



# The New York Mediator

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## 20TH ANNIVERSARY CONFERENCE PLANNED

Twenty years ago, an amendment to New York's Judiciary Law established the Community Dispute Resolution Centers Program (CDRCP) within the NYS Court System. The intent was to "...provide funds pursuant to this article for the establishment and continuance of dispute resolution centers on the basis of need in neighborhoods." In 1981, the CDRCP began with programs in just 15 counties. Today, the CDRCP supports dispute-resolution programming through non-profit agencies serving all 62 counties, and works closely with Court, State and municipal administrators throughout the State. The CDRCP, and the alternative dispute resolution initiatives of the NYS Court System, have been models for many around the country and around the world.

A committee has been established by the Court System's Office of ADR Programs to plan an anniversary conference celebrating twenty years of community dispute resolution in New York State. The committee includes staff from the Office of ADR Programs and the Office of Education and Training, as well as staff and volunteer mediator representatives from numerous Community Dispute Resolution Centers throughout the state.

Though planning has just begun, the committee hopes to hold the conference in New York City during 2002. Once the date and location are established, a request for proposals will solicit workshop presenters. In addition, information will be sent to Community Dispute Resolution Center staff, mediators, and arbitrators in addition to other interested individuals. Information will also be available on the State ADR Office web page: [www.courts.state.ny.us/adr](http://www.courts.state.ny.us/adr). Please watch for further information—this will be a great conference!

## ESSENTIAL MEDIATOR SKILLS: IDENTIFYING ISSUES AND SEPARATING INTERESTS FROM POSITIONS

By Dan Weitz  
State ADR Coordinator

Every moment in mediation is an opportunity for the mediator to help the parties engage in a productive discussion, achieve a greater understanding of the issues in dispute, and explore solutions that are most responsive to their interests. The mediation process typically consists of several non-linear stages: convening the session, delivering an opening statement, gathering information, setting the agenda, generating movement, caucusing, eliciting proposals and resolution. Over time, and with great practice, mediators develop a broad array of skills that may be used to enhance the parties' ability to negotiate throughout the mediation process. In this article, I will discuss two of those essential skills: separating the parties' interests from their positions and identifying issues in neutral language.



### Separating the Parties' Interests from Their Positions

One of the primary ways many mediators help disputing parties is separating the parties' interests from their positions. Parties usually begin negotiations by stating their respective positions<sup>1</sup> on the major issue(s) that are in dispute. These positions are often packaged as an initial set of proposals or demands for resolving the dispute. When the parties state these positions at the outset of negotiations and prior to extensive information sharing between the parties, the positions are generally either rejected or countered with an equally unacceptable position or set of proposals from the other side.

Interests, on the other hand, are the underlying concerns that explain why each party takes his or her respective positions.<sup>2</sup> One of the keys to supporting effective negotiation is to delve behind the parties' stated positions to their underlying interests. As mediators, we do this by reframing the parties' statements with an emphasis on their stated interests rather than their positions.<sup>3</sup>

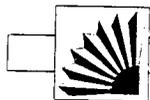
For example, consider this statement by a party in a custody and visitation dispute: "You can't stop me from seeing my children, I demand custody!" The position or initial proposal for resolving the dispute is for the speaker to get custody of the child. The likely response from the other side would be something similarly polarizing. But the mediator, listening not just for the position but for the underlying interest behind the position, recognizes the speaker's interest in seeing his or her children. Accordingly, the mediator might reframe this statement as follows: "So, you want to see your children?"<sup>4</sup>

Of course, the toughest work for the mediator and the parties is still ahead. However, by reframing the position ("I demand custody") and focusing on the stated

*(Continued on page 18)*

***"The Community Dispute Resolution Centers Program represents the Unified Court System's commitment to provide citizens with opportunities to develop their own solutions to the issues that might otherwise bring them to court."***

*Honorable Jonathan Lippman  
Chief Administrative Judge*



# Focus On The Practice

*An occasional feature: Notes and opinions on some of the fine points of dispute resolution practice.*

**In this issue:**

*Essential Mediator Skills* by Dan Weitz—page 1

*Transformative Mediation*, by Andrew Thomas—page 2

*Agreement Writing*, by Jeremy Kropp—page 15

## **TRANSFORMATIVE MEDIATION: TAKING A RISK AND LETTING GO**

by Andrew Thomas

As the field of mediation continues to grow, and educators analyze theory and practice, the more our truths and beliefs about our practices will be challenged. For years the spectrum of ADR processes, although they all involved third party intervention, were defined by key functions that are distinctly different from each other. Also, we have developed a basic understanding of the differences or descriptive adjectives that distinguishes fact-finding from negotiation, facilitation from conciliation, conciliation from mediation and mediation from arbitration. However with the increasing popularity of the transformative mediation concept, more and more mediators are questioning their practice and trying to comprehend the hallmarks of a transformative orientation. Many are convinced that transformative mediation does not work and isn't what parties are looking for. As a trainer in transformative mediation, I see how difficult it is for some mediators to take a risk and let go of old beliefs about conflict, people's capacity, and what is best for the parties to explore the concept.

Over the past ten years the mediation field has matured tremendously and grown as a profession. Although mediation continues to be used as an umbrella term to define a variety of processes, we have become educated enough to ask about mediator orientation to define their practice. Since the publishing of the book, *The Promise of Mediation*, by Bush and Folger, mediation has been heavily debated as a method of practice for practitioners. Accepting the transformative orientation is a struggle for many, because they are not willing to take a risk and let go of old beliefs.

An article by Tamela Townsend, *Letting Go vs. Holding On* states, "Letting go vs. holding on" is a hard dilemma. There are many situations that simply demand a little more persistence. Holding on is often a smart choice. And there are some good things to hold on to: good attitudes, memories of good times, and good relationships with good people. But 'letting go' is often a good policy." After reading this, I immediately thought about the challenge for mediators trying to adjust to a transformative practice while holding on to old mind sets and not seeing the benefits of letting go.

So, what should we "let go" of?

Let go of the need for control; being in control may be an illusion anyway;

Let go of the need to be always right; parties know what's best for them;

Let go of beliefs that hold you back.

Let go of the need to level the playing field.

Transformative mediation is an orientation that emphasizes the opportunities conflict presents for individuals to change their interactions with each other. It also suggests that parties have the capacity for both self-determination and consideration of other perspectives in the conflict. A transformative practice may not be for everyone. However, I recommend it as a third party intervention process that fosters understanding, creates a foundation for building relationships, and improves human interaction. Given the benefits, it can be a better process than others.

*Andrew Thomas is the Executive Director for the Center for Dispute Settlement in Rochester, NY.*

*(Focus on the Practice—continued on page 15)*



## News & Notes From The Local Programs

### *Bronx County*

The Institute for Mediation and Conflict Resolution (IMCR) quietly reached its 25 year milestone as it continues to provide alternative dispute resolution services in Bronx County. The commitment of staff, mediators and community leaders remains in place as the administration continues to structure ways and means to improve the quality of life in the community through ADR services, referrals and training.

On December 15, 2000, the Honorable Laura Douglas, Administrative Judge, Bronx Civil Court, addressed staff, mediators and newly certified mediators as she presided over the swearing-in of the newly certified volunteer community mediators.

During the state's FY1999-2000, IMCR Dispute Resolution Center addressed 3,568 cases deemed appropriate for ADR services. A total of 85% of hearings held were resolved through the processes of mediation and arbitration. The organization is looking forward to diversifying its services in Bronx County as it continues to seek collaboration with other grassroots organizations in the community.

There are five weekend Basic Community Mediation training dates at IMCR for the year 2001. Please contact us for more detailed information on dates and registration. For more information, contact Stephen E. Slate, Executive Director at (718) 585-1190.

### *Chenango & Delaware Counties*

In Chenango and Delaware Counties, the ADR program is The Dispute Resolution Center of Chenango and Delaware Counties. The Delaware County office is located in Delhi and the Chenango office is housed at The Eaton Center in Norwich. Both counties are enjoying strong working relationships with their court, law enforcement, and community agency systems.

The Family Court programs have

been expanded to include a petition assistant who is available to assist petitioners in filing and offers referral information to help families identify resources for needed services. The petition assistant often refers families to available resources such as food banks, child healthcare programs, parent education, family budgeting programs, childcare referral agencies, etc. The petition assistant maintains the same degree of integrity as all services offered by the Center with respect to confidentiality, neutrality and keeping ownership of the product with the customer. Growth in the Family Court program also includes a parent education component, which includes a collaborative effort with the Cornell Cooperative Extension's Parents Apart program and future mediation services including support mediation and high conflict parent mediation using a several session caucus model.

The expansion of youth programming includes a successful elementary/middle school curriculum that involves ten classroom hours of anger/conflict management, communication skills, problem solving, community building, decision making and understanding behavior and consequences. An experiential training model that involves role-play and student experiences has been widely accepted and has received the accolades of school administration, faculty and students. The curriculum is a stepping-stone to middle school/high school peer mediation programs. Future expansion in youth programs will include social skills that address issues involving sexual harassment, abstinence, healthy choices, and responsibility as a community-school-workplace member.

It is important for the Center to maintain a strong caseload that includes resolving community disputes including interpersonal and employment issues. The Center will sponsor coffee and pastry breakfasts in the outreach communities with members of the academic, human service, civic,

religious and commercial groups to discuss services and collaborations.

The Center's goal is to provide quality services through professionally trained and experienced volunteers and welcomes your interest and questions concerning our programs and volunteering. For more information, please contact Donna Kankiewicz, Director, at (607) 746-6351 for Delaware County and (607) 336-1982 for Chenango County or e-mail [dkdrc@ascent.net](mailto:dkdrc@ascent.net).

