



SUPREME COURT OF
VIRGINIA

RESOLUTIONS

OFFICE OF THE EXECUTIVE SECRETARY

Department of Judicial Services
Division of Dispute Resolution

100 North 9th Street
Richmond, Virginia 23219

Confidentiality in Mediation Discussions

Recent publications of settlement reports describing settlement discussions in mediations have caused some concern in the mediation community about the confidentiality in the mediation process.

“Verdict and Settlement Reports” is a feature in lawyers’ publications such as the *Virginia Lawyers Weekly*. In these reports, attorneys describe the facts and dispositions, by verdict or settlement, of particular lawsuits, typically personal injury matters. In the past year, several of these reports have described mediated settlements – not only the underlying case but also the settlement and, in a few cases, seemingly some of the settlement discussions in mediation.

For example, one report in 2007 described a case as settling for over \$450,000 after “a challenging nine hour mediation” in which “one of the challenges at mediation was the three-way negotiations involving the compromise of the large workers’ compensation claim.” In another 2007 report, the parties were unable to settle at mediation but the mediator “continued to encourage both sides of the case to adjust their settlement positions and was ultimately successful in bringing the two sides together” and the case settled at \$2.4 million.

Since “a written mediated agreement signed by the parties” is not confidential, “unless the parties otherwise agree in writing,” the mere reporting of the outcome of a mediated settlement does not necessarily transgress the mediation confidentiality statute. See Va. Code Section 8.01-581.22. Nonetheless, prudence would suggest that the person reporting the outcome secure the consent of the parties participating in the mediation.

More troubling, of course, are the descriptions of communications that occur within the mediation process. Under Virginia statutes, such communications are “confidential” and “are not subject to disclosure in discovery or in any judicial or administrative proceeding,” unless one of the nine listed exceptions applies. Va. Code Section 8.01-581.22.

(Continued on page 2)

(Continued from page 1)

A related statute requires that a “mediator shall not disclose information exchanged or observations regarding the conduct and demeanor of the parties and their counsel during the mediation, unless the parties otherwise agree.” Va. Code Section 8.01-581-24. The published Settlement Reports were submitted by attorneys in the cases and not by the mediator.

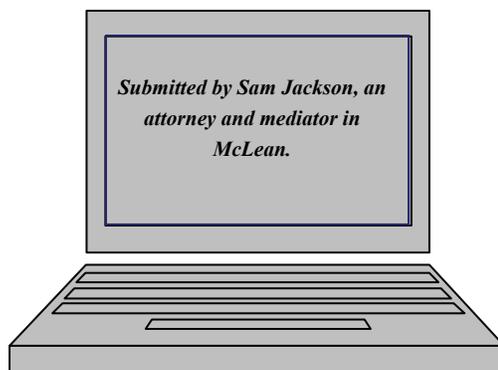
Unless the parties have consented to the public reporting of communications in a mediation, the disclosure of those communications would be inconsistent with the confidentiality of the mediation process. A special subcommittee of the Virginia ADR Joint Committee that studied the matter recently concluded that disclosure of “non-public information – e.g., demands, offers, arguments or positions taken during the mediation – is, in our opinion, impermissible.”

Indeed, as one federal judge long ago observed, “if participants cannot rely on the confidential treatment of everything that transpires during these sessions then counsel of necessity will feel constrained to conduct themselves in a cautious, tight-lipped, non-committal manner more suitable to poker players in a high-stakes game than to adversaries attempting to arrive at a just resolution of a civil dispute.” Lake Utopia Paper Ltd. v. Connelly Containers, Inc., 608 F.2d 928, 930 (2d Cir.1979) (discussing settlement conferences).

Published reports of mediation discussions by the parties or their counsel may also undermine the image of mediation as a confidential setting for dispute resolution.

To avoid misunderstandings about what can and what cannot be publicly revealed, mediators should have parties discuss their expectations about the confidentiality of the process at the outset of the mediation (and to memorialize those expectations in the Agreement to Mediate) and should revisit the topic of confidentiality at the time the case is settled. In addition, the mediation community should work to better inform the lawyers and parties about the importance of preserving the image of confidentiality in ADR processes.

For a more extensive discussion of confidentiality under the Virginia statutes, see my article, “What is Confidential in Virginia Now” posted on the Virginia Bar Association’s website, <http://www.vba.org/comm/What%20is%20Confidential%20Now.2004.pdf>.



DRS WELCOMES....

Nancy Siford

The Department of Judicial Services recently announced the addition of Nancy Siford to our staff in the position of ADR Specialist with its Division of Dispute Resolution Services. Nancy has been certified as a court-referred civil and family mediator since 1994 and has held mediation services and mediation coordinator contracts with OES for many years. She has also served as a parent education provider for court-mandated education to divorcing couples with children, has been certified by OES to conduct a variety of mediation training courses for prospective and current mediators, and has presented trainings for local, state, national and international audiences.



Nancy Siford takes a moment from her busy schedule to smile for the camera.

Nancy holds both BA and MA degrees in English/English Education from Virginia Commonwealth University and has owned and administrated a private business since 1995, offering conflict resolution services as a mediator, trainer and consultant. Her primary area of responsibility within the DRS framework will be the review of mediator certification, mediator recertification, and course applications as well as assisting Sally Campbell with various ADR trainings and presentations.

On a personal note, Nancy has been married to her husband Richard, a bridge engineer, for almost forty years and they have three grown children. She can be reached in the DRS office by email at nsiford@courts.state.va.us or by phone at 804-371-6064.

We asked Nancy to share with our readers some of her background and how she came to choose mediation as a profession. We are thrilled to have such a capable addition to our staff and warmly welcome Nancy with great enthusiasm! We know you will enjoy hearing from Nancy as she shares the following thoughts.

Long ago and far away in my memory, I recall my beginnings as a mediator in Richmond. I had been working for a non-profit, OAR to be exact, developing a restorative justice, victim-empathy curriculum for inmates in local jails, training facilitators, and interviewing victims. In my networking around the city, I became acquainted with the Capitol Area Victim-Offender

(Continued on page 4)

Continued from page 3

Reconciliation Program (CAVORP). Carl Stauffer, the executive director at that time, was recruiting volunteer mediators, whom he would train in victim-offender mediation, to provide mediations for juvenile delinquent cases arising out of Richmond's Court Services Unit. Carl himself had been trained by Mark Umbreit, a pioneer in the victim-offender reconciliation program (the VORP model of victim-offender mediation). It was a wonderful grass roots program that involved all the elements of restorative justice-victim, offender, government, and community. We conducted mediations in churches, schools, and community centers in the neighborhoods where the incidents occurred. Carl, a Mennonite minister, and his wife moved to South Africa to do peace building work; and I became the new executive director.

All of this transpired at approximately the same time that Barbara Hulburt, here in this office, was developing the first mediator certification program in Virginia; so, in addition to the fifteen hours of training in the victim-offender reconciliation program, I became certified in General and Family mediation, receiving training from the old guard, Dorothy Della Noce, Al Bridger, Eddie Bumbaugh, and Kathryn Fairfield. As a beginning mediator, I really fell on my face a few times. We didn't have the mentoring system in place then; and I had to learn fast from my mistakes of which there were many! Those were the days!

