

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

# Mediate Ohio

## A Word from the President

### Emotions in Mediation, by Jim Petas

In mediation, I have often noticed that the involvement of attorneys minimizes emotions in disputes. Attorneys often take great strides to make issues clear and to advocate for clients. I believe this occurs as a result of the fact that many attorneys are often drawn to the legal profession because of its accent on a logical approach to problem solving.

I am definitely a proponent of this reason-based approach. Logic and common sense often go by the wayside once parties become embroiled in a dispute. This loss of reason is usually the reason why conflicts eventually end up in the court system and in mediation.

Acknowledging and understanding the emotional world of both your clients and yourself can go a long way in making one a better attorney and a better mediator. In the book *Lawyer Negotiation* (2nd edition) by Folberg and Goldman, the authors discuss the importance of emotions and emotional intelligence. The article indicated that emotional concerns as well as substantive needs are often two critical factors that must be satisfied in order to reach a lasting agreement.

The article discusses Daniel Goldman's book, *Emotional Intelligence: Why It Can Matter More Than IQ* (1995). He believed that emotional intelligence was "twice" as important in contributing to excellence as pure intellect and expertise. He states that, "recognizing and mastering emotion is usually more helpful than denying or ignoring them." He identified 20 emotional intelligence competencies such as self-awareness, emotional awareness, accurate self assessment, empathy and self-confidence. Goldman believed that if these competencies were mastered, they would make significant positive impact on a person's life.

This same positive impact would likely translate into positive changes in the mediation room. As mediators, it is imperative that we recognize and understand that emotion, as well as the concrete issues, are critical factors in mediation. Being proficient at both ... "logically" makes sense.

Thanks to all who attended the conference. What a wonderful event!

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

#### Into Social Networking?

- Be sure to "like us" on Facebook!
- Join us on Linked-In!
- Also, visit our website at [mediateohio.com](http://mediateohio.com)

#### Articles of Interest

- BWA Thank You From Cathie Kuhl
- Expanding the Use of Mediation, by Ed Krauss

#### Notes in the Field

- Job Openings
- Blog Spot
- Conference & Training Opportunities

**Next Meeting:** MCL Cafeteria in Westerville  
**Date:** June 1, 11:30 a.m.  
**Speaker:** Martha Camp  
**Topic:** Similarities between Prisoner Interrogation & Mediation Techniques



## Cathleen Kuhl :: OMA's A Better World Award Well-Deserving Recipient

This year, Cathleen Kuhl, director of the Hamilton County Municipal Court's Private Complaint Mediation Service, was the well-deserving recipient of OMA's annual Better World Award. Cathie was nominated by Anne Wakefield for Cathie's work in the mediation field and for the impact she has had on the world around her.

Cathie has been involved in over 5,000 hours of mediation sessions in the family, business criminal, employment, and interpersonal disputes areas.

Cathie is a founding member of the Mediation Council of Greater Cincinnati, Greater Cincinnati Coalition on Domestic Violence, and the Domestic Violence Coordinating Council of Hamilton County. She currently sits on two Ohio Supreme Court Committees: The Court

Personnel Education and Training Committee and the Domestic Abuse Issues for Mediators Trainer's Committee. She is an adjunct professor for the University of Cincinnati's School of Law, serving as co-faculty for the law school's mediation course.

She holds a Bachelor of Science degree in Psychology from Wright State University, has completed two years of graduate work in Antioch University's Master of Arts in Conflict Resolution program, and has attended over 250 hours of mediation and conflict resolution training, including the Program on Negotiation at Harvard University.

When you see Cathie, please be sure to thank her for her contributions to our field and congratulate on her award.

OMA :: Professionals helping people resolve disputes.

## The Better World Award ... Really?

by Cathie Kuhl

I am writing to properly thank the Ohio Mediation Association for bestowing upon me the Better World Award 2012 at the Annual Meeting on Friday, April 27, 2012. When I accepted the award, I can't remember what I said, as I was so surprised and overwhelmed by the honor. I hope I can now adequately express my gratitude and share what this award means to me.