### *Clinton County*

Since 1987, Northern New York Centers for Conflict Resolution, Inc. has offered Alternative Dispute Resolution services to the residents of Clinton County. On the shores of Lake Champlain, and bordering Vermont and the Province of Quebec, our offices are located in the Federal Building at 23 Brinkerhoff Street in Plattsburgh. Over the past 13 years, the Clinton County Center has developed a number of programs and projects designed to meet the dispute resolution needs of our rural residents.

Community Mediation, our longest-running program, has evolved over time from cases generated by town justice courts and small businesses to more complex, present-day applications. Our mediators and disputants are more sophisticated about ADR's potential and our community caseload reflects this. We have established referral arrangements with county public and private agencies and educational institutions, as well as with legal services organizations. In addition to the more "typical" community cases, our services now include PINS, pre-divorce, workplace discrimination, sexual harassment and eviction prevention.

Our Family Court Program in Clinton County has been in place since 1993. As we enter our eighth year mediating Custody, Visitation and Child Support cases, we note significant

*(Continued on page 4)*



## Program News

*(Continued from page 3)*

changes in the local attitudes. Initially, our program's Family Court referrals were almost exclusively pre-petition cases referred by the Family Court intake worker at Probation. We now have additional formal referral arrangements with local agencies. We accept regular referrals from North Country Legal Services to provide mediations for custody, visitation and support cases for prospective participants in their Pro-Se Divorce Clinic Program. We also accept referrals from the Clinton County Supervised Visitation Program for cases arising from disputes encountered in the course of their services. In addition, informal referrals come from private attorneys, Law Guardians and other local agencies.

Clinton County's newest program is the on-site City Court Mediation Program, which began in August of 1998. The Plattsburgh City Court refers all small claims cases to our Center, and Center staff and mediators provide on-site services twice a month. In almost two-and-one-half years, we have processed nearly 900 cases. City Court judges and court personnel encourage mediation and have been pleased with the results. Many of our mediators choose to attend City Court from time to time, but special recognition must go to our skilled, veteran mediation team that volunteers at every session. In connection with the City Court program, we also welcome new part-time staff member Charlene Poirier, who serves as City Court Intake Specialist.

Other programs and projects at the Clinton County Center include Lemon Law Arbitration, administration of Surrogate Decision Making Committee hearings, and Special Education Mediation. We wish to acknowledge the excellent work of education professional Michele Carpentier, who volunteers her time and talent for nearly all of our Center's Special Education mediations. Our community outreach efforts lead to connections with schools, businesses, not-for-profits, and service agencies. Recently we were invited to attend and provide information at a series of legal trainings for Parent Advocates in Special Education.

To ensure a consistently high standard of practice among our dedicated program volunteers, Center staff provide regular in-service opportunities. In the spring, a workshop was offered focusing on "Neutrality, Confidentiality and Bias Awareness." Also, "Writing Effective Agreements" was the topic of our fall workshop. On December 16th, staff and volunteers met in Plattsburgh for our annual Mediator Recognition Luncheon.

A review of program participant evaluations for the year 2000 revealed some interesting statistics. Of those responding, 90% were satisfied with mediation as a way of resolving their problem; 88% thought mediation, as a means of problem-solving, was preferable to a court solution; and 94% said they would use mediation in the future as a means of resolving disputes. Of those that offered additional comments, a number stated that they left the mediation conference with better tools for communication.

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

### *Columbia & Greene Counties*

In Columbia and Greene Counties, alternative dispute resolution services are provided by Common Ground Dispute Resolution, Inc. Common Ground has been expanding existing programs and implementing new ones. Additional funding from the Third Judicial District this past year has allowed for the expansion of mediation services in Hudson City Court on small claims matters to include criminal matters as well. Services Coordinator Joyce Reeve transitioned from part time to full time status through this endeavor. We recognize the involvement of volunteers in mediating cases on a monthly basis that are referred directly from the bench.

Common Ground extends well wishes and a heartfelt goodbye to Executive Director Pat Marek. Pat has been with Common Ground for over six years and mediating for the past 16

years. Her decision to devote more time to her family comes with the birth of her second child in March. Pat will be greatly missed by the staff, mediators and board, who wish her and her family all the best.

Youth violence prevention services involving peer mediation programming and conflict resolution education have expanded their activity in schools, as well as with youth and adult groups. Workshops on communication, tolerance, diversity, character development and collaborative problem solving are a few of the topics taught by trainers. The success of our violence prevention work, led by Joe Capobianco, has sparked requests from other schools, various community service agencies that serve youth, and a DFY residential detention facility. We are pleased to be currently working with the Peer Mediation Programs of the Middle and High Schools in the Chatham and Catskill School Districts. Chatham Middle School has the distinction of being the first peer mediation program in the state. Our work in that school later involved conflict resolution skills training for senior citizens who mentor youth, and tailoring training to a select group of students who are challenged by peer pressure and low self-esteem.

A three-year grant from the NYS Department of Health has allowed Common Ground to develop a new parent education program for separating and divorcing parents. The funding initiated a collaborative venture between 33 Greene County entities including: local/county government, community agencies, churches, law enforcement, businesses, physicians, an HMO, a community college, and school districts to provide programming for youth and families. Our program informs parents about the emotional, economic, and educational problems their children may experience as a result of divorce and separation and how prolonged parental conflict can exacerbate those situations. It encourages parents to create a post-divorce environment in which their children are the parent's first priority, as parents redefine their relationship as a married couple and transition to

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parenting apart. We anticipate this education component, along with the development of a divorce/separation mediation program, will supplement the current custody-visitation mediation work we are providing. In the second and third year of funding, the agency will increase the frequency of seminars, consider expanding into Columbia County, and explore the addition of a class for children coping with the divorce of their parents and the reorganization of their family.

Common Ground has been working in cooperation with the Cornell Cooperative Extension of Greene County to address the needs of farm families and neighbors within the agricultural farming communities in the county. Together we are attempting to address issues ranging from intergenerational farm management, land use and agricultural practices, to farm laws and quality of life issues. Working relationships are being developed with other agencies and groups to forge partnerships to jointly address these issues. Training will be conducted to educate stakeholders of positions, perspectives, and technology, as well as enable our staff and mediators to mediate and facilitate dialogue among parties.

Common Ground continues to conduct mediations and conciliations for the Greene County Department of Social Services Jobs Opportunities and Basic Skills (JOBS) program. Most of these cases are conciliated before they reach the table. We expect welfare reform mandates will continue to affect the volume of referrals and cases of this nature will decline.

We welcome seven mediators into the apprenticeship process who were trained this past fall and became certified this past year. This spring as in the past, Common Ground will be honoring its mediators at its annual dinner, which is open to the public. During the past year Common Ground held 16 hours of in-service training for mediators and another 50 hours of training in basic mediation and custody-visitation mediation combined. Our

mediators attended another 85 hours of training on various issues available to them outside our agency, and also attended conferences hosted by SPIDR and AFCC. Their involvement demonstrates their commitment and interest to excel in this field, which translates into a quality of excellence in our service provided.

The agency was the recipient of a donation from IBM in Poughkeepsie, which provided a computer system to the agency for the Columbia County office located in Hudson. The office is now equipped with the technology to manage the current database and link with the Greene County office.

For more information on Columbia County write or call us at P.O. Box 34, 454 Warren St., in Hudson, (518) 828-0047. In Greene County you can reach us at 11 William St., in Catskill (518) 943-0523, fax (518) 943-6241, or e-mail to [cgdrinc@capital.net](mailto:cgdrinc@capital.net).

#### ***Dutchess County***

In Dutchess County, the ADR program is the Mediation Center of Dutchess County, Inc. The Mediation Center has recently been on the threshold of exciting events and changes. In May, the First Annual Mediator Appreciation Reception was held at the Family Partnership Center. Over twenty mediators received certification as community or custody/visitation mediators. Poughkeepsie City Court Judge Lee Klein and Family Court Judges Damian J. Amodeo and Peter Forman attended the event as special guests. Judge Amodeo recognized the outstanding service performed by volunteer mediators to families, the community, and the court.

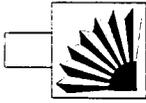
In August, the Mediation Center re-introduced its Youth Conflict Resolution Program, made possible through a grant from the Dyson Foundation. Sara Jane Wellock, a mediator since 4th grade, joined our staff as coordinator for the program. Sara has been instrumental in the Poughkeepsie City School District's support for a district-wide conflict resolution program and has trained mediators in three schools around the

county. We thank Director Jenny Besch and Westchester Mediation Center staff for supporting our work with youth through collaboration.

In October, Dutchess County hosted the interdisciplinary conference, "Children, Custody, and the Courts," which featured Dr. Joan Kelly as the keynote speaker and workshop presenter. The Mediation Center was a sponsor of the event. Over 90 attorneys, mediators, mental health professionals and others who work with families attended.

During November, Dutchess County's mediators were invited to facilitate groups discussing racial profiling. The project came about through the Dutchess County Criminal Justice Council's Sub-Committee on Community Involvement, which began the process of addressing community concerns regarding racial profiling. The goals of the sub-committee's year-long process are to encourage community members to participate in the process by expressing their views and defining the problem, use information to serve as a basis for data collection for a formal study, and hold public forums to discuss issues and devise action plans. Researcher John Lamberth, of Temple University, will conduct the study, similar to the New Jersey Turnpike study of last year. The Community Involvement Sub-Committee requested mediators, who are known for their skill and neutrality when dealing with conflict and sensitive issues. Seventeen mediators facilitated seven groups, including one Spanish-speaking forum. Groups were held in locations throughout Dutchess County and mediators were enthusiastic about being part of this important work. Also in November, long time Program Director Carol Polak left the Center for a position with Wassaucor DSO. Carol was a community coordinator, the first Victim/Offender Coordinator, Surrogate Decision Making Coordinator, and most recently Director of Family Programs where she worked closely with Dutchess County Family Court. Carol has also been an integral member of the steering

*(Continued on page 6)*



## Program News

*(Continued from page 5)*

committee re-developing the Victim/Offender Mediation Program. Carol continues to mediate and was recently elected to the Board of Directors as our newest member.

