

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

Mediate Ohio

February 2013

A Word from the President

Living in the Dark Ages

OMA has made me a better mediator. There ... I said it. Could this statement come from a more biased source? Probably not. But the truth is that all of the conferences, bi-monthly meetings and newsletters have vastly improved my abilities and have made learning those skills enjoyable.

Years ago, before I became more involved in OMA (and still lived in the dark ages), I would read the Newsletter and occasionally attend a meeting or annual conference. I thought I had cornered the market on mediation training (but that's for another column).

The first OMA article I read authored by past-president Shirley Cochran still helps me work through difficult cases, even today. Shirley's topic was the challenge of dealing with difficult personalities in mediation. That same week, I had a case involving two local attorneys who were suing each other. They were upset that the case had been referred to mediation and made it clear they were going to control things, which resulted in an almost immediate impasse. Shirley's article helped me to effectively channel all of the negative energy in the room, and 2 hours later, an agreement was born. Shirley if you're reading this—thank you.

That was the first in a series of events that has made my OMA membership critical to my career.

In 2010, Woody Moston headlined the OMA Conference. His practical no-nonsense approach to mediation made it clear why he was one of the most sought-after mediators on the West Coast. His talent for posing simple questions to clients in mediation such as, "Is this working for you?" or "What are your goals as a parent?" can really make things happen in mediation.

In 2011, the insightful Ken Cloke, discussed how mediators can learn to handle dangerous dialogs. These difficult conversations open doors to help clients wake-up to a broader range of possibilities and can move parties toward resolution of conflict. Cases with higher degrees of complexity and danger are often cases that can benefit most from mediation. Ken saw that mediators often must be more like "bomb squad technicians" than anything else. This unique perspective was exciting and comprehensive.

This past spring, OMA presented mediator and trainer Jennifer Kresge. The foundation of her perspective was that the better we understand the physiology of the brain, the more effective we can be as mediators. By understanding what happens when we ask certain "strategic" questions or reframe a difficult experience, we can make an impact on the brain which results in a higher level of brain functionality and activity.

OMA's bi-monthly meetings provide me with yet another forum in which to hear interesting and relevant speakers in the field. I leave each meeting with a deeper understanding of the field. These meetings are also a great chance to visit with colleagues. Past speakers include professionals from CASA, the Ohio State Highway Patrol, and the Supreme Court of Ohio. We have had marketing experts give advice on how best market one's practice and better brand our profession. We have had challenging speakers and discussed fascinating theories on mediation. Overall, the meetings always make taking an afternoon to join OMA worth my time.

These are just a few reasons why I belong to OMA—I would love to hear yours! Looking forward to seeing you at what I'm certain will be a continued string of meaningful opportunities and events.

— Jim Petas, OMA President

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

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OMA Member Spotlight

Livin' the Dream :: Stephen Calardo

by Cathie Kuhl



Imagine you are a busy mediator, working full time, mediating five days a week. Imagine that clients throughout

Ohio and in every major city in the U.S. seek your mediation services. Imagine that the only marketing tools you rely on are word-of-mouth and your own reputation. Lovely dream, isn't it? For Stephen Calardo, this is not a dream—it's his reality.

Though some have told him he is a "natural mediator," Steve did not begin his professional life as a mediator. Like many other mediators, Steve began his career as an attorney—an attorney who regularly litigated cases in court. Steve recalls that his first exposure to mediation happened in the mid-'80s when he was representing neighborhood residents in a contentious environmental dispute involving a local energy corporation. When opposing counsel suggested mediation, Steve's first thought was, "What's mediation?" followed quickly by, "Why would I want to do that?" Nevertheless, he and his clients agreed to participate in mediation.