To be recognized by one's peers is, I think, the highest form of recognition. Especially when the peers are people I have known and respected for years; people I have worked with, learned from, laughed with; people whom I hold in high regard. OMA members are amongst the most talented, committed and genuine people I know. To receive this honor from you means so very much to me. I thank you.

But there's more; I want to tell you about the "click" I experienced last Friday upon receiving the Better World Award. Some of you reading this may remember the "click" metaphor that *Ms. Magazine* used to describe a moment when our consciousness is raised and something "clicks" in our heads. Okay, it was back in the seventies and I'm dating myself, but I experienced a "click" last Friday.

I had never considered that the work I do has an impact on "the world." Perhaps I may make a difference to the parties in mediation, and having mediation in Hamilton County makes a difference to the local courts, and, yes, I may have influence on people throughout Ohio whom I have trained to mediate—but, come on ... the world?

I thought further and realized that none of us knows the extent of impact that the good work we do has on others. A pebble tossed in a pond creates ripples that go far and mediation, I think, is similar. Doesn't helping divorcing parents resolve their disputes make for healthier, happier children who will be better able to make a better world? Don't court mediation programs serve as a testament to the belief that there is a non-adversarial way to solve conflicts and isn't that better for society to have such an option? Might someone who has taken mediation training begin a journey that may lead to spreading the message of peace in the world? CLICK! Yes, I suppose I have made the world better, starting with my own little corner of the world.

All of us working in this field are making a better world, so each of you deserves an award. Keep up the good work and the world will be a better place, thanks to you.

A Word From President  
Jim Petas

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## Expanding the Use of Mediation

by Ed Krauss, OMA Vice President

A few questions: Do we wish that the public understood the value of mediation as a way to resolve disputes, with all the benefits mediation offers? Would it be helpful to the courts, the taxpayers (including us) who support the courts, and people who have cases in the courts if mediation were used more often? Might not we all benefit, including the members of the Ohio Community Mediation Association, if the state legislature voted financial support of mediation? Would you like to make more money as a mediator?

I'm assuming we all said yes. Therefore:

The only way all of us are going to have more business, more recognition as professionals, is if our profession is sought out more, used more. At present, there are far too many Americans who think their choices in a dispute are live with it, punch someone in the nose (or worse), or hire an attorney if the situation warrants. As you all well know, there are thousands—no doubt millions across the country—of cases that are far too small to call for litigation. But another choice, mediation, is not known, not considered. How can we change this?

Obviously we can't fix the problem nationwide, but how about in Ohio? How can we make people more aware of the many benefits that mediation offers? A partial answer: A speaker's bureau to speak at, for instance, lunch meetings of Rotary, Kiwanis, Lions, and other civic and community organizations; to speak to high school civics and government and social studies classes.

The problem with starting such a program is that right now, with extremely rare exception, most the work of our 150-member organization is being done by just seven people, your board. (I recently learned it will now be eight; Cathie Kuhl will be assisting with the newsletter. Thank you, Cathie.) As a volunteer board, we are already stretched to the limit; as an example, work has begun on next year's annual meeting and training.

So, as the saying goes, this is a test. If you would like to see the items in the first paragraph come true, then you have to give some time and energy to your organization. If not, we will be able to maintain the level of meetings and speakers at those meetings, and the annual meeting and training that now obtains, but that's likely all that can be done. Advancing the field, spreading the word takes an effort—your effort. I look forward to your positive response.

*Please feel free to email Ed at [edmkmediator@sbcglobal.net](mailto:edmkmediator@sbcglobal.net).*

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## Editor News :: Mediate Ohio Welcomes Assistant Editor

In the last edition of Mediate Ohio, I recruited the help of members to assist in the information-gathering, compilation, and editing of our newsletter. Before even knowing she would be the recipient of the Better World Award, Cathleen Kuhl, contacted me to express her interest in taking on the role of Assistant Editor! Gee, I wonder why she was nominated and received the award—thank you, Cathie! You will get to see Cathie's work in the next edition of the Newsletter!

