



# The New York Mediator

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## USDA CERTIFIES AGRICULTURAL MEDIATION PROGRAM FOR NEW YORK

By Tom Buckner

*“Watch the field behind the plow turn to straight dark rows.  
Put another season’s promise in the ground.”*

From *“The Field Behind the Plow”*  
by Stan Rogers

For many people in New York State, agriculture is both a source of livelihood and a way of life, and the “season’s promise” might more accurately be described as a possibility. For all but the most casual farming situations, survival has come to require that agricultural operations be handled as complex businesses, taking into account the interactions of the weather, national and international markets, environmental issues, and relations with neighbors, communities and financial partners.

Part of the picture is the work of the United States Department of Agriculture (USDA), which—among its many functions—provides or guarantees financing for agricultural production, regulates and assists with marketing, use of natural resources and environmental conservation. With all the issues and interests involved, misunderstandings and conflicts are inevitable among the many people involved in agricultural production.

In August 2001, New York State and the Unified Court System’s State Office of Alternative Dispute Resolution Programs were certified by the USDA to institute the New York State Agricultural Mediation Program (NYSAMP) for disputes involving the State’s agricultural community. NYSAMP becomes one of 29 states having USDA-certified agricultural mediation programs. Federal funding of \$200,000 for fiscal year 2002 has been provided to New York under the Agricultural Credit Act of 1987. NYSAMP will be involved with many different areas of agricultural disputes, including farm and housing loans, wetland determinations, conservation compliance, and pesticide use.

The State ADR Office has collaborated with the New York State Dispute Resolution Association (NYSdra) to manage day-to-day operations of the program. NYSDra will act as a central intake point for referrals to NYSAMP from the USDA and other agencies, as well as from individual agricultural producers. A toll-free number is in place (1-866-6NYSAMP / 1-866-669-7267), and requests for services can be faxed to (518) 465-0840. Rebecca Goldstein at NYSDra is the NYSAMP Coordinator.

Cases will be referred from NYSDra for case management to a Community Dispute Resolution Center (CDRC) in the region where the agricultural producer lives, and the cases will be mediated by experienced CDRC mediators who have received additional training in agricultural issues.

We have provided two training sessions to get the program started:

- In November 2001, Frank Woods and Tom Buckner from the State ADR Office, Lisa Hicks and Rebecca Goldstein from NYSDra, and Nancy New and Joel Weirick from the USDA in Syracuse, trained 65 USDA County Directors in the basic principles of mediation, how to be an effective participant in mediation, and the procedures NYSAMP will use in handling cases.
- In January 2002, staff and volunteers from the State ADR Office, NYSDra, the USDA, NY FarmNet, the Center For Dispute Settlement in Rochester, and Cornell’s School of



*Experienced CDRC mediators work through the intricacies of a farmer-lender dispute during the Agricultural Mediation training in Syracuse.*

INDUSTRIAL AND LABOR RELATIONS met in ROCHESTER with 36 experienced community mediators from across the State. The two-day training included the basics of agricultural credit issues, rural and farming cultures, USDA policies and

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## *What's New*

Since our last newsletter, there have been some notable changes both for our office and in the way we deliver the news. Here are some highlights.

### **We've Moved**

In December 2001, the Community Dispute Resolution Centers Program office in Cohoes moved. It was only about 30 yards, down the hall to a newly constructed wing of the office building, but it has involved new phone and fax numbers (**please see page 8 for the listing of new phone numbers and extensions**) and some reorganization. Our e-mail and postal addresses have stayed the same.

### **News Changes**

We're making some changes in this newsletter and in the way we'll deliver news to you. As you know, we have for many years published a section called *Program News* which included updates from local CDRCs on the activities of their programs. We will now distribute *Program News* on our website, at [www.courts.state.ny.us/cdrpc/adr/downloads](http://www.courts.state.ny.us/cdrpc/adr/downloads), with the intent to have the information as current as possible.

