



# THE NEW YORK MEDIATOR

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## MEDIATION AS A TOOL FOR PROMOTING PERMANENCY FOR CHILDREN

In the 2003 State of the Judiciary, Chief Judge Judith S. Kaye addressed the special nature of child welfare cases within the Family Court docket. "Child welfare cases are among the most heart-rending with the severest long-term consequences for the litigants. Children need and deserve to grow up in permanent, loving homes, not in courts or State agencies," said Chief Judge Kaye. The Chief Judge then announced a plan to work with the State Office of Children and Family Services (OCFS) and the New York City Administration for Children's Services (ACS) to identify gaps and logjams that can delay a child's movement to permanency.

One promising approach for achieving the goal of timely permanency for children in the child welfare system is mediation. Mediation can promote collaborative planning by bringing together parents and their advocates, law guardians, representatives of child protection agencies, and others with an interest in the welfare of the child to discuss the issues in a respectful,

informal atmosphere, facilitated by a neutral party. Mediation can engage families in decision-making about their children and enhance permanency planning by reducing parents' sense of alienation and helplessness.

One of the first permanency mediation programs in New York State was implemented by the Erie County Court Improvement Project (CIP). The CIP is a collaboration of the Erie County Family Court, Erie County Department of Social Services, child welfare agencies, legal advocates, and service providers. Last year, the U.S. Department of Health and Human Services honored the project with a National Adoption Excellence award. The program, supported by the Permanent Judicial Commission on Justice for Children, a group chaired by Chief Judge Kaye, was begun in 1998 and was born with the commitment to a process of long-term system change. At the inception of the program, a child placed in foster care could expect to remain in the system for 6 ½

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"CHILD WELFARE CASES ARE AMONG THE MOST HEART-RENDING WITH THE SEVEREST LONG-TERM CONSEQUENCES FOR THE LITIGANTS. CHILDREN NEED AND DESERVE TO GROW UP IN PERMANENT, LOVING HOMES, NOT IN COURTS OR STATE AGENCIES"

CHIEF JUDGE  
JUDITH S. KAYE

## SAFE HORIZON MEDIATION PROGRAM: RESPONSE TO SEPTEMBER 11TH

*By Kim Payne and Alan Gross*

The tragic and horrifying events of September 11, 2001, will be etched in our memories for years to come. The city of New York was joined by the entire nation in mourning for the thousands who lost their lives. Eighteen months later, no one can fully describe the effects that unforgettable day had on countless lives, both directly and indirectly. As a community, we suffered through emotions that ranged from shock and fear to something akin to a steady ache in the very core of our being. For many, that suffering is ongoing.

Despite our personal grief in the wake of the attacks, Safe Horizon, which operates mediation programs in Kings and New York Counties, immediately mobilized many of its 900 plus staff members and recruited several thousand volunteers to assist victims at centers throughout the five boroughs and through numerous outreach programs. Within a few days, Safe Horizon had partnered with the September 11 Fund and, to date, has distributed more than \$100 million and thousands of hours of service, including mental health support and job counseling and placement to 50,000 victims and family members, displaced workers, residents, and entire communities affected by grief and hardship after the attacks.

Recently, our mediators have utilized their special training and skills to handle disputes that arose directly from the disaster. Two of these programs, the 9/11 Small Business Court Assistance Project and the 9/11 Family Mediation Program, are unique in the New York metropolitan area, and exclusively use Safe Horizon trained and certified mediators to deal with various September 11-related conflicts.

The Family Mediation Program was developed after consultation with the Department of Justice's Victim Compensation Fund (VCF). An act of Congress passed shortly after September 11 authorized the

VCF to compensate two categories of people: any individual who was physically injured and the personal representative of anyone who was killed as a result of the terrorist-related airplane crashes that day. VCF staff reports that a significant number of family members are in conflict about which person should represent the victim's family before the VCF and about the proposed distribution of funds.