It was this early experience with mediation that kindled his interest. "That mediation resulted in outcomes which would never have been possible through the Court process," Steve recalls. From that point on, he attended numerous mediation training programs (notably the forty-hour mediation training at Harvard's

Program on Negotiation), he volunteered to organize Settlement Week in Hamilton County and he acted as a volunteer mediator whenever requests came his way. Within a few years, Steve began receiving requests from parties to hire him as a mediator. Eventually, Steve made a decision to build a practice focused on mediation and arbitration (he had been arbitrating for many years, too). He realized that keeping his litigation schedule would limit his ability to create a mediation practice because a mediation practice requires scheduling flexibility. Within five years, his practice changed from a law practice to a mediation/arbitration practice. Since 1998, he has had a successful, full time mediation practice.

Early on, Steve made a decision to mediate in all areas of civil litigation, with the exception of domestic or interpersonal relations disputes, because of his legal experience with those types of cases. He is quick to point out, however, that mediators do not have to be experts on the substantive areas of the dispute. "Through the mediation process, parties will educate the mediator on what he needs to know," he maintains. Steve mediates in two areas that have garnered him a national reputation: environmental disputes and financial security disputes, which he says have proliferated during recent years. "When everything goes bust, people fight over the scarce resources," Steve noted wryly.

Steve's advice to aspiring mediators is to mediate whenever you can and as much as you can, even if it is on a volunteer basis. He credits his success to several things, one of which is reputation. "You have to be viewed as neutral," he said, "You have to play it down the middle of the road." Steve also believes that to be successful, you have to mediate successfully; this is often, but not always, defined as settlement. "Some mediators get too bogged down in a model," he explained, "sometimes you have to take a risk and do whatever seems to work." On a practical level, Steve says his volume of practice allows him to never charge a cancellation fee, something that attorneys and clients appreciate. Another tip: electronic billing. "It's wonderful and improves cash flow," Steve advised.

Steve's membership in OMA is very important to him. Although he admits that he is not able to attend as many meetings as he would like, he reads the newsletter and maintains his membership as a way of keeping in touch with mediators and mediation in Ohio. Steve says that he gave up the domain name "mediateohio.org" so that OMA would be able to use it. All for a good cause, says Steve, "Any organization that supports mediation in Ohio provides a valuable service."

OMA :: Communicate and anything is possible.

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February Meeting

Marketing Guru Karen McClain presents *Building Marketing Momentum, One Tactic at a Time*

Join us at the MCL Cafeteria in Westerville on Friday, February 1, 2013, from 12:00 p.m.-1:15 p.m. for the March OMA Bi-Monthly Meeting! Presenter Karen McClain will discuss the most current and effective ways to market your mediation practice or organization in her presentation *Building Marketing Momentum, One Tactic at a Time*.

Karen McClain is a senior marketing, public relations, and communications executive with more than 25 years of corporate, agency, and non-profit experience. She established The McClain Group, LLC, a communications and marketing-solutions consulting practice, in 2006. Ms. McClain's previous associations include Senior Vice President of Technology and Operations Communications with JPMorgan Chase, Public Relations Director with SBC Advertising, Director of Marketing with the law firm of Porter, Wright, Morris & Arthur, LLP.

Better World Award

Call for Nominations

Each year, the Ohio Mediation Association presents an award to a person who or entity that has made the world a better place through their work, directly or indirectly, related to the mediation or dispute resolution field. This award will be presented at the OMA Annual Conference held April 19, 2013.

OMA invites you to submit a nomination for the OMA Better World Award. To submit a nomination, all you need to do is write a brief statement giving the name of the nominee and explain why you believe the nominee has made the world a better place for Ohioans through work that is some way related to mediation or dispute resolution. Feel free to re-nominate someone you have nominated in the past but who was not selected for the award.

Submit your nomination by clicking [here](#). Fill in the open fields, and then simply click the "Submit Form" button by February 2, 2013. Please contact President James Petas at 419.936.2312 if you have any questions.

Annual Conference

April 19, 2013, 9:00 a.m.—4:00 p.m., Riffe Center, Columbus, Ohio

Save the Date for OMA's Annual Conference! Lee Jay Berman of Marina del Rey, California presents *Impasse is a Fallacy*. Mark your calendar's now so that you can participate in this exciting event.

