

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

# Mediate Ohio

September | October 2013

## A Word from the President

### Which Mediation Model is Right For You?

What kind of mediator would I want if I needed one? There are a few categories the mediation field promotes as roads a professional mediator can follow. Most mediation trainings divide the curricula to teach three general mediation models—facilitative, evaluative, and transformative. A mediator can commit to one of the three or tailor the style to fit the case or personality type.

#### Facilitative Model

The Facilitative Model focuses on empowering the parties to reach a resolution themselves. The mediator facilitates the discussion in a way that creates an optimal environment for agreement to be reached. The mediator rarely offers an evaluation but instead directs the conversation or problem back to the clients. The facilitative model does have rules that keep the discussion from becoming unproductive.

#### The Evaluative Model

The Evaluative Model focuses on a much more hands-on approach for the mediator. Much like the facilitative model, the mediator encourages the parties to talk in a controlled manner. As the conversation continues, the mediator often offers an unbiased evaluation or challenges the parties' positions. The evaluation can stem from the person's professional experience or legal training.

#### The Transformative Model

The Transformative Model has fewer rules to process than the other two models. The goal is to assist the parties to experience self-direction in order to resolve their dispute. It goes further than facilitative by allowing the parties' conversation to go uninterrupted with few or no ground rules. The belief is that if the mediator allows the parties' conflict to ebb and flow, it will reach a point where they "organically" rebuild the relationship.

**Back to the original question, "What kind of mediator would I want if I was in need of one?"** In reference to mediation models, my answer would be none of them. My opinion is that what makes a good mediator goes beyond the styles. So much emphasis is placed on mediation *style* that we miss what is the most important attribute in a mediator: who that person is before s/he begins mediation training; how a person sees a conflict, how s/he views other people, and most importantly, what motivated him/her to be a mediator in the first place.

**Mediation training should focus on the concept of conflict, people, and what motivates them.**

Styles are great, and during our internship semesters I see people following a tight style that they are working hard to follow. In my first training I was taught not to bring any of my own style into the set structure. But I think we are missing more general, more important points.

**"... all that matters is your belief and understanding of what the process is supposed to do."**

— Carl Jung

Mediation training should focus on the concept of conflict, people, and what motivates them. Only then can they start talking about what Carl Jung said. "It doesn't matter what form of psychotherapy you prescribe, all that matters is your belief and understanding of what the process is supposed to do."

So to go back to the question—I think I would want a person who "gets involved" and can create a safe place to talk, with a flexible style focused on communication and resolution. If they have those general attributes, it doesn't matter the mediation model to which they subscribe.

— by Jim Petas, OMA President

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

Member Spotlight ::  
Nate Witkin

- Intro to Co-Resolution
- Mediation Council Calendar

- Job Openings
- Conference & Training Opportunities

A Special Thank You



## OMA Member Spotlight

### Nate Witkin :: OMA's Newest Board Member

Nate Witkin may be the newest member of the OMA Board, but don't let his newcomer status fool you. In his years as an undergrad at Miami University, student at OSU's Moritz College of Law, and in the last five years as a practicing attorney, he has built an impressive body of work in the field of conflict resolution.

Nate's fascination with dispute resolution began long before his college career.

He admits that he grew up in a family where conflict did not seem to exist. None of his family members, for example, were divorced. "Because I come from a low-conflict upbringing," Nate said, "I abhor senseless disputes".

**"Because I come from a low-conflict upbringing, I abhor senseless disputes."**

Nate spent his teen years getting in between people who were fighting and trying to get them to stop. He found he liked that role, but he realized something else: his desire to eliminate conflict would never be a sufficient basis for engaging in the work of conflict resolution.

"If you are afraid of swimming," Nate reasoned, "you can't address that by trying to rid the world of water." He decided to learn as much as he could about resolving conflicts.

Nate was drawn to OSU's Moritz College of law because of their renowned mediation program. He earned the Alternative Dispute Resolution Certificate at OSU. During that time Nate also developed a new dispute resolution system he termed "Co-resolution" (see Nate's article on Co-resolution in this Newsletter). He has presented this new dispute resolution process at two ACR conferences.

His article on the topic was published in Conflict Resolution Quarterly and two pilot projects in the U.S. and Canada have utilized his new system. He proposed a two-state solution to the Israeli-Palestinian conflict that was published in The Middle East Journal, a new form of arbitration that was published in Harvard's

Negotiation Journal and the Fordham Papers, and a system for using mediation as a lobbying reform mechanism that was published in The Ohio State Journal of Dispute Resolution.