Because the *Program News*—as well as an electronic version of this newsletter—will be available on the web, we've shortened the newsletter to 8 pages, and we're concentrating on articles that emphasize innovations in the dispute resolution field, as well as discussions of timely issues in the practice. In order to keep the newsletter to a manageable size, we'll sometimes print abbreviated summaries of articles, and then publish the full text on the web, at the site above. We'll make a note with the article when full text has been posted on the internet.

We invite our readers to make comments on the content and suggestions for the future publications. Contact Mark Collins, Assistant ADR Coordinator, by e-mail at [mcollins@courts.state.ny.us](mailto:mcollins@courts.state.ny.us), or by postal mail at 98 Niver Street, Cohoes NY 12047.

## ***AGRICULTURAL MEDIATION PROGRAM BEGINS IN NEW YORK STATE***

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procedures, the role of NY FarmNet consultants and Cooperative Extension educators, and case processing by NYSAMP.

The USDA is required by law to offer mediation whenever an agricultural producer receives an "adverse decision" to a request for services from the USDA. As of January 2002, a half-dozen cases have been processed, including matters involving wetlands determinations, farm loans under USDA's Farm Service Agency and housing loans under USDA's Rural Development program. As the program becomes fully operational, we expect 80–100 cases per year, and we anticipate that the majority will involve disputes over credit decisions.

NYSADRA, a longtime partner with the State ADR Office in providing both dispute resolution services and basic and advanced training for ADR practitioners in New York State, is a part of the coalition of agencies\* which formed the AgResolve program in 1995. AgResolve provides dispute resolution, consulting and referral services to farm families in Monroe and surrounding counties, as well as the Finger Lakes region. The new Agricultural Mediation Program will work in collaboration with AgResolve, NY FarmNet and the many public and private agencies working to establish dispute resolution practices for agricultural conflicts in New York State.

Agricultural mediation is an exciting new direction for the State ADR Office, for NYSADRA, and for the network of CDRCs and mediators in New York. The professionalism, commitment and experience of everyone involved in the project has made this initiative a reality. We are especially grateful to Cathy Sheils and Dick Hunter from NY FarmNet, Nancy New and Joel Weirick from the USDA in Syracuse, and Maralyn Edid from Cornell's School of Industrial and Labor Relations for their invaluable assistance in designing and implementing the program.

For more information on the New York State Agricultural Mediation Program, please contact Rebecca Goldstein at (518) 465-2500, toll free at 1-866-6NYSAMP / 1-866-669-7267, or by e-mail at [rebecca@nysdra.org](mailto:rebecca@nysdra.org). For information on the role of the State ADR Office in NYSAMP, please contact Tom Buckner at (518) 238-2888, Ext. 238, or by e-mail at [tbuckner@courts.state.ny.us](mailto:tbuckner@courts.state.ny.us).

\* These include NY FarmNet, Farm Bureau of New York, Agricultural Affiliates, Rural Opportunities, Inc., Farmworker Legal Services of New York, New York State Department of Labor, New York State Department of Agriculture and Markets, the New York State School of Industrial and Labor Relations (ILR) and the College of Agriculture and Life Sciences at Cornell University. AgResolve can be reached by call NY FarmNet at 1-(800) 547-FARM (3276). NYSAMP's services will be coordinated with those of AgResolve.



# Focus On The Practice

## TRAINING TRANSFORMATIVE MEDIATORS

By Judy Saul

Transformative mediation is a distinctly different form of practice from the problem-solving or transactional mediation I learned almost twenty years ago. As my appreciation for the differences between these two orientations grew, I realized that they demanded a change in the way I train mediators.

Transformative mediation is clearly grounded in a particular theory of conflict. My earlier trainings included a nod at conflict theory, usually a brainstorm of first thoughts on hearing “conflict” followed by a brief discussion of the possibility that conflict could have positive rather than negative effects. I now spend a substantial amount of time at the beginning of mediation training on the nature of conflict. I engage trainees in a series of exercises that help them consider their own experience of conflict: how it affects them, what makes it hard, what helps. Drawing on their personal experiences, participants come to understand that what makes conflict hard is *not the dispute, but the disputing*. We then discuss the negative effect of conflict on individuals and interactions and how gaining clarity (empowerment) and becoming open to the perspective of another (recognition) can turn a destructive conflict cycle into a constructive exchange. These exercises, referred to again and again, provide a framework for the rest of the training. They also build empathy with the people mediators will be assisting, and stand as a vivid reminder that parties in mediation, like any of us caught in conflict, are less than their best selves.

