

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

Mediate Ohio

November | December 2013

A Word from the President :: Court-Connected Programs and Their Effect on Mediation

by James Petas

Did court-connected programs hurt or help mediation? This is a tough subject for me because I'm directly involved and may be a bit biased. It's also difficult because I tend to see things in black and white, and I think there may be a lot of gray here. Back in the 1990s and 2000s, many courts were developing in-house or court-connected mediation programs. They were created to help the courts, attorneys, and judges use and become familiar with mediation. Some programs were funded by the courts themselves and others by external start-up grants.

A standard program involved a full-time mediator paired with a volunteer mediator roster.

Back in the 1990s and 2000s, many courts were developing in-house or court-connected mediation programs. They were created to help the courts, attorneys and judges use and become familiar with mediation.

These programs put mediation directly to use in the court. Having an in-house program meant not having to depend on referrals from an enlightened judge or prosecutor who may or may not be there the next year. It gave mediation programs consistency.

The steady referrals of cases generated a critical mass of experience for mediators resulting in presumably higher-quality mediation programs. Court connected programs also allowed the process to be

accessible to everyone. Like it or not, court-connected mediation is here to stay.

Mediation in a world *without* court-connected programs had advantages as well. Utilizing private mediations allows for a diverse group of professionals contributing new ideas and differing views on how to handle conflict. With more individuals participating, it creates a larger public investment in the process, as opposed to a select few. Professional mediators would allow markets to establish value that would reflect the service provided. It would allow a more organic evolution of mediation and would allow the profession to define itself. Many private mediators feel this scenario should be the preferred path of the profession.

So has court-connected mediation helped or hurt mediation? I believe it has helped--all biases acknowledged. The advantages of having court-connected programs outweigh the disadvantages. Court-connected programs got mediation in the door and helped loosen the inertia of routine. It has put mediation in the forefront. Without these programs, mediation most likely would have flourished in certain areas and died in others. The dying or flourishing would not have happened because of the merits of mediation, but due to the public's lack of familiarity with the process.

The advantages of having court-connected programs outweigh the disadvantages. Court-connected programs got mediation in the door and helped loosen the inertia of routine.

In the end, these programs did what they set out to do, which was to establish mediation as a viable option for conflict resolution in the courts. Ohio is one of the nation's more advanced states in alternative dispute resolution due in

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

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Remarkably Different :: Peacemaker Ministries

by Kathryn Wollenburg, OMA Newsletter Editor

Conflict permeates all realms of society, whether spiritual, religious, or secular. No matter what one's faith, or lack thereof, disputes arise at some point in the span of our lives. The Ohio Mediation Association's mission is to promote the development of excellence in the practice of mediation and an understanding of the value of mediation as an effective method of resolving disputes in Ohio. In past editions, we have highlighted events put on by other organizations who also strive to promote excellence in the field of mediation such as

MANO, the Mediation Council of Greater Cincinnati and Northern Kentucky, and ACR, to name a few. In this edition, I wanted to take the opportunity to bring our members' attention to another organization in which OMA Member Chris Cottrell is involved, Peacemaker Ministries, whose mission is *to equip and assist Christians and their churches to respond to conflict biblically*. Please see Chris's article below, which describes his experience at their 2013 Annual Conference.

OMA :: Communicate and anything is possible.

Peacemaker Ministries Annual Conference

by Dr. Chris Cottrell, OMA Member

On September 26-29, 2013, hundreds of Christian peacemakers and mediators met at the Columbus Hyatt Regency for the Annual Conference of Peacemaker Ministries. The conference was preceded by three intensive days of conflict coaching and mediation training for persons who were seeking to go deeper in honing their skills. Some persons were pursuing this training as part of the certification process with Peacemaker Ministries.

Dale Pyne, new CEO of the ministry organization, was the keynote speaker and set an exciting tone for the rest of the conference, lifting up the great need that people have to experience reconciliation. Mr. Pyne balanced this by stating that there is a great need for marketing peacemaking to try and connect with this great need.

