

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

somewhat

Mediate Ohio

Autumn 2014

A Word from the President

by Edward M. Krauss

With a few exceptions, our membership is made up of independent mediators and those employed by courts. They are counselors, therapists, attorneys, and other professionals.

Whatever our professional backgrounds, whether earning by the case or by the regular paycheck, we are all knowledgeable about and believe in the good of mediation, the (if I may) magic of what can happen at the table. And we all share something else; if ADR is to grow the American public must begin to get it more than they do now. How can we - all of us - contribute to that growth? Same way Kellogg's sells corn flakes. Marketing.

We might normally think of marketing as limited to the individual, per-case mediator. But I challenge all of us, whether on regular paychecks or not, to think of ourselves as ambassadors of mediation, of spokespersons for the profession of mediation.

Talk it up. When someone asks what you do, see if you can go a bit further than just announcing your title. Perhaps you can have a brief conversation about your field. Speak at a high school, at a civic organization, to a college government class. Be prepared to talk about subjects such as ... what is

mediation, how can mediation help you, what are the advantages over litigation ... you know the list. We are all marketers, and the better we inform the public the more our field will prosper.

Changing subjects: I hope many of you can attend our meeting being held in conjunction with the ACR conference in Cincinnati. **We will be meeting on Thursday, October 9, with Bernie Mayer for a lunch meeting and sharing of information.** I know it isn't easy for members from Cincinnati, Yellow Springs, Dayton, and the south-eastern part of the state to attend our Columbus meetings; we hope many of you can attend this event, it will be great to see you.



Congratulations to Chris Cottrell on being appointed to our Executive Board as Interim Secretary!

Board Members

Officers

President :: Ed Krauss

614.619.0017

edmkmediator@sbcglobal.net

Immediate Past President :: James Petas

419.936.2312

james.petas@tmcourt.org

Vice President :: Nathan Witkin

740.383.3928

ndwitkin@gmail.com

Secretary :: Christopher Cottrell

937.621.2162

chriscottrell55@gmail.com

Treasurer :: Suzanne Barker

614.519.3969

barkesu@aol.com

Appointed Members

Kathryn Wollenburg

937.645.4175

kwollenburg@co.union.oh.us

David Cohen

614.745.5162

davidcohenmediation@gmail.com

Maara Fink

419.530.4236

maara.fink@utoledo.edu

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OMA Member Spotlight

Patrick Quallich :: The Mediation Equation



If one were to write a mathematical equation to describe Patrick Quallich's career path, it would be:

Psychology + Law = Mediation.

Patrick Quallich began his first career as a mental health counselor, after studying criminal justice, psychology and substance abuse in undergraduate and graduate school. He worked for a few years in the mental health field until deciding to go to law school. After graduating from law school, Patrick pursued a legal career that, over the past fifteen years, has encompassed business and corporate law, employment law, contracts, complex litigation matters across the United States, and also includes the practice of mediation and arbitration.

During Patrick's second career in law, the lessons he learned as a counselor are not forgotten. Although he enjoys litigation, Patrick recognizes the toll it takes on the lawyer. "It's a profession that chews you up," he explained. "Just look at the substance abuse statistics for the legal professionals." He also realizes that a legal battle is, as he puts it, "very hard in mind, body, and soul on those you represent." After finishing litigation, clients don't say to him, "Hey, that was fun; let's do it again!" Litigation creates a winner and a loser, but many aspects of the dispute are not addressed.



Patrick was drawn to the field of mediation because he loves to be challenged. He feels that most civil litigators select evaluative mediators who tend to focus mainly on the financial aspects of a dispute because, "money is a simple currency to deal with." His experiences as an attorney representing clients in mediation taught him that getting beyond the simple currency of money is very difficult and challenging.

Patrick met this challenge by going back to his roots in psychology. As a mediator, he wants to know what is the message being conveyed and what is the underlying motivation, regardless of the financial demand. To do this, he sets aside his personal point of view because, "my world view is not everyone's," and he is attentive to the cultural differences in the parties.

Patrick admits that, like litigation, mediation can be emotionally taxing on the mediator as well as the parties and their attorneys. "You will see people at their worst," he cautions, "but don't get immersed." A mediator, however, cannot ignore emotions in mediation, even though attorneys may pooh-pooh the idea of addressing emotions.

Encouraging solutions that address what's going on at a deeper level, which often are tied to emotion, is also a challenge. The ability to think logically is a hallmark of an attorney, so most attorneys are reluctant to spend time in the illogical realm of emotions and deeper meanings of the dispute. Patrick helps attorneys in mediation see that ignoring these issues may be doing a disservice to their clients.