Transformative mediators *follow parties*, asking them to participate in shaping the process as well as deciding the content. This is a radical departure from what I used to teach: that mediators guide the parties through a five-stage process. To succeed, mediators need to consider not only their beliefs about conflict (as detailed above) but also their beliefs about people and their capacities. A transformative mediation training asks mediators to consider their values and the extent to which they are consistent with a process that is grounded on a clear set of premises, including that “*the parties have what it takes.*”

Transformative mediation asks mediators to take a *micro-focus* on the moment-by-moment interaction between the parties. Transformative mediators facilitate parties’ communication in ways that help transform their conflict interaction from negative and destructive to positive and constructive. Several exercises help mediators learn this micro-focus. One is to work with transcripts from mediations or role plays. Mediators read parties’ words, highlighting places where parties are unclear, confused and self-absorbed as well as places where they are becoming clearer or open to the perspective of another. I have found it particularly helpful to move from transcripts to videotaped role plays (sometimes of the same set of interactions). Mediators can analyze transcripts slowly and carefully, discussing their differing opinions on what they are reading. Then, with greater clarity about their focus, they watch parties in action. This visual, real-time exercise helps trainees appreciate both the importance of parties’ non-verbal communication and the pace at which opportunities flow by.

Another modification is the development and use of Critical Points exercises. These “mediation moments” help mediators consider a particular party interaction, the range of possible mediation interventions, and the effect of each on the parties. Finally, transformative mediation makes explicit the fact that *purpose drives practice*. Mediators learn to choose interventions and the timing of those interventions carefully. They are asked to consider the purpose, the “why,” behind the choices they make. With colleagues from the Institute for the Study of Conflict Transformation, Jim Antes and I developed a formative assessment process that helps mediators consider the link between their behaviors and the premises on which transformative mediation is grounded. Originally designed as a tool to coach mediators during role plays, I now introduce the process early in the training, using it to analyze demonstrations and videotapes as well as during role plays. This helps mediators consider the purpose behind their actions and makes real the link between premise and practice.

While some of the skills used by transformative mediators may look very much like those used by other mediators, there are differences in approach and application that require major changes in training. The good news is that more and more material is being developed to help experienced mediators become transformative in their practice. The process of looking carefully at premises and how they are reflected in an actual mediation is exciting and fun for experienced mediators and new trainees alike. Finding out more about transformative mediation can help bring a new perspective to all of our work.

<sup>1</sup> The ideas and training strategies discussed in this article have been developed in collaboration with colleagues at the Institute for the Study of Conflict Transformation. More information is available at the Institute’s web site, [www.transformativemediation.org](http://www.transformativemediation.org)

<sup>2</sup> See Antes and Saul, “Evaluating Mediation Practice from a Transformative Perspective,” *Mediation Quarterly*, vol.18, no.3, Spring 2001.



## *Focus On The Practice*

### **DOES THE JOURNEY CHANGE THE DESTINATION? THE INFLUENCE OF REFERRAL SOURCE ON MEDIATION PARTICIPATION AND OUTCOMES**

*by Timothy Hedeem, Ph.D.*

Community mediation has a strong history and expanding role in New York, working alongside social services and government agencies to assist over 100,000 people each year work toward constructive solutions in a broad variety of disputes. How these individuals find their way to CDRCP centers is worthy of note, as entry into mediation likely sets the tone for their overall experience. Records show that a majority of individuals served by community mediation centers are referred from another agency or resource, and this article summarizes a recent study on the influence of referral sources on rates of mediation participation and mediated outcome.