Not long after, I traveled to Troy, New York to receive training in Margaret Shaw's model of parent-child mediation. Over the years, I've been trained in circuit court civil, circuit court family, special education, and child dependency mediation, had the privilege of providing dispute resolution trainings at national, international, statewide, and local conferences, and assisted various schools and colleges in the establishment of peer mediation programs. I've also been fortunate to assist in the design and implementation of various mediation programs in thirteen local courts and to provide mediation services for custody, visitation, support, divorce, truancy, parent-child, victim-offender, employment, special education, and child dependency cases, to name a few.

Being a mediator is an awesome responsibility, one I have never taken for granted. Sitting between or among disputants, I have had the rare honor of experiencing people at their most authentic, at a point in their lives where they are most vulnerable. Being fully present for these folks is a grace-filled experience for me, but one that is also exhausting!

After facilitating more than 2,500 mediations, it was time for a change. The position here at Dispute Resolution Services was unexpected but timely. I look forward to working with Sally, Melanie, and Deborah and continuing Geetha's legacy by providing quality dispute resolution programming.

RESTORATIVE JUSTICE

CONTINUES TO GROW IN VIRGINIA

2008 General Assembly

Interest in Restorative Justice (RJ) continues to grow throughout the Commonwealth and received attention during the 2008 General Assembly. Spearheaded by the Restorative Justice Association of Virginia, House Bill 1290 called for enabling statutes that would give judges statutory authority to order defendants to an RJ assessment. Victim participation would continue to be voluntary and the bill also provided for confidentiality (with limits) and immunity for liability for RJ facilitators. Delegates Clay Athey and Mark Cole were the patrons. It had the support of the Attorney General's Office, the Virginia Bar Association, the League of Women Voters and Prison Fellowship. The bill did not make it out of the House Courts of Justice Criminal Sub-Committee by a narrow 5-4 vote.

Also introduced in the 2008 General Assembly was Senate Joint Resolution 90, sponsored by Sen. Thomas Norment who is a member of the Crime Commission and sits on its Executive Committee. SJR 90 called for the State Crime Commission to study restorative justice and Virginia programs, specifically focusing on RJ's benefits for victims of violent crimes. Passed by the Senate, the resolution stalled in the House Rules Committee and it is yet unclear whether the Commission will study it this year.

What is Restorative Justice?

Restorative Justice involves those affected by an offense in a process that focuses on the needs of the victims and the community. It encourages offenders to take responsibility for their actions and allows all those involved to work towards addressing the needs of the victim, the causes and consequences of the offense, as well as starting the process of restoration for both the victim and the offender.

Restorative justice conferences are facilitated face-to-face meetings between victims, offenders and their support persons. They are managed by trained facilitators. In the Virginia programs, the courts, probation, law enforcement, schools and the public make referrals for both juvenile and adult offenders.

A primary objective of the restorative justice process is to enable victims to participate in the criminal justice system. It is hoped that confronting the offender, seeking recognition and reparation for the harm caused by the offense, and gaining an understanding of the events that

(Continued on page 6)

(Continued from page 5)

occurred will contribute to the victim's recovery from the impact of the offense on their lives. Participation is always voluntary for the victim.

This process actively includes the offender. The restorative justice process encourages offenders to face up to what they have done and take responsibility for their actions. Restorative justice conferences increase the chances of changing the behavior of offenders by having them directly face the harm they have caused.

*Submitted by Lawrie Parker, Executive Director,
Piedmont Dispute Resolution Center, Warrenton, VA*

VA Assn. of Community Conflict Resolution

Apple Valley Mediation Network

242 North Main Street, Suite 202
Woodstock, Virginia 22664
540-459-8799

Edward F. Wilkins, Executive Director

Community Mediation Center-Charlottesville

P.O. Box 133
Charlottesville, VA 22902
434-977-2926

Cyndy Martin, Executive Director

Community Mediation Center of Danville and Pittsylvania County

490 Piney Forest Road
Danville, VA 24540
434-797-3981

Bob Phillips, Executive Director

Community Mediation Center - Harrisonburg

165 S. Main Street, Suite A
Harrisonburg, VA 22801
540-434-0059

Timothy Ruebke, Executive Director

Community Mediation Center - SEVA

586 Virginian Drive
Norfolk, VA 23505
757-480-2777

Kim Humphrey, Executive Director

Conflict Resolution Center

P.O. Box 1185
Roanoke, VA 24006
540-342-2063

Margaret Beazley, Interim Director

The Dispute Resolution Center

701 East Franklin Street, Suite 712
Richmond, VA 23219
804-343-7355

Nancy Chenault-Mediation Coordinator

Northern Virginia Mediation Service

4260 Chain Bridge Road, Suite A-2
Fairfax, VA 22030
703-993-3656

David Michael, Executive Director

Peaceful Alternatives Community Mediation Services

P.O. Box 1169
Amherst, VA 244521
434-929-8227

Carolyn Fitzpatrick, Executive Director

Piedmont Dispute Resolution Center

P. O. Box 809
Warrenton, VA 20188
540-347-6650

Lawrie Parker, Executive Director

The Rappahannock Mediation Center

406 Chatham Square Office Park, Suite 101
Fredericksburg, VA 22404
540-372-7740

Cheryl Dillard, Interim Executive Director

From a Knotted

Ball of Yarn . . .

As in any profession or worthwhile endeavor, our vision can become narrow or turned inward over the course of time. The field of alternative dispute resolution presents many opportunities to witness, and also to identify in as critical players, the personal stories of those whose conflicts are placed in our paths. The simple exercise of sharing our experiences as conflict resolution facilitators with one another from time to time can be a great source of encouragement as we catch a glimpse of the big picture.

Types of conflict vary greatly, from divorce and its issues of child custody, visitation and support or equitable distribution of property, truancy, restorative justice, and child dependency to a wide variety of civil cases involving debt, employment, broken contracts, neighborhood disputes, medical malpractice, and on and on the possibilities go. The common denominator for all the parties who come to us for mediation, judicial settlement conference or any number of other ADR processes is a burdensome, adversarial conflict between them. Sometimes the conflict has been raging in their lives for an extended period of time while other problems have just recently surfaced. Regardless of the circumstances, the conflict is real and is affecting them personally in destructive, life-altering ways. Some turn in desperation to the courts for litigation to help them obtain justice and often are referred to an alternative dispute resolution process in hopes it can be resolved by the parties sitting down together in a more private setting with a neutral third party who will work with them toward that goal.

I love the analogy expressed by Virginia certified mediator Grace Tazewell, *"To me, mediation is like people bringing you a ball of yarn in knots and saying, 'Can you help us get this undone?'"* Sometimes the end result is one of victory and sometimes the parties leave in defeat to return to court for traditional litigation. Often, even though an agreement is not produced in mediation or settlement conference, many worthwhile benefits emerge from the session.