Debra Shime, Associate Vice President of Safe Horizon Community Programs, and Elizabeth Clemants, Senior Director of the Safe Horizon Mediation Programs, discussed how disputes related to September 11th could best be handled through the mediation program. Shortly thereafter, we recruited four experienced volunteer mediators and conducted a training to provide them with information about 9/11 issues that were likely to arise during mediation sessions. At our first training, Tisha Hillman, a United Service Group service coordinator, and Steve Murakami, an attorney representing clients before the VCF, spoke to the group. Volunteer mediator Alan Gross was appointed as coordinator to handle inquiries and intake.

Our first case was successfully mediated late in November 2002. We have publicized the mediation service on websites, including the VCF site, in newsletters distributed by family member groups, and through posters and flyers. In March 2003, Sandra Cuneo from Trial Lawyers Care, an organization of pro bono lawyers representing nearly 1,600 surviving families, and Adam Zimmerman, Deputy Special Master of the VCF, conducted a second training. Four additional volunteers were added to the team of mediators trained for this project.

Additional promotion for the program provides information regarding mediation to intake officials

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## SAFE HORIZON MEDIATION PROGRAM: RESPONSE TO SEPTEMBER 11TH

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working for the VCF in Washington, D.C., and New York City. These activities have resulted in a number of inquiries and have been developed into several mediation cases, mostly involving issues of distribution of funds and visitation with children of people who died on September 11th. Many of the conflicts we have seen at Safe Horizon involve spouses and ex-spouses, or widow(ers) and other family members of the deceased.

The 9/11 Small Business Court Assistance Project was designed to provide mediation services to landlords and tenants in downtown Manhattan whose businesses were financially and logistically disrupted by the events of September 11th. Many businesses have fallen behind in their rent, leading landlords to commence non-commercial non-payment or holdover eviction proceedings in the Housing Part of the Civil Court of the City of New York, which has jurisdiction over these matters.

In order to expedite these hearings, Honorable Fern Fisher, Administrative Judge of the New York City Civil Court, has worked with the Legal Aid Society, the Association of the Bar of the City of New York,

Strook, Strook and Lavan, Lathan and Watkins, and Safe Horizon, on a project that would address these unique situations. The mission of the project is to transform eviction proceedings into opportunities to explore mutually beneficial resolutions that avert business dislocation and contribute to the resurgence of the downtown areas affected by the September 11th tragedy. Safe Horizon provides experienced mediators to facilitate settlement in these small business-landlord cases. This project began in June 2002, and as of February 2003, the Safe Horizon Mediation Program has received 44 referrals and has mediated 26 cases.

Safe Horizon has been a leader in the crime victim assistance movement for the past 25 years. In that time, the agency has been involved in comprehensive and coordinated victim advocacy in the family, criminal, and supreme courts, as well as having a major role in projects that focus on the care and support of homeless and runaway youth. The attack on the World Trade Center is no exception. Through the 9/11 Family Mediation Program and the 9/11 Small Business Court Assistance Project, Safe Horizon Mediation Program is helping the city of New York to heal from wounds that cut wide and deep in our community.

## LESSONS LEARNED ON THE ROAD TO BECOMING A "CULTURALLY COMPETENT" MEDIATOR

*BY JULIE GILBERT ROSICKY*

Utica, N.Y. has the fourth highest concentration of refugees per capita in the United States, with over 10,000 from Bosnia, Russia and Vietnam, as well as many other countries. In a partnership between Peacemaker Program, Inc. and the Refugee Resource Center, our community dispute resolution center explored ways in which it can better address the needs of our diverse community. We also received a mini-grant from the New York State Office of ADR to recruit more diverse mediators and provide our mediation panel with more training in cross-cultural

mediation. This article provides a summary of some of the lessons we have learned about addressing cultural competency in mediation.

### **Trust**

During a recent in-service training about culturally competent communication, our African American presenter suggested that to attract and recruit a more diverse pool of volunteers, we need to build relationships in the African American community.

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## LESSONS LEARNED ON THE ROAD TO BECOMING A “CULTURALLY COMPETENT” MEDIATOR

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Through those relationships trust develops, eventually the word gets out, and more people will come forward to volunteer.

In partnership with the Executive Director of the Refugee Resource Center, we also scheduled an information session for their staff and recruited two women who are refugees from Bosnia and one woman who immigrated to the U.S. from Romania, for our training in cultural competency. Obviously, building trust, asking questions and reaching out takes time and dedication, but certainly is worth the effort.

