

The bi-monthly publication of the Ohio Mediation Association ...

Mediate Ohio

September | October 2012

A Word from the President

Dear OMA members,

It's been an exciting year for OMA—the spring conference was a success. Jennifer Kresge gave a captivating audience a comprehensive presentation on brain function and how certain structured questions can help open doors in mediation. Every year, the annual conference proves to be a great source of information that makes an impact in our practice.

What's in Store for OMA 2012-2013

Coming to a city near you!! Every year OMA schedules at least one bi-monthly members meeting outside of Central Ohio. The goal is to reach and connect with members who are unable to make the trip to Columbus every other month. This October we are on the road to the Glass City—Toledo, Ohio! Toledo is the home of the world-class Toledo Museum of Art and Glass Pavilion, The Toledo Zoo and most importantly, mediators extraordinaire, Maara Fink and James Petas!

All members are invited and encouraged to attend. Our speaker will be Judge Charles Abood. Judge Abood has been a champion of mediation in Toledo for the past three decades—though, retired from the bench, Judge Abood continues to have an active mediation practice here in Northwest Ohio. Judge Abood was instrumental in starting the first court-connected mediation program 28 years ago. His topic will be, "Mediation Now and Then—How Mediation Has Evolved Over the Years." The bi-monthly meetings are always thought-provoking and educational and provide a wonderful opportunity to network with colleagues and friends. If you haven't yet attended, we strongly encourage and welcome you to join us.

This past year, the Board has been earnestly discussing the merits of moving our annual spring conference to the fall. Moving seasons has the potential advantage of avoiding the often cluttered spring conference roster. While a slight majority of members who responded to our online poll favored a move to spring, hours of debate and discussion resulted in a tied board vote. The decision was made to table the discussion and leave the conference in the spring of 2013 and resume the conversation as it relates to the 2014 conference and beyond.

OMA is also branching out to serve as a sponsor at this year's Ohio Association of Magistrates Conference in Columbus. This is a great opportunity to connect with state magistrates who work directly with a population that can benefit from mediation. OMA's goal is to be a clearinghouse to connect magistrates, attorneys, litigants, and the public to mediators. We are also excited to start a dialogue with the magistrates to see how OMA can best provide services and support to courts.

In December, the OMA Board has invited private marketing consultant Karen McClain to a special board meeting addressing concrete strategies to help make OMA a more viable entity in helping to connect the public with our mediator base and to further discuss how OMA can promote mediation in Ohio. Our impact on the field of mediation is what we put into it. Please join us at our OMA meetings and conferences and help make a difference. Your input is vital!

I look forward to seeing you in Toledo!!

Jim Petas, OMA President

OMA :: Promoting an understanding of the value of mediation.

Working with Interpreters
by Cathie Kuhl

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Interpreters & Translators :: What Do They Do?

According to the United States Department of Labor's Bureau of Labor and Statistics, an interpreter is someone who works in spoken or sign language to convert information from one language to another, while a translator performs the same function but works in written language.

Interpreters and translators are found in various settings including schools, hospitals, courtrooms, mediations, negotiations, business environments, theatre productions, political delegations, and really

any other place that you might find individuals communicating with one another. Because the world around us is becoming increasingly more diverse, we are all likely to encounter a situation in which an interpreter is being utilized sooner rather than later.

In the following article, Cathie Kuhl takes us through her experiences with interpreters in the mediation setting, and on the following page, she introduces us to helpful guidelines that we could all utilize should we be faced with similar circumstances.

OMA :: Professionals helping people resolve disputes.

Working with Interpreters in Mediation

by Cathie Kuhl

Have you mediated a dispute in which one or more of the parties communicated through an interpreter? If you have not yet had this experience, chances are good that you may in the future.