The professionals facilitating the process will experience a wide range of emotions themselves. It can be an exhausting exercise but overall it seems those who have chosen to mediate the conflicts presented to them do so because they want to make a difference in the lives of the conflicted parties who come to them for help.

We recently invited our certified mediators via an email request to share the answers to two questions: 1) What is it that motivates you to be a mediator? and 2) What stands out in your memory as the most satisfying conflict resolution situation you have mediated successfully? We would like to thank those of you who made the time to reflect and to share your answers. We hope our readers will enjoy the responses that follow and we rather suspect you will be able to identify with what you read. You will also enjoy, later in the article, selected comments received by the

(Continued from page 7)

Office of Dispute Resolution Services from the exit surveys for judicial settlement conferences or from client evaluations submitted following court-referred mediations. Our first mediator writer is the one from whose reflections we chose the title for this article.

Grace P. Tazewell, certified civil and family mediator from Norfolk

1. To me, mediation is like people bringing you a ball of yarn in knots and saying, "Can you help us get this undone?" Somehow the three of us together can do what the two of them have not yet been able to do. I love getting to know the people and I can see their beautiful and noble traits when they, by contrast, see themselves as hopeless, stuck and defeated. I begin to show them who they really are, how smart and creative they are, how they can rise to their best selves and begin to break out of their own box and see hope shining in. I love encouraging them on. I love bringing in a little humor and lightness to defuse the tension. I love letting them know they are almost at a resolution when they think they are really far apart, because they can't see how close they are themselves. I like being in the struggle with them to surmount the current impasse. I love being there when they get to "yes."

And even if an agreement is not reached, I can always tell the process was worthwhile, because important things got discussed and people heard each other, whether or not they agreed.

Sometimes the sessions with no agreement will ultimately still help these people communicate better and eventually reach some kind of resolution down the road.

Being a mediator helps bring humanity and humaneness to the court process, which is by nature institutional and legalistic. To treat these people as individuals, to give them your time and full attention, to care about their problems and their feelings, and to help them feel valued is a beautiful thing. And fairly often, when a resolution is reached when it seemed almost impossible, I feel a kind of magic happens and we all felt it.

2. One of the best cases I dealt with was one where I could barely get the two parties to agree to mediation at all, to even go in a room together. As I talked to each party in separate waiting areas, I suddenly knew that if I could get them in the mediation room, their problems could be resolved. But they couldn't see it yet. They were too afraid...so afraid in fact that they hadn't even talked to each other in a long time. It was like pulling teeth, but eventually they came in, both still saying it wouldn't work.

Eventually we launched into the process, however, and I saw these two family members (a woman and her son-in-law) begin to rediscover each other after they had been apart for so long. I saw the love they had had for one another for a long time, and how they both wanted the same thing. I saw them talking about how much pain they had been through, and it had been shared pain. I suddenly heard them explaining their viewpoints to each other, and the misunderstandings that had occurred.

(Continued on page 9)

(continued from page 8)

When it was over, they were free to forge a new relationship with each other and their shared children (because the children's mother had died). They got up and hugged each other, and then hugged me, and I don't think any of us had a dry eye. I still think back on that case as one of the most magical I ever witnessed.

Rosemary Hynes Wallinger, certified civil mediator from Mt. Jackson

1. What motivates me is the satisfaction of enabling others to work together to devise solutions that neither imagined and that often exceed expectations. When mediation goes well, the resulting reparation or dissolution of conflict that has caused so much misery is often apparent in their posture and their demeanor. I suppose one might say that mediation at its best is so obviously restorative. In a world seething with conflict at every turn, the process is restorative to the mediators as well.

2. The reconciliation of sisters who had for three years not spoken to one another. Their father left them his farm, but gave no instructions on how to divide it between them. It took months to craft an acceptable settlement, but at closing they stood across from us arm in arm, both in tears, and thanked us wholeheartedly for bringing them back to their former close relationship. What's not to like about that?

Carolyn W. Tucker, LCSW, certified family mediator in Virginia Beach

1. What motivates me to be a mediator is my passion for helping people to empower themselves to problem solve for themselves and their recognition that the process is just not limited to their interaction with one another.

2. The most satisfying conflict resolution I experienced had to do with the couple coming to an impasse because the young mother believed very strongly that small children belonged with their mother and she negated all of the father's suggestions. Following the impasse, the father came up with an idea and the mother agreed to go home and think about it. Reality testing and giving her time to consider the options brought them back the following week, and the mother agreed the father's suggestion was fair and they moved forward with an agreement.

Maureen Dabbagh, certified family mediator in Capron

1. I believe conflicts, even the most intractable ones, can be resolved through some form of mediation methodology. I am motivated to assist in high conflict family situations as a mediator because it is important to me to promote and utilize resolution methods that replace violence, vexatious litigation, and stalemates. I love mediating. Even though abduction cases are difficult, they represent a new and emerging area of expertise in the international arena.

(Continued on page 10)

(continued from page 9)

I recently completed a special training and certification for mediation in international child abduction cases hosted by the U.S. Department of State, in cooperation with the National Center for Missing and Exploited Children and The University of Miami Law School. This is in response to the 2007 Hague Report encouraging countries to create and implement a mediation model to be used on international abduction cases. I am thrilled to be participating in this international project.

2. One of the most satisfying cases that I have mediated was regarding grandparent visitation. All parties expressed their love of the children and the children were the central point of their dialogue. The parties were able to discuss some of their concerns and they acknowledged the importance and value that each had in the child's life, as well as in their own. After two meetings, the parties entered into a stipulated agreement and seemed relieved to have reached a resolution. I was touched that the parties were able to express the importance of each other in the children's life.

Timothy F. Stock, Esq., certified civil and family mediator in Arlington

1. As an attorney, I have long been convinced that litigation, regardless of the outcome, often cannot achieve all of a client's objectives and can threaten, if not destroy, personal and business relationships that are more important, and valuable, than the amount in dispute. My goal as a negotiator and draftsman was to craft commercial arrangements that allowed parties to resolve their differences themselves. As a mediator, my greatest source of satisfaction is seeing people realize that they have the capacity and the ability to do this. My greatest reward is seeing people who enter the room as adversaries leave the session, even when they have not reached agreement, having demonstrated cordiality and respect for each other in a process for which they have taken responsibility.

2. I will never forget one contentious landlord-tenant dispute that seemed headed nowhere almost as it began. There was bitterness and hostility on both sides, exacerbated by age and cultural differences that had both parties talking past each other for some time, despite my efforts to calm the situation. Then I thought I heard something from the landlord that offered a way through the impasse. The word was "respect." So I asked the landlord, in caucus, if she was looking for an apology from her former tenant, along with any monetary sum. There was a pause. She replied that the apology was all she was looking for. When we reconvened, I helped the landlord express this offer. The former tenant responded enthusiastically and expressed her own regret for past misunderstandings with great sincerity. We memorialized these apologies in the Memorandum of Agreement and the parties left the room smiling.