The Center continues to work toward the development of a Victim/Offender Mediation Program. Through December, a steering committee including the Office of Probation and Community Corrections, BOCES, Victim's Services, and Family Court met to develop the program. In November, Tom Buckner of the State ADR Office, was the guest speaker on the topic of victim and offender mediation and other restorative justice practices. In January, Dr. Mark Umbreit of the University of Minnesota's Center for Restorative Justice and Peacemaking joined us to train a community of victim/offender mediators at the Family Partnership Center. We feel very fortunate to have the opportunity to learn from Dr. Umbreit.

We welcome Kathryn Turnipseed as the new Director of Family Programs. Kathryn comes to the Center via New Mexico, where she was trained as a victim/offender mediator. Prior to New Mexico, Kathryn spent three years in Croatia, working to bring conflict resolution and communication to people affected by the war.

For more information, contact Jody Miller, Executive Director, at (845) 471-7213 or by e-mail at [jbmille333r@vh.net](mailto:jbmille333r@vh.net).

### **Essex County**

In Essex County, the Northern New York Centers for Conflict Resolution serves a large county in rural upstate New York from Ticonderoga and Crown Point to Lake Placid, Jay and Ausable Forks. The needs for conflict resolution in this northern community vary.

Many of our clients are seeking resolution to family issues including building healthy relationships: pre-divorce, custody and visitation, parent/child issues; persons in need of supervision cases; and elder care issues. Many of these cases have required more

than one mediation session to reach complete resolution. Other clients seek assistance with the schools regarding Special Education issues. January 2001 was the first anniversary of the Victim/Offender Mediation Program organized in cooperation with the Probation Department for juveniles ages 16 and under. We have been involved with the Commission on Quality Care's Surrogate Decision Making Program, organized through our St. Lawrence County office, which successfully helps the mentally disabled in upstate New York receive necessary medical treatment.

Cases continue to be referred from family court, town and village justices, attorneys, schools, colleges, non-profit organizations, police, and people in the community. Outreach activities have included mailings to town justices, presentations to schools, colleges and mental health associations in response to requests for training on the basics of conflict, resolving our own conflict, and aiding others in resolving conflicts. Continued contact with the Family Court Judge and Chief Clerk have resulted in visits to observe the Court on Initial Appearances and meet law guardians and attorneys involved in family cases.

Our thanks to all our mediators who continue to successfully co-mediate our varied caseload. The co-mediation model has proved that "two heads are better than one." The benefits of another mediator's skill and perspective are appreciated by both mediators and disputing parties.

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@northnet.org](mailto:nnyccr3@northnet.org).

### **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 office in Cobleskill. All counties have been very active in the last few months, with the coordinators receiving many referrals from businesses and the

communities, along with the city and family court cases. We have also had an increase in Special Education Mediations and Lemon Law Arbitrations. Our coordinators continue to conduct on-site mediations in Amsterdam City Court every week and intakes in Fulton County Family Court

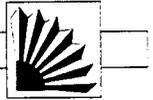
As our "Latinos en Mediacion" program continues to grow, more people from the Hispanic community are utilizing mediation services to solve their disputes than ever before. Carmen Vazquez, our Senior Program Coordinator, has done an extensive amount of personalized outreach in the Latino community and has helped Tri-County Mediation Center become known as a safe, effective place to go for conflict resolution. In order to keep up with the requests for bi-lingual, bi-cultural mediators, we applied for and received a National Association for Community Mediation grant to conduct basic community mediation training with a focus on the Latino community. This is being scheduled for early 2001.

Also scheduled is a collaborative effort with the Montgomery County Department of Probation to offer Family Group Conferencing to some of the juvenile offenders as part of our new Restorative Justice Program. Linda Burns, an experienced mediator with our program, was hired in January 2001 as Coordinator for this restorative justice programming. She will be working closely with the Montgomery County Probation Department.

The probation officers have taken a course in mediation prior to attending the training on family group conferencing with some of our experienced volunteer mediators. We are looking forward to working with the probation department to institute this new program in Montgomery County.

On September 19th, we held our annual volunteer recognition dinner at the Raindancer Restaurant in Amsterdam. The guest speaker was Daniel Weitz, the State ADR Coordinator, from the NYS Unified Court System. Also on hand to assist in giving out certificates to our volunteers

*(Continued on page 7)*



## Program News

*(Continued from page 6)*

were Frank Woods and Alice Rudnick from the Cohoes office. We hold this event every year to let our mediators know how much they are appreciated and that their services are very important.

For more information about Tri-County Mediation Center, please contact Marsha Lawyer, Program Director, at (518) 842-4202 or (518) 234-2568, or e-mail us at [tricomed@midtel.net](mailto:tricomed@midtel.net) or [mediation@catholiccharitiesmc.org](mailto:mediation@catholiccharitiesmc.org).

### ***Herkimer County***

In Herkimer County, the ADR program is beginning significant expansion into the Family Court. Under the supervision of Vern Davis, Family Court Coordinator Joanna Lanphier joined the staff as the Petition Intake Coordinator effective September 1, 2000. Joanna will be the first point of contact for petitioners as they enter the Court. She will assist those who are involved in custody and visitation disputes by helping them complete original petitions and modifications and by providing information about mediation and related services. We are proposing additional expansion that would include assistance with child support petitions as well as collaboration between the Child Support Enforcement and Collection Unit at the Department of Social Services (DSS), and the Support Hearing Officer at Family Court. Vern has also been providing Separation and Divorce mediation services.

The community caseload has increased significantly this year. The Check Recovery Program has been active, with additional chain stores utilizing our conciliation services. In addition, local housing authorities continue to be a consistent referral source for landlord and tenant cases and Section 8 housing disputes. Michael Kapala, our Community Coordinator, also serves as a Hearing Officer in these grievance cases.

Through the TREATY Program, trainings and workshops were presented to over 2,600 students from 19 schools in 12 districts during the last school

year. The TREATY Program is modeled after the prevention strategies outlined in the Communities That Care (CTC) operating system, which mobilizes communities to implement risk and protective factor-focused prevention programming. Researchers from the Seattle-based Developmental Research and Programs, Inc., who developed the CTC model, have found that the presence of certain risk factors in a community contribute to problem behaviors in adolescents. One such behavior is the use of violence in conflict situations. Service providers then develop or adopt programming designed to enhance the protective factors that enable young people to choose alternatives to undesirable behaviors. The TREATY Program materials, developed by JoAnn Salamone, TREATY Coordinator, and Annemarie Adams, provide the recommended skill development, recognition and opportunity for students, while promoting clear standards and healthy beliefs about constructive dispute settlement. The TREATY Program will be one of the CTC initiatives promoted throughout Herkimer County.

We have also begun offering Supervised Visitation Services to Herkimer County residents, in an effort to enhance the non-custodial parents' access to his/her children. We are accepting referrals from the Family Court Judges and DSS personnel on a limited basis, but we hope to secure additional funding which will allow us to expand eligibility. For more information, contact Annemarie Adams, Director, at 61 West Street, Ilion, NY 13357, or call (315) 894-9917; fax: (315) 894-6313.

### ***Monroe County***

The Crown Plaza in Rochester, NY was the site of this year's luncheon that brought together over 212 community leaders, business people, law enforcement officials, individuals, students, teachers, distinguished members of the Seventh Judicial District, Family Court Judges and

Hearing Officers, and clergymen to honor Center for Dispute Settlement eight-county region peacemakers. Over 90 students from eight area schools had the opportunity to share in the CDS mission and network with each other and community leaders. This year, several individuals were presented with community peace awards at the Center for Dispute Settlement's 12<sup>th</sup> Annual Awards Luncheon. "Today's Peacemakers, Tomorrow's Hope" was the theme for this event that recognized individuals from Rochester and surrounding counties who have proven their advocacy for peace through community service and actions. Also this year a special recognition was awarded to the entire group of Seventh Judicial District Family Court Judges and Hearing Officers. Rochester Police Chief Robert Duffy was the guest speaker and Monroe County Sheriff Andrew Meloni served as Master of Ceremonies. The award recipients were: Nancy Donatucci, Community Service for Peace Award; The Hon. Michael J. Miller, Distinguished Jurist Award; Felicia King and Samantha Schwartz, Peer Mediator Award; Linwood Russell, Janus Award; and the Hon. Charles L. Willis, Lifetime Achievement Award.

For more information, please contact Carolyn Bryson, Program Director, at (716) 546-5110.

### ***Nassau County***

EAC's Mediation Alternative Project (MAP) continues to provide conflict resolution services throughout the community, courts and local area school districts. Since April, Nassau realized a caseload of over 1,747 cases through the end of the September. With our part time small claims court liaison recently acquiring full time status, our small claims court component reached 491 referrals this quarter. Through the continued support and dedication of court personnel and Judges, this program has realized true growth.

This quarter our youth mediation services program also trained 60

*(Continued on page 8)*

## Program News

(Continued from page 7)

students in peer mediation. Ceremonies are currently scheduled for three schools next quarter in order to swear in the students and present certificates of completion and legislators' recognition citations for all. Local area judges participate in this event and give the students words of encouragement and support while acknowledging their dedication and commitment to assisting the school community with the reduction of conflict.

The MAP program would like to welcome Tom McCrohan to the MAP/CMC staff. Tom is the new training coordinator for Nassau and Suffolk counties, scheduling, coordinating and promoting our Youth Mediation component throughout Long Island. Program services can now be requested through the BOCES administrator and be provided at reduced cost for the district. We have worked diligently in order to put in place a partnership with BOCES to allow partial financial reimbursement to school districts that select our services for their students. We hope that this partnership will allow more districts to participate and be informed of our Youth Mediation program.

