participants at the Crowne Plaza Hotel. The event also highlighted youth involvement from the Keynote, The Hon. Michael Miller, Family Court Judge, who advocated for two statewide changes, to increase significantly the stipend for law guardians and to make family court custody and visitation mediation mandatory. Two new annual awards were given B High School Peer Mediator and College Peer Mediator Awards. Corporate sponsorships provided 100 school students the ability to attend the event at no cost.

CDS is excited and pleased to introduce the *Developing 21<sup>st</sup> Century Problem Solvers* youth initiative. The two-year project will create a team of highly skilled youth, adults, teachers and administrators to establish a proactive conflict-resolving

climate in the school community. Initially, CDS will organize a Peer Mediators Advisory Council made up of 20 young people from various school programs, establish a 21<sup>st</sup> Century Problem Solvers Web Site and Newsletter, and will develop a database of all school Peer Mediation Programs in the eight counties. This is in addition to the current Peer Mediator Summits and Annual Awards Luncheon. Currently, CDS is identifying five schools as collaborative partners as well as soliciting corporate and foundation sponsors to underwrite this initiative.

In November, Andrew Thomas received the Charles F. Crimi Pax Humana Award by the City of Rochester. It is the City's most prestigious award to an individual "who exemplifies a spirit of undaunted dedication to the principles of peace, justice, fairness, freedom and human understanding." It is in memory of Charles F. Crimi an attorney who dedicated his life to work in the defense of the poor, and who embraced humanity's struggle for freedom and justice for all. He is also someone with whom Andrew worked directly over twenty years ago toward achieving these same ideals.

### *Nassau County*

In Nassau County the ADR program is EAC's Mediation Alternative Project (MAP). This program continues to thrive. In 1993 the MAP caseload consisted of over 2,782 cases referred for the year. In 1998 MAP reached over 4,232 cases referred. Though hard work, dedication, a superior staff and continuous support from EAC Administrative offices, the Mediation Alternative Project is on its way to new heights.

Current quarter totals reached over 1916 clients served with 1217 new cases referred. We continue to provide the community with mediation services through referrals from the District Attorney's Complaint Bureau, Police Departments, Department of Social Services and with Small Claims court mediation that handled a total of over 461 cases for 2<sup>nd</sup> quarter of 1999. Our Lemon Law Arbitration and Special Education components continue to thrive with referrals from the Attorney Generals office and the NYS Education Department.

The MAP program has been very busy this year and would like to announce two of our new MAP staff members. Judy Rameriz and Yvette Fields, welcome to Dispute Resolution! Judy started with the MAP program in June 1999 as the new Case Coordinator for the Department of Social Services Conciliation component. Judy comes from Corpus Christi Texas and brings her experience and passion for hard work to the program. Yvette started with the MAP program in July 1999. Yvette is the Training Coordinator for the newly developed Youth Mediation Program. Since this component's inception, we have had nothing but success. Yvette has confirmed training scheduled four months in advance and has facilitated over 28 conflict resolution workshops, peer mediation trainings and seminars during that time. Nassau and Suffolk county school districts continue to call requesting our services while the program expands beyond our imagination. Congratulations to you both!

EAC, once again, conducted a wonderful volunteer reception on April 29, 1999 to show our appreciation to all of the volunteers who dedicate their time to our programs. We welcomed Judges and dignitaries from throughout Long Island to assist us in acknowledging our volunteers. EAC also participated in the NYC Region I volunteer reception. This reception also acknowledged volunteers from downstate and presented them with awards and certificates of appreciation. In attendance was the NYS ADR Coordinator Daniel Weitz as well as Chief Administrative Judge Jonathan Lippman and Deputy Chief Administrative Judge Ann Pfau. This event was a marvelous success with over 300 in attendance.

Coming up this winter EAC will hold its annual conference to recognize its employees and board members. Special honors will go out to Legislator Darlene Harris from EAC's MAP program, for presenting the Youth Mediation Program with a grant that allowed over 150 students to participate in conflict resolution training and workshops throughout Nassau County.

Congratulations go out to Martha Trice-Lewis, administrative assistant to

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## Program News

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the MAP program for her AEmployee of the Year Award. @ Martha is entering her 3<sup>rd</sup> year with EAC and continues to leave her mark of excellence throughout our program. Thank you Martha for all you do!

For more information, please contact Pamela A. Allbright-Smith, Project Director, Education and Assistance Corp. MAP, Nassau County at (516) 489-7733/ fax (516) 489-7532 or e-mail at PSMITHEAC@AOL.COM.

In Nassau County, EAC's Custody and Visitation Mediation Program has received funding to mediate cases from both Family and Supreme Courts. The philosophy of EAC's Custody and Visitation Mediation Program is consistent with the agency's mission, empowering people to help themselves take control of their lives. We believe that parents are the experts on how to best resolve their parenting conflicts. Yet, when parents are entrenched in battle and posturing in court, they may be more focused on fighting than parenting and often lose sight of their children's best interests. In mediation, with the support of the mediator, their attorneys and other professionals, parents are provided an opportunity to address not only the legal issues that prompted the referral, but also the fundamental parenting issues that continue to effect how parents resolve their familial conflict.

Since the program's inception, we are noting an evolving culture change in the way the judiciary, attorneys and families manage custody and visitation conflicts. Some judges are beginning to use mediation as an important tool in their case management. Attorneys and law guardians who have had initial positive experiences with mediation are more likely to consider mediation for future cases. Of significance, families who have used our mediation program to resolve past familial conflicts are now choosing to return to mediation to resolve new familial conflicts. For more information about our program, please contact Elayne E. Greenberg, M.S., J.D., Project Director at (516) 489-7733 ext.1139 or fax (516) 489-7532.

### A MEMORIAL

Staff of EAC in Nassau County and The Mediation Alternative Project mourn the loss of Barbara Sims-Carter. Barbara was involved in an accident in April 1999.

Barbara started her relationship with EAC through EAC's Women's Opportunity and Resource Center (WORC). She worked hard to complete the Women's Opportunity Resource Center curriculum and graduated as student of the year. Upon graduation, Barbara gained employment with EAC at the Mediation Alternative Project as the Administrative Assistant. For six years Barbara worked her way up to Department of Social Services Case Coordinator. Barbara's friendly manner and kind heart was known throughout the agency. Barbara's dedication and support to the program and agency is truly missed. Her presence in the MAP office is still with us and will continue. Barbara leaves behind a daughter and a granddaughter, who was born the day before she passed. Barbara will be truly missed. We wish her family peace and say goodbye to a very special woman.

### NYC - Washington Heights Inwood Coalition

During the past year the Washington Heights Inwood Coalition's mediation program has worked closely with the two police precincts in the area (33<sup>rd</sup> and 34<sup>th</sup> Precincts), as well as with the business community, in order to increase referrals. As part of our outreach in the community, posters and flyers were distributed and presentations were made to community agencies.

In conjunction with School District 6, we presented workshops on AConflict Resolution and How To Manage Conflict. As a ACenter for Peace and Reconciliation, we worked together with a group of artists and community residents in the creation and presentation of the mural AHomage to the Immigrants@, dedicated to the diverse immigrant population in New York City.

As part of Conflict Resolution Week, our program received two awards, one from NYS Assemblyman Adriano Espaillat in Albany and a proclamation from the Hon. Virginia Fields, Manhattan Borough

President. We also recognized 18 mediators at an award celebration during New York City Volunteer Mediators Week.

### Oneida County

In Oneida County, the Justice Center's ADR Program has been working aggressively on the continued recruitment and training of volunteers. The Center was awarded a full-time Americorp VISTA worker position in the Spring of 1999 through the Mohawk Valley Volunteer Center. Once hired, the successful candidate for this position will be working with the center to recruit approximately 100 potential mediators, arbitrators and intake/case managers for the center's various ADR programs, over the course of the next two years. The position is funded solely by the Federal Americorp VISTA Program.