(Continued on page 11)

(continued from page 10)

Rebecca F. Grossman, certified civil mediator in Hampton

1. I have a true belief that most people do not want to have their dispute end up in court and have it within them to come up with a resolution. Every once in awhile I run across someone who thrives on the pain of litigation, but that is the exception. What keeps me motivated is that satisfying point in mediation when you know that the parties are going to work it out and that you helped them find their way.

2. I had a mediation where the attorney walked in and the first words out of his mouth were, "This is a waste of time and I've instructed my client not to speak." I was a fairly new mediator and that sure did take the wind out of my sails. I took a deep breath and decided to proceed as if nothing had been said. By the time we got to the story telling, the attorney seemed a little more relaxed and started to ask questions of his client and allowing her to speak. In less than an hour we had an agreement signed and everyone was shaking hands and smiling as they left the room. The attorney called me the following week to ask if we could do another mediation for a client of his. I jokingly asked why the change of heart and he explained that for some of his clients it makes a lot more sense and he can get things worked out and move on to someone else. I will never forget the joy of converting someone from the dark side!

Wendy R. LaGuarda, Esq., certified civil mediator from McLean

1. I have been a government attorney for 21 years and feel very privileged to be part of the legal profession and to practice law for the federal government. Having said that, I believe that mediation is often a much more efficient and effective way of resolving disputes than pursuing a resolution through an administrative hearing or judicial process. Mediation not only saves time and money, but most importantly it can save relationships and souls when a successful outcome is reached. For all these reasons, I am motivated to continue mediating disputes whenever the process is deemed appropriate and all parties agree to the process.

2. I only remember the outcome of my most successful mediation because the details of the dispute, which was based on a title VII discrimination complaint, are unimportant. The complainant wanted her picture taken with the Head of the Agency to acknowledge her late husband's service to the same agency. Complainant felt that her request for such a picture was abruptly and cruelly denied and also wanted an apology for the insensitivity that caused her suffering. The parties to the dispute (including complainant's counsel) had no idea until the mediation that this was the redress complainant was actually seeking. This realization was remarkable. The Agency genuinely felt awful about the way the complainant had been treated and was only too happy to provide both a picture and an apology. This case exemplified the beauty of mediation, a process that is based on concerns rather than facts. All the parties to the mediation left feeling completely satisfied with the outcome and quite relieved that a protracted and expensive adversarial approach was avoided.

(Continued on page 12)

(continued from page 11)

Hazel Boothe-Brown, certified civil mediator in Roanoke

1. What motivates me as a mediator is the feeling of being able to make a difference in two peoples lives who are in conflict, giving them an opportunity to resolve their issues, be listened to and make the choice to have less stressful lives. Sometimes I run into someone to whom I have provided mediation and they share with me how much the experience meant to them and how much better their life is now that this conflict has been resolved. Knowing that I have helped to make this happen means more to me than any paycheck that I receive in my other profession. The feeling is priceless.

2. The most rewarding experience was when I mediated conflict between two people who had been dealing with issues for over 20 years and had just let these issues fester. After a three-hour mediation session, they had reached an agreement and gave each other warm hugs before leaving the session. About a month later, I got separate emails from each of them telling me how changed their lives had been because of mediation and how much better the workplace was for them now.

Kimberlee A. Humphrey, certified civil and family mediator in Hampton

1. I really believe in the power of mediation. It is such a gratifying experience to see people in conflict come into a mediation convinced that their position is the only position and then recognize and acknowledge the interests driving these positions and that the other party's position may not be as far from theirs as they thought. It is so rewarding as a Mediator to realize that you are making a difference in the lives of people, particularly in family cases.

2. Again, family cases inspire me every time. There are too many instances to list. It is so satisfying to work with parents who haven't talked to each other, helping them to actually sit down and discuss what is in the best interest of their child. When they put aside their differences and passionately realize that they may have been focusing too much on themselves...and not enough on the child...it is by far the most satisfying experience for a mediator. I cannot think of a more rewarding time for a mediator than when the parents walk out of the mediation actually communicating and embracing their roles, which will make a tremendous positive impact in the life of their child.

Robert E. Hoffman, certified civil mediator in Virginia Beach

Mediation provides a rewarding opportunity to deal with interesting people and situations. My best, shortest and most successful agreement is "The Parties agree to dismiss their case with prejudice."

(Continued on page 13)

(continued from page 12)

Evelyn C. Agustin, certified family mediator in Virginia Beach

1. What motivates me to be a mediator is the passion I have to help people and the satisfaction I feel when the cases I mediate not only end with an agreement, a resolve, but also end with the clients being relieved to have experienced that they can communicate, reach an agreement and that "help" is a good thing.

2. One of the most satisfying conflict resolution cases that I successfully mediated was one, which at first, I was hesitant to do. I didn't think an agreement would be reached. There was a lot of tension, more than usual, between the parties, really not pleasant at all and the parties hadn't spoken in months. Well, an agreement was finally reached, which I was glad about. We spoke a little bit afterwards. Some time later, I was informed that their relationship had really changed and blossomed, they were going for counseling, sticking to their agreement and felt really good about things, but especially about themselves. So, that just made my day! Agreements are great! Agreements with growth and change are the BEST!!

Sandra L. Wolan, certified family mediator in Virginia Beach

In my work with child custody/visitation matters, I especially recall an unmarried couple where the father was totally absent from his young daughter's life following his return from military duty overseas. His time with the infant child the first year was limited to an hour or so a few times per week, while the birth mother closely supervised his every move. The mother developed a new, live-in romantic relationship, and the father eventually spent less and less time visiting with his daughter. During his overseas duty, the father sent cards and gifts to the child acknowledging holidays, never receiving a response. A year later, he learned the mother had moved and he spent several years with no contact. He eventually located her and filed a petition with the local court.

There was a lot of tension during the initial stages of the mediation. The mother complained how the father would not marry her, he displayed only minimal interest in the child and she felt overwhelmed without his support. The father was able to talk about how he felt he could do nothing right, as the mother was always criticizing him about how he held the bottle, etc. After two sessions, the parents were able to clarify their misunderstandings and sincerely apologize for their past mistakes. Now that the child was older, the mother was able to trust the child with other people and the father felt more confident in taking care of her. The mother acknowledged she would enjoy some personal time, and they were able to establish a transition period and later an overnight visitation schedule where the father would regularly spend time with his daughter. Such a happy ending to an initially sad story. These are the moments I value as a mediator.

(Continued on page 14)

(continued from page 13)

Shirley Confino-Rehder, certified civil mediator in Norfolk

1. I am motivated by the ability to work with people who have forgotten to use open communication to help resolve issues; to watch how the light bulb goes on when all sides are heard, understood and maybe resolutions are achieved; and to know I could be the facilitator to help create positive flows of interaction. It is a selfish motivation because I receive much warmth and satisfaction in knowing, in many instances, that I can be a part of a rebirth of relationships and help retain self-respect between two/or more parties.
2. One of the most satisfying conflicts in which I was involved was a dispute between a museum and an unknown complaining party who filed a complaint with the Department of Justice about the lack of accessible parking and personal facilities on the museum's site. The party was an invited guest to a wedding that was to take place within two weeks of the complaint and required accommodations for entry, toileting and parking. The museum was not in compliance with the Americans with Disability Act. My negotiations involved working with the complaining party, the Department of Justice, the museum and with their attorneys. Results were educating all parties concerning their rights, creating acceptable accommodations and resolutions that the Department of Justice agreed on and the museum was able to achieve, in time of the wedding. The penalties were waived, the museum remained open, the wedding took place and the guest was satisfied. The museum continues to assure that all work, programs and additions are completely accessible to all.