"Don't get complacent and don't rest on your laurels; you have to constantly learn and challenge the ways you think."

When asked what tips he has for aspiring mediators, Patrick's response is, "Be yourself and be respectful." Patrick acknowledges that having substantive knowledge in the area of the dispute is helpful, too. For those mediators who have practiced for some time, Patrick advises, "Don't get complacent and don't rest on your laurels; you have to constantly learn and challenge the ways you think." For Patrick, membership in OMA provides him with just that opportunity to learn from individuals who are doing mediation and can challenge the way he thinks. Being part of OMA "is a fantastic opportunity to learn from your peers."



Patrick Quallich has created his mediation career by adding his psychology career to his legal career. In his case, Patrick would likely agree with Euclid's axiom that "the whole is greater than the part."

—by Cathie Kuhl



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ACR Comes to Ohio!

ACR Annual Conference in Cincinnati October 8-11, 2014

It's here! OMA members and Ohio mediators have a rare opportunity to attend a national conference in their home state when the Association for Conflict Resolution (ACR) brings its annual conference to Cincinnati on October 8-11, 2014. The conference will take place at the Hilton Cincinnati Netherland Plaza hotel, the beautiful French Art Deco style hotel in downtown Cincinnati, which is a registered National Historic Landmark.

The conference theme is **Many Notes, One Symphony: Conflict Engagers in Harmony** and will offer more than ninety sessions to choose from covering twenty different areas in the field. Ohio CLE credits and CLE credits from many other States are offered for attending the 2014 ACR Annual Conference.

The opening plenary session features keynote speaker Tim Wise, a prominent anti-racist writer, educator, consultant and advocate. According to the ACR conference brochure, "Wise's remarks will help conference participants in recognizing how issues of inequality and racial, social, cultural, and ethnic differences factor into conflicts of all types. A central part of ACR's commitment to diversity, equity and inclusion involves helping our members to become better equipped to handle difficult issues related to privilege, prejudice and inequality as they come up in our practice, our professional associations and our private lives."

For more information about the conference program and registration information, go to www.acrannualconference.org/.



*Designed by ACR Conference logo contest winner Chantale Stevenson

OMA :: Professionals helping people resolve disputes.

Job Opportunities

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

Women's Shelter Diversion Advocate :: Cleveland Mediation Center, Cleveland. Seeking energetic, non-judgmental candidates to join the Shelter Diversion team, which uses conflict resolution to divert clients seeking shelter. The objective is to empower newly homeless persons to chart their own path back to housing and then assist them to implement their plan. CMC uses an empowerment approach based on conflict theory. Strong organizational skills and ability to use MS Word, Excel, and Access preferred. Undergraduate degree preferred, appropriate life experiences and skills also considered. Send cover letter and resume to Ed Boyte, Assistant Director, eboyte@clevelandmediation.org.

Coordinator of Judicial Affairs/Community Standards :: Central State University, Wilberforce, OH. The Coordinator is responsible for the facilitation and resolution of disciplinary cases, including conducting administrative meetings, imposing and evaluating sanctions, and advising Conduct Review Boards. The Coordinator also conducts educational outreach efforts and sanction classes. This person assists the Director of Residence Life and Judicial Affairs in case management, including maintenance of conduct records and database, assessment, electronic media, hearing board selection and training, hearing board supervision, and other duties. Position is a 12 month position. Minimum of a Bachelors Degree required. Experience in student conduct and/or formal mediation is also strongly preferred.

United Nations Judicial Affairs Officer :: New York, NY. This position is located in the Department of Peacekeeping Operations, Office of Rule of Law and Security Institutions, Criminal Law and Judicial Advisory Service. The incumbent reports to the Chief of Service. Responsibilities within delegated authority, the Judicial Affairs Officer will be responsible for providing advice, guidance and support to DPKO on judicial and legal systems issues. Post financed for one year; Extension of appointment will be subject to budgetary approval.



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Co-Resolution Training | Oct. 3, 2014, 8:30 a.m.—5:00 p.m. Community Mediation Services of Central Ohio, 67 Jefferson Ave., Columbus. *Program Description:* \$195 (includes lunch), presented by Nathan Witkin. Co-Resolution is a new process in the field of alternative dispute resolution (ADR) involving two facilitators who act as a team (and as a single ADR service), providing each disputant with a personal advocate. The advocates cooperate with each other as they assist separate disputants to negotiate a settlement to their dispute. Recommended for attorneys who wish to offer disputants the option of using a non-adversarial process to resolve their conflict and for mediators who wish to expand their practice to include providing personal assistance to disputants at the negotiation table.