The program has also increased the number of colleges participating in its college internship program. Over the course of the Spring, 1999 the program received a full-time intern from LeMoyne College in Syracuse NY, and efforts are underway for recruiting interns from Hamilton College, in Clinton, NY. We would like to congratulate Lucianna Kapps from LeMoyne College for her outstanding performance as a student intern. During her internship, Ms. Kapps assisted the program in re-designing an upgraded agency brochure, complete with complaint forms, and assisted both the Community and Family Court Program. The Justice Center has operated a successful college internship program for over 10 years, offering students enrolled concentrations such as sociology, psychology, human services, criminal justice, pre-law and a host of other disciplines the opportunity to study alternative dispute resolution and receive hands on experience in the field. In the past, interns have come from the State University of New York at Utica, Mohawk Valley Community College, Herkimer County Community College, and Utica College of Syracuse University.

The center has also enhanced its mediator apprenticeship training requirements. New trainees upon completion of the basic mediator training requirement

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are now required by the center to observe three live mediation sessions, perform three co-mediation sessions with a certified mediator, and perform three solo mediations. Upon completion of this requirement, trainees must also complete six hours of training in intake and screening procedures of the Justice Center. Prior to commencing their apprenticeship, all trainees are encouraged to perform at least one video taped role play which is used to evaluate the trainees strengths and weaknesses and develop a training agenda specific to each mediators training needs.

The Justice Center and The Volunteer Center of the Mohawk Valley are currently developing collaborative strategies to incorporate the use of volunteers from the volunteer center's resources into different phases of the Justice Centers ADR programs, and make use of these volunteers in areas such as support staff, mediators and arbitrators. The Justice Center will be re-locating its main office in Utica to the same building as the volunteer center at 401 Columbia Street, Utica, NY sometime in December of this year. The move will greatly enhance the collaborative strategies between the two agencies.

The Justice Center will be conducting a basic mediator training on November 12th, 13th and 14th, 1999. For further information, please contact Robert A. Jewett, Program Director at (315) 797-5335 or at E-Mail address: justicecenter@yahoo.com.

### ***Ontario, Seneca & Yates Counties (Finger Lakes Programs of CDS)***

Three custody and visitation programs were begun in August 1998 in Wayne, Seneca, and Ontario County and were the focus of attention for the Finger Lakes. Staff worked diligently to develop the new programs and three part-time case managers continue to refine the programs.

Training and development for the custody and visitation programs were priorities in the Finger Lakes program. Two custody and visitation-training workshops were held in Ontario County in July 1999 and November 1999. Ex-

perienced mediators as well as new mediators were targeted, trained, and apprenticed to handle the volume of cases referred.

November and December were very busy with 17 divorce mediation and divorce arbitration cases opened. The cases provided a unique challenge due to the high emotionalism involved in divorce cases. The Center also recently received several juvenile community cases that were successfully mediated. In keeping with our Youth initiative commitment, Peggy Richardson, director attended the 40 Asset Development workshop and other youth related meetings. She served on a NYS panel for Community Justice and did presentations on Restorative Justice to several ADR committees.

Megan Smith from SUNY Geneseo interned at the Canandaigua community mediation office during the fall semester. Megan observed several mediations, learned case management for community, lemon law, and divorce cases. Megan was the representative for the Men's Health Network at a conference in San Diego. She was chosen based on the success of her Washington DC internship on the subject. Tera Lapp a student at Finger Lakes Community College completed an internship in Seneca and Ontario county custody and visitation. Tera had the opportunity to sit in court as well as to participate in Principles of Mediation and Custody & Visitation training.

Steve Coffman, case manager participated in the Yates County Human Service Fair. Case Managers' Fay White and Shelly Passalacqua along with Tera Lapp participated in FLCC Criminal Justice Day.

The Finger Lakes main office moved from Geneva to Canandaigua on July 3, 1999. The move has been a positive one for the programs since the office is centrally located in the county seat.

Overall the Finger Lakes programs remained strong. Dedicated staff and volunteers committed themselves to increasing visibility and credibility for all Center for Dispute Settlement programs. Mediators met regularly with staff to address concerns, discuss training issues,

and improve mediator and staff relationships. Two potluck dinners were held which included a holiday party followed by round table discussions. Mediators agreed upon and scheduled a workshop on impartiality, neutrality, and confidentiality. Experienced mediators led this in-service on January 18, 2000.

### ***Orange and Putnam Counties***

The Dispute Resolution Center of Orange and Putnam Counties hosted its 17<sup>th</sup> Annual Recognition Reception at the American Bistro in Goshen on October 28th. The Honorable Frank Nicolai, Administrative Judge for the 9<sup>th</sup> Judicial District, kicked off the ceremony and Lisa Hicks, Executive Director of the New York State Dispute Resolution Association (NYSRA), lead with opening remarks. Among those present to honor more than 100 volunteers were alternative dispute resolution notables representing state and local levels of legislation and jurisprudence. Family Court Judges, the Honorable Debra Kiedaisch and Honorable John McGuirk, also addressed the audience extolling the importance of the work of the Center and its dedicated volunteers. Judge Ray Shoemaker, Town of Walkkill Court Justice, also honored the Center and its volunteer core, explaining how mediation has become an integral part of his court system.

In addition to the DRC's APeace Maker Award, which was presented to Robert Webers for outstanding dedication and service in Putnam County, the ARichard Ramlow Community Mediation Award@ was presented to Gert Mokotoff, former Mayor of Middletown, for excellence in the field of community mediation. This award was created posthumously in honor of Richard Ramlow, husband of Custody and Visitation Program Coordinator Donna Ramlow, who was one of the DRC's most effective and popular volunteer mediators. He lost his battle to cancer on June 17<sup>th</sup> 1999.

Special recognition was also given to volunteers from each of the Center's programs. The Orange County Supreme Court Judicially-Referred Divorce Mediation Pilot Program honored 32 attor-

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## Program News

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ney mediators and 3 non-attorney mediators, with special presentations to Geoffrey Chanin, Esq., Neal Frishberg, Esq., and Brett Linn, Esq.. Others recognized were Ruth Kassel and Jeanne Haunert, who received the Court-Appointed Special Assistants (CASA) Award, Ken Stewart, who received the Community Mediation Award, Jessica Gerson, who received the Youth Services Award, Doug Purcell, who received the Community Service Award, and Troopers Patrick Beyea and William Hannigan, who received the Youth at Risk Award. Past President and DRC Board Member Nancy Schneider was also honored.

In other news, on October 21<sup>st</sup> the DRC hosted the Mid-Hudson Region In-Service at Guideposts in Carmel on October 21<sup>st</sup>. The topic of the In-Service, AIn-Court Mediation: Into the Pressure Cooker,@ explored the trials and tribulations of in-court mediation, as well as its rewards. It was presented to 30 volunteer mediators by Viola Stroud, the Putnam County Coordinator, and Michele McKeon, the DRC's Director of Operations. The program contrasted in-court mediation with other forms of alternative dispute resolution in terms of expectations, time constraints, emotionality, and the roles of judges, attorneys and witnesses. Guest speaker, Judge James Reitz, Carmel Court Justice, expressed heartfelt gratitude to volunteer community mediators for their work in his courtroom and throughout the Mid-Hudson area. He applauded ADR in general and in-court mediation in particular for their role in conflict resolution and alleviating the burden of overcrowded courts.

Also, the Putnam County Family Mediation Program hosted an Updated Lemon Law Workshop for the Hudson Valley Region, with special guest Peter Friary, State Lemon Law Coordinator. The workshop enjoyed a good turnout of arbitrators from Dutchess, Orange, Putnam, Rockland and Westchester Counties.

Viola Stroud, Putnam County Program Coordinator, and the Honorable James Reitz, Carmel Court Justice, were featured on APositively Good News,@ a 30-minute cable TV program spotlighting

the role of mediation in the courts. The show is presently being aired in Westchester and Putnam counties.