June Meeting

Friday, June 7, 2013

At this Bi-Monthly Meeting, OMA's Credentialing Committee members will present their research on Mediator credentialing in its various forms throughout the United States. OMA Members are invited to give their thoughts and input on the topic as it relates to Mediator credentialing in Ohio.

OMA :: When people speak, we listen.

Meetings Around the State

MANO :: Mediation Association of Northeast Ohio

MANO holds free, open meetings approximately every other month between September and May.

The next MANO Membership Meeting will be held on January 31, 2013, 6:30 pm, at the Beachwood Library. They will be exploring the topic of mediating disputes in places of worship. Our guest speaker will be Mrs. Cathy Monnin, Member of the Peacemaking Network of North East Ohio. She has used Peacemaking Principles for decades in the workplace and in church settings. This area of mediation may be new to some, but surprisingly, it's an area of mediation that has been around for a while.

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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.

Winter/Spring 2013

2-Day Basic Mediation Training | February 27—28, 2013, Community Mediation Services of Central Ohio, Columbus, OH
Program Description: 16 credit hours for Ohio professionals, \$395. CMS Executive Director Shelley Whalen conducts this training instructing you how to help disputants resolve a broad range of conflicts, including those occurring in the family, workplace and community.

Basic Mediation & Uniform Mediation Act | Feb. 28—Mar.1, 2013, 8:30 a.m.—5:30 p.m., Hamilton County DR Court, Cincinnati, OH. *Program Description:* 14 CLE hours. Cathleen Kuhl & Terry Wheeler will introduce participants to concepts that underpin the practice of mediation: conflict theory, communication skills, interest-based negotiation, and mediator styles & qualifications. Participants will learn the basic stages of mediation, co-mediation, and effective ways to address common mediation challenges such as emotional dynamics, difficult personalities, impasse, ethical dilemmas, and impartiality. This training is highly interactive and fosters participation through group discussion and involvement in small groups.

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Basic Mediation Training | March 1—2, 2013, (see website for specific times) Partners in Mediation, Inc. Cincinnati, OH
Program Description: 12 CEUs, 11.25 CLE hours, 12 contact hours for teachers, \$250.

Intensive Mediation | March 4—8, 2013, 8:30 a.m.—5:00 p.m., Capital University Law School, Rm. 572
Program Description: 34.5 CLE hours, \$895 (price reflects a \$195 price break if signing up for the entire week instead of the five individual trainings listed below). This in-depth 40-hour training, led by Scot Dewhirst and Terry Wheeler, is designed to provide individuals with the critical skills and knowledge necessary to begin mediating. Exercises, lectures, role-play sessions, and videos provide participants with the conceptual framework and key techniques to effectively conduct the seven-stage mediation process. Courses included in this program are:

- **Negotiation: *The Building Block of Dispute Resolution*** | March 4, 2013, 8:30 a.m.—5:00 p.m., CULS, Rm. 572
Program Description: 7 CLE hours, \$195. Lectures, videos, and exercises create an interactive experience for learning the characteristics of competitive positional, cooperative positional and interest-based negotiators. Participants will also learn the importance of thorough preparation and strategic selection of negotiation tactics.
- **Basic Mediation** | March 5—6, 2013, 8:30 a.m.—5:00 p.m., CULS, Rm. 572
Program Description: 13.5 CLE hours, \$450. This two-day mediation training is designed to teach the basic skills used by an effective mediator. No prior mediation experience is required for individuals taking this course. This training is specifically designed to be interdisciplinary in nature and is developed to be useful for people with multiple backgrounds and experience levels and combines exercises, videos, short lectures, written materials, group discussions, and role plays to help participants learn how to effectively use the seven-stage mediation process.
- **Becoming a More Effective Mediator: *Advanced Mediation Skills including Breaking Impasse, Caucusing and Pre-Mediation Assessment*** | March 7, 2013, 8:30 a.m.—5:00 p.m., CULS, Rm. 572
Program Description: 7 CLE hours, \$195. Attendees will gain the ability to identify, frame, and prioritize the issues to be mediated; the ability to distinguish between presenting and underlying issues; an understanding of obstacles to generating alternatives; the ability to use multiple methods of generating alternatives; the ability to assist the parties in selecting clear and practical solutions; and an understanding of why, how, and when to use caucusing.
- **Mediation Ethics, Professionalism, & Substance Abuse Education** | March 8, 2013, 8:30 a.m.—12:30 p.m., CULS, Rm. 572
Program Description: 3.75 CLE hours, \$150. This workshop explores the interaction of these various ethical guides within diverse mediation contexts and engages participants in thoughtful and insightful discussions.
- **Succeeding in the Business of Mediation** | March 8, 2013, 1:30 p.m.—5:00 p.m., CULS, Rm. 572
Program Description: 3.25 CLE hours, \$100. A one-half day training program designed to enhance a mediator's ability to prepare for and conduct a mediation process. The training will identify those factors that must be explored before the actual mediation commences and those that influence the potential for a successful outcome at the mediation.