After law school, the elusive full time mediation job did not materialize. Nate

decided to open a private practice law office in Marion, Ohio. He has done some work as a

mediator; however, most of his days are filled with representing clients in divorce/custody cases, defending felonies, representing parents in Children Services cases, and working as a Guardian ad Litem. His experience as a private practice attorney has taught him a lot about conflict resolution.

"I've learned how people actually engage in conflict," according to Nate. "I've found that, though people in conflict often behave badly, I can learn to see through this to their better selves."

Nate hasn't given up on dispute resolution and he

**"I've found that, though people in conflict often behave badly, I can learn to see through this to their better selves."**

continues to write about his innovative dispute resolution ideas in his free time. OMA's newest board member seems very comfortable with the looking at things in new ways. This attribute can only be an asset to the OMA Board and the organization.

—by Cathie Kuhl

*Nate Witkin, OMA welcomes your energy, enthusiasm and innovative thinking!*

OMA :: Communicate and anything is possible.

A Word From President  
Jim Petas

- Intro to Co-Resolution
- Mediation Council Calendar

- Job Openings
- Conference & Training Opportunities

A Special Thank You



## A Brief Introduction to Co-Resolution

by Nate Witkin, OMA Secretary

**I**magine a partisan role for ADR professionals—a role that involves sitting next to a disputant at the table and coaching them to apply principled negotiation skills or offering arguments as a cooperative advocate. Consider an ADR professional's ability to influence the interaction for the better, not from a position of impartiality but, rather, with one party relying on the professional for assistance in the negotiation process.

As a trained and experienced ADR practitioner, you have the skills to assist this disputant and productively engage in a negotiation. So what is stopping you? The only impediment is control of the other side's strategy in an informal, no-rules negotiation process. The other side could bring a zealously competitive advocate to the table or, worse, surreptitiously act cooperative while making competitive, underhanded moves to secure an advantageous result.

Co-resolution tackles this key flaw in cooperative negotiation by controlling negotiation tactics on both sides of the table to ensure that disputants can trust each other to cooperate. In creating this effect, the defining attribute of co-resolution is that the negotiation is conducted by two ADR professionals that have a continuing working relationship and approach each dispute as a package deal or single service. Instead of picking independent advocates separately, the disputants would approach co-resolution as a dispute resolution process—just as they would approach

a mediation service—and then be assigned to separate coaches (called "co-resolvers"). These co-resolvers would then facilitate a negotiation between the parties, coaching their respective disputants to communicate and negotiate effectively while focusing dispute resolution skills on the other side.

This structure then regulates the behavior at the negotiation table through a system of relationships. The relationship between the co-resolvers

**[T]he defining attribute of co-resolution is that the negotiation is conducted by two ADR professionals that have a continuing working relationship and approach each dispute as a package deal or single service.**

causes them to be cooperative because they build rapport in an ongoing relationship and will potentially work across from each other in the future. As a result, the co-resolvers would only coach their parties to negotiate cooperatively, while competitive negotiation tactics that would harm this relationship would be strongly discouraged. And to whatever degree the disputants are relying on their co-resolver's expert assistance, they will be reliably acting under this cooperative orientation.

Furthermore, because either disputant can fire both co-resolvers by simply not agreeing or walking away from the table, the co-resolvers have a persistent incentive to remain loyal to their own party and coach them to

negotiate at their best. And because negotiations cannot be monitored for enforcement of rules, this relationship-based system of controls offers new possibilities for regulating disputants' behavior in the negotiation.

In summary, co-resolution offers a unique structure for reliable cooperation between dispute resolution professionals who act as supportive coaches and loyal advocates for opposing disputants.

Co-resolution holds crucial distinctions from parallel processes such as mediation, collaborative law, and conflict coaching. The difference from mediation is that, instead of an impartial third-party facilitator, the negotiation is facilitated by two coaches.

Unlike mediation, co-resolution therefore bypasses issues with impartiality and bias, achieving neutrality through the balance that is enforced by the co-resolvers' positive working relationship. While collaborative law similarly involves a

**Unlike mediation, co-resolution therefore bypasses issues with impartiality and bias, achieving neutrality through the balance that is enforced by the co-resolvers' positive working relationship.**

four-way negotiation with the parties and their supportive advocates, it requires that the advocates be attorneys who are willing to sign a mutual disqualification agreement, stating that both will withdraw if settlement cannot be reached.

Beyond logistical difficulties with

OMA :: When people speak, we listen.