The study involved interviews with 19 staff members of community mediation programs across New York, and the findings were used in the analysis of ten years of CDRCP case records data (some 426,000 cases). The records identify 25 referral source types. These were grouped into three classes based on the interviews and a theory of coercive institutions, which holds that entities such as courts and law enforcement, through pressure, are perceived as exerting varying but very real degrees of coercion over citizens with whom they interact, even when such coercion is not intended. The first class consists of all five court referral sources; the second class, all sheriffs, police, prosecutors, and probation officers (hereafter referred to as "law enforcement"); and the third, all remaining sources. As a proportion of the entire caseload, court referrals accounted for half of all cases and law enforcement accounted for another eighth.

To examine the relationships between these referral classes and the rates of mediation participation and outcomes, logistic regression analysis was employed. This is a common tool for statistical studies in the social, biological, and health sciences, as it measures the likelihood of an event occurring (such as a mediation taking place or an agreement being reached) versus the likelihood of that event not occurring. Regression analysis requires that as many relevant factors as possible are taken into consideration to ensure that a trend between, for example, age and income isn't actually better explained by the relationship between education level and income: while it may be true that income goes up as one gets older, perhaps the effect is better attributed to the fact that income is closely related to education level, which just happens to increase as age increases.

Taking into account disputants' genders, ethnicities, incomes, and relationship, the referral source class was found to have the most pronounced influence of any variable. In modeling the probability of a case reaching mediation, this study used non-court, non-law enforcement referrals as the reference group. Logistic regression found that court referrals are three times as likely to reach mediation as referrals from the reference group, and law enforcement referrals are slightly (30%)

more likely to do so than the reference group. Shifting the focus to mediated agreements, the trends were reversed: mediations of court referrals were moderately (35%) less likely than reference group referrals to reach agreement, while mediations of law enforcement referrals were slightly (20%) less likely to do so.

The interviews lent support for the theory of coercive institutions. There appears to be considerable difference between the message intended by the referring agent or agency and the message perceived by the disputants. For many disputants referred by courts or law enforcement agencies, there is an expectation that negative consequences will follow if the referral is disregarded, even though such consequences are very unlikely or completely unrealistic.

According to interview participants, disputants referred through coercive institutions believe the 'benefits' of mediation to include avoiding of some penalty or of the public spectacle of court, currying favor with the referrer as a means to pre-empt negative consequences in subsequent proceedings or interactions, and receiving an adjournment-in-contemplation-of-dismissal (ACD) of a pending charge.

One interview participant observed that coerced participation did not necessarily lead to an agreement. This observation, supported empirically by this research project, should hearten those who believe community mediation to be a process based on self-determination. The findings of this study demonstrate that while disputants referred from courts and law enforcement agencies are more likely to participate in mediation, they are no more likely than cases from other referral sources to reach agreements. In other words, if disputants perceive some pressure into the mediation, that pressure does not appear to influence them within the mediation.

Community mediation has much to offer to individuals involved in a wide range of disputes. While many practitioners in the field of mediation are skeptical of policies and practices that pressure disputants into mediation, the findings of this study should provide some measure of reassurance that possible coercion into the process does not equal coercion within the process. While further study of the effect of referral processes is needed, the integrity of the mediation process appears to be maintained and self-determination remains the key to any resolution.

If you are interested in receiving more information about this study, or a copy of the full dissertation, please contact Tim at tkhedeem@yahoo.com or 770-423-6879.

**A NOTE OF THANKS:** The author extends his heartfelt gratitude to the Office of ADR Programs and to the 19 staff members of Community Dispute Resolution Centers who generously shared their insight through participation in telephone interviews in spring and summer 2000.



## Focus On The Practice

### THE SAFE HORIZON MEDIATION EVALUATION PROJECT

By James Goulding and Anthony Noble

Since the inception of the Community Dispute Resolution Centers Program (CDRCP), the Safe Horizon Mediation Program has participated in a number of evaluation projects. In the 1980's and the 1990's the CDRCP and Safe Horizon initiated a number of time-limited client feedback surveys on the satisfaction level of clients following their mediation sessions. In 1999, Safe Horizon designed and conducted a more comprehensive evaluation project to assess the quality and effectiveness of the program on an ongoing basis. This article will review this evaluation process for its first year of implementation: from April 2000 to March 2001.