Nationally, the U.S. Census bureau reports that the number of people age five and older who spoke a language other than English at home has more than doubled in the last three decades. In Ohio, according to the U.S. Census Bureau's 2007 American Community Survey, the number of persons over the age of five in Ohio who spoke a language other than English at home numbered over 640,000 persons. Of that number, 35% reported speaking English less than "very well."

A 2006 survey conducted by the Supreme Court of Ohio Interpreter Services Program estimated that interpreters for 73 languages (including the sign languages used by Ohio's deaf and hard-of-hearing populations) were needed in Ohio courts. The Supreme Court's Interpreter Service Program provides technical assistance, training, and learning opportunities for the courts and interpreters on the proper role and use of interpreters in legal proceedings. One of the recent accomplishments of the Interpreter Service Program is to create a Court Interpreter Certification Program that enables interpreter's to meet the criteria for a certified court interpreter. More information about this program can be found on the Supreme Court of Ohio's website at: <http://www.supremecourt.ohio.gov/JCS/interpreterSvcs>.

I find mediating a dispute when interpreters are involved to be a very interesting experience; "the same, but different," as the saying goes. I am intrigued by the fact that, in these mediations, I am not the only person in the room whose job it is to facilitate communication, even though the interpreter and the mediator use different means to achieve that end.

Knowing that there is much more to be said on this topic, I will share with you some guidelines for mediating with interpreters (the guidelines assume that the interpreter used in mediation is qualified or certified.) These guidelines were drawn from my experiences mediating with interpreters, knowledge gained by attending training on the subject of interpreter use in the court system, reading whatever I can get my hands on regarding this topic and talking to interpreters about how they approach interpreting in a mediation session. These guidelines were created with input from Bruno Romero, Program Manager for the Supreme Court Ohio Interpreter Services Program, as well as Kevin Mercado, Interpreter Coordinator for Hamilton County Municipal Court.

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Guidelines for the Use of Interpreters in Mediation

by Cathie Kuhl

- A mediator should give the interpreter the opportunity to introduce himself or herself to and converse with the party before the start of mediation. This allows both the interpreter and party to make sure that they understand each other's language.
- The mediator should ask the interpreter where he or she would like to sit. Sign language interpreters, for example, need to have a full view of the deaf or hard-of-hearing person in order to comprehend and communicate using the gestures and facial expressions that comprise the sign language.
- In the introduction stage of mediation, the mediator should introduce the interpreter to all persons in the mediation. The mediator should explain that the role of the interpreter is to give a neutral interpretation of what is being said; the interpreter does not participate in any other way in the mediation session. The mediator should explain that the interpreter is also bound by confidentiality and ask the interpreter to confirm that what he or she hears and sees will remain confidential.
- In the introduction stage, the mediator should ask if the interpreter will be using consecutive or simultaneous methods (or both) and allow the interpreter to explain the method to all present in mediation. Regardless of the method, don't expect a word-for-word interpretation; interpreters render what is known as the "closest natural equivalent" of the source message.
- During the mediation session, the mediator should address comments and questions to the party, not the interpreter, even though this may at first seem awkward. One language interpreter has suggested that the mediator think of the interpreter as "a machine" whose job it is to interpret language.
- The mediator should make sure that only one person speaks at a time and ask each person who speaks to allow the interpreter time to interpret after each statement, when the interpreters are using the consecutive interpreting method. This includes dialogue between the mediator and an English-speaking person.
- If a mediator uses caucus, the interpreter will likely not stay in the room with the person for whom he/she is interpreting unless the mediator is also in the room. Interpreters avoid being alone with any party to prevent any concerns about improper communication.
- An interpreter needs to take notes. Depending on the note-taking style, the notes may or may not contain information particular to the mediation. The mediator should explain to the parties that the notes, in most cases, cannot be used as evidence against them. The interpreter's notes are generally protected from legal procedures, as they are part of the interpretation.
- An interpreter must take breaks; this is to minimize fatigue and maintain accuracy. After approximately 30-45 minutes of interpretation, the mediator should allow the interpreter to take a break. If there is a team of interpreters, they can switch places every 30-45 minutes, giving one interpreter a break with no disruption in the interpreting.

