

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

Mediate Ohio

March | April 2013

A Word from the President

Survey Says ...

Happy Spring!

The Ohio Mediation Association means many different things to its members. For some, it provides the opportunity to network with colleagues in the field; for others, it is a compliment to a resume; for other members, it is a great support when starting or maintaining a private mediation practice. Whatever the reason and no matter how much or how little you are involved, you and your membership make a difference.

At our February bi-monthly OMA meeting, we hosted organizational and marketing expert Karen McClain, who held a brainstorming roundtable in order to help refine the future goals for OMA. It provided our Board and attending members the opportunity for self-inventory that was a tremendous success.

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One of the overarching conclusions the Board reached was that there is value and importance in creating a survey for our members in order to hear the member perspective on thoughts regarding the future direction of OMA. Like voting, the results will define member interest and help shape the organization. Participating in the survey is a great way to connect and become a critical voice in your

organization. So when you receive the survey, please take a few moments to share ideas and stay connected, and together we can continue to grow this organization.

Annual Conference

As a reminder, the annual conference is around the corner. This year we are poised to offer another relevant and fascinating speaker: mediator and trainer Lee Jay Berman. Mr. Berman is one California's most sought-after mediators. His topic, "Impasse is a Fallacy," will examine the most pressing hurdle in mediation.

Sign up for the Conference by going to the OMA website or by clicking [here](#) and filling out and sending in the registration form. This is sure to be a one of this year's best mediation seminar opportunities.

See you in April!

Jim Petas, OMA President

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

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Conflict Coaching & Mediation

by Cathie Kuhl

Consider these common mediation scenarios: a party accuses and blames the other to the degree that the mediation process is derailed; a party focuses only on his version of “the facts” and is unable to consider any other perspective; both parties are talking at each other and not listening; neither side can conceive of a resolution that would be acceptable to both ...



Mediators routinely handle these types of challenges using a variety of strategies and techniques; for example, reframing, caucus, reality testing, and empathic listening, to name a few. Might there be another tool for mediators?

Conflict coaching is a relatively new process designed to help a party prevent, reduce or resolve conflict. Tricia Jones, co-author of *Conflict Coaching: Conflict Management Strategies and Skills for the Individual*, defines conflict coaching as a one-on-one process to develop a party’s conflict understanding, interaction strategies and interactive skills.

Unlike a mediator, a conflict coach works with just one party involved in the conflict, helping that person to explore a number of perspectives

that relate to the conflict. The conflict coach asks the party to examine his concepts of who he is and who he wants to be, how he feels about the conflict and to consider what is within his power to control. A conflict coach helps a party shift from “what is” to “what can be” and helps the party craft a concrete plan that involves learning and utilizing strategies for reaching that vision. These strategies often focus on skills and techniques, such as communication or negotiation skills, which will enable the party to adjust her attitude or behavior in future conflicts.

Conflict coaching ... is distinguished by the one-on-one nature of the work and its emphasis on enabling the party to resolve conflicts on his or her own.

I’ll bet you are thinking, “Wait a moment, don’t mediators engage in some of these same techniques?” I would have to agree. Many mediators use some of the same techniques that conflict coaches use, which is not surprising considering that mediators and conflict coaches are both in the conflict resolution business. Conflict coaching, however, is distinguished by the one-on-one nature of the work and its emphasis on enabling the party to resolve conflicts on his or her own. Mediators must be ever mindful of the impartiality of their roles and their duty to the process, not to one or the other of the parties.

Nevertheless, learning more about conflict coaching techniques may equip mediators to better serve both the process and the parties alike.

For example, a conflict coach is trained to use powerful questions to help the party analyze the conflict and foster perspective-taking—what mediator would not benefit from learning more about the use of questions? A mediator can also let parties know that that conflict coaching exists as a separate resource for parties who wish to take more ownership of the resolution of their conflict. Having mediation parties who are equipped with effective conflict resolution skills might enhance chances of resolving disputes involving complex issues or intractable positions.



On her Conflict Remedy blog, mediator Lorraine Segal creates a metaphor for conflict coaching by drawing on the wisdom of Lau Tzu, founder of Taoist philosophy, who said, “Give a man a fish, feed him for a day. Teach a man to fish, feed him for a lifetime.” Conflict coaching helps people learn to fish more successfully in the sea of conflict.



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OMA News

Annual Conference

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

It's just around the corner! OMA's Annual Conference will feature Mediator Lee Jay Berman of Marina del Rey, California, who will present *Impasse is a Fallacy*. Mark your calendar's now so that you can participate in this exciting event.

Better World Award

2013 Recipient Named

Each year, the Ohio Mediation Association presents an award to a person who or entity that has made the world a better place through his/her/its work, directly or indirectly, related to the mediation or dispute resolution field. The 2013 Recipient of this award has been selected and will be presented with this prestigious honor at the OMA Annual Conference on April 19, 2013! Be sure to register for the conference today to witness the presentation of the Better World Award firsthand.