The Putnam Center also presented a special in-service on alternative lifestyles and issues of custody and visitation, with special focus on lesbian, gay, bisexual, transsexual and transgender parents. Co-hosted by volunteer mediator Vincent Nauheimer, the in-service dealt with the design and implementation of custody and visitation schedules which keep the best interests of the children in mind.

For more information, please contact Roz Magidson, Executive Director, at (914)294-8082 ext.3 / fax (914)294-7428 / e-mail [rozm@pioneeris.net](mailto:rozm@pioneeris.net) or Program Coordinator Viola Stroud in Putnam County (914) 225-9555/e-mail [violapcmp@aol.com](mailto:violapcmp@aol.com).

### **Otsego County**

The Otsego County Family Court contracted with Mediation Services, Inc. (MSI) in 1996 to open nine cases per month for Family Court mediation. Between January and June of 1999 the average monthly Family Court caseload had risen to 38 cases, swamping both staff and volunteer mediators. To expand the capacity to serve this increase in cases, in September MSI trained an additional 14 mediators in Family Court mediation. In addition, the Otsego County Family Court has funded a second full-time Service Coordinator position to manage referrals. This additional undertaking will be the shared responsibility of MSI's newest staff members, Erin Graig and Tim Duerden.

This summer MSI offered a one-day refresher course for student mediators. A small but enthusiastic and committed group of youth spent the day honing their skills and gaining greater insights into the mediation process. For MSI, the experience served to illustrate the importance of building relationships directly with students in addition to the institutional relationships between the center and the schools.

The violent events of last spring have caused us to reflect on how little information we have about the effectiveness of peer mediation and conflict management

programs in the schools in our area. Together with our CDRC colleagues from Herkimer, Delaware and Chenango counties, we have formed an informal task force to explore how best to evaluate the changes in constructive conflict management behaviors.

For more information, please contact Barbara Potter, Executive Director, at (607) 433-1672.

### **Queens County**

In Queens County, the Queens Mediation Network, under the umbrella of Community Mediation Services, Inc., is proud to announce its newest program, FAIR, a PINS (Persons In Need of Supervision) Mediation Program. This is a much-needed program that will help the court stabilize families by linking the court system to the community. How? By using mediation in conjunction with the Family Court judges who handle PINS cases, their court attorneys, the law guardians and the Designated Assessment Service (DAS).

FAIR, the PINS Mediation program, will coordinate a collaborative multi-session mediation plan that will allow parents and teens to get the maximum benefit from the experience of negotiating collaboratively. By doing so, FAIR will be helping the families to successfully redefine the way they communicate with each other. This many-session approach will also allow the families to gradually develop and test the elements of their final agreement and thereby provide the opportunity to successfully stabilize youth in their own homes and communities. The program utilizes high quality mediators to facilitate the sessions that parallel the DAS meetings. The selected mediators are already experienced in Parent/Teen Mediation and are receiving further training for PINS mediation.

Upon completion of the program and when applicable, the finished agreement is presented to the court on the family's return date.

This program is meant to enhance the existing structure that deals with PINS cases by acting as the twine that helps bind all the elements. This new program

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## Program News

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will benefit the court by providing a new resource geared towards reinforcing the desire to have youth and guardians act more cooperatively as a family unit. For further information, contact Viktor Hess, FAIR Program Director @ 718-523-6868 Ext. 256.

### Rensselaer County

In Rensselaer County, the ADR program is Community Dispute Settlement (CDS). We have had a busy and unusual few months. CCHANGE is the word that comes to mind!

First on the order of Achange@ is the hiring of Leo S. Levy in April 1999 as the new Program Coordinator. I am sure that all of you by now are familiar with Leo's warm and cheery voice, cajoling you to volunteer on all those tough cases!

Next on the order is the long awaited opportunity to provide mediation services to Troy City Court. Since April, mediators have been a continuous presence at court on Tuesday and Wednesday mornings. Regulars are mediators Jean Bolgatz and Leonard Schleicher, with assistance from Joe Makowiec, Bob Morrison, Claire Woodhead and, of course, Oscar Wax. The Honorable Matthew Turner provides eloquent words of support for mediation to the litigants, and it has been our pleasure to serve the court and the community.

Schools seem to have reconfigured priorities and peer mediation has become a popular choice. We have been very busy providing peer mediation and conflict resolution workshops to students, their teachers, school staff and administrators.

Comments made by students include: AI want to practice this with my family; @ AI learned how to draw more information out of people (!); AI learned that I need to practice patience; AI learned how neutral a person has to be, and, finally, A I CAN do peer mediation.

A very significant change affects all of us connected with CDS. Margaret Stoner, TAUM's Executive Director for the past 13 years, is resigning as of January 2000. Those of you who have known Margaret, or have seen her here, working late into the night when you arrive for your scheduled mediation, also know that

she will bring her commitment to hard work, fairness and social justice in whatever she may do. Margaret has been a constant and supportive presence in all of our lives, and although we will miss her deeply, we appreciate her need to pursue different paths.

Family Court continues to be an active part of our program. We are especially grateful for Debbie Smith who provided on-site (court) mediation services over the summer while I was recuperating from surgery. Thank you, Debbie! Needless to say, Pat Beeler, Judge Griffin and Judge Hummel are always willing and eager to support mediation and it has been an honor to work with such capable, compassionate people.

In October, mediators attended at the annual mediation appreciation dinner at Capriccio's Banquet Theater. The Honorable Edward O. Spain, Administrative Judge for the Appellate Division for the Third Department was our Keynote Speaker. Other guests included the Honorable Matthew Turner, Troy City Court; Honorable Christian Hummel, Rensselaer County Family Court; Honorable Thomas Gordon, Support Hearing Examiner, Rensselaer County Family Court; Patricia Beeler, Chief Clerk, Rensselaer County Family Court; Alice Rudnick, NYS CDRC and Karen Douglas from the Third Judicial District.

At the event, several mediators celebrated over 19 years of service with CDSC Oscar Wax, Jean Bolgatz, Joe Makowiec and Don McGrath. The celebration was somewhat bittersweet, in that Don and his wife, Susan, left the next morning to retire to Florida. We wish Don and Susan all the best.

Contact CDS by calling Dawn Wallant, Program Director, at (518) 274-5920 ext. 205 or email at [cdsdkw@juno.com](mailto:cdsdkw@juno.com).

### Richmond County

Richmond County CDRC, You Participate in Solutions is happy to announce that on September 7, 1999, Beth Ornstein, JD, CSW, joined YPIS as the Director of Mediation. She is a graduate of City University of New York School of Law. While in law school, she participated as a student and a teaching assistant in the clinical mediation program under the supervision of Professor Beryl Blaustone.

She is also a graduate of the State University of New York at Buffalo School of Social Work. During her social work career, Ms. Ornstein functioned as a staff trainer for child welfare caseworkers, a child protection investigator, a foster care caseworker and a school social worker for the Committee on Special Education. We expect her to enrich our agency as a result of her broad base of experience.

Beth Ornstein and Johanna Andino, Family Case Coordinator, are meeting regularly with Gail Davis Esq., New York City Civil Court Principal Court Attorney, to plan for the expansion of YPIS's role in mediation in Richmond County Civil Court. Civil court training for mediators and training for attorneys on representing clients in mediation is currently in the planning stage. Currently, YPIS mediators are taking *pro se* cases in Civil Court. According to Barbara Panepinto, Richmond County Civil Court Judge, the court hopes that YPIS will eventually be able to provide mediation for cases where attorneys represent both parties.

The Family Court Judges in Richmond County are very pleased with the custody and visitation work done by the volunteer mediators under the supervision of YPIS. Since YPIS now has sufficient funds for a full-time Family Court Liaison, the judges have been approached about the establishment of a regular YPIS presence in Family Court. The Family Court judges are currently in the process of evaluating different referral options and will soon recommend a plan to YPIS.

The new Family Court Liaison, when selected and hired, will provide training about mediation to Family Court personnel and provide education about mediation to parties who have been referred by Family Court for mediation. They will provide thorough intake/ screening of parties prior to mediation and make appropriate referrals. YPIS is seeking to fill this opening with a JD or MSW level candidate.