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Spring/Summer 2013

40-Hour Domestic Mediation Training | March 12, 13, 19—21, 2013, Community Mediation Services of Central Ohio, Columbus, OH. *Program Description:* 40 education hours for Ohio professionals, \$924 (\$825 if you have previously attended a 2-Day CMS Basic Training). Prerequisite: Minimum of a basic mediation course. A training instructing you how to help couples resolve divorce/separation-related issues in a way that meets their needs and those of their children.

Divorce & Family Mediation | March 23, 24, 30, 31, Apr. 6, 2013, 8:00 a.m.—5:30 p.m., Capital University Law School, Rm. 572 *Program Description:* 40 CLE hours, \$925. Prerequisite: Minimum of a 12-hour basic mediation course. This 40-hour training, led by CULS Adjunct Professor Thomas J. Addesa, satisfies the 40 hour Supreme Court of Ohio requirement for court-connected mediation programs.

30 Hour Civil Mediation Training | Apr. 12, 13, 19, 20, 2013, 8:30 a.m.—5:30 p.m., Partners in Mediation, Inc., Cincinnati, OH *Program Description:* 30 CEUs, 29 CLE hours, \$650. Prerequisite: Minimum of a 12-hour basic mediation course. This skill-building course places an emphasis on the process of mediation rather than substantive areas of practice. You will have the opportunity to practice basic skills and develop new ones that will enhance your practice and improve your success rate with even the most difficult cases. You will also learn the caucus model of mediation, which is often used in civil cases.

***Ohio Mediation Association Annual Conference *** | April 19, 2013, Riffe Center, Columbus, OH *Program Description:* *Impasse is a Fallacy*, presented by renowned mediator Lee Jay Berman. Mr. Berman has successfully mediated over 1,700 matters, was named one of California's Top Neutrals in 2008 and 2009 by the California Daily Journal, and was named to the Who's Who of International Commercial Mediation in 2012. *Impasse is a Fallacy* is an exciting program will challenge both the concept of impasse and basic mediation principles.

2-Day Basic Mediation Training | April 24—25, 2013, Community Mediation Services of Central Ohio, Columbus, OH *Program Description:* 16 credit hours for Ohio professionals, \$395. CMS Executive Director Shelley Whalen conducts this training instructing you how to help disputants resolve a broad range of conflicts, including those occurring in the family, workplace and community.

Association of Family & Conciliation Courts Conference | May 29—June 1, 2013, JW Marriott, Los Angeles, CA. *Program Description:* 50th Anniversary Conference entitled ***Riding the Wave of the Future: Global Voices, Expanding Choices***. Since 1963, AFCC members have been a major force for family law reform around the globe. Yet, with all of the progress, we face new changes that challenge us, including alienation, self-represented litigants, LGBT parenting, parental mobility, international child custody issues, high conflict and domestic violence, new technologies, same-sex marriage, and the seemingly perpetual funding crises in our family courts. What does the future hold? How will the AFCC community influence the constantly evolving family law system? Join us in Los Angeles, the birthplace of AFCC, as we begin to chart the course for the next 50 years.

OMA :: Professionals helping people resolve disputes.

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