Andrew R. Pizzi, certified civil mediator in Alexandria

1. In his book on leadership, Joseph Badaracco discusses how effective leaders have what are called "mixed motives" when dealing with issues and/or individuals. These motives are both altruistic in our wanting to help others and self-serving in that we care about our own needs. When reflecting on my motivation as a mediator, having "mixed motives" is very relevant. First, I am motivated to assist the parties to help them reach their outcome, whatever that may be. This includes helping them resolve their dispute in addition to helping them improve their relationship. Moreover, my interests are also being met because it allows me to both improve my skills and learn new techniques and skills that allow me to become a more effective mediator.
2. My most satisfying mediation was a dispute between a federal agency and union over issues related to their negotiating a collective bargaining agreement (CBA). The parties had been negotiating for several years, yet they were still in dispute over more than fifty issues. While both parties were frustrated and very positional, they agreed to mediation before submitting their dispute to a third-party arbitrator. In addition to the number of dispute issues, each party brought its bargaining team to the mediation, a total of fourteen people, and agreement could only be reached through consensus. We met for three days for approximately 8 ½ to 9 hours each day.

(Continued on page 15)

(continued from page 14)

Despite the many obstacles and problems that arose before and during the session, at the end of the third day the parties reached agreement on all the issues and signed off on their CBA.

Regina Olchowski, certified civil mediator now residing in Atlanta, GA

1. The first question is simple to answer - I enjoy feeling that I am competent to do something that helps people so much. I am constantly surprised at how hostile some of the parties can be when I speak to them beforehand, and then - lo and behold - they come to a resolution, shake hands, and leave the mediation in a positive frame of mind. That feels very satisfying to me.
2. I have had MANY satisfying conflict resolution situations, but a recent one stands out in my mind. I hope that I can describe it successfully because it's somewhat complicated. It was a mediation involving a school division and the parent of an older special education student. The student was present at various times during the mediation. At the beginning of the mediation, the school system and the parent (and advocate) were in complete agreement about the "best" situation for the student, but all vehemently agreed that the boy would not cooperate in attending that particular (residential) placement. The student declared at the beginning of the mediation that he would consider several options, but definitely NOT a residential placement. Then he left the session for a few hours. When the student returned, we offered two other options that everyone had been discussing. I also included the residential option. In the end, the student agreed to the residential placement, and EVERYBODY was thrilled. The best outcome had looked impossible, but then it happened!

Martha N. Miller, certified family mediator in Newport News

My interest in mediation is based on helping people resolve their differences. Creating a win-win situation for people in difficult situations is very rewarding. The whole premise upon which mediation is based, to have people talk with one another instead of fighting or suing one another has greater application in society at large. We must work together to bring more peace and stability to our homes, workplaces and communities. Listening to each other, as practiced in mediation, is a great place to start.

Karen Asaro, certified civil and family mediator in Virginia Beach

The DRS office received a copy of an article recently published in *The Virginian-Pilot*, featuring Karen. The focus of the delightful article, penned by reporter Theresa Curry, was on Karen's penchant for preparing and serving gourmet meals in a variety of settings, ranging from "psyche breakfasts" for her daughter's basketball team to meals for her colleagues prepared in her condo at a conference while traveling. She enjoys dispensing encouragement and support along with her meals and tells a story of a time when food played an integral part in a mediation she facilitated.

(Continued on page 16)

(continued from page 15)

With the permission of Ms. Curry, the story follows.

“An incident from Asaro’s work as a mediator caused her to reflect on the powerful implications of sharing a meal. ‘All mediators know that fostering relationships across the table can result in more creative agreements,’ she said. She was asked to mediate between two rival teenage cliques whose conflict had gotten so heated that it disrupted the school. Both the students and their parents were required to participate and, as Asaro expected, the first meeting was very tense. Parents asked whether they could bring food for the next meeting, scheduled for the early evening, and the group decided on potluck.

The second meeting, begun by sharing food, was more productive, Asaro said. ‘Food is an endless topic of conversation, and suddenly they found that they had things in common. They had similar food likes and dislikes. Mediation helped these two groups figure out a way to coexist peacefully, and I believe sharing food helped play a part in the resolution.’”

Richard C. Rakes, Esq., certified civil mediator in Roanoke

While Mr. Rakes did not submit the following mediation story for this article, we wanted to share about a recent circuit court mediation for which he mediated. The story is pieced together by a combination of client evaluation comments submitted by the parties and their counsel following the mediation. One attorney explains, “Litigation had been going on for years with a very costly trial rapidly approaching. Unfortunately, Mr. Rakes became very ill during the mediation and it had to stop. Mr. Rakes had opened the door for successful communication between the parties which resulted in the case settling one week later.” The opposing counsel reports, “We mediated for approximately three hours, but then had to stop because of a serious medical issue with the mediator. The parties agreed to keep talking and reached an agreement the following week. Mr. Rakes was a trooper, especially because of the illness he was experiencing. We appreciated his efforts.” One of the parties to the dispute commented, “Richard was very ill this day but managed to carry on. His spirit was to be admired!” We have learned from Mr. Rakes since then that when he left the mediation that day, he had to be admitted to the hospital for surgery and an eleven-day stay. We are glad to report that Dick has recovered completely and he is most grateful to the parties and their attorneys for continuing to negotiate and finally reaching an agreement.

This is a great example of the caliber of mediation professionals we are blessed to have working in our courts in Virginia. This mediator stuck with the process as long as he possibly could and his efforts paid off with a very much-appreciated settlement of a complex case.

For those who enjoy reflecting and sharing mediation perspectives and experiences, the Community Mediation Center of Southeastern Virginia in Norfolk has a mediation blog on their website at <http://confliccrushers.blogspot.com/>. The post that was mentioned in the Center’s March newsletter

(continued on page 17)

(continued from page 16)

we receive via email was written by **Hetal Mehta, Esq., certified family mediator in Chesapeake.** Hetal recently gave birth to a son and she weaves an interesting parallel between motherhood and being a mediator. **Mandy Stallings, certified general and family in Norfolk (but relocating to Richmond)** posted a series of blogs on this same site, creatively likening mediation to dating.