On the evening of November 23, 1999 YPIS mediators and staff were provided with an in-service training presented by Richmond County District Attorney, William Murphy Esq., entitled *The Impact of Mediation on the Criminal Justice System*.

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## Program News

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### **Rockland County**

The mediation program of Rockland County's Volunteer Counseling service has established a med/arb [mediation/arbitration] program in the Village of West Haverstraw Justice Court. VCS Center for Conflict Resolution volunteer mediators have worked in Judge Zugibe's court for five years. If their attempts to mediate a case are successful, there is no need for the parties to go before the Judge; however, if the parties cannot agree, then the Judge will start a trial and in effect begin the case again. The Judge's idea was in essence to offer aggrieved parties binding arbitration with a mediator who would decide upon the results of the case. This process will save the court and the parties the time of re-arguing their case before a judge.

Med/arb is a hybrid conflict resolution process. It is an attempt at mediation followed by arbitration. All of the parties involved have to consent in writing to the process. Currently, med/arb is used in small claims courts in Buffalo and Utica. It represents an important step in our efforts to assist the court system. Med/arb is a challenge for mediators. They first must attempt to be neutral and assist the parties, and then, if they do not agree, the mediators must "change hats" and render a decision. We are fortunate to have experienced mediators and arbitrators who are willing to be the pioneers in this new project. We want to thank Judge Thomas Zugibe for his confidence in our program and Court Clerks, Lillian Devoe and Carolyn Gamboli, of the Judge's staff, for their help in setting up the new program. Also Julie Loesch from the Dispute Settlement Center in Buffalo and Rob Jewett from the Justice Center in Oneida County were of invaluable help in getting started. We have heard that other judges have expressed an interest in the program.

The Program Director is also involved in a county-wide task force to deal with violence in the schools. The Safe Community Task Force worked all summer producing a training manual for school personnel and will now begin to train school staff on early warning signs of violence.

We would like to welcome Susan Devine as our new Surrogate Decision Making Coordinator and Entha Curtis-McAdams as our new CDR Coordinator. The VCS Center for Conflict Resolution is located in New City. Our phone number is 914-634-5729 or e-mail address is [info@peermediation.org](mailto:info@peermediation.org).

### **Saratoga/Warren/Washington Counties**

Mediators and attorneys from bar associations of Saratoga, Warren and Washington Counties met at the Saratoga Springs Public Library on September 14th to hear a discussion of "The Role of Attorneys in Mediation", a panel discussion by three judges, four attorneys and one clinical social worker. Our community mediation program continues the dialogue on how the legal community and the mediation community can work together collaboratively. The evening discussion just brushed the surface of what will be an ongoing dialogue between practitioners and attorneys.

Our program is working with representatives from Cornell University, the Washington County Planning Board and Board of Supervisors to design a process to deal with agricultural, environmental conflict in the communities of Washington County. The hope is to identify leadership and train individuals on the local level to use a more collaborative process for agricultural and environmental issues. The resources of the community mediation program are available, as well.

Mediators at City Court: Mediators are present and mediate at Saratoga Springs City Court for small claims cases. Prior to first appearance, parties are contacted by the mediation program and are offered mediation. Between 65% and 67% of small claims court cases result in resolution without judicial intervention.

Mediation staff at Family Court: April Wood, Family Court Mediation Coordinator, works at Warren County Family Court every morning. In her role she is able to screen petitions, she has access to the court database, and she talks with families at court about mediation for child support, custody and about structuring time parents spend with their children. Some issues are actually mediated at Family Court; most are scheduled at an-

other time.

A new group of mediators were trained in October which brings the number of professional volunteer mediators in our three county program up to 61.

For more information about Mediation Services of Saratoga, Warren & Washington Counties, contact Eileen M. Goodspeed, Program Director, 480 Broadway, LL-32, Saratoga Springs, NY 12866, 518/584-6361, [mediate@albany.net](mailto:mediate@albany.net).

### **St. Lawrence County**

In St. Lawrence County, the ADR program is the Northern New York Centers for Conflict Resolution, Inc. This program is expanding to exceed all our expectations because the field of alternative dispute resolution has changed dramatically over the past few years. The services of the centers have increased and diversified tremendously since the program's inception.

Beginning March 1, 1999, our centers began the Surrogate Decision Making Program for the Commission on Quality of Care in Albany in order to assist that agency with surrogate decisions for their clients. This has been an extremely successful and expeditious program for all concerned parties when invasive surgery is required for those who need it.

Our center's mediators are available to conduct mediation sessions in the county's various courts. Presently, in the St. Lawrence County Small Claims Court, our mediators lend their conflict resolution experience and skills to disputing parties who seek a prompt and more ameliorative alternative to the resolution of their dispute. Our presence in the Small Claims Court allows us to assist disputants who may wish to settle their matter just prior to their appearance before trial in the court. In fact, a significant number of our community cases involve small claims disputes, consumer-merchant issues, and landlord-tenant and housing disagreements. Recently, contacts have been established with the St. Lawrence County Family Court so as to broaden our services to those families who may benefit from divorce/separation, and child custody and visitation mediation confer-

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ences.

Our center's mediators are also quite experienced in facilitating sessions involving a wide range of other issues encountered in our area's schools, workplaces, institutions, and throughout our community generally.

The St. Lawrence County Northern New York Center For Conflict Resolution is located in the Robert C. McEwen Building at 127 North Water Street, Ogdensburg, New York 13699.

For more information, contact Kyle E. Blanchfield, J.D., Executive Director, or Diana C. Dufresne, M.Ed., Program Coordinator, at (315) 393-7079 or fax at (315) 393-7081. E-mail: [nnyccr1@gisco.net](mailto:nnyccr1@gisco.net)

### **Schenectady County**

In Schenectady County, the ADR program is Conflict Resolution Services of Schenectady County (CRS), a program of the Law, Order & Justice Center (LOJ).

We are pleased to welcome several new staff members. Doreen Gabriele has joined our staff as Peer Mediation Coordinator for Schenectady High School, and Lisa Gilbert will serve as our Education Coordinator to deliver training in conflict resolution to elementary and middle school students throughout Schenectady County. Doreen and Lisa both maintain a strong knowledge base as well as a high level of energy and enthusiasm. We are all looking forward to developing a more comprehensive service for the schools and the community.

Community and Family Mediation programs have continued to expand and evolve. With the assistance of volunteers, we now offer mediation at the courthouse. Mediators work with parties in Schenectady City Court, Schenectady Family Court, and Schenectady Town Justice Courts. This additional service offers parties an opportunity resolve disputes in a timely and efficient manner. Staff and volunteers are working together to meet the needs of our community.

Several training opportunities were made available to volunteers in recent months. In April, mediators throughout

the Capital District attended an in-service on Anger Management, which was presented by Judy Sagor, Ph.D. In May, Colleen Quirion, Hearing Examiner from Schenectady County Family Court, met with volunteers to review guidelines for Child Support Mediation. CRS sponsored a Judge's Panel Discussion in October. Judge Vincent J. Reilly, of Schenectady Family Court, Judge Guido A. Loyola of Schenectady City Court, and Judge Daniel Burns, of Niskayuna Town Court offered a Judge's perspective on mediation. Participants enjoyed an open and candid dialogue with each other. In November, Lemon Law Arbitrators met with Peter Friery of NYSDRA to discuss updates in the Lemon Law Program. CDRC's throughout the Capital District have continued to share mediators and resources with one another.

CRS was pleased to honor mediators at the Annual Dinner in June. Mary Collier, Jane DeSomma, and Virginia Strong were recognized for continued outstanding dedication to the program. At this time we wish to thank Virginia Strong and Don McGrath for their years of service to CRS. Both Virginia and Don have retired from our mediator panel. We wish them the best of luck in all future endeavors. We also wish to congratulate Richard Fahey, Sara Lee Gannon, Mara Ginsberg, Barbara Harris, Patricia Konczeski, Debye Lurie, Paul Mason, Shari Osborne, Patricia Rodriguez, Alice Rudnick, Debra Santiago, and Lisa Seemann as they join our list of certified mediators. We plan to have plenty of work to keep our volunteers busy.