The MAP program consists of several components including special education mediation, lemon law arbitration, and community cases received from the District Attorney's Complaint Bureau, police department and Family Court. All of these programs continue to see growth through the hard work and dedication of the MAP staff and volunteers. MAP is currently collaborating with government and private agencies to develop new programs and services. With the Nassau County Youth Board and the Network of Nassau County Youth Services agencies, they will offer a comprehensive youth development proposal to the government's discretionary funding stream. This effort is meant to assist local agencies in enhancing their already existing youth and family services programs.

EAC's Mediation Alternative Project is also looking into the many

opportunities to participate with the restorative justice programs throughout Nassau County. We anticipate formal meetings with the directors and crime victims' bureaus next quarter.

For more information, please contact Pamela A. Allbright-Smith, Project Director, EAC, Mediation Alternative Project, Nassau County at (516) 489-7733 or fax (516) 489-7532 or e-mail at [pamela.smith@eacinc.org](mailto:pamela.smith@eacinc.org).

### *New York/Kings County - Safe Horizon*

At the end of June 2000, Victim Services changed its name to *Safe Horizon*. Several factors were behind this name change. In recent years many agency staff, including those in the mediation program, felt that the word "victim" did not accurately reflect who our clients were. Some clients expressed embarrassment in seeking assistance from an organization that referred to them as "victims." Additionally, many people mistakenly believed that Victim Services was a government agency rather than an independent non-profit organization. The new name better reflects our identity to our clients, supporters, and partners in government.

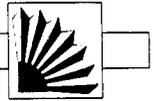
For 22 years "Victim Services" has served us well. Now, "*Safe Horizon*" expresses strength to communicate our mission, and the quality and value of our agency programs. The mediation program offers a *safe horizon* to clients who come to us in the midst of often very disturbing disputes. They are looking for a solution to stressful and very confusing situations. We offer them safety, an atmosphere where they can present their problems to one another and, with the assistance of a mediator, try to develop workable solutions. The word "horizon" aptly describes our efforts to empower clients and to help them navigate toward safer, healthier lives. "Horizon" is destination-focused. "Horizon" is hopeful. It connotes new beginnings and movement toward a positive, bright future. The goal of our work with our clients as an agency and as a mediation program is to provide a *Safe Horizon*.

During the summer of 2000, the

Safe Horizon Manhattan Mediation Program was awarded a grant by the Manhattan Borough President's Office to conduct an intergenerational mediation project. Our proposal is based on data showing that approximately 25% of all foster care arrangements in New York City involve the intervention of natural grandparents (or grandaunts and granduncles) taking responsibility for their grandchildren. In cases where the natural parents are not able to take care of their children, the courts often make placement or grant custody to the grandparents until such time as the natural parents are willing and able to regain custody. When these children are placed with their grandparents, there are often problems in the relationships. The children have generally had lax supervision while they were with their parents and now that the grandparents are in charge, their attempts to take back control often bring about major difficulties. Among families in which the grandparents have immigrated to the United States, the problem can be even more severe because the grandparents' value system is often very different from that of the natural parents. The children were born into their natural parents' cultural environment and now they are being supervised by their grandparents who have a different system of values and principles. The consequent breakdown of communication and the grandparents' different parenting styles can lead to numerous problems. We are utilizing a PINS mediation model to mediate these cases. We believe that if we can help these grandparents and their grandchildren by opening lines of effective communication, we will help them live better lives together and will save countless community and government resources. The Manhattan Mediation Program has established a referral mechanism between the Manhattan Family Court, the Administration for Children's Services and our center. We will accept cases involving youth up to age 18.

Through the efforts of Safe Horizon Special Education Mediation Coordinator Michele Kirschbaum, and in

(Continued on page 9)



(Continued from page 8)

collaboration with NYSDRA, Special Education Training and Resource Centers (SETRC) and the other CDRCP contractors in the city, several focus group meetings took place with the NYC Board of Education in mid-year. Board of Education administrators are encouraging school districts to use mediation as an alternative to impartial hearings. A pilot project, which began in January 2001, involved a concentrated program in five selected school districts, one in each borough. The Special Education administrators of these selected districts already have some experience with mediation and have accepted the effectiveness of its utilization. Each of these districts will have a more in-depth Special Education Mediation training and case follow-up component. We expect an increased number of Special Education mediation cases from these selected school districts.

In August 2000, the Safe Horizon Brooklyn Mediation Program and the Brooklyn DA's office began a collaboration to provide a mediation alternative in the Criminal Court Arraignments Part. Also involved in the startup for this project were the Legal Aid Society and the Brooklyn Defenders. Parties involved in ongoing conflicts whose cases often require numerous court dates can be referred to mediation as an alternative to prosecution. The project coordinator, Tanya Taylor Dingle, is present in the Arraignments Part several days each week working with the Bureau Chief and defense attorneys to identify appropriate cases involving parties with prior relationships and likely future contact. These cases would otherwise often be disposed with an Adjournment in Contemplation of Dismissal (ACD). The identified cases often involve misdemeanor charges of harassment, menacing, trespass, criminal mischief, petit larceny, and low level assault. After the parties consent to a mediation referral, the judge adjourns the case for four to six weeks pending the results of mediation. Within that timeframe mediation is conducted. On the adjourn

date the parties bring their agreement and present it to the court. From August to November, parties in 38 cases reached a reconciliation of their differences and signed agreements. As a result of this success, we are now receiving referrals from ADA's and judges in the other Criminal Court parts. For more information, contact Debra Shime, Senior Director, at (212) 577-1740 Ext. 126 or e-mail [dshime@safehorizon.org](mailto:dshime@safehorizon.org).

### ***New York County - Washington Heights***

The mediation staff published a book of interviews with New York City mediators from all over the world about the impact of culture on dispute resolution. Copies were distributed to every mediation center and other agencies in New York State.

A two-week training about constructive conflict management was delivered to parent leaders from throughout Community School District 6.

With our supervision, two of our volunteer mediators designed and conducted diversity and sensitivity trainings for police officers from the 33rd and 34th Precincts.

As part of our commitment to the community, we organized an Open Dialogue Breakfast between community residents, leaders and police officers from both precincts.

We provided intensive conflict resolution trainings and consultations to teachers, pupils and parents at one Public School in the area.

For more information, please contact Mary Ely Peña-Gratereaux, Program Director at (212) 781-6722 or (212) 781-7145.

### ***Oneida County***

In Oneida County, the Justice Center continues to provide expanding program services to the community. As of August 2000, the Justice Center was awarded the contract for the Surrogate Decision Making Committee (SDMC) Program under the auspices of the NYS Commission on the Quality of Care for the Mentally Disabled. This program

serves an eight county region in Central New York, including Lewis, Oswego, Cayuga, Cortland, Madison, Herkimer and Oneida Counties.

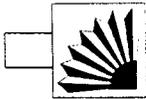
The SDMC program provides volunteer panel members, who are recruited from each respective county and trained by the NYS Commission on Quality Care and the Justice Center. The volunteer panel then acts as surrogates to determine whether persons with mental disabilities should receive medical treatment based upon requests from their caretakers and professionals. The Justice Center uses three or four panel members for each hearing, selected at random and in accordance with their availability, from a volunteer pool of approximating 60 trained individuals.

In addition to the surrogate decision-making program, the Justice Center has enhanced its Family Court mediation program, to include a child support mediation component. Four Family Court mediators were trained in the fall of 2000 in the concepts and practices of support mediation. We anticipate receiving referrals from the Oneida County Family Court Judges and Support Hearing Examiners in February of 2001 on a limited basis, until more support mediators can be trained.

This year the Justice Center began using Mediator Mentors to accelerate the process of training new volunteers as mediators. Seasoned mediators guide new trainees through each stage of the mediation process during apprenticeships. After ongoing evaluation by the mediator mentors, the Director conducts the evaluation for certification. This idea was developed based upon information received from other CDRC programs during the Spring Directors Meeting.

The Justice Center welcomes two additional staff persons, Joanna Rybicki, who coordinates the Surrogate Decision Making Committee Program, and Jeannette Reittinger, as Family Court Mediation Program Intake/Case Manager. We would also like to thank Bettina Espe, Board of Directors' Treasurer, for her outstanding commitment to the Center over the

(Continued on page 10)



## Program News

(Continued from page 9)

course of the last two years. Ms. Espe left the Justice Center Board of Directors in October 2000 for a position as the Vice President of a college in Saudi Arabia. The Justice Center welcomes Patricia Tropea as the new Treasurer of the Board of Directors. Ms. Tropea is the branch Manager of Herkimer County Trust Bank.

For further information, please contact Robert A. Jewett, Director, at (315) 797-5335 or by e-mail at justicecenter@yahoo.com.

### **Orange & Putnam Counties**

In Orange and Putnam Counties, the ADR program is The Dispute Resolution Center of Orange and Putnam Counties. Over the past several years, the agency has grown tremendously, necessitating the search for new quarters. In mid April, the Center's main office in Orange County relocated to 14 Scotchtown Avenue in Goshen. We've doubled our space, providing staff with more than just a little elbow room, several rooms for mediation and a board meeting room. The office is now directly across the street from the County Government Center and new Courthouse. The convenient location allows participants to visit the center and access service immediately after their court appearance.

DRC is also extremely happy to announce that Patricia Barnes, J.D., assumed the position of Program Director in Putnam County. Since 1986, Patricia has played a vital role in developing and supporting ADR in the Mid-Hudson area. Patricia was the Program Coordinator of the Putnam County Mediation Program from November 1986 to August 1988. After serving as the Coordinator for the School Mediation Program for the Westchester Mediation Center of CLUSTER, Inc., for a year, Patricia assumed the position of Deputy Director of the Center in July 1989. From February 1995 through February 1998, she steered the agency as the Director. Currently, Patricia is a consultant at the Office of the Ombuds, Pace University,

and an instructor at Columbia Teacher's College, International Center for Cooperation and Conflict. In addition, Patricia is a trainer and mediator with a wealth of experience and expertise to the agency. DRC is proud to welcome Patricia aboard!