An ongoing, longitudinal evaluation was developed to identify any clear trends or shifts in program service outcomes. A multi-pronged evaluation, one having different components that would examine program services using a variety of methodologies, provides a more comprehensive and integrated picture of how the mediation program serves its clients. The results of the different assessment methodologies would be cross-referenced to measure consistency and reliability and enable us to determine if there was a need for programmatic change or additional staff/mediator training.

In late 1999 the mediation program directors met with Tony Noble, Safe Horizon Senior Evaluation Associate, to design evaluation tools for the project: a Client Feedback Questionnaire, a Client Follow-up Questionnaire and a Mediation Peer Review. Areas to be assessed were decided upon by reviewing the needs of the clients, the tenets of good program practice and the priorities of our funders. The survey tools were pilot-tested with a group of clients to ensure that the questions were reliable and valid and then subsequently refined. The evaluation project was implemented on April 1, 2000.

The *Client Feedback Questionnaire* is designed to assess responses of clients immediately following the mediation session. A staff member gives the form to the parties prior to the mediation session, requesting that they complete the form after the session is over and deposit it in a box provided. The form, which is available in English and Spanish, asks for the name of the mediator but does not ask for the name of the parties. This allows for a comparison of the client feedback per mediator while maintaining the anonymity of the client. The mediator does not handle the form, nor discuss the questionnaire with the parties to ensure that the parties respond candidly. The form contains 16 Likert scale questions asking the client to indicate how the session ended, and how the client assessed the service of the staff, the mediator, and the process.

The *Mediation Follow-up Survey* looks at the clients' perspective of the mediation experience over time. At intervals of one and three months after the mediation session, staff or

volunteers, who were not involved in the mediation, telephone each party in cases in which agreements have been reached. The survey contains seven questions focused on their degree of satisfaction with the mediation process and the outcome. It also asks if both parties are still following the conditions of the agreement and if not, what has happened.

The *Mediation Peer Review* is a tool developed for mediators to evaluate the quality of the services provided by their peers. It assesses the mediator's ability to implement key elements of the mediation session according to program standards and rates the mediator on a range of qualities such as neutrality, patience, flexibility, good listening, identification of issues, reframing, negotiation techniques, and dealing with anger. It asks the evaluator to rate the complainant's and the respondent's level of comfort with the mediator and their degree of participation in the process. This review is also used as a supervisory tool to assist mediators in improving their skills and in identifying areas for additional training.

The clients readily accepted the *Client Feedback Questionnaires* when they came to the Manhattan and Brooklyn centers for mediation. From the 2,957 cases with hearings held in both centers, we received 1,341 questionnaire responses. Responses to key questions include: 87% said that the staff clearly explained the process to them before the session; 82% said that they found the process helpful; 92% said that they had the chance to express themselves; 92% said that the mediator listened to what they had to say; 90% said that the mediator did not take sides; 92% said that the mediator tried to understand the important issues; 76% said that the process met their expectations; 76% said that they were satisfied with the final agreement; 64% said that they gained a better understanding of the other person's concerns; 77% said that mediation was a better way of handling their problem; 79% said that they would use mediation again; and 84% said that they would recommend mediation to others;

The *Client Follow-up Questionnaire* was administered to 133 clients through a random survey. In most cases we were not able to reach both complainant and respondent from the same case. Of the data gathered, 4% of the responses were obtained three months after the mediation session and 36% one month after the mediation session; 70% were complainants and 30% were respondents; 95% completed the process; 58% said that their dispute was completely resolved and 29% partially resolved. Furthermore, 46% said that all parties followed through with the agreement; 31% indicated it was partially successful; 44% said that issues related to the dispute had come up again since the mediation; 17% said only partially and 39% said that there were no issues. If there were subsequent problems, 40% said they would return to mediation again to resolve these issues; 16% would go to

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## *Focus On The Practice*

### **MEDIATION EVALUATION PROJECT**

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court, 6% would settle without returning to mediation, 33% would settle by other means and 5% would ignore it. Eighty-two percent of those responding to the follow-up questionnaire said that they were satisfied with mediation and 14% said they were partially satisfied.