Other keynote speakers were The Most Rev. Dr. Mouneer Anis, Bishop of Episcopal/Anglican Diocese of Egypt with North Africa and the Horn of Africa, also Archbishop of Episcopal/Anglican province of Jerusalem and the Middle East. Bishop Anis specifically spoke to the great need for Christian peacemaking efforts in Egypt in cooperation with other religious groups. Tara Barthel, attorney and author of

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women's resources in peacemaking, was the concluding speaker on Sunday morning.

There were numerous workshops Friday and Saturday including: Resolving Everyday Conflict, the Power of Restitution, Reconciliation for Divorcing Couples, Developing Child Protection Policies for Churches, Mediation with Co-Conciliators, International Peacemaking, Teaching Peacemaking to Children, How to Confront, Confession and Forgiveness in Mediation, an international peacemaking forum with Bishop Anis, How to Respond to Millennials, Conflict Coaching Role play and Exploring Transformative Mediation.

I had the privilege of leading a workshop on Extraordinary Conversations that can Lead to Extraordinary Relationships. My wife, Esther, and I also had the great gift of hosting a couple from Bangladesh who were here for the conference.

The conference is held every year in September with some regional conferences also being planned. Locations will be announced in the near future. If you have any questions about Peacemaker Ministries, give me a call at 937-621-2162, or visit their website at www.peacemaker.net.



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Court-Connected Programs (contd. from page 1)

part to these programs. That being said, I see mediation as still being in its infancy and still on the growth end of the bell curve.

I believe mediation will follow the same path as it has in certain areas of California where court-connected programs have given way to mediation firms.

I think change is due in part because of the large numbers of law school graduates who have extensive knowledge of ADR, the legal community being exposed to the process for years and the decreased funding of many court programs. My hope is we eventually see a harmonious relationship between quality court-connected mediation programs and private providers of mediation services.

— by James Petas, OMA President



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Mediation Council of Greater Cincinnati & Northern Kentucky

2014 Meeting Schedule

For 2014, 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.

Reminder: 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 if you have questions or would like further information.

December 2013: No Meeting

January 10, 2014, 11:30 a.m.—1:00 p.m. :: The Collaborative Agreement: A Retrospective” – A speaker from the Cincinnati Police Department will talk about the circumstances that led to and the implementation of the Collaborative Agreement, an innovative approach to resolving conflict between law enforcement and the Cincinnati community. (location to be announced).

February 14, 2014, 11:30 a.m. —1:00 p.m. :: Professor Marjorie Aaron, U.C. College of Law speaking on, “Three Things That Mediators Need to Know about Negotiation”. Program to be held at the U.C. College of Law, 2540 Clifton Avenue, Cincinnati, OH 45221.

March 14, 2014, 11:30 a.m. – 1:00 p.m. – Lisa Gorrasi, Court Administrator, Hamilton County Court of Domestic Relations, speaks on “Early Neutral Evaluation at Hamilton County Domestic Relations Court” – Learn the definition of Early Neutral Evaluation, design and implementation of the ENE program, case selection criteria and early anecdotal results. Program to be held at the Hamilton County Domestic Relations Court, 800 Broadway, 16th floor, Cincinnati, OH 45202.

April 11, 2014, 11:30 a.m. – 1:00 p.m.– Program To Be Announced.

May 9, 2014, 11:30 a.m. – 1:00 p.m.– End-of-Year Luncheon at Mitchell’s Fish House, Newport on the Levee, One Levee Way, Newport, KY 41071.

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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 or brochure.

Winter 2013

Domestic Abuse Issues: Training for Mediators & Other Professionals | November 18-19, 2013, 8:30 a.m.—5:30 p.m., Supreme Court of Ohio, Columbus, 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.

Conflict Resolution Training | November 21, 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.

The Model Standards & Beyond: Custody Evaluation & Risk Management | December 2-3, 2013, 8:30 a.m.—4 p.m. AFCC presents this training in collaboration with the University of Baltimore School of Law’s Sayra & Beil Meyerhoff Center for Families, Children & the Courts. University of Baltimore School of Law, Student Center, Baltimore, MD. *Program Description:* 12 hours of continuing education for psychologists and 12 CE clock hours for national certified counselors. A two-day training program, primarily for evaluators with legal professionals welcomed, will include an overview of the evaluation process with emphasis on the Model Standards and Risk Management. This training program will be useful to new and experienced evaluators, to attorneys, and to judges. The evaluation process, from pre-evaluation contacts through testimony, will be covered. Emphasis will be placed on the AFCC Model Standards of Practice for Child Custody Evaluation and on minimizing litigant animosity; meeting the needs of the family, the court, and the attorneys, and, thereby, reducing the risk of complaints.

