



PENNSYLVANIA
COUNCIL OF MEDIATORS

Report For Members and Friends

Summer 2005

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A Message from the President

by Gale McGloin

I am happy to report that, so far, 2005 has been a very productive year for PCM! Our 2005 Conference, held in Akron on May 20–21, 2005, and hosted by Kim Lavin and the Lancaster Mediation Center, was a rousing success. We were privileged to experience two exciting presentations, one from Michelle Armster, Director of Mennonite Conciliation Services, and one from Mark Collins, Assistant Coordinator, New York State Unified Court System Office of ADR Programs. Michelle was also honored as this year's recipient of PCM's Most Valuable Peacemaker (MVP) Award.

As a prelude to the conference, Mark Collins accompanied me, as well as PCM Board members Cheryl Cutrona and Jill Friedman, to meetings in Harrisburg to continue our process of stimulating interest in the need for a statewide process to determine how to make Pennsylvania more mediation friendly. PCM's Board of Directors will be following up on these efforts over the summer months.

It is critical to remember that all of the efforts undertaken by PCM are organized by members who donated their time as volunteers. I want to take this opportunity to thank all the members of the PCM Board of Directors for their service to PCM over the last year. I especially want to thank Barbara Foxman, Kim Lavin, Valerie Faden, Brenda Wolfer and Phoebe Sheftel for their hours of labor which resulted in this incredibly successful conference.

In order to move forward as an organization and address this statewide challenge, we must grow our membership. Keep an eye out when your membership renewal arrives in the mail and please renew promptly! If you know of any other mediators or fellow travelers who might be interested in mediation, email their contact information to Phoebe Sheftel at pasheftel@comcast.net. She would be happy to send them a copy of our new brochure and, when they join, a newly updated membership directory.

We are very excited about the opportunities and challenges that lie ahead for PCM and eager to involve our membership in our efforts. If you would like to find out about upcoming projects or participate in current ones, feel free to email me at gmcgloin@pittsburgh-mediation.org. I look forward to hearing from you.

Welcome to New Members

Alpha Center for Divorce Mediation, P.C.

Adrienne Wade
Doylestown, PA

Mary Margaret Boyd, Esq.

Pittsburgh, PA

Francis X. Cameron

Potomac, MD

Sarah Q. Geis

Pittsburgh, PA

Community Dispute Resolution of Bloomsburg

Joy E. McGinnis
Berwick, PA

Diane A. Loebell, Esq.

Philadelphia, PA

Barbara N. Lyons

Bucks County Mediation & Arbitration Center, LLP
Doylestown, PA

Arlene I. Nerenberg

Philadelphia, PA

Dr. Bernadette M. Russell

Marywood University
Scranton, PA

Glenn Schillo

Bridgeville, PA

M.J. (Jeff) Tindall, Esq.

Pittsburgh, PA

Anne Clarice Zaydon, MD

Dunmore, PA

Setting: Great! Food: Delicious! Presentations: Wow!

PCM members and friends gathered at the Mennonite Conciliation Center in a beautiful garden setting to enjoy interesting presentations, lively discussions and networking at the 2005 PCM Annual Conference.

The focus on skill-building workshop appeared to please most people. Feedback on what people found valuable at the conference noted such things as...

- "The opportunity to network and hear what other folks are doing."
- "Discussions about the future of mediation in Pennsylvania."
- "Workshop presenters were clear, experienced and gave useful information."
- "Hearing about other ways of doing things."
- "Great food."

Suggestions for the future included...

- "Scheduling the conference at a different time of the year to boost attendance."
- "Allowing more time for networking chit-chat."
- "Having opportunities to practice mediation skills, with feedback from knowledgeable observers."
- "Sessions on marketing mediation."

Next year's conference will celebrate PCM's 20th anniversary. It will be held in the southeast PA region. Watch for announcement of the date in the next newsletter and plan to have an interesting and lively experience.

An Ethical Dilemma — What Would You Do?

From time to time mediators are confronted with a difficult situation that requires an immediate response. No time to step back and hash out with colleagues an ethical course of action. Starting with this issue of the newsletter, we'll be giving you that time to think over and put together a thoughtful response. Read the quandary presented below. If you have a suggested response, email Cheryl Cutrona at Good Shepherd Mediation Program (CCmeD8r@aol.com). Cheryl has presented numerous trainings and classes on mediator ethics. In the next newsletter she will collate your responses and give her own suggestions. Watch for a new dilemma in the next newsletter.