A Word From President  
Jim Petas

- Member Spotlight :: Nate Witkin
- A Special Thank You

- Mediation Council Calendar
- A Special Thank You

- Job Openings
- Conference & Training Opportunities



## Co-resolution continued ...

getting an attorney for each side who is willing to sign this agreement, collaborative law uses a rule-based approach to enforcing cooperation (the disqualification agreement), whereas co-resolution can be applied by non-attorneys and uses the established rapport and mutual-dependence of the co-resolvers as a relationship-based approach to enforcing cooperation.

And, though conflict coaching is a skill set used by co-resolvers, conflict coaches do not sit across the table from each other and use a rational structure to organize their interaction.

Finally, in two pilot projects (one of which was conducted in Columbus, Ohio), the practice of co-resolution thus far has produced its intended theoretical benefits. In these trial runs, each

disputant accepted their respective co-resolver as a trusted personal coach, and each co-resolver was able to focus on empathizing with a different disputant, fulfilling separate functions simultaneously in the negotiation. Between the co-resolvers, ongoing interactions and a future relationship promoted balanced negotiation advocacy within each process and a positive rapport that endured their inherently conflicting positions. And, concerning the overall dynamic, the two-coach model involved in co-resolution has produced benefits such as deeper involvement of the dispute resolution professionals, more efficient negotiations, more creative outcomes, and resolution in cases that likely would not have settled in mediation.

— Article contributed by Nate Witkin, OMA Secretary



OMA :: Professionals helping people resolve disputes.

## Mediation Council Embraces the “Spirit” of Collaboration

by Cathie Kuhl

The Mediation Council of Greater Cincinnati and Northern Kentucky took a new approach to planning its 2013-2014 meeting schedule. Departing from the usual format of meetings at a set location and inviting a speaker to address a particular topic, the Council has decided to reach out to other organizations, not necessarily dispute resolution entities, and has asked that they speak to us about challenges in communication and collaboration. By partnering with these organizations to provide speakers and the venue, the Council hopes that this season’s meetings will result in cross-pollination of ideas with these organizations and will encourage the spirit of collaboration in the future.

To kick off this year’s meeting schedule, and in keeping with the “spirit” of collaboration, the Mediation Council has arranged for a tour of Cincinnati’s historic Music Hall, which will introduce us to the ghostly phenomenon therein....there’s more than one way to embrace the spirit, right?

Mediation Council dues are \$15 per year. Members receive email updates about meetings and changes to the schedule; however, members and non-members alike may attend meetings. Contact Chris Haley at [chaley@cincinnati.bbb.org](mailto:chaley@cincinnati.bbb.org) if you have questions or would like further information.

## Mediation Council of Greater Cincinnati & Northern Kentucky 2013-2014 Meeting Schedule

**September 11, 2013, 4:30 p.m. ::** Annual Kick-Off Event! Come join fellow mediators for complimentary drinks and hors d’oeuvres followed by a special Guided Ghost Tour of Cincinnati Music Hall, 1241 Elm St., Cincinnati, OH 45202. Join Scott Santagelo, a member of the Mediation Council and Director of Operations at Music Hall to learn all the ghostly secrets of Cincinnati Music Hall.

**October 11, 2013, 11:30 a.m. – 1:00 p.m. ::** Dennison Keller, Attorney at Law – “Resolving Conflicts in Elder Care”. (location to be announced)

**November 8, 2013, 11:30 a.m. – 1:00 p.m. ::** “Using New Technologies in Mediation” – The Digitorium at Northern Kentucky University has the most modern training facility in the Midwest. NKU will demonstrate the latest technology designed to provide a 360 degree approach to learning sophisticated skills and techniques. Program to be held at the Digitorium, Northern Kentucky University, Griffin Hall, Room 201, Highland Heights, KY 41099.

A Word From President  
Jim Petas

Member Spotlight ::  
Nate Witkin

- Intro to Co-Resolution
- A Special Thank You

- Job Openings
- Conference & Training Opportunities





## Job Opportunities

Checkout our Facebook page at [www.facebook.com/OhioMediationAssociation](http://www.facebook.com/OhioMediationAssociation) for the latest job opportunities!

**Beech Acres Parenting Center :: Mediator.** Cincinnati, Ohio. This is an Independent Contract position and will not be a regular employee of BAPC. This position will mediate post and pre decree divorce as well as family and parent-teen mediations. These mediations will either be court-ordered, attorney or JFS suggested, or voluntary.

## Conference & Training Opportunities

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

### Fall 2013

**Parenting Coordination Training** | September 16-17, 2013, 8:55 a.m.—4:45 p.m. Hamilton County Court of Domestic Relations, 800 Broadway, 16th Floor, Cincinnati, OH. *Program Description:* 12 CLE hours requested. This training will provide the knowledge and skills necessary to serve as parenting coordinators and will describe the interventions helpful in reducing parental conflict. *Faculty:* Anna Tyrell, MEd., LSW, LPC.