DRC has recently been awarded two program development grants. NAFCM (The National Association For Community Mediation) awarded the Center a mini-grant in the amount of \$2,000 for the focus area of Quality Assurance through volunteer mediator skill evaluation and education. The grant program was made possible with funds from the William and Flora Hewlett Foundation. DRC was one of 19 RFP's chosen from a field of 60 proposals. The grant objective is to improve the mediation skills of volunteers who participate in the Supreme Court Divorce Mediation Pilot Program. The anticipated outcome is an increase in mediator skills that will translate into an increase in client satisfaction.

On November 29, 2000, the New York State Office of Temporary and Disability Assistance informed DRC that the Effective Parenting Apart Project, our proposal for an Access and Visitation Program, was selected for funding in the amount of \$70,000. The Effective Parenting Apart Project is a collaboration of the DRC, Orange County Cornell Cooperative Extension, and the Orange County Young Women's Christian Association. The program is designed to support and facilitate parents' access and visitation with their children, and to reduce family discord through development of improved co-parenting skills and mediation. The grant will provide support for coordination of the Custody Visitation Program, implementation of a Child Support Mediation Program, and implementation and expansion of the PEACE (Parent Education and Custody Effectiveness) Program. The contract is of one year's duration, but is renewable for up to three years. As the lead agency, DRC is excited to have this opportunity.

In other news, the Orange County Supreme Court Divorce Mediation Pilot Program, in its third year, continues

growing and innovating as a resource for the Orange County Supreme Court, members of the Orange County Bar and divorcing couples. Not only has the program expanded its menu of options to include early neutral evaluation, but as of April 2000, the program was also approved as an experimental study to provide judicially referred mediation services on a private-pay basis after the first session.

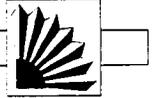
Roz Magidson finished conducting a process evaluation of this transition for her Masters of Public Administration final thesis during January 2001. Her research reveals a high level of continued satisfaction with the process, even with the pay-for-service requirement. Furthermore, at this time there is no significant increase in either refusals to continue mediation or earlier settlements due to implementation of pay for service after the first session. What is noteworthy regarding the overall program, according to Brett Linn, Orange County Court ADR Coordinator, "is that lawyers appearing in matrimonial matters are actively encouraging judges to refer cases to the program, and judges are concomitantly demonstrating greater willingness to do so."

For more information, please contact Roz Magidson, Executive Director, at Dispute Resolution Center of Orange & Putnam Counties, Box 510, 14 Scotchtown Avenue, Goshen, New York, 10924, or phone (845) 294-8082 ext.3, or email rozm@drcservices.org.

### **Otsego County**

The community dispute resolution program in Otsego County is one of several programs managed by Mediation Services, Inc. (MSI). This fall, MSI was again unable to recruit enough participants for a basic community mediation class. To address this need we are experimenting with a new approach by attracting volunteers through corporate partnerships. Rather than providing cash, the corporate partners provide their employees to serve as mediators. The mediators may then

(Continued on page 11)



(Continued from page 10)

serve as volunteers, subject to the standard requirements and quality controls, or may be remunerated by their employers. In addition, we expect the corporation(s) to support or cover the cost of training. In return the employer will have a cadre of trained and experienced mediators. The corporation can also write off staff time as a tax-deductible contribution.

We welcome Mary DeMarco as the new Family Court Assistant, providing information services to court users. Mary is replacing Angela Smith, who laid the groundwork for this pioneering initiative. Angie now works with the Violence Intervention Program at the Schoharie County Family Court.

Following our experience with the Balancing Justice Project and training by the Contact Program at the School for International Training, MSI now offers a new service—dialogue. Dialogue is a facilitated discussion between individuals committed to communicating respectfully about a divisive issue in accordance with agreed upon ground rules. In dialogue one submits their best thinking knowing that other people's reflection will help improve it. Dialogue does not involve negotiation or problem solving. As a form of learning, dialogue often remains open-ended. Beyond an increased understanding and appreciation for other people's experiences and points of view, dialogue rarely produces tangible outputs. Dialogue may be the catalyst that leads to a subsequent process such as planning, negotiation or dispute resolution. For more information contact Barbara Potter at (607) 433-1672 or visit our new web-site at [www.oneonta.edu/~msi](http://www.oneonta.edu/~msi).



### Saratoga County Basic Training

Students Susan Levin, Joy Falasiri, Angelo Rufino and Professor David Karp of Skidmore College work through a role play during a February, 2001 training conducted in Saratoga Springs by Helmut Hirsch and Lee Rowley.

### Schenectady County

In Schenectady County, ADR services are provided by Conflict Resolution Services (CRS), a program of the Law, Order & Justice Center (LOJ). We are pleased to welcome Lorraine Fahrenkrug as our new case manager for community and family mediation. Lorraine moved to the Schenectady region last year with her husband and two children from Tucson, Arizona. Lorraine had worked in the Arizona Supreme Court as a program specialist with the foster care review board and brings many skills to this half-time position. We would also like to welcome Kim Wyland who is our new conflict resolution educator/coordinator, hired to teach conflict resolution skills to elementary and middle school students within Schenectady County. Kim has an elementary education degree as well as a Masters degree in Reading. Her experience includes substitute teaching and teaching nursery school children for the past several years. Kim is a natural teacher and makes learning conflict resolution skills fun for our students. Another new staff member to join us is

Duke Fisher of Learning Laboratories, Bainbridge, NY. Duke will be offering special training sessions for LOJ on conflict resolution and he will conduct our mediation trainings. Currently, Duke and Attorney Mediator Daniel Burns are working together to develop a curriculum for a Divorce Mediation training tentatively scheduled for two consecutive weekends in April, 2001. The dates are April 20-22nd and 27-29th, 2001. We will also call upon the expertise of Roz Magidson, Executive Director for the Orange County Program and Richard Mandell, Esq. to assist us with this training.

Val Fahey resigned from her, CRS Director position effective January 31, 2001 in order to take a job with the New York State Department of Health Immunization Program, Center for Disease Control and Prevention. Val began with LOJ's mediation program in 1987 as a volunteer mediator. She was hired in 1996 as Coordinator for Community Mediation and then became Program Director 1997. She leaves behind a number of new program initiatives. While she was Director, services were expanded from community mediation to include custody and visitation mediation with the start up of the family court program early in 1998. She was also instrumental in developing a curriculum teaching conflict resolution skills to "at risk" students enrolled in the Schenectady City Schools. This program, begun in 1996 as a pilot funded by United Way, has expanded to include two additional school districts in Schenectady County. In addition, peer mediation training and conflict resolution services are offered in the Schenectady Middle and High Schools with a Program Coordinator on site at the Schenectady High School. This year we coordinated the second annual two weeks of no violence campaign. This is a prevention campaign that involves students, professionals and community in activities to raise awareness of concerns, alternatives to violence and community resources in the community. New York State Lieutenant Governor Mary Donohue. Albany

(Continued on page 12)



## Program News

(Continued from page 11)

County Executive Mike Breslin, CRS staff, the Schenectady Peer Mediation program and other students participated in the programming presented.

Another initiative for CRS is a new partnership with Albany Law School's Government Law Center, to provide conflict resolution training and mediation assistance to public housing residents of the Capital region. The result of a HUD Development grant received by the law school, this partnership will support efforts of CRS along with the Albany/Troy Centers and the Government Law Center to expand outreach, training and intake services for three years. The program began on October 1, 2000.

For more information about programs and services, please contact Laura E. Zeligler, Executive Director of the Law, Order and Justice Center, at (518) 346-1281.

### Steuben County

In collaboration with Steuben County Probation, CDS has established a Juvenile Diversion Program for "at risk" youth. The program will receive approximately 100 cases and is designed to educate participants about the effects of their crime(s) and to create empathy with the victim(s). Topics may include: anger-management, introduction to the Juvenile Justice System, peer-pressure and the effects of property loss. Participants will be scheduled for mediation sessions with the victim(s) to discuss the crime(s) and develop agreements for restitution.

#### Objectives:

- To ensure that offenders understand the seriousness of the crime.
- To minimize the likelihood of the youth repeating the crime.
- To provide the juvenile offender with the opportunity to accept responsibility for the offending behavior and to make amends.-
- To provide the victim(s) with an opportunity to meet face to

face with the offender to discuss the offense.

#### Outcomes:

- To process 100 cases referred from Probation.
- To conduct victim-offender mediations with 75% of the 100 cases referred.
- To recruit, train and maintain a pool of 10 - 15 mediators skilled in the Victim-Offender Mediation process.
- To conduct at least two (2) in-service trainings for the Victim-Offender mediators.
- To develop and distribute educational material on the Victim-Offender Mediation Program.

For more information, please contact Susan Thompson, Juvenile Diversion Program Coordinator of the Center for Dispute Settlement, at (607) 776-6976.

### Sullivan County

Mediation and other alternative dispute resolution services are provided by Ulster-Sullivan Mediation (USMI). Sandy Oxford is the Coordinator for this county, assisted by LaMae Little. Mediation programs for community and family court issues continue and we conduct parent/child mediation based on referrals from the DSS PINS Assessment Team, in which staff person LaMae Little participates.

A USMI 2001 Calendar commemorating Sullivan County's former Chief Judge Lawrence H. Cooke was presented to the Cooke family at the County Courthouse in December. Judge Cooke had introduced the legislation that started the Community Dispute Resolution Centers Programs in New York State in 1981. Copies of the calendar are available upon request.