### **Who Shows Up**

Cultural groups in our training included refugees and immigrants, non-native English speakers, and people of diverse ages including a high school student. The trainees had been raised with diverse cultural norms in various ethnic, religious, social, educational, and economic environments. Cultural norms were discussed, new perspectives were shared, as participants were exposed to completely different ways of thinking. Individual differences became the foundation for lessons of diversity.

### **Tip of the Iceberg**

Participants in the training were encouraged to see culture as outward, such as clothes, food, and language, as well as internalized attitudes, morals, values, history, and religious beliefs. The training also helped uncover hidden influences that can lead to incorrect assumptions about individuals and groups. We discovered that participants wanted to know more about specific cultures with which the Refugee Resource Center works. The next training will definitely include guest speakers from the Bosnian, Russian, and Vietnamese communities who can talk and answer questions about their cultures and their experiences.

### **What Is “Enough”?**

John Paul Lederach, author of *Peace: Conflict Transformation Across Cultures* (Syracuse, New York:

Syracuse University Press, 1995), argues that the addition of special techniques to the mediator's established tool kit are not adequate for meeting the challenges of cultural differences that affect the very nature of conflict. He suggests that systemic transformation facilitates personal transformation and how we train our mediators, because this transformation in how we learn to be mediators will transform the mediation process.

By integrating cultural competency throughout the mediation training process, we facilitate a more culturally competent approach to resolving conflicts. This begins with ensuring that the group of trainees represents the diversity of the community. The training should continuously include discussions among the trainees of the variety of their own experiences as they relate to the exercises offered and the practice they are learning. We need to highlight individual and group cultural similarities and differences throughout community mediation training. In this way, we can enhance our conflict resolution services with cultural competency.

There have been many important lessons in seeking to diversify our volunteer pool and train our volunteers in cultural competence. Reaching out to attract and recruit diverse populations for training participants takes time and is worth the effort. Collaboration with the Refugee Resource Center helped us build trust, understanding and responsiveness to community needs. Training is definitely a more effective process when participants are informed by experiential learning. Individual experiences with conflict, family values, and our environments influence us in many ways that affect our relationships with others. When we recognize and improve our cultural competency, we improve our competency as mediators in our communities.

*Julie Rosicky is the former Executive Director of Peacemaker Program, Inc., and newly appointed Director of Multicultural Capacity Building, Mohawk Valley Resource Center for Refugees.*

## NEW YORK STATE COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM

<u>County</u>	<u>Phone Number</u>	<u>County</u>	<u>Phone Number</u>
Albany	(518) 446-0356	New York-Washington Hts.	(212) 781-6722
Allegany	(607)373-5133	Niagara	(716) 297-3083
Bronx	(718) 585-1190	Oneida	(315) 724-1718
Broome	(607) 724-5153	Onondaga	(315) 471-4676
Cattaraugus	(716) 373-5133	Ontario	(585) 396-0840
Cayuga	(315) 252-4260	Orange	(845) 294-8082
Chautauqua	(716) 483-7774	Orleans	(716) 883-5050
Chemung	(607) 734-9087	Oswego	(315) 343-8370
Chenango	(607) 336-5442	Otsego	(607) 443-1672
Clinton	(518) 563-1227	Putnam	(845) 225-9555
Columbia	(518) 828-0047	Queens	(607) 724-5153
Cortland	(607) 753-6952	Rensselaer	(518) 687-0056
Delaware	(607) 746-6351	Richmond	(718) 815-4557
Dutchess	(845) 471-7213	Rockland	(845) 634-5729
Erie	(716) 883-5050	St. Lawrence	(315) 393-7079
Essex	(518) 523-7234	Saratoga	(518) 584-6361
Franklin	(518) 483-1550	Schenectady	(518) 346-1281
Fulton	(518) 842-4202	Schoharie	(518) 234-2568
Genesee	(585) 344-2550	Schuyler	(607) 535-7637
Greene	(518) 943-0523	Seneca	(315) 396-0840
Hamilton	(518) 548-8213	Steuben	(607) 776-6976
Herkimer	(315) 894-9917	Suffolk	(631) 265-0490
Jefferson	(315) 785-0333	Sullivan	(845) 794-3377
Lewis	(315) 376-7991	Tioga	(607) 687-8222
Livingston	(585) 243-7007	Tompkins	(607) 273-9347
Madison	(315) 361-4438	Ulster	(845) 331-6136
Monroe	(585) 546-5110	Warren	(518) 793-6212
Montgomery	(518) 842-4202	Washington	(518) 793-6212
Nassau	(516) 489-7733	Wayne	(315) 946-7500
Kings	(718) 834-6671	Westchester	(914) 963-6500
New York-Safe Horizon	(212) 577-1742	Wyoming	(716) 373-5133
New York-Project Resolve	(212) 620-7310	Yates	(315) 396-0840