Coming in the June Issue of Resolutions: What the Parties Have to Say

The two principle ADR options our office oversees in the courts are mediation and judicial settlement conference. After hearing from some of our mediators in this newsletter issue, it might be interesting to take a look at a smattering of comments sent to the DRS office over the years on the client evaluation forms completed by parties following the mediation experience and then comments on the exit surveys following judicial settlement conferences. *Tune in next quarter for the continuation of this article.*

A LIFE THAT INSPIRES

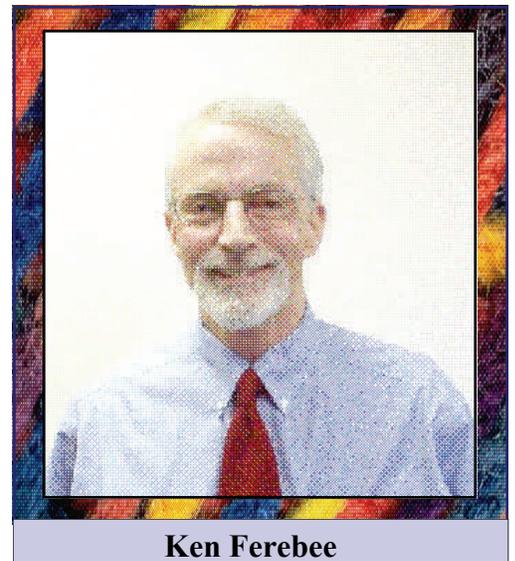


We are pleased to add a new quarterly feature to **Resolutions**. Each issue will honor a Virginia mediator whose life has proven to be an inspiration to the ADR community. Readers are invited to nominate folks they believe are worthy of this honor. It might be, as in the case of this first feature, a mediator who has passed from this life, leaving a timeless legacy for which he or she will be remembered and appreciated. It might be you wish to honor a living mediator who has faced an extreme personal adversity with amazing courage and determination. Please keep in mind we will only be able to feature four individuals each year, so give your nominations careful consideration. Send the name and as much detail as you wish to write about why this person deserves to be featured and an electronic photograph file if possible. The editors of **Resolutions** reserve the right to edit all articles but will send the draft to the original author for approval before publishing. We hope you enjoy reading about the life of our first honoree, submitted with fondness by Kim Humphrey, Executive Director of the Community Mediation Center of Southeastern Virginia, on behalf of the staff at the Center.



It is with a heavy heart that Community Mediation Center of Southeastern Virginia (CMC) announces the sudden passing of good friend, mediator and mentor, Ken Ferebee.

In 2002, Ken was searching for an organization that could use his experience working with media sales and a local victim-witness offender program. Thankfully, he found us! Because of Ken's efforts, the Hampton Roads General District Court mediation program grew from its infancy with less than 50 GDC cases a year to over 300 per year, regularly offering on-site mediation services in almost all local courts. After two years of volunteering at court, Ken became an AmeriCorps VISTA volunteer with the CMC and served for an additional three years. In addition to working at local courts Ken was an excellent advocate for mediation, consistently working with clerks, judges and other court professionals, encouraging the



Ken Ferebee

(Continued on page 19)

**continued from page 18)*

referral of mediation cases. Ken was personally responsible for mentoring many of the mediators in southeastern Virginia.

Ken had a remarkable way with community members, helping them understand the benefits of mediation and getting them comfortable with the process. Not only did he communicate well in mediation, he also was great at communicating with crowds! It has been said that Ken did the best “try mediation” speech, helped by his smooth Virginia Beach native style and calming tone.

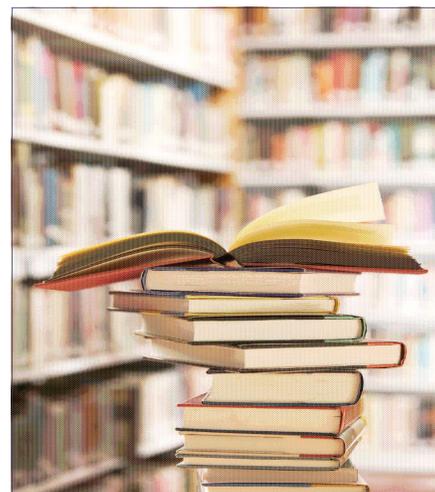
Ken was honored by the CMC in 2004 with a Peace Maker award for his self-motivated spirit. Ken was a veteran, serving in the US Coast Guard during the Vietnam War. He also was a devoted father and grandfather.

Ken was remarkably talented and responsible for designing CMC’s creative logo – the dove/hand and heart — as well as creating many of the mediation brochures and flyers the CMC has used during the past six years. He put his graphic design talents to work again by creating posters for each of the local general district courts, encouraging readers to try mediation.

Ken will truly be missed, not only for his efforts training mediators and organizing cases, but also for his experience, encouragement, great sense of humor and caring spirit around the office. As fellow CMC staff member, Chuck Hardwick, recalls, “We shared the same memories, the same political moments and enjoyed reading the same authors. We remembered the same television commercials and the summers before air-conditioning. Ken had a great sense of humor, laced with wit. His melodious radio voice will never be forgotten.”

If you have personal memories of Ken you would like to share with the CMC, please share it on our blog at www.confliccrushers.org.

Mediation Center Hosts Session On Recommended Reading for Mediators



The Northern Virginia Mediation Service's "Monday Nite Forum" recently held a program for mediators to discuss their favorite books and writings on mediation-related topics – not just "how-to" material, but also fiction, science, biography and other items that folks found nourishing and instructive for them *in their roles as mediators*.

Tracey Pilkerton and John Settle, who led the program, say participants were enthusiastic about it, and they plan to offer it again. The cascading effect of the conversation was remarkable – one book idea suggested others, which in turn suggested more! The list below barely scratches the surface, and should be considered the first rough draft of what may develop. The community also is considering establishing a regular "book club" for folks to discuss a particular book related to mediation.

The list of items collected from the session follows with a note about why each was deemed valuable. Readers who have other favorites are encouraged to share them by responding to mrinehults@courts.state.va.us, and we will send the information to Tracey and John, who plan to grow this list.

Influencer: The Power to Change Anything, by Kerry Patterson et al. — understanding how people influence others and create constructive change. There is an accompanying video.

Bringing Peace Into The Room, edited by Daniel Bowling and David Hoffman — a collection of provocative and practical essays on all aspects of mediation.

The Butter Battle Book, by Doctor Seuss — illustrates aspects of competitive human behavior and intolerance.

Inner Tennis, by Timothy Galway — sports-enhancing performance manual recently reborn as a management text. Covers the idea of a person's "self-talk," especially when things aren't going well.

(continued from page 20)

***Blink: The Power of Thinking Without Thinking* and *Tipping Point*, by Malcolm Gladwell** — two books on how people give meaning to thin slices of behavior, the value of our innate knowledge and intuition, and how ideas grow in acceptance. Among other things, Gladwell examines how behaviors and messages “spread just like viruses” and he discusses a typology of personalities who enable the spread.

***What We Keep*, by Elizabeth Berg** — novel on an intergenerational dispute involving perceptions and misunderstandings of events between mother and daughters. Story also touches on the power of truth, forgiveness, and understanding.

***Difficult Conversations: How to Discuss What Matters Most*, by Douglas Stone et al.** — analyzes difficult conversations in terms of three components: learning what happened, developing an understanding of the feelings around the issue, and identifying personal stakes in the outcome. Practical, “how-to” advice.

***Games Girls Play*, by Caroline Silby** — less about girls and more about performance enhancement in sports and in life; discusses coping differently with things you can and can’t control, communication, and other subjects.