At the beginning of the evaluation project time period, we sent a letter to all the mediators explaining the purpose of the *Mediation Peer Review*. We asked each mediator to choose another mediator who would sit in during a case and administer the review. Forty mediators have been evaluated by their peers so far. The results showed that during the session, 100% of the mediators disclaimed bias, explained the process, their role as mediator, and the ground rules; 97% tried to help each party to hear and understand the other; 95% effectively managed clients' anger; 95% explained confidentiality, and the use of the caucus; 95% used active listening; and 92% used good facilitation techniques. Additionally, 65% encouraged both parties in the writing of the agreement; 62%

wrote balanced, neutral and specific agreements; 61% checked that all parties understood the content of the agreement; 60% reality tested the agreement; and 43% suggested referrals.

After the first year of the evaluation project, the results indicate that the satisfaction level with the staff, the mediators, and the mediation process is considerably high. The data shows little variance in the majority of responses over time, indicating uniformity in the delivery of services. A cross-reference of the results between evaluation methodologies demonstrates a high degree of consistency and thus points to good reliability of outcomes. While the evaluation process, particularly the administration of the *Client Follow-up Questionnaire* and *Mediation Peer Review*, was labor-intensive, it was necessary in order to attain consistent, detailed results to measure the effectiveness and quality of our services. Short-term evaluations do not adequately test for consistency of outcomes. After the first year, we believe that we have made a good start and we plan to increase the number of respondents participating in the project in the next year.

### **CDRC YOUTH INITIATIVES**

By Alice Rudnick

(Full text at [www.courts.state.ny.us/adr/downloads](http://www.courts.state.ny.us/adr/downloads))

In fiscal year 2000–2001, over 5,700 individuals under 21 years of age participated in mediations through their local Community Dispute Resolution Centers (CDRCs). Referral sources for these alternative dispute resolution services included schools (over 25%), courts, probation, police, other service agencies, and community members. Young people are also served through classes, workshops, presentations, mediations, family/group conferencing and many other alternative dispute resolution programs offered by local CDRCs. These programs build social skills, promote nonviolent conflict resolution, and provide conflict management programs to meet the needs of youth, their families, and their communities.

Over the past year, as a member of the State Office of Alternative Dispute Resolution Programs, I conducted a qualitative survey of services provided by CDRCs to New York State youth in collaboration with their local community, educational and judicial/law enforcement agencies. This article summarizes the survey responses as well as discussions and interviews with CDRC staff, school administrators, community leaders, judges, and directors of juvenile justice offices.

Partners working in cooperation with the CDRC to provide youth services include: local, state and federal offices of the juvenile justice system and law enforcement agencies; local school districts, Boards Of Cooperative Education And Youth Bureaus; departments of education, health, probation; and social services; other not-for-profit organizations; and private foundations, colleges and universities.

While CDRC Youth Initiative and Educational Programs

vary from individual center to center, responses to the survey indicated three general categories for the services provided: school, community and judicial/law enforcement.

#### ***Programs encountered through the schools***

In collaborative partnerships with local school districts, the CDRCs assist with developing instruction and training based on research studies and the work of professional conflict resolution educators. These programs, offered in readily accessible locations at schools and other community settings, include:

***Alternatives to Suspension***, where CDRCs work with local school districts to identify alternatives for students in a disciplinary process. The programs provide structured activities to help young people improve their communication, anger management and conflict resolution skills.

***Mentoring Programs***, where CDRCs have developed programs as well as train and coordinate adult volunteers to work with individual students identified by their parents and teachers. Mentors guide young people to responsibly communicate and manage their anger while solving problems more effectively.

***Peer Mediation***, providing a confidential, informal procedure in which young people in conflict, assisted by specially trained peers, are encouraged to respectfully and nonviolently identify issues, clarify perceptions and explore options for mutually acceptable resolutions. Under the supervision of a faculty advisor, peer mediators help fellow students resolve inter-

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## CDRC Youth Initiatives

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personal conflicts that may involve personal property disputes, misunderstandings, rumors and antisocial behavior such as bullying, fighting, or gang activity.