## ORGANIZATIONAL CONFLICT: THE ROLE OF CDRCs IN DESIGNING SYSTEMS THAT WORK

*by Roz Magidson and Patricia Barnes*

The Community Dispute Resolution Centers have an opportunity to expand their role in the prevention of workplace violence by helping organizations look at the underlying structural causes of conflict. While providing dispute resolution services for interpersonal employee issues, the centers can play a larger role by assisting organizations in the design and implementation of effective, appropriate and comprehensive conflict resolution systems.

The focus on sexual harassment and the general increase in incidents of violence in the last ten years has encouraged organizations to look at the impact of their structure and systems in creating and tolerating disputes between individuals. The U.S. Postal Service's REDRESS Mediation Program and a number of corporate ombuds offices are concrete examples of this response to the growing problem. These major initiatives have generally been implemented by the academics in the dispute resolution field based on organizational development and systems design theories. However, many organizations throughout our communities, especially those that are violence prone, have an immediate need for assistance in responding to the problem.

Since their inception in 1981, the Community Dispute Resolution Centers have been successfully handling a variety of workplace disputes. Usually characterized as interpersonal disputes, these employee-employee and employee-employer cases have long been a part of the centers' caseload. As with many disputes in that category, the parties are

clearly operating in a larger context than may be acknowledged but one that is not frequently dealt with in mediation. These cases frequently reveal very serious conflict in the workplace, characterized by sometimes subtle but nevertheless uncivil behavior to outright bullying, harassing and threatening, all indicators of a violence-prone organization.

Last year the Dispute Resolution Center serving Orange, Putnam, Sullivan and Ulster Counties was invited by a large local employer to discuss with an internal committee the organization's need for a comprehensive dispute resolution system. Their outreach to the DRC to meet this need was based on

**Centers are uniquely placed to provide these important services to both large and small organizations in the communities in which they work. The need is great, as organizations struggle to address the growing problem of violence in the workplace. The centers can play a vital role as a resource and by providing the expertise and support required to design and implement effective dispute resolution systems in the workplace.**

a long history of referrals from their EAP office to our services. Initial meetings with several groups revealed an organization with over 500 employees that was struggling with change and had increasing concerns about escalated interpersonal disputes that had the potential to become violent. The administration felt

immense pressure to respond to what some saw as a pressure-cooker situation. As we began to develop a proposal, we immediately identified a need for training and interpersonal interventions that would at least have everyone speaking a common language. However, we recognized that we had information from only a handful of representatives of the employee population. This led to a proposal that was focused on a needs assessment and an outline of possible interventions based on the results of that assessment. This met the organization's need for documentation that they were at least developing a

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## ORGANIZATIONAL CONFLICT: THE ROLE OF CDRCs IN DESIGNING SYSTEMS THAT WORK

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plan for response while discouraging them from moving too quickly toward solutions without clearly identifying the problem.

Currently, we are in the process of conducting a multi-level needs assessment and have held one training session for "first-responders" in crisis situations. As we have moved through that process, some of our initial conclusions have proven true, but we have also seen elements that have challenged our early thinking about the situation. It is still likely that training will comprise a substantial part of the ultimate intervention but there is strong indication that structural changes within the organization will be necessary in order to support the interpersonal and individual changes that would result from training.