Conflict Resolution Training | Oct. 9, 2014, 8:30 a.m.—5:00 p.m., Community Mediation Services of Central Ohio, 67 Jefferson Avenue, Columbus. *Program Description:* \$195 (includes lunch), 16 CLEs or CEUs. Executive Director Shelley Whalen conducts this training, tackling topics that include tips for choosing the right conflict resolution approach for each dispute situation, how to peacefully and respectfully 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.

OMA Bi-Monthly Meeting | Thursday, October 9, 2014, ACR Annual Conference, Cincinnati. *Speaker:* Bernie Mayer.

Basic Mediation Training | 4 Sessions, Oct. 6-27, 2014, Mondays 2:30—5:45 p.m. Lakeland Community College, 7700 Clocktower Drive, Kirtland, OH. *Program Description:* \$369 for 12 CLE or CEU hours. 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. Meets the 12-hour introduction to mediation training requirement of The Supreme Court of Ohio.

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Basic Transformative Mediation Training | Oct. 15-17, 2014, 8:30 a.m.—5:00 p.m., Montgomery Conflict Mediation Center, 3075 Ridge Pike, Ste. B, Eagleville, PA. *Program Description:* \$500 for advanced registration; \$550 for same-day registration; additional fees apply for continuing education credits. This introductory training is for people from all professional backgrounds. Participants will learn the basic premises of the transformative approach, mediator moves and strategies, and how to support a constructive conversation for those in conflict. Training format will combine lecture, group discussion and guided practice in role-play situations.

Forty-Hour Domestic Mediation Training | October 15-16 & 21-23, Community Mediation Services of Central Ohio, 67 Jefferson Avenue, Columbus. *Program Description:* \$925 (\$825 if previously attended CMS 2-day Basic Mediation Training). Shelley Whalen conducts this training, tackling 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. This training has been approved to fulfill the Supreme Court of Ohio Rule of Superintendence 16.

Basic Mediation and Uniform Mediation Act Training | Oct. 16-17, 8:30 a.m.—5:30 p.m. Cuyahoga County Court of Common Pleas Juvenile Division, Juvenile Justice Center, 9300 Quincy Ave., 1st Floor Media Room, Cleveland. *Program Description:* 14 CLE hours. Participants will be introduced to concepts that underpin the practice of mediation. Participants will learn the basic stages of mediation, co-mediation and effective ways to address common mediation challenges. This training is highly interactive and fosters participation through group discussion and involvement in small group mediation simulations and exercises drawn from a variety of court mediation practices. This training will also familiarize participants with the provisions and scope of the Uniform Mediation Act (ORC 2710). Participants will discuss specific privileges and exceptions to those privileges with a comparison to confidentiality in addition to the role of party and non-party participants and the rights of clients.

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30-Hour Civil Mediation Training | Oct. 17-18, 24-25. Partners in Mediation, Inc., 3705 W. Darwin Avenue, Cincinnati.
Program Description: Registration \$650, 30 CLEs or CEUs. 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 Basic Mediation course is required prior to taking this training.

Intensive Mediation | Oct. 20-24, 2014, 8:30 a.m.—5:00 p.m., Center for Dispute Resolution, Capital University Law School, 303 E. Broad St., Rm. 572, Columbus. *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 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*** | Oct. 20, 2014, 8:30 a.m.—5:00 p.m., CDR, 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** | Oct. 21-22, 2014, 8:30 a.m.—5:00 p.m., CDR, 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*** | Oct. 23, 2014, 8:30 a.m.—5:00 p.m., CDR, 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 caucus.
- **Mediation Ethics, Professionalism, & Substance Abuse Education** | Oct. 24, 2014, 8:30 a.m.—12:30 p.m., CDR, 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** | Oct. 24, 2014, 1:30 p.m.—5:00 p.m., CDR, 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 :: People talk. We listen.

Mediator Roundtable | Oct. 23, 2014, 10:00 a.m.—2:00 p.m., Supreme Court of Ohio, Columbus. Join the Supreme Court of Ohio Dispute Resolution Section for the 2014 Fall Roundtable. This roundtable will provide an opportunity for new and seasoned Ohio court-connected mediators to network, exchange ideas, and discuss new and pressing issues in an open forum. CLEs are not available for this event; however, tuition is free and lunch will be provided.