Clare Danielsson presented a summary workshop of Sullivan County's pioneering work in multi-party dispute resolution for the Second International conference on Conferencing and Circles, held in Toronto, Canada on August 2, 2000. Sullivan's USMI Coordinator has been

receiving requests from the courts, attorneys and the community for complex cases using *Group Conferencing*. In some cases, there can be a complex history in which neither party is clearly a 'victim' or 'offender', and by-standers or family members are affected by the dispute. In our lengthy intake process, we sort out relationships and design dispute resolution processes that fit the participants involved. Some of these cases are multi-party mediations and others are Family Group Conferences. We are fortunate to have the support of the Family Court for these complex youth cases.

For more information, please contact Dr. Clare Danielsson, Executive Director by phone (845) 331-6136, fax (845) 331-6021, or e-mail the center at [ulsumed@juno.com](mailto:ulsumed@juno.com).

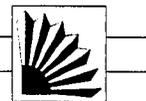
### Ulster County

Ulster-Sullivan Mediation (USMI) offers a variety of programs designed to meet the alternative dispute resolution needs of this community. The Family Court is across the street, and we continue to send out a contact letter to petitioners for problems the judges consider appropriate to refer to mediation. We are able to hold mediations prior to the petitioner's first court appearance.

The town courts of Woodstock, Ulster and Port Ewen have requested mediators to be on-site when they meet. We provide experienced and trained mediators who respond to requests for this on-site service. They are also available at Kingston City Court. Marlboro continues its advocacy of ADR by referring many of its small claims participants to us. These activities are under the direction of Joy Ann Savino, USMI's Ulster County coordinator.

We have been active on the international scene as well. In June, Michael Takan from the Cameroons, Africa visited USMI for ten days, to explore dispute resolution processes that may be useful in promoting tribal cooperation back home. He is the

(Continued on page 19)



## Program News

### CHANGES AND OPPORTUNITIES FOR THE NEW PINS PROGRAM

by Carolyn Bryson, CDS Monroe County Community Mediation Program Director

Since the PINS (Persons In Need of Supervision) Mediation Program officially began April 1, 2000, in Monroe County, there's been considerable interest in the benefits mediation has to offer parents, guardians, and children. Human service professionals, schools, and law enforcement agencies have been considering how mediation can be used to empower family members to solve their issues within the family unit before issues escalate and court or other judicial intervention becomes necessary. Parents have been receptive to mediation as a means to strengthen family communication, establish and reinforce household rules, and build a relationship with their child. Teens like being given the opportunity to be heard, having a voice, and assuming responsibility for resolving issues they have. This interest has led us to the development of two programs: PINS Mediation and the Juvenile Mediation Program.

A collaborative effort between Monroe County Family Court, Probation, Legal Aid Society, Inc., and CDS, the PINS Mediation Program provides an alternative to the juvenile justice system for youths under the age of 16 and their families residing in Monroe County, New York. PINS petitions that are filed or are pending in Family Court may be referred to mediation. PINS petitions are generally filed when there are issues involving truancy, incorrigible or ungovernable behaviors, habitual disobedience, or other circumstances beyond lawful control of the parent or other lawful authority. The PINS mediation program serves to relieve court caseload, encourage families and individuals to be less dependent on the judicial system for resolving their everyday conflicts, and provide youths with an opportunity to learn, grow, change, and make different choices. Participants in mediation are provided with an opportunity to reach a new level of understanding that is mutually agreed upon, realistic and long lasting. The participants create a written agreement, which may include consequences and conditions if the terms of the agreement are

not adhered to. Following mediation, CDS contacts the participants every four weeks to monitor compliance for a period of up to three months.

The Juvenile Mediation Program for youths ages 7 to 18 provides services to those requesting mediation when Probation and Family Court are not yet involved. Schools, parents, kids, law enforcement agencies, and others may call CDS directly to request mediation. This program is often used to mediate conflicts between youths, ages 7 to 18, fights between students, and issues between kids and their parents. Even teenagers have been calling CDS requesting to mediate with one or both of their parents to work out their issues

Juvenile cases in both programs require the assignment of volunteer mediators who are CDS certified and have successfully completed an additional 15 hours of comprehensive, advanced-level training in parent-child mediation and family group conferencing followed by an apprenticeship. Since a case may require up to five sessions, these mediators remain committed to working with a family for quite some time. Staff plays a significant role in preparing each participant prior to mediation to help them focus and map out ideas for reaching their objectives. Staff has also been helping participants identify other resources, services and agencies that can provide support. Together, our mediators and staff devote an average of 12 hours with each case in which participants have agreed to use mediation or family-group conferencing. When informed recently of this, a representative from a law enforcement agency responded with, "Wow, you folks are spending a lot of time with these kids and their families, which is so desperately needed."

For specific information on either program, contact Karen Ward, PINS Mediation Program Coordinator, at (716) 428-1859 or fax (716) 428-1860, or Carolyn Bryson, PINS Mediation Program Director, at [carolyn@cadsadr.org](mailto:carolyn@cadsadr.org) or (716) 546-5110.

## News From The NYS Dispute Resolution Association

NYSDRA's Certification Committee has been actively involved in the process of researching and developing a **NYSDRA General Mediator Certification Program** that will be open to all dispute resolution practitioners 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." The results of NYSDRA's recent focus groups should be posted on NYSDRA's web page (<http://www.nysdra.org>) by early January.

NYSDRA is ready to convene the work group that will create the draft certification program. This is open to both NYSDRA members as well as non-members. Much of the work will be done via phone and the Internet, as well as small groups of people located near each other convening to work on specific components of the draft program. If you are interested in *actively* serving as a member of the work group, and have the time and energy to devote to this important, but challenging task, please contact Rebecca at NYSDRA, who will forward your name and indicate your interest to the committee.

NYSDRA has developed a **NYSDRA Trainer's Clearinghouse** to be activated within the next year. This is a vehicle that will respond to the many requests for trainers that NYSDRA receives, as well as promote the talent this is available through the professional trainers and facilitators in our field. The clearinghouse provides information about our participating trainers, who are listed by training topics, to market to state offices, organizations, corporate entities and others. If you are interested in being a part of NYSDRA's Trainer's Clearinghouse, either as a trainer, or if you need a trainer, please contact Rebecca at NYSDRA.

The first full week of May marks NYSDRA's **Third**

**Annual ADR Week**, reactivated after an eight-year hiatus. NYSDRA's activities in Albany will take place the evening of May 7<sup>th</sup> and May 8<sup>th</sup>. 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 programs. It also provides an opportunity for regions to sponsor ADR awareness activities in their communities. There will be various activities, and once again, Governor George Pataki will be invited to join NYSDRA members, as he has done for the past two years.

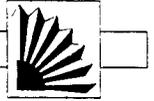
NYSDRA has been very busy evaluating and improving existing services, and developing new ways to serve our members, as well as the field of dispute resolution in New York State. NYSDRA's Board met in February 2001 for a Strategic Planning Session, after much input from the membership. In January, a panel of distinguished professionals in the dispute resolution field provided information to the board about trends and developments in dispute resolution: Daniel Bowling, Executive Director, Association for Conflict Resolution; Linda Baron, Executive Director, National Association for Community Mediation; Peter Baum, Executive Director, MA Association of Mediators and Mediation Programs; Jill Sanders-DeMott, President Elect, NYS Divorce Mediation Council; Dan Weitz, ADR Coordinator, NYS Unified Court System; and Mark Collins, Assistant ADR Coordinator, NYS Unified Court System.

***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. For more information on any of the above, or on NYSDRA membership, please contact Rebecca at NYSDRA at (518) 465-2500, x201, or [rebecca@nysdra.org](mailto:rebecca@nysdra.org). We welcome your interest.***

### JOINT 7TH & 8TH JUDICIAL DISTRICT REGIONAL MEETING IN ROCHESTER

Pictured to the left are staff of the Center for Dispute Settlement in Rochester, which serves counties in the 7th Judicial District, staff of the Dispute Settlement Center of Buffalo, which serves counties in the 8th Judicial District, and representatives from the State ADR Office. CDS and DSC staff gave presentations on marketing and public relations, intake procedures and youth initiatives, and State ADR Office staff gave an update on new statewide initiatives, upcoming training presentations and planning for the 20th Anniversary Conference for the Community Dispute Resolution Centers Program.





## PUTTING PEN TO PAPER: PRINCIPLES FOR IMPROVED AGREEMENT WRITING

By Jeremy Kropp

As an employee of the Unified Court System's Office of ADR Programs, I have had the chance to review hundreds of mediation agreements. Reviewing agreements is one of the most time-consuming components of any visit to one of the local centers, but it is frequently one of the most rewarding duties because I get to see firsthand the tangible proof that volunteers are helping disputants all across New York State. More often than not, though, the site visit concludes with a recommendation that the center conduct an in-service on agreement writing if it has not done so within the past six months.

Several years ago, I worked with Paul Mason, Esq., a mediator with the Law, Order & Justice Center in Schenectady, to develop an in-service that focuses on agreement writing skills. Since that time, I have developed several materials based on that collaboration and have presented the in-service in Albany, Kings, and Westchester Counties. The principles that are presented below are distilled from my review of agreements during site visits and responses to questions raised during those in-services.

### **Principle 1: Know the difference between agreements and contracts, and know what to do with that information.**

As many mediators already know, disputing parties who reach an agreement want a remedy in court if one of them does not comply with their agreement. Parties will ask, "Is this enforceable?" or "Is this a contract?" Mediators' answers are often as creative as they are diverse.

There is a difference between agreements and contracts. An *agreement* is the "act of two or more persons, who unite in expressing a mutual and common purpose, with the view of altering their rights and obligations."<sup>1</sup> A *contract* is a "promise or set of promises for the breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty."<sup>2</sup> While all contracts are agreements (i.e., the exchange of legally recognized promises satisfies the requirement for an agreement), not all agreements are contracts (i.e., the law does not recognize all promises and does not give a remedy for the breach of all promises).