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Future Feature :: Spotlight on Members

Beginning with the November | December edition of Mediate Ohio, we will be featuring one OMA member in each publication going forward. With over 100 members in our organization, we are sure there is someone you have not yet encountered in your career, and therefore, we felt this would be a perfect way to introduce you, if only virtually!

If you know of an OMA member you believe should be featured in a future newsletter, please nominate him/her by emailing mailing me at kwollenburg@co.union.oh.us, or Cathie Kuhl at ckuhl@cms.hamilton-co.org. Please note that upon determining the next featured individual, Cathie will contact them to conduct a telephone interview in order to shed a brighter light on his/her life and career.

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My Favorite Blog, What's Yours?

by Cathie Kuhl

In the May|June 2012 edition of Mediate Ohio, Newsletter Editor Kate Wollenburg wrote an article about blogging, introducing readers to the concept and purpose of blogs, and she listed a few blogs for readers to "test drive."

I'd like to introduce you to *my* favorite blog, Dr. Tammy Lenski's *Conflict Zen* blog. In the author's own words, her blog is "for anyone who would like to learn better strategies for keeping their balance during conflict at work or home." What I like about Tammy Lenski's blog posts is that her writing is not your typical blog about mediation, negotiation, or conflict resolution—some of the blogs about these topics can be very ... well, um, dry. (Can't think of a good mediator-reframe here.)

Tammy (I've been reading her blogs for so long I feel like we are on a first name basis) does address serious topics—but she doesn't lecture; her writing is easy to relate to, interesting, and often humorous. She is a great storyteller, and in the tradition of great storytellers, within her stories nestles the gem of truth. She draws from her everyday life—her husband, her dogs, her students—as well as her mediation experiences to teach mini-lessons about conflict, negotiation, and mediation.

If you are intrigued by blog titles like, "The Frank Lloyd Wright Secret to Creative Problem Solving," "It's What You Learn after You Know It All that Counts," or "I've Cried a River: Rooster Conflict Teaches Resolution Lesson," then go to the *Conflict Zen* blog, <http://lenski.com/blog/>, and check out these and other great blog posts by Tammy Lenski.

Do you have a favorite blog that you would like featured? Tell us about it! Just send me the blog link and a few words about why it is your favorite to at ckuhl@cms.hamilton-co.org.

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Conference & Training Opportunities

Events listed chronologically; click on the name of the conference or training to be taken to its website.

Fall 2012

Association for Conflict Resolution Annual Conference | September 12-15, 2012, Sheraton Hotel, New Orleans, LA

Program Description: Creating Connections: Conflict Resolution in Deeply Divided Times. This conference serves to spotlight how we as a field are successfully addressing the multitude of divisions that exist in these tough times: in families, workplaces, communities, and globally. ACR invites proposals on how your work addresses conflicts that arise from differences in values, economics, race, ethnicity, religion, politics, sexual orientation, class, age, and other factors.

Keynote Speaker: Ms. Leymah Gbowee, Joint Winner of the 2011 Nobel Peace Prize; Executive Director, Women Peace and Security Network Africa; Founder, Women in Peacebuilding Program/West African Network for Peacebuilding.

Advanced Commercial Mediation Institute | September 14-15, 2012, Sheraton Hotel, New Orleans, LA

Program Description: Creatively Composing Connections: Decision. Determination. Resolution. This two day program is limited to 60 participants experienced in mediating complex commercial disputes so as to facilitate extensive interaction among participants and faculty. Members of the American Arbitration Association's National Roster of Neutrals attending this program will receive A.C.E. credit.

Domestic Abuse Issues: Training for Mediators & Other Professionals | September 19-20, 2012, 8:30 a.m.—5:00 p.m., Scioto County DJFS, Portsmouth, Ohio. 14 CLE hours.