This intervention has caused us to look carefully at the capacity of a center to undertake such an effort and the basic requirements to make it successful. It was clearly our status as a community resource that brought this organization to our door, but we have had to go beyond our traditional approach of providing mediation services in order to respond to the issues that were being raised. Fortunately the staff involved in this project had experience in systems design, organizational dynamics and workplace conflict issues. We have been able to support and assist the organization in the preliminary work to assess the current climate and identify major issues and concerns. As we move into the next phase, we know that we will need to develop a training team, a curriculum and the necessary components to assist with structural change.

With all of this in mind, we believe that the centers are uniquely placed to provide these important services to both large and small organizations in the communities in which they work. The need is great, as organizations struggle to address the growing problem of violence in the workplace. The centers can play a vital role as a resource and by providing the expertise and support required to design and implement effective dispute resolution systems in the workplace.

### SEVEN STEPS FOR CENTERS

For centers interested in designing organizational conflict resolution systems that work, the following first steps are recommended based on the author's experience :

- 1) Learn the basics of organizational dynamics, systems design and workplace conflict.
- 2) Identify staff, board or volunteers who can provide expertise and participate in the project.
- 3) Familiarize yourself with needs assessment techniques and the methodologies for interpreting the data gathered in the process.
- 4) Be prepared to listen carefully and work collaboratively with organization administrators in identifying their concerns and the pressures under which they operate.
- 5) When approached by organizations to provide workplace training or employee-employee dispute resolution, consider the larger picture of organizational systems and structure. Offer your assistance.
- 6) Promote your agency's services to local government and private organizations, starting with those to which you have already provided service.
- 7) Consider the resources needed to get the job done and carefully project your expenses when contracting with an organization.

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## MEDIATION AS A TOOL FOR PROMOTING PERMANENCY FOR CHILDREN

*(Continued from page 1)*

years through the finalization of his or her adoption. Five years later, the number of children in foster care has decreased by 44 percent and more than 900 children have been adopted into permanent families. While mediation was only part of the CIP initiative, it proved to be an effective and innovative approach to creating permanent, lasting solutions for children in the child welfare system.

**Mediation can promote collaborative planning by bringing together parents and their advocates, law guardians, representatives of child protection agencies, and others with an interest in the welfare of the child to discuss the issues in a respectful, informal atmosphere.**

Building on the success of the Erie project and on the proven success of projects in other states, the Permanent Judicial Commission on Justice for Children (PJCJC), OCFS and the Office of ADR Programs have joined together to collaboratively support a number of permanency mediation pilots across New York State. Planning groups consisting of court and local department of social service staff, as well as members of the Bar and other interested groups have been convened in several counties to begin the process of designing projects.

The New York City Family Court spearheaded one of the first of these initiatives to be implemented and on March 24th, hosted a "kick-off" event to officially inaugurate the program. Deputy Chief Administrative Judge Ann Pfau welcomed lawyers, social workers, mediators, and other interested professionals from across the state who filled the ceremonial courtroom at Brooklyn's Borough Hall to

learn about the new program.

Later that same week, the Office of ADR Programs, OCFS and the PJCJC hosted a week-long training program in downtown Manhattan. Over 35 mediators from across the state came together with Bernie Mayer and Mary Margaret Golten, partners at CDR Associates and co-founders of the first successful child welfare mediation program in the United States, for an intensive advanced training. The participants left the training energized and eager to continue the planning process in their local communities.

For more information about this and other ADR programs, please contact Dan Weitz, ADR Coordinator, Mark Collins, Assistant ADR Coordinator, or Frank Woods, Principal Court Analyst, at (518) 238-2888.



***Training: Linya Bell and Frank Woods***

"Participatory Justice is what we seek. Child Permanency Mediation is an important process that is in place alongside the more traditional adversarial process. It provides family court participants with the opportunity to share information for more enhanced decision making with the potential for increased compliance with Court Orders."