As always, we request that you send any ideas or materials you would like considered for publication in Mediate Ohio by the 20th day of even-numbered months. The next deadline is June 20, 2012, for publication in the May/June edition. Materials should be mailed either to my attention at 221 W. Fifth Street, Marysville, OH 43040; emailed to [kwollenburg@co.union.oh.us](mailto:kwollenburg@co.union.oh.us); mailed to Cathie's attention at 230 East Ninth Street, Cincinnati, OH 45202; or emailed to Cathie Kuhl at [ckuhl@cms.hamilton-co.org](mailto:ckuhl@cms.hamilton-co.org). Should you choose to contact me via telephone, I can be reached at 937.645.4175.

Fondly,

Kate Wollenburg  
Mediation Ohio Editor

A Word From the President  
BWA News

BWA Thank You From  
Cathie Kuhl

Job Openings  
Blog Spot

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## Job Openings

*Click on the job title to be taken to its website for additional information.*

### **Adjunct Mediation Instructor**, Des Moines Area Community College | Des Moines, IA

Salary Range: \$ 798.00 per equivalent credit hour

Opening date: Fall Semester 2012

*Brief Description of Duties:* Teaches assigned courses in accordance with course competencies and syllabi. Develops and/or utilizes a variety of instructional strategies, techniques and delivery methods designed to meet the individual learning styles of students. Fosters a safe and civil learning environment. Informs students about course requirements, evaluation procedures, and attendance policies. Monitors, evaluates, and documents student attendance, progress and competency attainment. Law degree. *Qualifications:* Two years experience in law practice; ability to be able to practice law in Iowa within 2 years of start date of employment; demonstrated effectiveness working with populations having diverse values, and/or coming from varied cultures and backgrounds; teaching experience preferred.

### **Manager of Mediation Services**, North Shore Community Mediation, Inc. | Beverly, MA

Salary Range: \$ 18.00/hr, 25 hours/week

Opening date: June 15, 2012

*Brief Description of Duties:* Coordinate mediations for District & Juvenile Court, Probate & Family Court, and Community Mediation Services; schedule mediators, apprentices, and observers; prepare mediation rooms; maintain records; assist in ordering supplies, technology assistance, and grant writing. *Qualifications:* At least a 4-year degree and basic mediation training; excellent communication skills; experience with program development and implementation; demonstrated initiative and capacity to work independently as well as part of a team; detail-oriented.

### **Assistant Vice President, Mediation/Outreach**, Nationstar Mortgage | Lewisville, TX

*Brief Description of Duties:* Oversee management of Mediation team including effective tracking and reporting; increase efficiency and effectiveness and/or reduce costs; develop & implement staffing models; develop relationships with appropriate non-profits, community groups, and borrower advocacy groups; etc. *Job Summary:* The AVP of Borrower Outreach and Mediation is responsible for the planning, administering and managing of all activities regarding resolving default mediation matters. Accountable for maintaining staffing goals, development of staff, ensuring efficient reporting, reduce company liability and meeting all department goals. Ensure mediation matters are resolved efficiently and in compliance with the laws by consulting/working with company retained counsel. *Qualifications:* 4-year degree with focus in discipline related to position or combination of job experience and education; proficiency in Excel, Access, financial modeling; mortgage banking & servicing experience; loss mitigation, foreclosure prevention, and/or community outreach experience.

## OMA :: When people speak, we listen.

### **Senior Conflict Resolution Associate/Mediator**, Loyola Marymount University Law School | Los Angeles, CA

*Brief Description of Duties:* The Center is searching for two (2) Senior Conflict Resolution Associates/Mediators to join its team. The Senior Conflict Resolution Associate/Mediator will serve as a community mediator, conciliator, facilitator, intake person, conflict resolution trainer and community outreach coordinator. Responsibilities will include, but are not limited to, preparation of bilingual materials, assisting in the preparation of contract reports, data entry, supervision of student workers, correspondence and specific projects as directed by the Associate Director and/or the Director. *Qualifications:* Admission to California Bar; bilingual (English/Spanish) fluency required; experience in mediation or conciliation; community outreach experience; experience as a trainer; mediation or conciliation intake work. Experience working with people who are upset. Able to work collaboratively with students, faculty, staff and administrators, etc. Effectively interact with people from diverse backgrounds, cultures and ethnic groups; commitment to community service; effective interpersonal and communication skills; exemplary written and oral communication skills; ability to analyze, assess, evaluate, identify problem and take initiative to resolve. Interpretation of applicable laws, policies and principles, etc. Multi-task; keen attention to detail; computer competency with Microsoft Office suite and other relevant technology.