For more information, please contact Valerie A. Fahey, Director or Laura E. Zeliger, Assistant Director, at (518) 346-1281, or by fax at (518) 346-1311.

### **Steuben County**

In September, the Center for Dispute Settlement (CDS) celebrated its second complete year of service in Steuben County. Referrals are steady with six certified mediators in our panelist pool and eight apprentices who are diligently working through the process.

Several collaborations with local agencies are keeping us very busy. We

are starting a juvenile diversion program with Steuben County Probation designed to engage youth in a meaningful and thoughtful manner. A major component of this program will include victim-offender mediation. We are optimistic that participants will develop a deeper understanding of the impact of their actions on others.

November was a busy month in Steuben County. We formally began our Family Divorce Mediation and Arbitration programs and have already received several referrals.

CDS has been invited to participate in the Steuben County P.E.A.C.E. program. P.E.A.C.E. is a parenting education program designed to help divorcing parents learn about the effects of the divorce process on children. There will be three sessions in 2000. CDS will be represented at each session to discuss Custody and Visitation Mediation.

Recently, we began discussions with the Net, the domestic violence shelter in Steuben County whose staff is considering mediation as a tool to help shelter participants communicate with their children and families. An in-service was held on domestic violence issues at the end of November. Kevin Williams from the Net told us about the process of domestic abuse. They provided DV training for CDS staff and panelists in early December. Five mediators participated and two follow-up sessions are being planned for the spring of 2000. We will continue to work closely to ensure that victims of domestic violence are served with care.

Finally, as part of the CDS Youth Initiative, we are working closely with the United Way of the Southern Tier and the Corning-Painted Post Area School District to teach the skills of mediation to youth in our communities. There is a strong commitment to create A21<sup>st</sup> Century Problem Solvers throughout Steuben County. CDS has become a partner in the development of violence prevention programming.

FOR MORE INFORMATION, CONTACT: SANDE SOMMERS  
Steuben County Mediation Services, 204 West Water Street, Painted Post NY

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14870, 607-936-1403 Fax 607-936-1484 and Custody & Visitation Mediation Services, 6666 Babcock Hollow Road, Bath NY 14810 607-776-6976 Fax 607-776-7226

### **Suffolk County**

In Suffolk County, the ADR program is the Community Mediation Center (CMC) a project of The Education & Assistance Corporation (EAC). We are pleased to have had a very productive and exciting spring and summer of 1999.

CMC has seen an increase in referrals in most components. As a result of our continued community out-reach, our police referrals have increased significantly this season. We held over 39 Special Education Mediations with all but one producing an agreement. We have finally gotten the Community Residence/Supported Housing Mediation Program off to a good start. We mediated four cases; all with a successful outcome. Staff of CMC is kept busy with our out-reach efforts in informing the consumers and mental health agencies about the availability of mediation. Twenty presentations were conducted the period to answer questions put forth by clients as well as staff.

Continuing to keep us busy is the Lemon Law program. With a lot of assistance from NYSRA, we have finally gotten to a point where things are going smoothly.

On June 1, 1999, CMC effectively implemented the Surrogate Decision-Making Committee Program (SDMC). Run by the NYS Commission of Quality of Care, this program provides timely access to health care for people who are mentally disabled. The panel members, all of whom are volunteers, received training from the NYS Commission on Quality of Care. This program will operate island wide and is expected to receive one of the largest caseloads in New York State. CMC would like to congratulate Leane Bivona on her promotion from Case Coordinator to Coordinator of the SDMC program. Good luck in your new and exciting position with EAC's Community Mediation Center.

CMC would also like to welcome two new full-time employees. Kathy Panessa is the Case Coordinator and Susanne Parkin is our Administrative Assistant. We wish both of you the best!

Our Peer Mediation and Conflict Management Programs have been extremely busy; each day we are responding to inquiries regarding our services. We have hired a full-time Training Coordinator, Yvette Fields who is responsible for training in both Nassau and Suffolk Counties. In addition to Yvette, we are utilizing the services of a training consultant, Roberta Adler. Welcome to Yvette and Roberta.

CMC is planning to conduct a Basic Mediation training to take place sometime in March 1999. As we wind down the year, we look forward to a new and productive New Year!

For more information about EAC's Community Mediation Center, please contact Jenine Epstein, Project Director at (516) 264-0490. Fax Number (516) 265-0831. E-mail: epsteineac@aol.com

### **Sullivan County**

Sullivan County's alternative dispute resolution services are provided by Ulster-Sullivan Mediation, Inc. (USMI). Sandy Oxford is the Coordinator for Sullivan County.

Family Group Conferencing (FGC) was first utilized by our staff in January 1999 in response to a violent altercation between two groups of youths, exacerbated by cultural differences, drugs, alcohol, and youth/parent miscommunication and dishonesty. After a call about the incident came to our office, contact was made with the DA, attorneys of the youths involved, and both Family and Criminal Court Judges. Real Justice, a non-profit organization who had brought this program here from New Zealand and Australia, had trained us the previous year in FGC. It is a carefully structured meeting of victims, offenders, key members of their support community and formal community representatives, i.e. police. The entire group works out an agreement on how the offender(s) may best repair the harm caused.

This intense five-hour meeting in-

volving some thirty-five people was supported by a commitment by all to attend a thirty-hour Alternatives to Violence Program (AVP) workshop; joint financial restitution to the victim for medical costs, and to continue to work on improving their relationships. Refreshments were served, as it is a tradition for FGC, that those that sit down together and break bread will find it difficult to fight each other.

In the May 1999 Dispute Resolution Week commemoration, a restorative Justice Celebration was held on the courthouse steps in Monticello. Eighty attendees gathered for an event marking the closure of the FGC, which included all of the youths involved, the victim and offenders. County and court officials made many speeches, and the police handed the fingerprints back to the offenders who had been arrested and booked as a result of the incident. The Family Court youths cases were Adjudicated in Contemplation of Dismissal if they were in no further trouble for the next six months.

Last fall the Sullivan County Attorney for Family Court referred a second multi-party conflict involving youths to the USMI office. An initial meeting of some forty-five persons was held. We are still involved in the follow-up.

In January 2000, USMI will be working in collaboration with the Sullivan County Probation Department in a re-entry program for students suspended from school. This is the result of a pioneering project we did in Fallsburg School District in 1996.

Mediation programs for community and family court issues continue. Custody/Visitation sessions are now taking place on a regular basis. LeMae Little continues as part of the Department of Social Services PINS assessment team which screens and refers appropriate parent/child cases.

For more information, please contact Dr. Clare Danielsson, Executive Director at (914) 331-6136.

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### **Tompkins County**

The Community Dispute Resolution Center of Tompkins County offers a range of programs to meet Community need. One example is the services provided by the agency to Drug Court, which were funded through a grant to the County. Ithaca Drug Treatment Court provides offenders with an opportunity to choose a life-changing course of treatment for substance abuse problems over the revolving door of jail and re-offense.

The Community Dispute Resolution Center (CDRC) developed a varied role within the Drug Court Program. CDRC provides mediation services that may be useful to drug court participants as part of their treatment program. The goal is to work with the participants to help them resolve any outstanding issues that present themselves as barriers to a participant successfully entering and completing a substance abuse treatment program. Through the program, participants can be guaranteed access to a full range of mediation services to resolve issues, such as housing, consumer/merchant, custody and visitation, and interpersonal disputes between neighbors, roommates, friends or family.

A special victim/offender component provides Drug Court participants with an opportunity to meet with and make verbal or material amends to the individuals who have been harmed. Participants are required to pay back the community as a whole by completing special projects within their own neighborhoods. Projects are determined by the participants, neighbors, family members and Drug Court team members.

CDRC's Drug Court Services Coordinator also develops and provides workshops for participants and family members on communication, conflict resolution and related skills.