*Honorable Joseph Lauria, Administrative Judge,  
New York City Family Court*

**NEW YORK STATE UNIFIED COURT SYSTEM  
DIVISION OF COURT OPERATIONS / OFFICE OF ADR PROGRAMS  
TRAININGS HELD**

*The Office of ADR sponsors and conducts various training for courts and mediators throughout the state. The following descriptions reflect some of those trainings.*

***New York State Training Institutes***

The New York State Unified Court System, Office of Alternative Dispute Resolution Programs (Office of ADR Programs) requires Community Dispute Resolution Centers Program (CDRCP) mediators to complete six hours per year of in-service training and recommends that all mediators attend quarterly in-service training programs. In addition to local center-sponsored trainings, advanced training institutes are coordinated by the Office of ADR Programs. This year, the Office of ADR Programs provided three regional training institutes for 215 CDRCP mediators and staff, in Amherst, Utica, and New York City. Workshops addressed the following areas of interest: essential advanced skills, improving communication in dialogues, bridging differences through mediation, and ways mediators can apply theory to practice.

***Staff Training***

During the past year, the ADR Office conducted development seminars to CDRCP staff responsible for local community dispute resolution center planning, management, and reporting. The trainings included:

- Preparing CDRC Budgets and Reconciliation Reports.
- Using Crystal Reports to Analyze Dispute Resolution Case Management System (DRCMS) Data.
- Using Microsoft Access to Extend Functionality of the DRCMS.

The sessions were presented at the Office of ADR Programs, 98 Niver Street in Cohoes, and the Unified Court System's Division of Technology offices in Rensselaer and New York City. More than 180 individuals participated in these statewide trainings.

***Training Collaborations***

The Office of ADR Programs conducts trainings that are the result of collaborative partnerships with other government agencies and non-profit community organizations. Among the most recent collaborative partnerships involve the planning, training and provision of services for Child Permanency Mediation (see article on page 1), Agricultural Mediation, and Lemon Law Arbitration.

The NYS Agricultural Mediation Program (NYSAMP) is one of 29 state programs certified by the US Department of Agriculture to assist in resolving disputes involving farm and housing loans, wetland determinations, conservation compliance and pesticide use. A two-day advanced training—held in Cohoes on April 14-15, 2003—brought 19 staff and volunteers from across the state together for training in the principles of mediation and effective participation. The training was provided by the Office of ADR Programs, USDA, New York FarmNet, and the NYSAMP Program manager.

The New York State Attorney General's Office's Lemon Law Arbitration Program training was provided by the New York State Dispute Resolution Association, the NYS Attorney General's Office of Consumer Fraud & Protection; and was held at the Office of ADR Programs in Cohoes, NY. Thirty-five participants attended this training.

***NYC Family Court Case Conference Skills Training***

In June 2003, the ADR Office conducted a full-day, multi-party case conference skills training for Court Attorneys and Case Coordinators dealing with child protection cases in New York City Family Court. The Honorable Joseph Lauria, Administrative Judge for the New York City Family Court, wrote, "I am most appreciative of the time, energy and assistance the ADR office has given to our new programs and staff. With your help, we are learning about new ways to serve and address the families appearing in our court house every day. Your guidance has helped us to improve the way we do our work."

## UPCOMING MEETINGS / TRAININGS

*The Office of ADR Programs planned two major events for 2003*

### ***CAMP Meeting***

The ADR Office, along with the New York State Dispute Resolution Association (NYS DRA), hosted this year's Annual Meeting of the nationwide Coalition of Agricultural Mediation Programs (CAMP) in Saratoga Springs on June 16-18, 2003. The ADR Office receives funding from the US Department of Agriculture (USDA) to administer a mediation program for disputes involving agricultural financing, wetlands, pesticides and other agricultural issues. NYS DRA, in collaboration with the ADR Office, coordinates case management, mediator training, outreach and other day-to-day operations of the program. Nationally, the Agricultural Mediation Program was established by the USDA under 1987 Federal legislation. The Unified Court System's ADR Office was certified to administer the program in

2001. There are currently 29 certified state agricultural mediation programs in the country. The CAMP Annual Meeting is an opportunity for program administrators, state and federal officials to come together for updates, training and long-term planning.

### ***Regional Training Institute***

Through a collaborative partnership with the National Association for Community Mediation (NAFCM) and NYS DRA, the ADR Office is coordinating a training for dispute resolution center staff to be held in Saratoga Springs, New York on November 13-15, 2003. NAFCM—by support from the William and Flora Hewlett Foundation—will be paying to bring in trainers from throughout the country. Workshops will include developing and managing mediation centers; evaluation; volunteer partnerships; case management; fund development; program development; center administration; public and government relations; and marketing.