Situation: In caucus, the attorney for the responding party says, "We're not settling unless we get what we want because, frankly, his [the other party's] attorney is incompetent and if we go to trial, we'll win." What would you say and/or do?

Center News

Community Dispute Resolution of Columbia County in Bloomsburg is excited to report that it has received a \$5,000 grant from the Central Susquehanna Foundation to expand its program in the eastern part of the county and a \$500 grant from the Bloomsburg Foundation to start a quarterly newsletter.

The Victim Offender Mediation Association (VOMA) Conference

October 24-28, 2005

Philadelphia, Holiday Inn Historic District

Conference brochure available at

<http://www.voma.org/docs/VOMAConfbrochure2005.pdf>

Break Down Those Boxes

by Phoebe Sheftel

You're asked to do a mediation. Does it matter if you don't speak the same language as the parties? Not really, according to Michelle Armster, Director of Mennonite Conciliation Services, this year's recipient of the PCM MVP (Most Valuable Peacemaker) Award.

Asked by local authorities to help with a group of neighbors embroiled in a dispute, Michelle found herself in a room where Spanish was the only common language – for everyone except her, that is. Speaking through her body language, Michelle was able to convey the core values of mediation – attentive listening, respect for each party's views, and trust in the parties' abilities to conceive their own solution to the problems. It worked and now she is seen as a valuable resource within her community when disputes arise.

These and other experiences have led Michelle to develop a deep understanding of the true elements of the mediation process. Too often, she feels, we box ourselves into a format and framework that, while it seems logical on paper, does not respond authentically to real-world situations and people. Speaking at the opening plenary of the 2005 PCM Annual Conference, Michelle described some of those self-constructed boxes we need to think of breaking down.

- For language to function as a tool of communication, it needs to be the everyday language that people use. As with any professional field, mediation is awash in jargon and technical shorthand that we all understand. But using terms like "conflict management" and "facilitation" can leave us seeming too remote and unconnected with the parties' real world. Think about using language that helps people hear what you are trying to say.
- A party gets emotional and blurts out her anger at the other person. Our in-the-box solution is to help the person control the emotions and speak in I-statements. Somehow we feel we can control the process if we control the parties' emotions. Many times emotions are a person's primary way of communicating.
- Labels can reinforce negative behavior even if they are intended to express sympathy and understanding. Naming someone as the victim in a situation can seem to give that person unintended license to harm others out of his hurt. Reframing a situation by describing the "harm in the community" can help parties focus more on the shared problem to be solved, rather than the individuals involved.
- Presenting ourselves as neutral is not being completely honest. No one is neutral. We can, however, be impartial as to the outcome. This lets us function as a helping partner in the process.
- A solutions-only orientation can keep us from asking the more useful question: "What does it take to bring wholeness to these people?"
- Getting the right stakeholders to the table is key to any mediation. But the mediation process needs to recognize that people live within a wider community context. Native American tribes frequently bring together all the parties' relatives when there is a problem. Think outside the box when it comes to inviting participants to a mediation.

Mediation has the capacity to recognize the whole person and his/her spiritual connections. Breaking down barriers between disputants can start with breaking down barriers between the mediator and the parties.

The New York Experience

by Phoebe Sheftel

They say "no man is an island." Well, in this case Pennsylvania very nearly is an island. Nearly every state surrounding us has some type of state-supported program, promoting and providing mediation within state government and/or the community. Recently PCM has revived an effort first initiated in the late 1990s to encourage Pennsylvania to adopt a more mediation-friendly approach to dealing with disputes. The ADR Committees of the PA Bar, along with the Philadelphia and Pittsburgh Bars have partnered in this effort. Since 2003 the PCM Conference has highlighted this on-going quest. This year Mark Collins, Assistant State ADR Coordinator in the New York State Unified Court System's Office of ADR Programs, spoke on the 25-year history of state-supported ADR in New York. He offered some insights into what it possible.