The collaboration serves as an important model of the way in which a mediation center can provide specialized services to the court system and community.

Community friends are an important part of mediation centers ability to grow within a locality. Lois Davis King was such a friend. When Lois died at the end of 1998, she designated the CDRC as a

place for memorial donations to be sent in her memory. Lois worked in probation when the CDRC opened its doors in 1983 and became instrumental in the development of programs at the CDRC by using her wisdom and her many local and statewide connections to benefit the agency. Fourteen years later, she played the same role as the agency expanded and began offering service in Chemung and Schuyler Counties. On September 28, 1999, the CDRC held a reception in Lois' memory to unveil artwork, hangings and other agency enhancements that were made possible through the Lois King Memorial Fund. Also at the reception, we dedicated our East Mediation Room in Lois' memory. Over forty family members and friends who were in attendance shared memories of Lois.

Sara Tullar Fasoldt, Executive Deputy Director of the Division of Probation and Correctional Alternatives, Albany, NY was in attendance and wrote: *I was so pleased to be part of the dedication ceremony honoring the memory of Lois Davis King. I was truly touched and inspired by the warmth and caring of her family and colleagues of many years. Our interest in Community Dispute Resolution is strengthened through this experience of meeting with people in your Center who are doing such work.*

For more information on Tompkins County's programs contact Judy Saul, Executive Director at CDRC, 120 West State Street, Ithaca, NY 14850; (607) 273-9347.

### **Ulster County**

The Alternative Dispute Resolution Center in Ulster County is Ulster Sullivan Mediation Inc. (USMI). We have recently relocated our office to Kingston, which is the county seat, and are now located at 25 Lucas Ave., across the street from Ulster County's Family Court, near the Kingston Historic District. We became operational by September 29th, after the hard-hitting tropical storm Floyd passed and the phone lines could be connected.

Dispute Resolution Week of last May saw the beginning of cooperation between local agencies that provide dispute resolution services. They comprised Child Find of America, Hudson Valley Mediation Ser-

vices, Ulster County's Human Relations Commission, The Ombudsman Association and The Consumer Fraud Bureau which collaborated in distributing a service directory of ADR resources in the county. We will expand this collaboration next year.

The Ulster County Legislature proclaimed May 1-7 ADR Week. A request to issue similar proclamations was then sent to each of the twenty towns, three villages and one city that comprise the County of Ulster. Through the efforts of Dorothy Carbo of USMI Ulster staff, nineteen responded positively. In many towns there was an opportunity to give a short talk as we received a copy of their local Dispute Resolution Week Proclamation at Town Hall meetings. Media attention continued with interviews by three radio stations, and many press articles about the various dispute resolution services available.

LEAD NY, a statewide program for agricultural leaders, hosted a four-hour workshop on mediation led by Clare Danielsson, USMI Executive Director and Richard Butler, banker, agricultural consultant and volunteer community mediator. The participants practiced their skills within specially designed role-plays that featured the issues often faced by those in agriculture. We are invited to lead a similar workshop next year.

Clare appeared on the Staten Island talk show, *Positively Speaking* in June with hostess Mary Ann Dinger and colleague Susanna Eveson. The topic was EMOTIONAL COMPOSTING based on a workshop presented previously at the Rochester NYS Dispute Resolution Conference.

USMI facilitated two intra-organization matters during the past months, including neutral facilitation assistance to the Board of Directors of a non-profit and facilitation of a staff retreat for a public agency.

We continue to send out a contact letter to Family Court petitioners prior to their first court appearance for problems the judges consider appropriate for us to resolve. A steady pool of experienced custody, visitation and support volunteer mediators continues to be available, for which

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## Program News

(Continued from page 19)  
we are very grateful.

For more information contact Dr. Clare Danielsson, Executive Director at (914) 331-6136.

### Westchester

Westchester Mediation Center of Cluster has been very active with program expansion during the past 12 months.

Our school program has really taken off and we have been working with the Yonkers Board of Education to develop programs aimed at enhancing teacher capacity in the arena of mediation and collaborative problem solving. We have also expanded service to new areas up county and are very excited about these developing relationships.

Community mediation has also opened up quite a bit, and we will begin two new pilot programs directed at Family Court, PINS and Custody/Visitation. This has been a particularly gratifying development because, until recently, we had virtually no relationship with the Family Court except for an occasional parent/child referral from the PINS diversion program.

Finally, one of the perks of this expansion has been the opportunity to work with other Dispute Resolution Centers, in particular, the IMCR in the Bronx and The Dispute Resolution Center in Dutchess County. We shared a Custody/Visitation training with the IMCR in April, and we delighted to expand the exposure of our mediators to colleagues in the Bronx. We are also involved in trading expertise with the group in Dutchess County. Jody Miller, Executive Director there, has helped us shape our Custody/Visitation program, as the CV program up there is extremely productive. In return we are helping her in the development of her school program. We look forward to the year ahead.

For more information about this program, contact Jennie Besch, Mediation Director at (914) 963-6500.

## CHILEAN INTEREST IN NEW YORK COURT-PROMOTED CONFLICT RESOLUTION

by Jim Goulding  
Victim Services

The First National Congress on Alternative Systems of Conflict Resolution took place in Temuco, Chile, on November 4 and 5, 1999. Sponsored by the Center for Alternative Conflict Resolution (CREA) at the Catholic University School of Law, the congress focused on promoting adequate access to the judicial system for all Chileans, and through study and dialogue, to develop alternative mechanisms of conflict resolution within the judicial system. The congress was developed in preparation for the pending reform of judicial system procedures to be piloted in the southern part of the country and expected to be in effect by the latter half of 2000.

The conference drew an audience from various levels of the Chilean judicial system, faculty from other law schools, legal aid personnel and students from the local law school. The speakers came from the United States, Spain, Argentina and from diverse regions of Chile. James Goulding, Deputy Director of Victim Services' Mediation Programs in New York and Kings Counties, presented an overview of the Community Dispute Resolution Centers Program (CDRCP), its history and development. He spoke directly of his experience in the New York City area on the management of the CDRCP contracted programs and their involvement in the court system at various levels. Mr. Goulding discussed mediation of family disputes, mediation with youth and compliance issues during the question and answer period.

As the congress progressed, several commentators addressed the question whether the court system itself should provide alternative dispute resolution services to its users or whether such services should be provided by outside not-for-profit contractors, as is done in New York. Many participants thought that outside contractors, who would be monitored by the judicial system, could provide such services in a more facilitative manner.

The audience was interested in the Victim Services Mediation program affiliation with local law schools. The law school ADR clinics afford students the opportunity to learn the theory of dispute resolution and also to gain practical experience by doing mediation at the Brooklyn and Manhattan Mediation Centers. This was viewed as a great way to familiarize the court system of the future with the techniques and value of ADR.

Other presenters focused on the use of mediation in inter-ethnic disputes. Southern Chile has more than a half million indigenous Mapuche peoples and there has been a history of conflict between them and the descendants of mostly European immigrants. An Argentine lawyer addressed her experience of using ADR with adolescents within the judicial system in her country and in El Salvador. Other presenters addressed the use of ADR in workplace related disputes and in family conflicts.

The congress was a great success because it opened dialogue about key issues in the implementation of ADR in the judicial system. The planners hope to conduct a second conference in about two years to measure the effectiveness of what will have been done by that time and to continue the implementation process.

*"The entire legal profession (lawyers, judges, law school teachers) has become so mesmerized with the stimulation of the courtroom contest that we tend to forget we should be healers of conflict. For many claims, trial by adversarial contest must, in time, go the way of the ancient trial by battle and blood. Our system is too costly, too painful, too destructive for a truly civilized people."*

*Former Chief Justice Warren E. Burger*



## MAINTAINING AND ENHANCING QUALITY IN COMMUNITY DISPUTE RESOLUTION CENTERS

(Continued from page 1)

sion of an experienced mediator. It is only after this stage that a mediator is observed by program staff to determine their level of mediation competency, and perhaps to certify them as community mediators.