NYS UCS and USDA officials at the June, 2003 Annual Meeting of the Coalition of Agricultural Mediation Programs in Saratoga Springs. Left to right: Tom Buckner, UCS ADR Office, Cohoes NY; Tom Hofeller, USDA, Washington DC; Dan Weitz, UCS State ADR Coordinator, New York City; Verle Lanier, Associate Administrator of USDA's Farm Service Agency, Washington DC; Chet Bailey, Director of USDA's Agricultural Mediation Program, Washington DC; Mark Collins, UCS Assistant ADR Coordinator, Cohoes NY.

## CDRCP MEDIATION TRAINING DEVELOPMENTS

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permission to do so. The Office of ADR Programs is also authoring an initial mediation training manual that trainers will be able to use.

These new requirements were the product of several years of discussion among members of the Office of ADR Programs and the directors of the CDRCs. During several consecutive biannual meetings, directors and staff from the Office of ADR Programs discussed how to change the training requirements to ensure that mediators deliver quality services to parties. After drafting proposed revisions to the training section of the CDRCP Program Manual, staff from the Office of ADR Programs presented the draft guidelines to mediators in Brooklyn, Canandaigua, and Cohoes for comment. This feedback reflected the need for guidelines that could be adapted to local practice and local needs; at the same time, mediators



Warren Price, Duke Fisher, Jill Sanders-DeMott and UCS ADR Coordinator Dan Weitz talk at lunch at the CDRCP sponsored Training Institute held at Fordham University Law School in March 2003.

acknowledged the benefits of raising the bar for new mediators by requiring them to complete more intensive training and apprenticeship.

The Office of ADR Programs remains committed to enhancing the training experience of our newest mediators. Staff are developing a mandatory workshop for all new trainers

who request certification, and we are continuing to explore how to ensure that new and existing trainers are versed in the most contemporary theories and practices in the field.

For more information, please contact Jeremy Kropp by telephone at (518) 238-2699, extension 249, or by e-mail at [jkropp@courts.state.ny.us](mailto:jkropp@courts.state.ny.us). The guidelines are also posted on the website for the Office of ADR Programs in the "Downloads" section: [www.courts.state.ny.us/adr](http://www.courts.state.ny.us/adr).

**This is a publication of the NYS Unified Court System, Division of Court Operations, Office of Alternative Dispute Resolution Programs, Community Dispute Resolution Centers Program.**

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NEW WEB LOOK COMING  
THIS MONTH

[HTTP://WWW.NYCOURTS.GOV/IP/ADR/](http://www.nycourts.gov/ip/adr/)

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## CDRCP MEDIATION TRAINING DEVELOPMENTS

The New York State Unified Court System's Office of Alternative Dispute Resolution (ADR) Programs continued its ongoing effort with local community dispute resolution centers to enhance the quality of mediation services in New York State. Accordingly, in May 2002, the Office of ADR Programs revised its training guidelines for mediators and trainers in the community dispute resolution centers. These guidelines increase the minimum hours of training required for new mediators, enhance the apprenticeship plans for new mediators, and modify the certification process for new and existing trainers.

The guidelines for new mediators became effective January 1, 2003. New community mediators are now required to complete at least 30 hours of training and complete an apprenticeship that includes participating in role-plays, observing cases, mediating or co-mediating cases, and meeting with a staff person who has observed the apprentice mediate or co-mediate. Mediators who will hear cases referred from Civil, City or District courts must complete an additional six hours of training. Mediators who hear child custody or visitation cases must complete twelve hours of mediation training in addition to their 30-hour initial mediation training, as will mediators who handle child support and parent-teen or PINS cases.

The guidelines also modified the requirements for prospective trainers. Previously, prospective trainers were required to author their own mediation training manuals, which often posed a significant challenge to otherwise qualified trainers who lacked the time to invest in authoring their own manual. Under the new guidelines, prospective trainers may use the manual of any currently certified trainer, provided that they obtain that trainer's

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