Established by legislation in 1981, the New York network of community-based, non-profit dispute resolution centers is supervised by the Chief Administrative Judge of the Courts. In 2003–2004 they handled over 51,000 cases involving close to 120,500 people. On average it took 17 days from intake to conclusion for single-session cases; multiple-session cases averaged 57 days. Cases include an array of situations, such as neighbor and family disputes, business and employee problems, zoning and agriculture issues, lemon-law and mobile home claims, and even disputes related to 9/11.

Each county receives a basic grant of \$20,000. A required local match usually comes from municipal governments, other state agencies and charitable funding. The average case costs \$241 and about 75% of them yield voluntary agreements.

There are over 2,300 trained volunteer mediators, who have been involved for seven years on average. Last year they provided nearly 64,000 hours of service in 59,000 sessions. How long will it be before we are able to cite similar statistics for Pennsylvania?

Mediation Comes to Taiwan

by Brenda Wolfer

Billed as the first mediators ever to offer training in Taiwan, Trish James, Executive Director at the Center for Resolutions (CFR), and Brenda Wolfer, CFR's Director of Mediation and Training, brought basic mediation skills to 36 people in Taipei in early March.

Impetus for the training began when Dick West, President of the Institute for Cultural Affairs in Taipei, came to Media to take the Basic Mediation training in June of 2004. He was interested in a mediation model based on the Quaker principles of empowerment and self-determination. His enthusiasm for the course led to an invitation to bring mediation training to Taiwan.

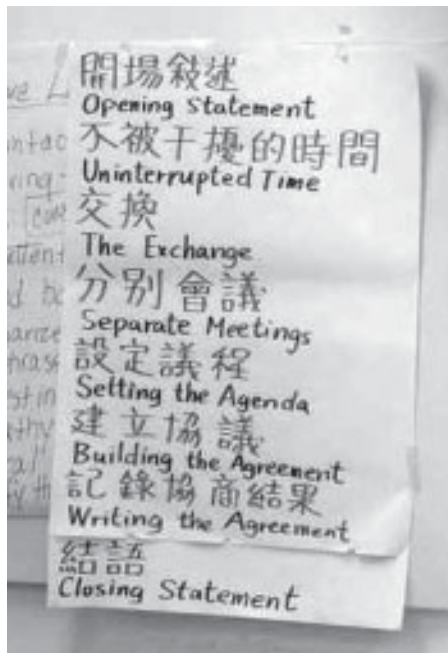
Although many of the 36 training participants had a good command of the English language, some did not; therefore, all of the material was translated into Chinese.

Even though the trainers planned an extra day of training to allow for translation time, they realized they could have gone another half day. They were prepared to create new role plays, but Dick felt CFR's standard scenarios would be fine for Taiwan; and they did work well. Often trainees feel that role plays should be participant specific, when what is more important is learning and getting comfortable with the process.

While most of the participants were from the Taipei area, one traveled from Hong Kong. All were trained and

experienced facilitators who worked in Taiwan and nearby countries in the Far East. Enhancing their facilitation skills and adding those needed to be a third party in a conflict provided both fun and challenge for the participants.

Following the training, Dick West; his partner and wife, Gail; interested participants from the training; and Trish Charo and Brenda Wolfer began to explore ideas for implementing mediation into the community. They plan to meet once a month to continue the discussion and Dick suggested that the CFR return in the fall to give another Basic Mediation training, as well as an advanced training for participants in the first group. CFR looks forward to continuing its collaboration with the Institute for Cultural Affairs and possibly expanding its work in the Far East.



Mediation structure outlined in Chinese



Writing an agreement

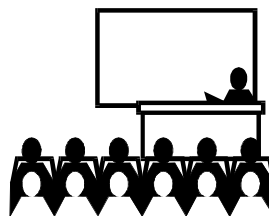


Role play



Training Group (Trish and Brenda are in the second row, first and third from the left)

Events & Training Opportunities



Conflict Resolution Training

October 8 & 15, 8:30 a.m. to 5:00 p.m.
Develop fundamental skills for working with conflict;
prerequisite for Pittsburgh Mediation Center mediation training
Sponsored by the Pittsburgh Mediation Center; location to be determined.
Cost: \$175; CLE & Social Work credits and Act 48 hours available
Registration deadline: September 26
Contact: Ellen DeBenedetti or Gale McGloin at 412-365-0400