**Youth Summits** are conferences organized and coordinated by CDRCs for peer mediators across the state to promote community awareness and encourage youth involvement. The summits also offer exciting opportunities to acquire new conflict resolution skills and hone existing ones.

### **Programs involving community and other service agencies**

**Parent/Child Mediation** helps young people and their parents resolve difficult conflicts together. By bringing their disputes to mediation, parents and children not only resolve their conflicts but also improve their communication and relationships. Issues include responsibilities, curfews and communication. Community agencies, schools, youth centers, clergy and probation departments are among the primary sources that refer these families to mediation.

**Community Service Programs** are developed, coordinated and supervised by CDRCs in collaboration with schools and other local organizations. These programs develop leadership skills and provide valuable opportunities for community service projects appropriate for young people.

### **Programs involving judicial and law enforcement agencies**

These services have been developed by CDRCs with their local courts and law enforcement, to afford parties time to attempt to resolve disputes through alternative dispute resolution without excessively delaying pending litigation. While many courts and law enforcement agencies refer cases to their local CDRC before a party files a petition or complaint, others make referrals when a petition or complaint is first filed or after an initial court appearance.

CDRC staff screen out cases of domestic violence as unamenable for mediation. Although some mediation sessions are conducted in court facilities, the majority are held in the local community dispute resolution center, which provides accessible, professional space.

In cases with a court filing, if the parties reach an agreement the center will forward a copy of the agreement to the court. Parties are informed if the court requires their appearance when their agreement is incorporated into an order.

**Family Mediation programs** help parents negotiate a variety of issues that affect children during separation and divorce, with the assistance of specially trained volunteer mediators. In some cases, lawyers and law guardians are included in the mediation process as advisors. Issues in mediation often include parenting plans that address how they will communicate, make decisions and spend time with their children. Some CDRCs also help parties negotiate child support payments.

**PINS Mediation and Diversion programs** provide services for young people who are or might be designated Persons In Need of Supervision (PINS). Through the CDRCP, the Unified Court System funds four pilot PINS programs (services are also provided by several CDRCs that do not currently receive designated funding). Once the programs are in

place, CDRCs become part of the community network involved with these families.

**Juvenile Justice and Accountability Conferencing** for victims and offenders in juvenile crime is available through CDRCs, in cooperation with local departments of probation. After probation department staff screen cases as appropriate, specially trained volunteers meet individually with the victim and offender to explain the process and ensure that both parties are voluntarily choosing to participate. In these conferences, the victim and offender discuss the offense that connects them. This process offers victims potential restoration by providing them with means to safely communicate and possibly reach a sense of closure. The process provides offenders with opportunities to assess personal responsibility and work toward meaningful accountability. Juvenile Justice Grants from the New York State Division of Criminal Justice Services have provided funding for the development of most of these programs.

**Youth Court programs** are the result of New York State Youth Court and Community Sanctions Program contracts with local CDRCs, to manage an alternative process to address early anti-social, delinquent and criminal behavior. The program supports local responses to first-time, young offenders who admit culpability in low-level, illegal activities. Police, probation departments and Family Courts refer young people to Youth Court programs. The Office of Funding and Program Assistance of the New York State Division of Criminal Justice Services provides grant awards and program supervision for these programs.

**Permanency Mediation** assists parents, attorneys, law guardians and social workers in working together to develop a permanency plan when proceedings in Family Court seek to terminate an adult's parental rights, or when a child is soon to leave the foster care system and be permanently placed with a new family. Interest in this program has increased since 1999, when New York State enacted legislation that brings it into compliance with the Federal Adoption and Safe Families Act.

### **Summary**

Local centers contracting with the Unified Court System's Community Dispute Resolution Centers Program develop and provide youth initiatives and educational programs that foster and support healthy youth development and education. Programs incorporate the latest research in conflict resolution and educational theory, developmental psychology and juvenile justice, and are designed in partnerships among CDRCs, courts, schools and other community stakeholders. These community responses to the needs of youth are effectively providing appropriate and accessible juvenile justice, knowledge and skills for social competence, and experience in responsible community participation. For more detailed information about these and other alternative dispute resolution initiatives and educational programs addressing youth in our communities, please contact Alice Rudnick at the New York State Office of ADR Programs by e-mail at arudnick@courts.state.us.ny or phone at (518) 238-2888, extension, 237.