How Neuroscience Helps Mediators Resolve Conflict | Oct. 24, 2014, 9:55 a.m. - 4:45 p.m., Supreme Court of Ohio, Columbus, OH. Leading neuroscientist Martha K. McClintock, PhD, and experienced commercial mediator, Jill S. Tanz, J.D., take a trans-disciplinary perspective, looking iteratively at the science and the mediation process. In particular they will examine how stress, hormones, and emotion impact behavior in people engaged in conflict and what conclusions mediators can draw from these areas of inquiry. The physiologic stress response, emotions, trust and cooperation, and decision-making will also be explored.

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Elder Decisions® Elder (Adult Family) Mediation Training | Oct. 28-30, 2014, 8:30 a.m.—5:30 p.m., Newton, MA. *Program Description:* \$795 if registered by October 3, \$925 thereafter. This program teaches mediators specialized skills and techniques for successfully facilitating adult family conversations around issues such as living arrangements, caregiving, driving, medical decisions, family communication, financial planning, inheritance/personal property distribution, trusts and estates. *Faculty:* Arline Kardasis and Crystal Thorpe, with guest experts from the fields of elder law and gerontology.

Specialized Family :: Divorce Mediation Training | October 29-30 & November 12-14, Supreme Court of Ohio, Columbus, OH. **MEDIATORS MUST: (1) MEET RULE OF SUPERINTENDENCE 16 PREREQUISITES; (2) COMPLETE & SUBMIT PREREQUISITE FORM BY OCTOBER 1** to enroll for this training. *Program Description:* 40 CLE hrs. Advanced training that covers all aspects of family law mediation. Upon completion, participants will be able to analyze the dynamics in family conflict in terms of relationship issues, data problems, values, disputes, structural constraints; demonstrate active listening skills; describe children's needs as well as those of separating and divorcing parents; manage high conflict situations; draft an effective Memo of understanding; and explain the relevant Ohio law and rules associated with the division of marital and separate property, spousal support, child support, allocation of parental rights and responsibilities, and parenting time. This course will also provide skills-based training in the child protection, truancy, and guardianship mediation context.

Divorce & Family Mediation Training | November 6-8, 14 & 15, 8:00 a.m.—5:30 p.m., Partners in Mediation, Inc., 3705 W. Darwin Avenue, Cincinnati. Basic Mediation Training is a prerequisite. *Program Description:* \$850, 40 CLE and 39.25 CEU hours. This five-day training course offers training for divorce mediation, including parenting and property division. Situations often faced by mediators will be conducted through role-playing.

Domestic Abuse Issues: Training for Mediators & Other Professionals | November 13-14, 8:30 a.m.—5:30 p.m. Cuyahoga County Court of Common Pleas Juvenile Division, Juvenile Justice Center, 9300 Quincy Ave., 1st Floor Media Room, Cleveland. *Program Description:* 14 CLE hours. 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. Training co-sponsored by the Supreme Court of Ohio Dispute Resolution Section & the Lucas County Juvenile Court.

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Fundamentals in Mediation | Dec. 2-4, 9:00 a.m.—5:00 p.m., Cleveland Mediation Center, trainings held at Trinity Commons, 2230 Euclid Avenue, Cleveland. *Program Description:* \$450 (registration fee waived for veterans), 20 hrs., CLE & CEU credit available. This highly interactive training will provide an introduction to mediation using demonstrations and practice as well as lecture, discussion, and situational case studies. This is a practical course, incorporating a best practices approach to mediating. Continental Breakfast provided.

Parenting Coordination Training | December 4-5. Details not yet available. Check Supreme Court of Ohio website.

Women's Negotiation Academy :: Creating Skilled & Sophisticated Negotiators | Dec. 4-5, 8:30 a.m.—5:00 p.m., Straus Institute for Dispute Resolution, Pepperdine University School of Law, Malibu, CA. *Faculty:* Stephanie Bell & Denise Madigan. *Course Description:* As women assume more positions of power in the workplace, the media is reporting more frequently on how women negotiate in these positions. Indeed, a body of empirical research has emerged that points to a few significant trends. Most notably, women have been found to negotiate differently when negotiating for others than for themselves. And people negotiating opposite women bring their own biases to the negotiation table. This interactive workshop will explore the impact of gender on negotiation, and present you with tools and techniques to increase your own effectiveness as a negotiator.

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