*Jobs contd. on page 5 ...*

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**Mediator**, Bureau of Mediation Services | St. Paul, MN

Salary Range: \$ 29.38-\$43.61 hourly; \$61,345-\$91,058 annually

Job posting closing date: June 4, 2012

**Brief Description of Duties:** Highly responsible mediation and conciliation work in settling all types of labor-management disputes. Mediates collective bargaining disputes, including contracts and grievances; conducts contested hearings and prepares written decisions in labor-management representation matters, such as union recognition or bargaining unit determinations; assists in the formation and development of joint labor-management committees; provides technical training in labor relations and dispute resolution. **Qualifications:** At least 7 yrs of direct advanced professional experience in (1) labor relations with responsibility for contract negotiations and administration; OR (2) as a mediator of labor-mgmt. collective bargaining disputes, including contract negotiations. A law degree with a concentration in labor law or a master's degree in Industrial Relations with a concentration in labor relations may be substituted for 2 yrs of experience.

OMA :: Communicate and anything is possible.

## To Blog or Not to Blog?

Merriam-Webster Dictionary defines the word "blog" as: a Web site that contains an online personal journal with reflections, comments, and often hyperlinks provided by the writer; *also* : the contents of such a site. In researching the subject, I found that the word seems to have been derived from the term "web log" or condensed into one word, "weblog." Of course, this definition is that of the word in the form of a noun; however, today it is often used as a verb (see the title above!).

As I believe we are all aware, the topic of discussion at many seminars, conferences, and the like these days seems to be determining how to increase the awareness of mediation as an alternative to litigation, how private practitioners can increase revenue, how to make mediation one's "day job." We see the blog forum being used in many different areas—from celebrity gossip, to tech updates, to national and international news. See [www.ebizmba.com/articles/blogs](http://www.ebizmba.com/articles/blogs).

When looking for informative ADR and/or mediation blogs, I found that many have been started and many have been abandoned—likely because keeping up in the blog world is just about a full-time job. Regardless, perhaps blogging is a way to increase awareness, increase revenue, and transform mediation into one's day job. Below are some blogs that may inspire you to create or own ... or may simply be good reading. Either way ... enjoy!

## Blogs to Follow ... Just to Name a Few ::

*Click on the blog name to be taken to its site.*

**Bea V. Larsen :: Commentaries.** The blog site of legendary Cincinnati, Ohio mediator Bea V. Larsen.

**Just Court ADR ::** The blog of Resolution Systems Institute. Resources / Study / Innovation for Court ADR.

**Kluwer Mediation Blog ::** The mediation blog of Kluwer Law International & Wolters Kluwer Law & Business. A leading provider of research information and workflow solutions in key specialty areas. The strengths of the individual brands of Aspen Publishers, CCH, Kluwer Law International and Loislaw are aligned within this Wolters Kluwer division to provide comprehensive, in-depth solutions and expert-authored content for the legal, professional and education markets.

**Karl Bayer's Blog ::** The blog of dispute resolution practitioner Karl Bayer.

**Eye on Conflict :: Views From the World of Mediation.** California mediator Lee Jay Berman's blog site.

**Business Conflict Blog ::** Conflict Management advice from commercial arbitrator and mediator F. Peter Phillips.

**PGP Mediation Blog ::** The blog of California mediator Phyllis G. Pollack, Esq.

**For more featured blogs ::** Please visit [Mediate.com](http://Mediate.com), [International Mediation Institute](http://International Mediation Institute), [World of ADR Blogs](http://World of ADR Blogs), or [MediationBlogs.com](http://MediationBlogs.com).