Transforming Family Conflict | Fundamentals of Parenting Coordination | December 4-5, 2013, 8:30 a.m.-4:00 p.m. AFCC presents this training in collaboration with the University of Baltimore School of Law’s Sayra & Beil Meyerhoff Center for Families, Children & the Courts. University of Baltimore School of Law, Student Center, Baltimore, MD. *Program Description:* 12 hours of continuing education for psychologists and 12 CE clock hours for national certified counselors. A two-day training program for parenting coordinators, mediators, custody evaluators, judges, lawyers and other professionals who work with high conflict parents. This training program will describe the fundamentals of parenting coordination (PC), including the principles and functions that define the PC role; the hybrid psychological-legal knowledge and skills needed to provide this ADR intervention for high conflict parents; and applicable research, standards and guidelines to establish an ethical practice. This interactive workshop will describe the PC process, PC responsibilities, scope of authority and intervention techniques for transforming family conflict. Participants will learn strategies to promote conflict resolution and help parents establish an effective co-parenting relationship.

Child Protection Mediation Training | December 5-6, 9-10, 2013. Henry County, Oakwood Plaza, 1853 Oakwood Avenue, Napoleon. Program Description: 32 CLE hours. This training is required under Rule 16 of the Rules of Superintendence for the courts of Ohio, for all mediators who wish to receive child protection mediation referrals from an Ohio court. Participants will discuss the legal and social theories behind mediating in this case type, explain the various stakeholders that need to be involved both in program planning and in the mediation process, and practice conducting these multi-party mediations.

Ohio Mediation Association Bi-Monthly Meeting | December 6, 2013. The next regular Bi-Monthly meeting will be held in Cleveland in collaboration with the Mediation Association of Northeast Ohio (MANO). More details to follow.

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Winter 2013 continued

Ethics, Professionalism and Substance Abuse: Special Issues in Mediation | December 19, 2013. 12:55 p.m.-4:15 p.m. Hamilton County Domestic Relations Court, 800 Broadway, 16th Floor, Cincinnati. This training is designed for mediators and attorneys who represent clients in mediation. Faculty will provide an overview of substance abuse, chemical dependency and mental health concerns in the legal profession. This training will also explore ethics and professionalism.

Basic Mediation Training | December 30-31, 2013, 8:30 a.m.-5:30 p.m., 8:30 a.m.-1:30 p.m. Program Description: 11.25 CLE hours and 12 CEU hours. \$250. This two-day training course offers variety of basic mediation training, including communication skill building exercises, conflict theory in mediation and role-playing.

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Job Opportunities

Click on the name of the position below to be taken to its website or brochure. Also, checkout our Facebook page at www.facebook.com/OhioMediationAssociation for the latest job opportunities!

Executive Director | Cleveland Mediation Center :: The Cleveland Mediation Center (CMC) seeks an Executive Director to lead the organization into its next chapter. The CMC promotes just and peaceful community in Northeast Ohio by honoring all people, building their capacity to act and facilitating opportunities for them to engage in conflict constructively. Completed applications are due by January 17, 2014. For more information, please visit www.clevelandmediation.org.

Veteran Families Mediation Advocate :: The purpose of the job of Homeless Prevention Mediation Advocate is to work with Veteran Families who are at great risk of losing their housing. Under the supervision of the Homeless Prevention Coordinator, the mediation advocate interviews tenants, ascertains validity of documentation, collects data, ensures eligibility for assistance funds, and arranges for mediations with landlords. For more information, please visit www.clevelandmediation.org.

Schoonover, Rosenthal, Thurman and Daray, LLC :: Mediator, Independent paralegal. Chico, California. The firm is looking for legal professionals who want to join their network and become part of the new legal movement of providing affordable legal access and have their own business.

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