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.

Meetings Around the State

MANO :: Mediation Association of Northeast Ohio

MANO's Annual Joint Spring Conference will be held on Friday, June 14, 2013, at the Cleveland Metropolitan Bar Association located at 1301 East Ninth St., on the 2nd level of the Galleria in Cleveland, OH. Featured speaker, Nina Meierding will present *Strategies for Overcoming Barriers to Settlement: Techniques from Psychology, Communication, Negotiation, and Neuroscience*. The program will be co-sponsored by MANO, the Cleveland Metropolitan Bar Association, and the Center for Principled Family Advocacy.

OMA :: When people speak, we listen.

Court Mediation News

United States District Court, Southern District of Ohio

The United States District Court for the Southern District of Ohio is pleased to announce the adoption of Supplemental Procedures for Alternative Dispute Resolution for civil cases effective February 21, 2013. Alternative Dispute Resolution (ADR) is a process designed to achieve early, cost-effective and fair resolution of civil cases. The Court's program authorizes the following ADR processes:

Settlement Week Mediation: A week set aside by the Court for the scheduling of cases for mediation by volunteer attorneys; **Attorney-Base Mediation:** A mediation conducted by volunteer lawyers; **Judicial-Based Mediation:** A mediation conducted by a judicial officer other than the judicial officer assigned to the case; and **Summary Jury Trials:** An abbreviated trial held before a judicial officer and an advisory jury where the parties use the advisory verdict from the jury as a basis for settlement discussions.

Referrals to an ADR process are made at the discretion of a judicial officer or at the request of the parties.

Click [here](#) to learn more about the Court's Supplemental Procedures for Alternative Dispute Resolution processes.

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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.

Spring/Summer 2013

Specialized Divorce & Family Mediation Training | April 8-12, 2013, 8:30 a.m.—6 p.m., Lucas County Conference & Learning Center, 711 Adams Street, Toledo, OH. *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. *Faculty:* Mag. Richard Altman, Cathie Kuhl, Jim Petas, Tammy Martin Koiser, and Anna Tyrell.

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.

Domestic Abuse Issues: Training for Mediators & Other Professionals | April 18-19, 2013, 8:30 a.m.—5:30 p.m., Hamilton County DR Court, Cincinnati, OH. 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. *Faculty:* Christy Cumberlander Walker, Marya Kolman, Esq.

***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.

Domestic Abuse Issues: Training for Mediators & Other Professionals | April 22-23, 2013, 8:30 a.m.—5:30 p.m., Supreme Court of Ohio, Columbus. 14 CLE hours. *Program Description:* See program description above.

Fundamentals in Mediation Training | April 23-25, 2013, 9 a.m.—5 p.m., Trinity Commons, 2230 Euclid Ave., Cleveland OH.
Program Description: 19.5 CEUs, 18 CLE hours, \$300. This highly interactive 20 hour training will provide an introduction to mediation using demonstrations and practice as well as lecture, discussion, and situational case studies. Topics will include the UMA, active listening techniques, 5-phase empowerment model, client-centered approach, and cultural influences.

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.

Basic Mediation Training | May 3-4, 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.

Specialized Divorce & Family Mediation Training | May 1-3, 6-7, 2013, 8:30 a.m.—6 p.m., Cuyahoga County Court of Common Pleas Juvenile Division, Juvenile Justice Center, 9300 Quincy Ave., Cleveland, OH. See program description above.

Fundamentals in Mediation Training | May 28-30, 2013, 9 a.m.—5 p.m., Trinity Commons, 2230 Euclid Ave., Cleveland OH. See program description above.

Conference & Training Opportunities

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Summer 2013

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, new changes and challenges arise, 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. How will the AFCC community influence the constantly evolving family law system? Join the AFCC in its birthplace of Los Angeles, to chart the course for the next 50 years.

Intensive Mediation | June 10-14, 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*** | June 10, 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.
- **Basic Mediation** | June 11-12, 2013, 8:30 a.m.—5:00 p.m., CULS, Rm. 572
Program Description: 13.5 CLE hours, \$450. A two-day mediation training designed to teach the basic skills used by an effective mediator. 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 using the seven-stage mediation process.
- **Becoming a More Effective Mediator: *Advanced Mediation Skills including Breaking Impasse, Caucusing and Pre-Mediation Assessment*** | June 13, 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; distinguish between presenting and underlying issues; understand obstacles to generating alternatives; use multiple methods of generating alternatives; assist the parties in selecting clear and practical solutions; and understand of the use of caucusing.
- **Mediation Ethics, Professionalism, & Substance Abuse Education** | June 14, 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** | June 14, 2013, 1:30 p.m.—5:00 p.m., CULS, Rm. 572
Program Description: 3.25 CLE hours, \$100. Designed to enhance a mediator's ability to prepare for and conduct a mediation process, this 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.

OMA :: Professionals helping people resolve disputes.

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