***Ripples from Peace Lake: Essays for Mediators and Peacemakers*, by Eric Galton** — provocative short essays from a thoughtful and experienced mediator – “every essay is a delight.”

***The Happiness Hypothesis*, by Jonathan Haidt** — a synthesis of psychology, religion, philosophy and sociology, bearing on self-understanding and creation of personal meaning.

***Crucial Conversations*, by Kerry Patterson et al.** — tools for holding conversations when the stakes are high. Provides a dialogue model for understanding how people react when safety is at risk (flight/fight) and how, once safety is restored, to engage in meaningful dialogue.

***Kiss, Bow, and Shake Hands: How to Do Business in Sixty Countries*, by Terri Morrison and Wayne Conaway** — deals with cultural difference and the ethics of being sensitive to those differences.

***Who Moved My Cheese*, by Spenser Johnson** — short book on people’s reaction to change and how it is tied to their perceptions and beliefs about the nature of change.

***Language and the Pursuit of Happiness*, by Chalmers Brothers** — shows how people create meaning through the language they speak and how they listen. Provides tools and techniques for using language more purposefully.

***House of Sand and Fog*, by Andre DuBus** — what happens when people are locked in their positions and when emotions take over. Great for reflecting on openings that could potentially

(continued on page 22)

(continued from page 21)

shift parties from their positions to interests and what happens when people engage in meaningful dialogue.

***Quiet Leadership*, by David Rock** – contains an excellent chapter on active listening and the importance of being succinct.

Legislative History of the Administrative Dispute Resolution Act of 1996 (P.L. 104-320). Senate Report 104-245 (3/27/96) to accompany S.1224; House Report 104-597 (5/29/96) to accompany HR 2977; House Conference Report 104-841 (9/25/96) to accompany HR 2977; Congressional Record Volume 142 (1996) – Sept 25, , Sept 27, Sept 30, and Oct 4. Interesting discussion of the intersection of ADR, public policy, and politics.

***The Negotiator's Field book*, edited by Andrea Schneider & Christopher Honeyman** – a compendium of eighty articles by mediators, academics, researchers and others on all aspects of how people negotiate (in mediation and elsewhere).

***Creative Problem Solver's Handbook for Negotiators and Mediators, Volumes 1 & 2*, by John W. Cooley** – the title says it all.

***Digging to America*, by Anne Tyler** – all of Tyler's sixteen books are valuable for their display of the subtle nuances of human communication and miscommunication; this one adds the overlay of complex interactions between couples with culturally-mixed marriages and foreign-born adopted children.

***Long Day's Journey into Night*, by Eugene O'Neill** – a literature classic recommended for its sophisticated examination of the human heart and interactions with others.

***Emotional Intelligence*, by Daniel Goleman** – a primer on understanding the important differences between "brainpower" (IQ) and emotional competency and awareness.

***Bleak House*, by Charles Dickens** – a classic which displays the damage done by uncontrolled litigation, in addition to an examination of human character.

***Plain Truth*, by Jodi Picoult** – a novel which explores the difficulties people have in understanding each other across different cultures. Well-drawn and richly-nuanced characters, and also explores how lawyers think.

***He Said, She Said*, by Deborah Tannen** – this and other books by Tannen explore gender differences in communication, as well as general communication problems such as, e.g., that others' perceptions of the content and emotional tone of what you say may not match what you thought you were expressing. See also books by **Carol Gilligan** on, e.g., different value systems of women and men.

(Continued on page 23)

(continued from page 22)

No Future Without Forgiveness, and other books by **Desmond Tutu** which contain valuable lessons on, e.g., creativity in peace-building, listening, and healing.

The Promise of Mediation, by Robert Bush and Joseph Folger — the 1994 classic which is a basic primer on transformative mediation.

Getting to Yes and ***Getting Past No*** — Fisher's and Ury's books from the Harvard Project on Negotiation which are central to the "interest-based" approach to resolving conflict.

On Apology, by **Aaron Lazare** — a theoretical and practical analysis of apology and how to deal with both the need to get, and to give, acknowledgment.

John Adams, by **David McCullough** — how "the colossus of independence" struggled with many years of great adversity here and abroad.



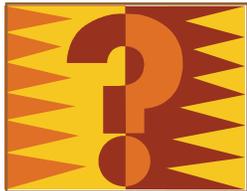
A hearty thank you from DRS to John Settle and Tracey Pilkerton for their willingness to compile and share this great resource list following their workshop.

READERS' RESPONSE



Some mediators who have been reading *Resolutions* for many years might remember our “Readers’ Response” section included in each issue. Take a minute to read the question presented for March and you are invited to send your written responses via email to Melanie Rinehults at mrinehults@courts.state.va.us.

Selected response(s) will be printed in the June issue along with a new question for your feedback. You may find that some questions posed have a definite answer, such as in a particular ethics scenario, while other questions may allow for a variety of responses, depending on how a particular court has chosen to proceed. If you have suggestions for questions, feel free to submit them at any time to the DRS office.



QUESTION:

How do you proceed (or not) when one of the parties in mediation is under the age of 18?



GOVERNOR KAINE PROCLAIMS MARCH AS MEDIATION MONTH

A number of prominent organizations combined efforts in 2008 to request that Governor Kaine again issue an official proclamation, naming March as Mediation Month in the Commonwealth of Virginia. Several mediation centers and groups offering mediation services have reported special events they planned as a means of promoting awareness of mediation as an alternative to conflict resolution in our courts and in their communities.

Apple Valley Mediation Network

- March 11 from 11:00 am to 1:00 pm ~ a lunch for all mediators, included a free domestic violence training based on a new screening approach, presented by mediator/trainer, Jennifer Orenic.
- March 18 ~ Apple Valley Mediation Network's Annual Meeting ~ 6 pm at the Ramada Inn in Strasburg. We were honored this year to have as our guest speaker Geetha Ravindra, former director of Dispute Resolution Services at the Supreme Court of Virginia.

Peaceful Alternatives Community Mediation Services

- March 20 from 5:30 to 7:30 PM ~ hosted the Amherst Business After Hours Event, included the drawing of door prizes donated by local businesses that support the services of the Center. More than 30 supporting businesses and 45 individuals attended the event. BBQ was prepared by a local business on an outdoor cooker and served with side dishes.

Community Mediation Center of Southeastern Virginia

- March 8 ~ 9:00 am to 3:00 pm at Berkley Neighborhood Service Center ~ Norfolk Neighborhood University Conflict Resolution class.
- March 13 ~ 6:00 to 8:30 pm at United Way's regional office ~ discussion of communication and diversity.
- March 18 ~ 11:30 am to Noon ~ Senior Services of Southeastern Virginia ~ presentation of mediation as a resource.
- March 20 ~ 6:00 to 7:30 pm ~ Open House at the Center ~ primarily for prospective mediator volunteers and service recipients.