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Job Openings  
Trainings & Conferences





## Conference & Training Opportunities

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

### Summer 2012

**Dispute Resolution Teleconference** | May 16, 2012, 3:30 p.m.—5:00 p.m., No Registration Required.

*Topic:* Open Forum. Virtual Event Teleconference Instructions: **1) Dial 1-877-820-7831 and 2) Enter Passcode 529659#.**

**Foreclosure Mediation Teleconference** | June 4, 2012, 2:00 p.m.—4:00 p.m., No Registration Required.

*Topic:* To be determined. Virtual Event Teleconference Instructions: **1) Dial 1-877-820-7831 and 2) Enter Passcode 529659#.**

**Association of Family & Conciliation Courts 49th Annual Conference** | June 6-9, 2012, Hyatt Regency, Chicago, IL.

*Program Description:* Attachment, Brain Science and Children of Divorce: The ABCDs of Child Development for Family Law. AFCC presents an in-depth look at attachment and neuroscience perspectives on child development as they relate to family law, highlighting conversations and controversies raised in the July 2011 Family Court Review special issue on attachment and family law. This conference features presentations from the leading experts in family law, attachment, child development, relocation, alienation, domestic violence and more.

**Basic Mediation & Uniform Mediation Act Training** | June 27-28, 2012, 8:30 a.m.—5:30 p.m., Stow Municipal Court. Co-sponsored by Stow Municipal Court & the University of Akron School of Law, 14 CLE hours.

*Program Description:* Cathleen Kuhl & Terry Wheeler will introduce participants to concepts that underpin the practice of mediation: conflict theory, communication skills, interest-based negotiation, and mediator styles & qualifications. Participants will learn the basic stages of mediation, co-mediation, and effective ways to address common mediation challenges. This training is highly interactive.

**Truancy Mediation Training** | June 29, 2012, 8:30 a.m.—5:00 p.m., Supreme Court of Ohio, Columbus, 7 CLE hours.

*Prerequisite:* Basic Mediation Training (12 hr. min.). *Program Description:* This training will cover all things truancy: prevention, the history and causes, legal and social issues, the process of truancy mediation, standards of practice, mediator's tools, applications of the UMA, and the impact of truancy mediation. Upon completion, participants will be able to apply relevant Ohio law and rules associated with school truancy; create mediation strategies; draft an effective truancy resolution; and demonstrate mediation skills and strategies.

**Specialized Family & Divorce Mediation** | July 17-18 & 25-27, 2012, 8:30 p.m.—6:00 p.m., Supreme Court of Ohio, Columbus, 40 CLE hours, Registration opens May 17.

*Prerequisite:* Basic Mediation Training (12 hr. min.) and UMA Training (2 hr. min.). *Program Description:* Advanced training that covers all aspects of mediation in the family law context. 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.

## OMA :: Communicate and anything is possible.

### Fall 2012

**Association for Conflict Resolution Annual Conference** | September 12-15, 2012, Sheraton Hotel, New Orleans, LA

*Program Description:* Creating Connections: Conflict Resolution in Deeply Divided Times. This conference serves to spotlight how we as a field are successfully addressing the multitude of divisions that exist in these tough times: in families, workplaces, communities, and globally. ACR invites proposals on how your work addresses conflicts that arise from differences in values, economics, race, ethnicity, religion, politics, sexual orientation, class, age, and other factors.

**Keynote Speaker: Ms. Leymah Gbowee**, Joint Winner of the 2011 Nobel Peace Prize; Executive Director, Women Peace and Security Network Africa; Founder, Women in Peacebuilding Program/West African Network for Peacebuilding.

**Academy of Professional Family Mediators Founding Conference** | September 27-30, 2012, Sea Crest Resort, Cape Cod, MA

*Program Description:* Build It and They Will Come! A Visionary Gathering & Reunion of Family Mediators. All practicing family mediators are welcome to this training. APFM promotes quality work in the field and intends on increasing the credibility of mediation as a better option for consumers confronting family conflicts.

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