### Ongoing Training

The New York State Unified Court System sponsors, in conjunction with the New York State Dispute Resolution Association (NYSdra), annual Training Institutes throughout the state where community mediators can receive advanced mediation training on professional issues. Other advanced trainings are offered throughout the state either regionally or locally, by the dispute resolution centers themselves.

Distance learning is another tool that some centers have employed to keep mediators abreast of important emerging issues in the dispute resolution field. The Center for Dispute Settlement, providing dispute resolution services to eight counties in the Finger Lakes region, has used distance learning through BOCES to transmit a workshop by Geneseo College Professor Dr. Karen Duffey and Dr. Paul Olczak on Attribution Theory and Mediation. CDS staffer, Fred Chase, commented that "it was a perfect way to offer our 170 mediators the opportunity to gain substantive learning through a live interactive event in four different locations." In ACCORD of Boome and Tioga counties, information on one particular aspect of mediation practice such as caucusing or agreement writing is mailed to mediators. The mediators are encouraged to review the information and complete a brief quiz to demonstrate how they have assimilated the materials. When they return the completed form to the center, mediators are granted thirty minutes of credit toward their annual six-hour continuing education requirement.

### Satisfaction Survey

Beyond these well defined stages of a mediators development, an ongoing process of evaluation using input from the participants who use mediation ser-

vices provides material for continual reflection and ongoing training. In cooperation with the Community Dispute Resolution Centers, the State ADR Office conducted a statewide survey of CDRC clients and referral organizations during March 1999. Of those individuals who had reached an agreement, 95% indicated that mediation was a good way to address their dispute, while 90% of those who had not reached an agreement still reported their concurrence with this statement. In disputes that reached resolution, 98% of participants indicated they would recommend the process to others, as did 83% of those who had not reached an agreement. In disputes which had been resolved, 98% of the parties responding said that the mediators were fair and impartial, as did 91% of those who had not obtained an agreement.

Beyond this statewide survey, many centers are regularly involved in soliciting feedback from those who use their services. In Broome and Tioga Counties, for instance, ACCORD has partnered with researchers from the University of Wisconsin who are studying the validity of an innovative client satisfaction survey. In exchange for providing the anonymous survey data to the researchers, ACCORD receives reports compiling and analyzing the results. This partnership with the University gives the community mediation program access objective, sophisticated evaluation data that would otherwise be beyond reach. This information has proven useful in developing ideas for advanced training.

In addition, staff of the State ADR Office have worked closely with a researcher, Tim Hedeena doctoral candidate in dispute resolution and a former CDRC program director on compiling and analyzing data from the past 10 years of case reporting. Some of these results have been incorporated in the journal *Mediation Quarterly* and are available to practitioners in the field.

### Mediator Feedback

Most centers, through a case manager or mediator mentor, provide immediate

follow-up with mediators regarding a completed mediation session. Mediation Services of Saratoga, Warren, and Washington Counties conduct a morning after calls to debrief mediators and provide feedback. "We want to know how it went and how they liked working with their co-mediator," says program director, Eileen Goodspeed. "We also determine if the mediators need staff assistance with follow-up or to prepare the parties for subsequent sessions." Center staff are also consistently involved in reviewing mediation agreements. In Otsego County, a new policy has been developed which requires a second mediation session to sign agreements achieved at the first session. "This new policy allows parties extra time to consider their decisions. It also allows the mediator to get additional information and feedback from staff, and allows staff to review the process and agreement with the mediator."

Some centers have used a mediator self-assessment instrument for purposes of having mediators answer how they approach different aspects of a mediation session. This process proves very helpful in elevating skills, and at the same time, gives an opportunity for substantive skills discussion between mediator and staff, often providing the subjects of future trainings.

The State ADR Office in cooperation with Community Dispute Resolution Centers will continue to share best practices as it relates to enhancing mediators' skills. We need to continue to support the efforts of the approximately two-thousand mediators practicing with local centers, by developing training and procedures addressing their concerns for quality professional mediation services. We also need to encourage all mediators to provide input on this topic to their local center or by e-mailing the State ADR Office (address listed on last page). These issues relating to mediator quality will be on the agenda for the next statewide Directors meeting, scheduled for May 3, 2000.



## News From The NYS Dispute Resolution Association

NYSDRA has recently contracted with the New York State Education Department Office of Vocational and Educational Services for Individuals with Disabilities (VESID) to provide mediation services through the statewide system of community dispute resolution centers. VESID clients who are dissatisfied with any decision made by VESID can seek to resolve their dissatisfaction through mediation and/or the formal administrative review and impartial hearing process. NYSDRA is responsible for the administrative oversight of the program and training for new mediators and VESID employees. Other contracts administered by NYSDRA include the Attorney General's Lemon Law Program, New York State Education Department's Special Education Mediation Program, Department of Health's Early Intervention Program and the Division of Housing and Community Renewal's Manufactured Housing Mediation Program.

A NYSDRA certification committee has been developed and has been actively involved in the process of researching and developing a NYSDRA general mediator certification program that will be open to members and non-members in New York State. The mission of NYSDRA's Mediator Certification Program is "to promote competence, integrity, and professional development in the field of mediation; to build public confidence; and to lead in the effort to establish and maintain uniform standards for mediators in New York State." Focus Groups and Study Circles will be held throughout the state in the late winter/spring to obtain input from all interested persons.

Save the week of May 1 through 5 for NYSDRA's annual ADR week. This week is an opportunity for NYSDRA members from across the state to meet with legislators to discuss the importance and relevance of alternative dispute resolution pro-

grams. It also provides an opportunity for regions to sponsor ADR awareness activities in their communities. We expect this year to build on the success of last year and welcome any ideas for this year's activities. NYSDRA will be presenting its Peace-Builder Award to Lieutenant Governor Mary O. Donohue for her work in chairing the Governor's Task Force on School Violence.

NYSDRA, in collaboration with the Unified Court System's state ADR office, sponsored a series of training institutes in New York State. The institutes were held in Saratoga Springs, Batavia and New York City and provided training to approximately 220 mediators over a four-month period.

In addition to the training institutes, a "Train the Trainers" institute is scheduled for March 23 and 24, 2000. This two-day training event is scheduled at La Tourelle in Ithaca, New York. The trainers will be Judy Saul, Director of CDRC, and Lela Love, Professor at Benjamin Cardozo School of Law. Additional information will be mailed soon.

NYSDRA is pleased to announce that since March of 1999, we have added a new staff member, Sheree Mauro. Sheree is the Director of Member Services and Training. She brings 14 years of NYSDRA experience with her. Any inquiries about NYSDRA membership can be directed to Sheree at (518) 465-2500 or can be emailed at sheree@nysdra.org

***About NYSDRA: NYSDRA is the only statewide association representing all aspects of alternative dispute resolution in New York. NYSDRA's mission is to promote the peaceful resolution of conflict through leadership, education and support. Please join us!***

### MONROE COUNTY AWARDS LUNCHEON BRINGS RECORD ATTENDANCE AND GOOD MESSAGES

The 11th Annual Awards Luncheon, "Celebrating Peace Advocates in the 21st Century," was held on September 21, 1999, at the Crowne Plaza Hotel. Hon. Michael J. Miller of Monroe County Family Court gave the keynote speech, "Seeking Common Ground in a Radical World." This event recognized individuals from the eight counties within the Seventh Judicial District who have proven their advocacy for peace through community service and actions. Andrew Thomas, CDS Executive Director, stated "the 255 attendees were the most in the 11-year history of the event. The presence of over 90 students representing eight high schools is promising as we pursue a stronger youth component."

This year seven individuals were presented with community peace awards. The Community Service for Peace Award honors a local citizen or citizens who, by extraordinary activities and personal example, have promoted the causes of nonviolence and peace, civility and conciliation either in our community or globally. This year the award went to two individuals. Jane Kelly was the person most responsible for taking the initiative to introduce conflict resolution and mediation training to Nazareth College's students, faculty and staff. John Rhodes, Ph.D., is Chairperson of the Department of Anthropology and Director of the Peace Studies Program at St. John Fisher College. He was the driving force behind the creation of Peace Studies at Fisher with its emphasis on an active process of peacemaking.