(continued on page 26)

(continued from page 25)

- March 22 ~ 9:00 am to Noon at Park Place Neighborhood Service Center ~ Reaching Higher Ground civic league facilitation
- March 24 ~ 1:00 to 3:00 pm at the Iron Workers Hall ~ Communication and Diversity Workshop for United Way's union representatives.
- Youth Conflict Resolution Opportunities ~ peer mediation training at several area high schools, parent teen mediation for gang program participants, and gang prevention sessions at Virginia Beach DSS office.

Rappahannock Mediation Center

- March 7 ~ Annual Meeting and Fundraiser ~ Judge Ellis, Guest Speaker

Catholic Charities of Eastern Virginia, Inc.

- March 28 ~ 2:00 to 5:00 pm ~ Open House included food, beverages, networking, appreciation gifts and fun. Services, including mediation, were featured.

Piedmont Dispute Resolution Center

- March 28 ~ 8:00 to 10:00 am ~ hosted a breakfast Mediation Celebration for the community in Old Town Warrenton. Virginia Mediation Network's mediation DVD were running continuously, there were mediation and conflict resolution displays, and PDRC mediators were present to answer questions.

The Center also raffled a hand-crafted Peace Bench, pictured below. It is signed by the builder and accompanied by a small plaque engraved with the words *Peace Bench*. The plaque will be customized with the addition of a name supplied by the winner *in celebration of or in memory of*. For more information about PDRC Mediation Month activities, visit www.PiedmontDisputeResolution.org.



(continued on page 27)

(continued from page 26)

In tandem with Governor Kaines' proclamation, the Fauquier County Board of Supervisors issued a proclamation recognizing March as Mediation Month in the County.



PDRC mediators receive the proclamation and adulations from the Fauquier County Board of Supervisors. From the left Phyllis Worrell, Supervisor Terry Nyhous, Lawrie Parker, Bill Barr, Liliana Anaya, Maria Hyson and Sonja Addison

We are grateful for the Governor's Proclamation and we salute all the wonderful, hard-working ADR professionals who contribute to the growth and success of conflict resolution alternatives in the Commonwealth. The Mediation Proclamation is pictured on the following page of the newsletter.



CERTIFICATE of RECOGNITION

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:

MEDIATION MONTH

WHEREAS, the Virginia Mediation Network, the Virginia Chapter of the Association for Conflict Resolution, the Restorative Justice Association of Virginia, and the Virginia Association for Community Conflict Resolution are growing professional entities that strengthen the dispute resolution services available to citizens, families, businesses and government bodies; and

WHEREAS, with the continuing efforts of the Virginia Administrative Dispute Resolution Act Interagency Advisory Council, public bodies of the Commonwealth are demonstrating a growing commitment to innovation in problem-solving and the application of creative actions and behaviors when faced with complex issues and disputes; and

WHEREAS, the Virginia Bar Alternative Dispute Resolution Joint Committee of the Virginia Bar Association and the Virginia State Bar supports education of the Bench the Bar, law students and the public on the advantages of appropriate dispute resolution options and encourages collaborative practices; and

WHEREAS, the Attorney-Client Fee Dispute Committee of the Virginia State Bar supports the use of mediation or arbitration to resolve fee disputes between attorneys and clients; and

WHEREAS, mediation practices and skills can be, and are being applied in the workplace by leaders, managers and supervisors who have embraced the power and efficiency of honest, resolution-driven personal interactions; and

WHEREAS, non-profit community mediation centers, individual mediators and other dispute resolution practitioners, through their significant expertise in helping stakeholders find durable solutions to important issues, have demonstrated the value of their profession; and

WHEREAS, mediation, along with the principles and practices that it embodies, can be a crucial tool for peacemaking between individuals, groups, units, neighborhoods or countries, and the Commonwealth of Virginia continues to be a national leader in those efforts; and

NOW, THEREFORE, I, Timothy M. Kane, do hereby recognize March 2008 as **MEDIATION MONTH** in the **COMMONWEALTH OF VIRGINIA**, and I call this observance to the attention of all our citizens.



[Handwritten Signature]
Katherine K. Hanley

Project Homeless Connect: Using Conflict Coaches

On February 28th volunteer Conflict Coaches from the Community Mediation Center of Southeastern Virginia participated in Norfolk's Project Homeless Connect, a one-day outreach and service initiative for single homeless adults in Norfolk. The event was organized by The United Way, the City of Norfolk, and the Planning Council.

Volunteers from the Community Mediation Center assisted in one-on-one conflict resolution coaching sessions to address guests' individual needs. One volunteer remarked on how great it was that so many people from so many different occupations were willing and able to spend their day serving others. CMC's Conflict Coaching pool is a mixed group of students, professionals, and laborers. Some are fully certified mediators and others are civic-minded community volunteers with specific conflict resolution training.

For homeless participants who are able to use Conflict Coaching, there are many benefits including making human connection, being listened to with respect, and problem solving through issues such as getting along with coworkers, family members, or potential roommates.

Over 900 volunteers showed up at the Norfolk Scope to offer their services and expertise to individuals. Norfolk Mayor Paul Fraim kick-started the event with a welcome to all the volunteers. Services provided included ID issuance, application for Food Stamps and Social Security benefits, dental, medical, and hearing, job registration/searches/counseling, HIV testing, and housing assistance.

The February event was the fifth such event in Norfolk and served 853 homeless guests. Another event is tentatively planned for September. Visit Norfolk's webpage about the program: <http://www.norfolk.gov/homelessness/events.asp>. For more information on the Community Mediation Center visit www.ConflictCrushers.org, or contact Amanda Burbage, Community Relations Director, at 757-480-2777 ext. 204 or AmandaB@ConflictCrushers.org.

From left,
Sarah Walker, Lisa
Schaeperkoetter,
Donna Sayegh,
Anisha Walker,
and Diane Arnold,
Conflict Coaching
Volunteers for the
Center



Conflict Resolution Part of Earn and Learn Program for Teens

For the third consecutive summer, Community Mediation Center of Southeastern Virginia plans to work with Norfolk Department of Human Services on their "Earn and Learn" program. Earn and Learn is designed to give teens, ages 14-19, a taste of potential public service and private careers. By providing participants meaningful summer work experience, the city also hopes to instill positive work habits and attitudes. Hundreds of teens apply to participate in the program and only 250 are selected.

Along with working 16-36 hours per week, participants also attend life skills training, including communication and conflict resolution. One of the major challenges in working with teens in their first job is teaching them about respecting diversity, getting along with coworkers, communicating clearly and respectfully with colleagues and customers, and preparing them to balance their work and home lives.

Community Mediation Center organizes and provides life skills training by utilizing volunteers to speak about and teach their special skills to small groups of teens. Topics that have been addressed in the past include sound financial management, resume writing, interviewing skills, dressing for success, creative expression, and dealing with stress. Certified volunteer mediators are used to teach communication and conflict resolution skills.

For more information contact Kim Hopwood, Youth Programs Coordinator at Community Mediation Center at 757-480-2777 ext. 253 or email KimH@ConflictCrushers.org.



*Submitted by Amanda Burbage, Community Relations Director,
Community Mediation Center of Southeastern Virginia, Norfolk.*