## **SAFE HORIZON RESPONDS TO WORLD TRADE CENTER TRAGEDY**

Since the World Trade Center attack on September 11, 2001, Safe Horizon's Mediation Programs in New York and Kings counties have been actively involved in responding to the needs of individuals affected by the tragedy. Immediately after the attack, the agency mobilized its staff to lend assistance at the Family Assistance Centers, first at the Lexington Armory and then at Pier 94 in lower Manhattan. Additionally, hundreds of Safe Horizon staff have been available to provide victims with both financial and emotional support. To meet the needs of clients, Safe Horizon opened five additional centers throughout the five boroughs.

Numerous departments of Safe Horizon have responded to this disaster. They have provided immediate financial assistance and crisis counseling to victims and relatives of the World Trade Center tragedy. Safe Horizon has operated a 24-hour September 11<sup>th</sup> hotline that provides current and comprehensive information about services in the tri-state area including financial assistance, counseling, mental health services, employment and legal services, and anti-bias programs. The hotline has served more than 6,500 callers. In addition, Safe Horizon offers Crisis Support Groups for schools, businesses, and organizations whose employees might be experiencing trauma-related symptoms as a result of the attack.

The staff of the Safe Horizon Mediation Program has been an integral part of the agency's disaster relief efforts. Staff members and volunteer mediators have worked nights and weekends with victims and families at the Family Centers and at the hotline offering their listening and empowerment skills as they assist victims.

As a consequence of the disaster, the Manhattan Mediation Center was closed for two weeks. Manhattan Mediation staff quickly rescheduled all cases while operating from other sites. In the first days after the disaster the mediation program staff organized a telephone support outreach to all volunteer mediators, arbitrators and program contacts. For those who were more directly impacted by the tragedy, staff contacted them on a regular basis to ensure that they had appropriate means to deal with the effects of the tragedy.

The Office of ADR Programs would like to extend a well-deserved appreciation to the staff and mediators of the Manhattan and Brooklyn Mediation Centers, in addition to the hundreds of other Safe Horizon staff who have given so freely of their time and expertise to help the victims and family members of this tragic ordeal. A longer article on Safe Horizon's activities is available on the ADR Office website. Look for *Program News*, February 2002.

## **Washington Heights PEACE Workshop**

*By Antony G. Hacking & Krister Lowe*

Mediators from the Washington-Heights Inwood Coalition (WHIC), a mediation and community-building organization in northern Manhattan, implemented an 8week conflict resolution pilot project from April to June 2001 in Intermediate School 90. The success of the peace workshop has resulted in a request by the district to expand to 8 more middle schools.

The program involved 240 7th-grade students in 8 classes. Pairs of trainers worked with teachers to deliver the training one-hour a week to each of the classes. The underlying rationale of the program was to facilitate change in both the individual students and the larger culture of the school and beyond. A second guiding principle of the program was to link theory to practice. The curriculum of the program incorporated four components: (1) conflict management awareness; (2) skills training; (3) team PEACE-building projects; and (4) a PEACE festival.

Students inquired into the nature and dynamics of conflict while practicing a five-step (PEACE) conflict resolution process. Role-plays and case studies elicited from the participants were used to provide practical opportunities for skill application. Students worked in teams of from four to ten members on a peace project of their choice. Among the projects were fundraising for homeless children with AIDS in Washington Heights and for the United Nations AIDS fund, poems, speeches and murals promoting peace at IS 90, and skits and dances promoting the curriculum's concepts about peace and conflict. The program ended with a 2-hour PEACE festival—the first in the school's history. Each class presented one of its teams' peace projects, and all received medals and graduation certificates. Speeches were made by community officials including a New York State Supreme Court judge, the district's superintendent and the school's principal. The project was conceived and directed by Mary Gratereaux, Mediation Director of the WHIC.

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