**Two Day Basic Mediation Training** | September 18-19, 2013, 8:30 a.m. - 6:00 p.m. Community Mediation Services of Central Ohio. CMS, 67 Jefferson Avenue, Columbus, Ohio. *Program Description:* 16 CLE hours, 14 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.

**Conflict Resolution Training** | September 26, 2013, 9:30 a.m. - 5:00 p.m. Community Mediation Services of Central Ohio. CMS, 67 Jefferson Avenue, Columbus, Ohio. *Program Description:* \$195 (includes lunch). Shelley Whalen conducts this training. She tackles topics that include tips for choosing the right conflict resolution approach for each dispute situation, how to resolve conflict using a "needs" rather than a "rights" based approach, and how using five different conflict resolution approaches impact your future relationships with others.

**2013 Conference on Advanced Issues in Child Custody | Evaluation, Litigation and Settlement** | September 26-28, 2013. National Harbor, Maryland. Washington D.C. Metro Area. *Program Description:* Join AFCC and AAML in the nation's capital for the second collaborative conference featuring advanced practice skills, the latest research on parenting plans, divorce and children, and the opportunity to learn and network with leading professionals in the field.

**OMA Bi-Monthly Meeting** | October 4, 2013, 12:00 p.m. The Ohio State University Moritz College of Law, 55 W. 12th Ave., Columbus, OH. Join the Ohio Mediation Association on October 4th for the next Bi-Monthly Meeting. *Presenters:* Clinical and forensic psychologists Dr. Bob Stinson and Dr. John Tilley. *Program Description:* Doctors Stinson and Tilley will explain the plethora of new research and understanding on how the brain works under the stress of conflict and how this affects disputants in mediation and negotiation.

**Mediation Training | 12-Hour Basic** | October 14—November 4, 2013. Mondays, 5:30 p.m.—8:45 p.m. Lakeland Community College. Kirtland, Ohio. *Program Description:* 1.2 CEUs. \$369. This course is designed to give participants an overview of problem solving mediation and includes an introduction to basic methods, skills and processes, benefits, and standards/ethics employed in the resolution of conflicts between disputing parties. Power imbalances and diversity considerations of disputants will be highlighted. This course will meet the twelve-hour introduction to mediation training requirement of The Supreme Court of Ohio and is offered with CLE and CEU credit for successful completion.

**30 Hour Civil Mediation Training** | October 11-12 & 18-19. 8:30 a.m.—5:30 p.m. Partners in Mediation, 3705 W. Darwin Avenue, Cincinnati, Ohio, 45211. *Prerequisite:* A Basic Mediation course is required prior to taking this training. *Program Description:* 30 CEUs, 29 CLE hours, \$650. This civil mediation training is a skill building course. Emphasis is 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.

A Word From President  
Jim Petas

- Member Spotlight :: Nate Witkin
- A Special Thank You

- Intro to Co-Resolution
- Mediation Council Calendar

- Job Openings
- Conference & Training Opportunities



## Conference & Training Opportunities

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

### Fall 2013 continued

**Specialized Family/Divorce Mediation** | October 17-18, 21-23, 2013. 8:30 a.m.-6 p.m. Summit County Juvenile Court, 650 Dan Street, Akron, Ohio, 44310. *Program Description:* 40 CLE hours. This advanced training covers all aspects of family law mediation. The course provides skills based training relevant to mediating in other family contexts such as child protection, truancy, and guardianship cases.

**Intensive Mediation: 5 Day Course in Basic and Advanced Skills** | October 21-25, 2013. 8:30 am - 5:00 pm. Capital University Law School, 303 E. Broad St., Columbus, OH, 43215. *Program Description:* 34.50 CLE<sup>\*2</sup> hours, \$895 (reflects a \$195 price break if signing up for entire week instead of five individual trainings listed below). This in-depth 40-hour training 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. During role-play sessions CDR provides one trainer for every four trainees so that each participant will have the opportunity to mediate several disputes and receive specific feedback and assistance from a skilled and experienced mediation trainer. Courses in this program are:

- **Negotiation: The Building Block of Dispute Resolution** | October 21, 2013. 8:30 am - 5:00 pm. \$195. *Program Description:* 7.00 CLE. 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** | October 22-23, 2013. 8:30 am - 5:00 pm. \$450. *Program Description:* 13.50 CLE. 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. It 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 and Caucusing** | October 24, 2013. 8:30 am - 5:00 pm. \$100. *Program Description:* 7.00 CLE. Caucusing is a process in which the mediator separates the parties in order to enhance the potential for reaching a positive resolution to the dispute. There are many reasons why a mediator might call a caucus. The effective mediator will learn to use caucusing in a way that will not undermine trust, neutrality, or confidentiality and will increase the parties' chances for a successful mediation result.
- **Mediation Ethics | Professionalism and Substance Abuse Education** | October 25, 2013. 8:30 am - 5:00 pm. \$150. *Program Description:* 3.75 CLE. Mediation Ethics is a complex topic because it involves various mediator standards of practice, numerous professional codes of conduct and standards of ethics, and a variety of state laws and court rules. 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** | October 25, 2013. 8:30 am - 5:00 pm. \$100. *Program Description:* 3.25 CLE. This one-half day training program is 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. This pre-mediation assessment involves examining the original dispute and clarifying the parties who need to be present at the mediation, as well as identifying the work that the parties and the mediator need to do prior to the beginning of the actual mediation.

OMA :: Professionals helping people resolve disputes.

A Word From President  
Jim Petas

- Member Spotlight ::  
Nate Witkin
- A Special Thank You

- Intro to Co-Resolution
- Mediation Council  
Calendar

- Job Openings
- Conference & Training  
Opportunities



## Conference & Training Opportunities

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

### Fall 2013 continued

**Domestic Mediation Training** | October 24-25, 29-31, 2013. 8:30 a.m. - 6:00 p.m. Community Mediation Services of Central Ohio. CMS, 67 Jefferson Avenue, Columbus, Ohio. *Program Description:* \$925 (\$825 if you have previously taken CMS Basic Training). Shelley Whalen conducts this training. She tackles topics that include the psychological impact of divorce on adults and children and the implications for mediation, Ohio domestic relations law and its relevance to the mediation process, and how to help couples plan to cooperatively parent their children.

**Roundtable for Court-Connected Mediators** | November 13, 2013, 10:00 a.m.—2:00 p.m., Supreme Court of Ohio, 65 South Front St., Rm. 101, Columbus, OH. *Presenters:* Eileen Pruett of the Franklin County Muni. Ct. Dispute Resolution Dept. with legislative updates; Retired Judge John W. Kessler, formerly of the Montgomery County Common Pleas Court; Robert Kaiser of the Center for Resolution of Disputes, LLC. No CLE Hours available, but tuition is free and lunch will be provided.

**Domestic Abuse Issues: Training for Mediators & Other Professionals** | November 14-15, 2013, 8:30 a.m.—5:30 p.m., Akron, 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.

**Domestic Abuse Issues: Training for Mediators & Other Professionals** | November 18-19, 2013, 8:30 a.m.—5:30 p.m., Columbus, OH. 14 CLE hours. *See Program Description above.*



## Special Thanks to Taylor Evans

For those you of you who have contributed to Mediate Ohio in the past (especially Shirley Cochran!), you are well aware of the (endless) number of hours that go into researching, writing, editing, and formatting each edition. This month, I had the pleasure of utilizing the talents of a recent journalism graduate, Taylor Evans, to get this current installation "to press"! Taylor provided hours of her time to assist me in reviewing the articles submitted for publication, researching mediation training and conference

opportunities, inserting and formatting the numerous sets of hyperlinks contained in the new electronic format, and designing the layout design of each page.

Taylor received her degree from Ohio University and is well on her way to establishing a career as a brilliant and gifted journalist.

*Thank you, Taylor, for all of your help and best wishes for a bright and successful future!*  
— Kate

OMA :: Professionals helping people resolve disputes.

## Board Members

### Officers

**President :: James Petas**  
419.936.2312  
james.petas@tmcourt.org

**Immediate Past President :: Maara Fink**  
419.530.4236  
maara.fink@utoledo.edu

**Vice President :: Ed Krauss**  
614.619.0017  
edmkmediator@sbcglobal.net

**Secretary :: Nathan Witkin**  
740.383.3928  
ndwitkin@gmail.com

**Treasurer :: Suzanne Barker**  
614.519.3969  
barkesu@aol.com

### Appointed Members

**Susan Shostak**  
740.215.0788  
shostak@ohiohills.com

**Kathryn Wollenburg**  
937.645.4175  
kwollenburg@co.union.oh.us

**David Cohen**  
614.745.5162  
davidcohenmediation@gmail.com

A Word From President  
Jim Petas

Member Spotlight ::  
Nate Witkin

- Intro to Co-Resolution
- Mediation Council Calendar

- Job Openings
- Conference & Training Opportunities