The Distinguished Jurist Award honors a judge or justice, who has advanced the practice and understanding of mediation and other forms of dispute resolution as a valuable, humane and cost-efficient mechanism for resolving conflicts outside the court system. Hon. Evelyn Frazee handles disputes with wisdom, compassion and creative forms of conflict resolution. She has been actively involved in seeking ways to effectively and efficiently resolve disputes and to improve the delivery of justice through such local ac-

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## MONROE COUNTY AWARDS LUNCHEON

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tivities as the Pilot Mediation Project, serving as co-chair of the Rochester P. E.A.C.E. Program Advisory Board, co-chair of the Judicial Advisory Council and chair of the Gender Fairness Committee for the Seventh Judicial District. She is also co-chair for the statewide Committee to Promote Public Trust and Confidence in the Legal System.

The Peer Mediator Award honors a high school and college student who exemplify peaceful problem solving using alternative dispute resolution principles in his or her school or college or university. This year this award is being given to two area youth. Brianne Hashley is a contributor at Greece Athena High School who shows great skill as a peer mediator. Scott Williamson, a May 1999 graduate of Nazareth College, was an active force in the continuation of peer mediation and conflict resolution training at the college.

The Janus Award honors a Center for Dispute Settlement (CDS) volunteer mediator or associate for outstanding efforts to promote the principles and practice of nonviolent conflict resolution in the eight-county CDS service area. R. Greg Emerton, Ph.D., a Professor of Sociology at RIT, has been a mediator with the center for 16 years. He has traveled to all eight counties doing casework with community dispute resolution and custody and visitation disputes, family dispute mediation, special education and matrimonial fee arbitration. He handles many hearing-impaired cases.

The Lifetime Commitment Recognition Award is a special one-time award recognizing a distinguished citizen who is dedicated to promoting peaceful dispute resolution processes both locally and nationally. Peter Lovenheim, J.D., is an attorney who chose to dedicate his career to the field of mediation and arbitration. He is president and founder of Empire Mediation and Arbitration, Inc. He has

authored two books, *Mediate, Don't Litigate* and *How to Mediate Your Dispute* with a third in progress, *How to Become a Mediator*. He was program director/legal counsel for CDS 1986 to 1988; was a CDS trainer, and served 10 years as a member of the Monroe County Bar Association, ADR Committee from 1988 to 98

Andrew Thomas stated "the 255 attendees were the most in the 11-year history of the event. The presence of over 90 students representing eight high schools is promising as we pursue a stronger youth component."

### LIDIA'S PAGE

By Cort Engelken, Director  
Center for Conflict Resolution  
Rockland County

I was just finishing a two-day peer mediation training program for 22- fourth and fifth- graders. A bright-eyed fourth-grade girl with a front tooth missing and spiky short blond hair came up to ask me a question. Her brother Andre had taken the same training two years earlier and it was amazing how much English he and Lidia had learned in the three years since their family emigrated from Russia. Lidia said, "Mister, I liked the peer mediation stuff. Andre and me want to know: do you have a web page?"

I was pleased that she liked the peer mediation stuff, but her question kept coming back to me long after I said, "No, Lidia, I don't have a web page." Here was a nine-year-old arrival in the United States and already the way she thought of getting more information was to get to someone's web site. The more I thought about it the more it made sense: a conflict resolution web site. When I thought about it, I thought of it as "Lidia's Page."

The above constitutes the opening narrative for a proposal the VCS Center for Conflict Resolution submitted to the

America Online Foundation for one of their Interactive Education Initiative grants. The center has partnered with the Rockland Teacher's Center and United Computer Specialists to develop a web site that will provide educators with information about starting and maintaining peer mediation and conflict resolution programs. The initial funding for the web site came from Rockland Teachers' Center; the VCS Center for Conflict Resolution created the content; and United Computer Specialists provided their technical assistance and set up the site.

On July 14, 1999, we received a call from the AOL Foundation that we were named a recipient of one of their national educational grants. This funding will be used to expand the capability of "Lidia's Page."

Cort Engelken and Marianne Smith (from the Rockland Teachers' Center) presented a workshop on July 23, 1999, at the New York State Teachers' Center Institute. They introduced the web site and explained how to use it in program implementation. The site has been up and running since the end of August. Look for "Lidia's Page" at:

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

### HOW TO SEND US EMAIL

You can send email, including attached files, directly to each of the staff at the CDRCP in Albany. Here are our addresses:

**Mark Collins**

[mcollins@courts.state.ny.us](mailto:mcollins@courts.state.ny.us)

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**Alice Rudnick**

[arudnick@courts.state.ny.us](mailto:arudnick@courts.state.ny.us)

**Our web site:**

<http://www.courts.state.ny.us/adr>



# STATEWIDE PROGRAM SATISFACTION SURVEY

In March of 1999, in cooperation with staff of the CDRCs statewide, the State ADR Office conducted a satisfaction survey for both clients and referral sources of the CDRC services. Program staff distributed a standard questionnaire to all parties who took part in mediations during the month of March 1999. A separate questionnaire was distributed to active and potential referral sources in the communities served by the CDRCs. Participation in the surveys was voluntary.

98% participants indicated that they would recommend the process to others, as did 83% of those who had not reached an agreement. In disputes which had been resolved, 98% of the parties responding said that the mediators were fair and impartial, as did 91% of those who had not obtained an agreement.

Parties rated program staff as "excellent" (52%), "very good" (32%) or "good" (14%) in 98% of responses. Program services were rated as "excellent" (45%), "very good" (34%) or "good" (18%) in 97% of the cases.

	Mediation With Agreement (1,042)	Mediation No Agreement (225)	Totals (1,276)
<b>Was Mediation A Good Way To Attempt To Resolve Your Dispute?</b>			
Yes	95%	63%	90%
No	1%	19%	4%
No Opinion	4%	18%	6%
<b>Did The Mediators Behave In A Fair And Impartial Manner?</b>			
Yes	99%	91%	98%
No	2%	9%	2%
<b>Would You Recommend The Mediation Process?</b>			
Yes	98%	83%	96%
No	2%	17%	4%

### Responses From Parties

Over twelve hundred clients responded to the survey. Of those, 1042 indicated that their mediations had resulted in an agreement, while 225 responded that there had been no agreement. Among those, 90% indicated that "mediation was a good way to address their dispute." Of those individuals who had obtained an agreement, 95% indicated that "mediation was a good way to address their dispute," while 90% of those who had not reached an agreement still reported their concurrence with that statement.

In disputes that reached resolution,

### Responses From Referral Sources

Referral sources responding to the survey included courts, public and private agencies, law enforcement, schools, and attorneys. Of the referral sources responding, 49% made referrals once a month or more. The referral sources responding had handled a variety of matters, including interpersonal, housing, family, commercial, criminal and special education cases.

Of those responding, 89% reported that CRDC program staff were excellent", "very good" or "good", while 98% reported that program services were "excellent", "very good", or "good".

## ADR OFFICE WEB SITE UPDATE

The State ADR Office web site, at [www.courts.state.ny.us/adr](http://www.courts.state.ny.us/adr), has expanded to include resources for ADR practitioners and administrators across the state. New additions in March, 2000 include:

- Downloadable copies of CDRC Annual Reports for the past 2 fiscal years, as well as newsletters for the CDRC and the State ADR Office.
- Downloadable reporting forms, a copy of enabling legislation for the CDRC, and the basic training curriculum.
- An interactive calendar of upcoming scheduled trainings in basic and advanced dispute resolution skills.

Contact information for State ADR Office staff, as well as all of the Community Dispute Resolution Centers in the state, is available on the site. In addition, there is a comprehensive summary of court-annexed ADR pilot programs throughout the state.



This is a publication of the Community Dispute Resolution Centers Program of the NYS Unified Court System. Please send articles to:

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