For example, imagine a parent-teen mediation in which the teen agrees to wash the dishes every night from Monday through Thursday, and the parent agrees to set the child's curfew at 10:00 P.M. Although the parties have reached an agreement by exchanging promises, is it realistic to expect the courts to enforce these promises if either the parent or teen fails to comply with his or her promise? Would a judge order a teenager to wash dishes on Wednesday night? Even though the parties have formed an agreement, that agreement does not necessarily constitute a contract.

Once mediators understand the distinction between contracts and agreements, the next question is: How can mediators know which promises will be enforceable as terms to a contract? The short answer is: Mediators don't know which promises will be enforceable.

Whether an agreement is a contract is a legal question. As mediators, we need to be frank about our limits, one of which precludes us from offering legal advice when we mediate. Article 21-A of the Judiciary Law makes adhering to this principle somewhat challenging. That law, which governs Community Dispute Resolution Centers, requires centers to provide disputants with a written statement indicating, "the dispute resolution process will be final and binding upon the parties."<sup>3</sup> Thus, it is reasonable for disputants who participate in mediation to expect a legally enforceable contract if they reach agreement. Unfortunately, this mandate does not guarantee that all promises will be enforceable in a court of law.

What should a mediator do when asked, "Is this a legally binding and enforceable contract?" The best statement a mediator can make is: "*Your agreement may be enforceable in court. As a mediator, I cannot advise you whether this agreement is enforceable. If you have questions about the enforceability of this agreement, we can postpone the mediation so that you can consult an attorney. We have a list of attorneys who accept referrals from this center, and our staff can help you find an attorney if you don't have one.*"

### **Principle 2: Help the parties draft positive, balanced agreements with as much specificity as possible.**

The mediation agreement represents more than the culmination of several hours' work—it represents the parties' plans for the future. Since they will live with their agreement, it is important to incorporate as much of their own language as possible into the language.

*Positive* agreements incorporate affirmative language. For example, instead of writing, "Jamie will not speak to Tom unless there is an emergency," encourage the parties to put the desired conduct in more positive terms, such as, "Jamie will speak to

*(Continued on page 16)*



## Agreement Writing (Continued)

(Continued from page 15)

Tom only when there is an emergency; otherwise, they agree not to talk with each other.”

*Balanced* agreements reflect mutual promises, so that an agreement does not appear one-sided. In general, there are two techniques for achieving balanced agreements:

- Alternating each person’s obligations. For example, “X agrees to .... Y agrees to....”
- All disputants agree to each term. For example, “John and Angela agree that John will sell the VCR and they will split the proceeds 50/50,” which may be preferable to “John will sell the VCR. John will give Angie 50% of the proceeds from that sale.”

*Specific* agreements reflect the parties’ obligations in as much detail as possible. Although mediators are encouraged to incorporate the parties’ own language into their agreements, it is appropriate for mediators to use reality-checking questions to help the parties firmly pin down when, how, and where parties agree to do something. This is especially important when parties want their agreement to constitute a contract and are agreeing to exchange money. Good questions to ask include:

- How much does the party agree to pay?
- How will the disputant make payment—cash, check, money order or other means?
- When will payment be made—date and time?
- How will the party deliver payment—by mail, in person, or through the center?
- If a payment is due on a given date, does that date reflect when one party must send payment or the date on which one party must receive payment?
- Will there be one payment or a schedule of payments? If a schedule, what amounts are due on what dates?
- If one party cannot make a payment, what will happen?

Of course, mediators should do their best to incorporate the parties’ responses in the parties’ own language. When the parties’ language is ambiguous, though, what should be done? Mediators can identify ambiguous words—such as harass, loud-quiet, late-early, gossip, etc.—for parties and ask for clarification. For example, if a party says he agrees not to play his radio “loudly,” a mediator could ask, “I heard you propose that you would be willing not to play your radio loudly anymore. Sometimes what is loud to one person is quiet to another. Maybe we can try to pin down what ‘loudly’ means to both of you; is that something you would be willing to talk about?”

The only exception to favoring specificity is when the parties want to include an apology in the agreement. In general, apologies can go a long way toward helping people move from conflict towards a positive, healthy relationship. There is a danger, however, to writing apologies—parties may unwittingly admit to conduct that is illegal. The consequence of such an admission is that the apology in a written agreement can be used as evidence against the person making the apology.<sup>4</sup>

### Principle 3: Know the Parties’ Relationship

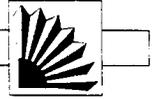
To their credit, mediators often focus on the interpersonal relationship that parties share. However, parties may have a contractual relationship. Parties will have a contractual relationship if they entered into a contract before coming to mediation; mediators should be aware that any agreement reached in mediation might affect the parties’ rights or responsibilities under that earlier contract.

Parties come to mediation centers with a variety of contractual relationships, including landlord-tenant, consumer-merchant, and homeowner-contractor. A mediated agreement can and often does affect rights and obligations that people have under pre-existing contracts.

For example, a tenant may challenge the amount of money from her security deposit that a landlord refunds to her at the conclusion of a lease. Under the terms of the lease and applicable state law, the tenant may be entitled to interest on her security deposit, although the parties may not discuss that during mediation. When the parties reach an agreement in mediation and agree to settle all claims arising from the lease, the tenant may be unwittingly forgoing relief to which she would otherwise be entitled in court, such as any interest due on her security deposit. If the landlord fulfills his obligations under the mediated agreement, the tenant is precluded from seeking that interest in court.

Mediators are not expected to know the legal intricacies that govern various contractual relationships; however, mediators should not focus on the interpersonal relationship at the expense of the contractual one. Mediators should be quick to afford

(Continued on page 17)



## Agreement Writing

(Continued from page 16)

parties the opportunity to meet with attorneys to have legal questions resolved accurately.

### Principle 4: Know what to do with cases referred from court.

Last year, approximately 43% of the cases that community dispute resolution centers handled were referred from court. Although local courts may differ in the boilerplate language they prefer to see in agreements, there are some general guidelines mediators should follow.

#### Criminal Cases

- Parties cannot agree to withdraw, suspend or otherwise dismiss criminal proceedings; that discretion rests solely with the district attorney's office.
- Parties cannot agree to impede criminal investigations or otherwise refuse to cooperate with the police or district attorney's office; these agreements violate a public policy that favors cooperation with law enforcement.
- Parties can agree to *contact* the district attorney's office and *request* that the assistant district attorney in charge of the case consider dismissing the charges.

#### Civil Cases

Civil cases typically come from small claims courts or other non-criminal courts, such as housing court.

- Parties **can** agree to withdraw complaints. An example includes: "Mary Tibbs agrees to withdraw her complaint (no. 99-12345) against Martin Smith in the New York City Civil Court." To the extent the parties express a desire to do so, they may specify when they will withdraw their causes of action (e.g., "Mary Tibbs agrees to withdraw her complaint (no. 99-12345) against Martin Smith in the New York City Civil Court on November 1, 2001.")
- Parties can stipulate to settlement: "Mary Tibbs and Martin Smith agree to settle claim number 99-12345 in New York City Civil court. Martin Smith agrees to pay Mary Tibbs \$500 in full satisfaction of her claim."
- Parties can limit pending actions to specific issues. "Marty Tibbs and Martin Smith agree to limit claim number 99-12345 to the issue of the value of the broken window."

### Principle 5: Limit the agreement to the parties in the mediation.

Sometimes, people who are in conflict find that resolution hinges on controlling the actions of people who are not in the mediation session. For example, if one tenant involved in mediation promises that her husband will not leave his bicycle in the hall outside their apartment, but the husband is not part of the mediation, the mediator should ensure that the husband is not obligated in the agreement to do something. A party to a mediation cannot bind a non-party to the agreement; however, she can promise to talk with the non-party and request that he or she does something.

### Principle 6: Preserve the parties' ability to seek remedies in court.

Many agreements include language in which the parties agree to return to mediation if they find themselves in conflict in the future. While most mediators are taught to ask parties if the parties want to include this language, few mediators have considered how that promise could hurt the parties in the future.

Many agreements contain a variation on this statement: "Tommy and Lulu agree to return to mediation if either one believes that the other has violated the agreement." If such an agreement is incorporated into a court order—which frequently happens when cases are referred from court—then the parties will be under court order to come to mediation before they can seek traditional relief in court.

A solution is: "Both Tommy and Lulu agree to consider returning to mediation if either believes that this agreement is not being fulfilled." This language should be nebulous enough to permit parties to go to court without being required to first attend another mediation session.

### Principle 7: Ask staff to critique your agreements.

The best way to improve your agreement-writing skills is to ask center staff for their input on your strengths and weaknesses. By scheduling an appointment with staff, you can learn whether your agreements contain the consensus-building language that can make the difference between a temporary agreement and a durable agreement.

Reviewing the agreements that you help draft need not be a one-time event. By asking for annual reviews, you help ensure that members of your community are getting the best mediation services possible.

<sup>1</sup>Black's Law Dictionary, Sixth Ed., at 67

<sup>2</sup>Restatement, Second, Contracts § 3

<sup>3</sup>Judiciary Law § 849-b(5)(e)

<sup>4</sup>Although all communications in a mediation session are confidential (Judiciary Law § 849-b(6)), there is an exception for agreements in cases that are referred from courts (Judiciary Law § 849-b(4)(d)).

## ESSENTIAL MEDIATOR SKILLS

*(Continued from page 1)*

interest (seeing the children), the mediator has begun to lay the foundation for a discussion that emphasizes the parties' interests rather than their positions. When the time comes for exploring proposals, the parties are more likely to be targeted toward meeting each other's interests as opposed to defeating each other's positions.