Basic Mediation

October 17, 9:00 a.m. to 4:00 p.m., and six Wednesdays: October 19, 26, November 2, 9, 16, & 30, 6:00 to 9:00 p.m.
Sponsored by the Pittsburgh Mediation Center; location to be determined.
Cost: \$300; CLE & Social Work credits and Act 48 hours available
Registration deadline: October 3
Contact: Ellen DeBenedetti or Gale McGloin at 412-365-0400

Basic Mediation Training

July 28–30 & October 20–22, 2005
9:00 a.m. to 5:00 p.m. each day
Location: Good Shepherd Mediation Program, 5356 Chew Ave., Philadelphia
Cost: \$425; \$495 with CLE credits (18.5 sub./1 ethics)
Trainers: Cheryl Cutrona and DeVonne White
Contact: 215-843-5413

Advanced Mediation Training

Sunday to Tuesday, November 6–8, 2005
2 ½ days—Sunday evening; Monday and Tuesday 8:30 a.m. to 5:30 p.m.
Sponsored by the Montgomery County Mediation Center
Location: Montgomery County; specific location TBA
Contact: Sheryl Richman at 610-277-8909 or email mcmpeace@aol.com.

Conflict Coaching

August 13, 2005, 9:00 a.m. to 4:00 p.m.
Conflict coaching is useful when the responding party declines to mediate; the coach helps disputants plan how to address the conflict constructively.
Location: Good Shepherd Mediation Program, 5356 Chew Ave., Philadelphia
Cost: \$150; \$200 with CLE credits (6 sub.)
Trainers: Cheryl Cutrona & Randy Duque
Contact: 215-843-5413

Representing Your Client in Mediation

July 21, 9:00 a.m. to 4:30 p.m.
Prepares attorneys to represent their clients effectively when mediation is an option.
Location: Good Shepherd Mediation Program, 5356 Chew Ave., Philadelphia
Cost: \$200 with 6 CLEs (5 sub./1 ethics)
Trainer: Cheryl Cutrona
Contact: 215-843-5413

Family Mediators' Dinner Group Meetings

Thursdays, September 22, December 1, 2005
4:30 p.m. to 8:00 p.m.
Location: Montgomery County Mediation Center, Norristown, PA
Contact: Sheryl Richman at 610-277-8909 or email mcmpeace@aol.com.

Website Update

By the time you get this newsletter (or shortly thereafter) the newly enhanced and updated PCM web page should be in place.

It's still at the same address—www.pamediation.org.

Check out the Locate a Mediator page and you'll see a handy click-on map that lets you find mediators around the state. To help cut down on the potential for hackers to gather email addresses from our website, we have replaced each subscriber's email listing with a coded email address that will automatically forward any messages to your personal email address.

A work in progress... We are adding a members-only section to the website. Here you'll find a directory that we can update to keep it current. In addition, we plan to use this section to keep members informed about developments in our efforts toward increasing the acceptance and use of mediation in Pennsylvania.

Early in July you will get a printed copy of the 2005–2006 directory, along with your password to use the members-only section of the website.

Looking for a Trainer

The Bloomsburg Community Dispute Resolution program is looking for a trainer give a basic mediation training to a group of 10 to 15 people in October or November on site in Columbia County. Anyone interested in providing this training is asked to contact Joy McGinnis at joyesq@hotmail.com or 570-752-8446. They are also looking for someone to present a custody and divorce mediation training sometime in January or February 2006.

Contributing to the Newsletter

The Pennsylvania Council of Mediators publishes its Report for Members and Friends. We are able to share information about current issues in mediation across the state of Pennsylvania and the United States.

We welcome your input and ideas! Please send training information, program highlights, educational articles, book reviews, or any other information useful to our readers. Submissions will be printed as time and space allow. Send submissions to:

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610-358-3052 (h)
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grendelbeatty@aol.com

Membership Information

If you are interested in joining other mediators statewide and becoming a member of PCM, check out **www.pamediation.org** where you'll find a membership application and other information.

If you haven't visited the site recently, you'll be pleasantly surprised by the new look and wealth of information. Remember that PCM members can be listed on the web site for \$15 in addition to the regular membership fee. (To get more information on a listing, contact Phoebe Sheftel at pasheftel@comcast.net.)



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