Program Description: The purpose of this training is to teach participants how to screen for domestic abuse and to use appropriate procedures for determining when and how to mediate matters that may be before the court when parties may have experienced domestic abuse, such as parenting issues or other matters. Upon successful completion of this training, participants will be able to recognize the legal framework that applies to domestic abuse and mediation, the complex nature of domestic abuse, among other related issues. *Note: This training is not about how to mediate domestic abuse itself or how to use mediation as a diversion from prosecution of domestic violence.

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Fall 2012

Academy of Professional Family Mediators Founding Conference | September 27-30, 2012, Sea Crest Resort, Cape Cod, MA
Program Description: Build It and They Will Come! A Visionary Gathering & Reunion of Family Mediators. All practicing family mediators are welcome to this training. APFM promotes quality work in the field and intends on increasing the credibility of mediation as a better option for consumers confronting family conflicts.

Foreclosure Mediation Teleconference | October 1, 2012, 2:00 p.m.—4:00 p.m., No Registration Required.
Topic: National Mortgage Settlement: Karen Meyers & Ken Owens, NM Ag's Office. Virtual Event Teleconference
 Instructions: **1) Dial 1-877-820-7831 and 2) Enter Passcode 529659#.**

Parenting Coordination | October 4-5, 2012, 9:00 a.m.—4:45 p.m., Hamilton County Domestic Relations Court, Cincinnati
Program Description: 12 CLE hours. Designed for to give dispute resolution professionals the knowledge and skills necessary to serve as parenting coordinators, this training will describe the interventions helpful in reducing parental conflict, focusing on understanding the psychological dynamics of the parents and the impact of the conflict on the children. *Recommended Prerequisites:* 1) Basic Mediation (min. of 12 hrs.), 2) Domestic Abuse Issues (14 hrs.) provided by the Supreme Court of Ohio, and 3) Specialized Family/Divorce Mediation (min. of 40 hrs.).

International Academy of Mediators | October 11-13, 2012, Sheraton Commander Hotel, Cambridge, MA
Program Description: Exploring the Frontiers of Conflict Resolution: From the Banks of the Charles to the Distant Shores of Cyberspace. The mission of the International Academy of Mediators is to define standards and qualifications for the professional mediator of commercial disputes and to promote the mediation process as the preferred means of resolving disputes.

Specialized Family & Divorce Mediation | October 9-10 & 16-18, 2012, 8:30 p.m.—5:30 p.m., Scioto DJFS, Portsmouth
Prerequisite: Basic Mediation Training (12 hr. min.) and UMA Training (2 hr. min.). *Program Description:* 40 CLE hrs. Advanced training that covers all aspects of family law mediation. Upon completion, participants will be able to apply relevant Ohio law and rules associated with the financial aspects including division of marital and separate property, spousal support, child support, allocation of parental rights and responsibilities, and parenting time; create mediation strategies; manage high conflict situations; draft an effective parenting/companionship time schedule utilizing individual life cycle development theory; and demonstrate advanced mediation skills and strategies.

Mediation Roundtable | October 19, 2012, 10:00 a.m.—2:00 p.m., Supreme Court of Ohio, Columbus.
Program Description: Turn That Frown Upside Down: Using Core Concerns to Enlist Positive Emotions in Mediation. This workshop is designed to introduce mediators to another way to handle emotions in mediation. Mediators will learn about the "five core concerns," a concept that was introduced by Roger Fisher and Daniel Shapiro in their 2005 book, "Beyond Reason: Using Emotions as You Negotiate." *Note: Attendees must bring photo IDs.

Foreclosure Mediation Teleconference | November 5, 2012, 2:00 p.m.—4:00 p.m., No Registration Required.
Topic: TBD. Virtual Event Teleconference Instructions: **1) Dial 1-877-820-7831 and 2) Enter Passcode 529659#.**

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