### Identifying Issues in Neutral Language

Another way in which a mediator can enhance the parties' negotiations is by identifying negotiable issues. Identifying issues in mediation is quite different from the way in which issues are identified in most other contexts. In a court of law, framing the issue means asking the court to answer a particular legal question or set of questions. Attorneys are typically taught that how they frame the issues is one of the keys to winning their argument. For example, imagine a court case in which an automobile dealer sues an automobile purchaser for breach of contract. The dealer's attorney might frame the issue as follows: "Did the defendant breach the contract for the sale of an automobile when she failed to tender payment in full on the date the contract was to be performed?" The defendant's attorney, on the other hand, might frame the issue differently: "Did the plaintiff breach the contract for the sale of an automobile by failing to deliver a functioning automobile?" The winner in such a case will likely depend on which description of the issue the judge favors.

The above example highlights how framing issues can encourage an adversarial approach to resolving disputes. Mediators, however, identify issues in neutral language to invite a collaborative discussion based on the interests of the parties rather than their positions. The goal is to avoid the immediate polarization of the parties and ultimately extend the discussion beyond the legal issues and asserted rights. When identifying the issues in the above case, a mediator might invite the parties to discuss the issue of the car. Of course, the parties may still jump into the same positional argument they would otherwise. But just imagine what would happen if the mediator said, "Let's talk about the failure to deliver a working automobile."

By defining the issue as "the car," the mediator begins to establish a tone that sets mediation apart from adjudication and other adversarial dispute resolution processes. Furthermore, in using neutral language to define issues, mediators are able to maintain neutrality by not adopting one side's version of the issue (with all its embedded solutions) over the other.

Community mediators have a great deal of experience with the advantages of using neutral language to define issues. For example, imagine a case involving two neighbors who are disputing each other's use of a shared driveway. The complainant may argue that the respondent is parking his car in the driveway without proper consent as required by their respective lease agreements. The respondent will likely argue

that the lease only says that they share a driveway and that he has every right to park his car there. The issue in a court of law might be whether the lease requires the consent of both parties for purposes of parking a car. An advocate for the complainant might frame the issue as whether the respondent violates their respective lease agreements by parking his car in the shared driveway without the complainant's consent. The ensuing discussion would likely be an adversarial rights-based discussion over the proper interpretation of the leases. The solutions or remedies would be based on the law and a conclusion as to whether the leases do in fact require consent.

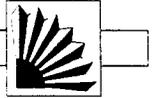
But what if the mediator said, "It appears that one of the issues we need to discuss is the driveway?" If the parties agree they would like to discuss the driveway, the mediator can begin to ask questions that will engage the parties and encourage them to discuss why the driveway is important to each of them. In this case, the mediator might learn that when the respondent parked his car in the driveway, he impeded the complainant's access to her garage. The mediator might also learn that the respondent was concerned for the security of his car and his own safety when having to walk home from parking the car on the street. With the issue defined and the interests identified, the foundation is laid for generating proposals that are responsive to the interests of the parties. By tailoring the proposals to the parties' interests, these proposals are often a lot more attractive to both parties than their initial positions.

Another reason for identifying issues in mediation is to provide structure to the process and help the parties form an agenda. The agenda should be based on the issues raised by the parties, not the mediator, and the mediator must always check with the parties as to whether the proposed agenda covers the topics they wish to discuss. Nearly all negotiations utilize an agenda in one form or another. In some negotiations, the parties already know ahead of time what the main issues are that they need to discuss. In labor negotiations, management and labor will typically expect to discuss issues including wages, benefits and working conditions. The issues in divorce mediation will include assets, maintenance and parenting arrangements (custody and visitation).

However, in many cases that come to community mediation centers, there is no pre-set agenda. Certainly the parties will bring issues to the table, but those issues will need to be organized to make the discussion manageable. The agenda also gives the parties confidence that they can discuss whatever they feel is important and that all of these issues will be discussed. If the agenda is developed early on in the discussion, it can help set the collaborative tone that the mediator hopes to achieve.

Identifying issues in neutral language does not guarantee settlement. In fact, once the mediator finds neutral language for the issues and obtains both parties' willingness to discuss those issues, the parties in all likelihood will immediately

*(Continued on page 19)*



## ESSENTIAL MEDIATOR SKILLS

(Continued from page 18)

restate their initial positions. However, this moment, combined with many other aspects of the mediation process such as separating the parties' positions from their interests, will ultimately cause a shift in the nature of the discussion. That shift opens the door to improved communication, understanding and solutions that are responsive to the parties' interests and acceptable to all.

<sup>1</sup>For a discussion of positions and interests, see Roger Fisher & William Ury, *Getting to Yes: Negotiating Agreement Without Giving In*, (2<sup>nd</sup> Ed. 1991); Lela P. Love, *Training Mediators to Listen: Deconstructing Dialogue and Constructing Understanding, Agendas and Agreements*, 38, Family and Conciliation Courts Rev. 1 (2000)

<sup>2</sup>Roger Fisher & William Ury, *Getting to Yes: Negotiating Agreement Without Giving In*, 40-41 (2d ed. 1991)

<sup>3</sup>I recognize that there is some disagreement among mediators as to the exact definitions of the terms "reframing", "summarizing", "reflecting" and "restating." However, that discussion may be left for future issues of this newsletter. The purpose of this article is to explore ways in which mediators identify issues and focus the parties on a discussion of their interests and practical concerns.

<sup>4</sup>The interest in this example is stated alongside the position ("you can't stop me from seeing my children...I demand custody"). However, parties typically do not state their interests at the outset nor are they initially clear with regard to their interests. Furthermore, mediators are trained to avoid inferring or diagnosing interests when they are not expressly stated by the parties. Therefore, mediators must ask the speaker why they have taken a specific position in order to uncover the speaker's interest.

### PROGRAM NEWS (Continued from page 12)

#### Ulster County

Director of A.D.E.I.D., an environmental advocacy non-profit organization. In July, the Alternatives to Violence Program (AVP) was finally incorporated in Sweden, the result of six years of annual visits there by the Executive Director.

For further information on Ulster-Sullivan Mediation and these projects, contact Clare Danielsson, Executive Director, at (845) 331-6136, fax (845) 331-6021 or e-mail [ulsumed@juno.com](mailto:ulsumed@juno.com).

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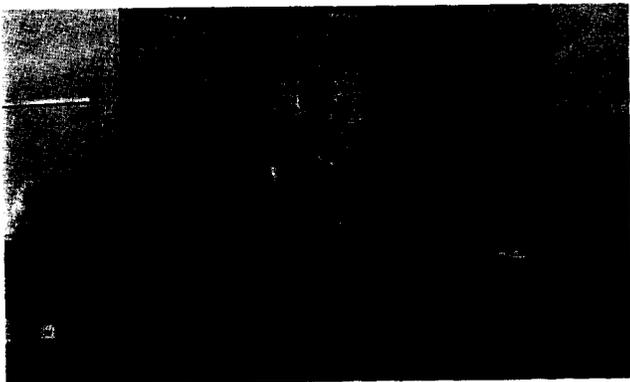
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## CDRC STAFF RETREAT

The Unified Court System Office of ADR Programs, Community Dispute Resolution Center Program (CDRCP) is sponsoring a CDRC Staff Retreat for Thursday–Saturday, March 22–24, 2001, in Rome, NY. This three-day training retreat will provide an intensive opportunity for staff members of CDRCs from across the state to address issues of shared interest.

The workshops will include presentations and discussions of CDRCP and NYSDRA (New York State Dispute Resolution Association) standards; staffing structures, policies, and procedures; volunteer recruitment, training and supervision; the dispute resolution process, from intake interviewing through follow-up evaluation; ethical issues; risk management issues for non-profits; community resource building, outreach, and marketing; group facilitation skills; family court programs; youth initiatives and school programs; and domestic violence issues and resources. Time has also been scheduled for facilitated round-table discussions with others with similar job responsibilities for sharing concerns, interests and experiences.

For registration and other information, please call NYSDRA at (518) 465-2500, ext.201.



Beth Ornstein, of YPIS in Staten Island, conducts an advanced training workshop titled "Becoming a Bridge Between Parent and Teens Through Empathetic Understanding" at the New York State Training Institute in New York City on March 16, 2001. Eileen Clancy, of Community Mediation Services in Queens—not pictured here—was the co-trainer for this workshop held at Fordham Law School.

## UNIFIED COURT SYSTEM SPONSORS NYS TRAINING INSTITUTES

Statewide training institutes, an annual initiative of the Community Dispute Resolution Centers Program, continued to offer a diverse selection of workshops to reinforce essential mediator skills. These training institutes were geared toward the professional issues of Community Dispute Resolution Center staff and volunteer mediators. In an effort to keep the institutes accessible to as many mediators and staff as possible, participant costs were kept low by subsidies from the State ADR Office, and trainings were held over the year at several locations throughout the state. The training institutes are a collaboration of the Unified Court System with the New York State Dispute Resolution Association, Inc. (NYSDRA).

This series of four training institutes for mediators and staff was planned to provide workshops addressing seven selected areas of interest. The focal points of the workshops included: management of control issues in mediation; recognizing opportunities for productive questioning in the mediation process; transforming communication patterns in conflict resolution; developing and drafting mediation agreements that work; reinforcing skills of reflective listening in parent-teen mediations; strategies, tools and techniques for maintaining mediator impartiality; and managing issues of domestic violence if they arise in various stages of the mediation process.

Four training institutes were held in Oneonta, Buffalo, Newburgh, and New York City from September 2000 through March 2001. In September, 73 participants attended the workshops offered in Oneonta. In October, 44 participants attended training sessions in Buffalo. In November, 54 participants attended workshops in Newburgh, and in March 2001, 118 participants attended training sessions in New York City. Participant evaluations have expressed appreciation for both the quality of the presenters and the relevance of the material presented.

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