

The UCCR News

Volume 14

Winter 2005

Hold the Dates!

*The UCCR Symposium is scheduled for
May 10/11th, 2005*

The 2005 Symposium's theme is "Expanding the Dialogue of Conflict". It will be a full day on May 10th and 1/2 day on the 11th; and will be followed by the Peace Tree Dedication at the Peace Gardens. Due to our growth, we will be hosting the Symposium at the E Center this year. The Law and Justice Center has been good to us, but we have simply outgrown the space. We continue to enjoy a good working relationship with them and look forward to hosting smaller events there.

Brian Florence, Chair, and this year's Symposium Committee have put together an exiting line-up of presentations. There will be plenaries by Leonard Riskin, of the University of Missouri at Columbia School of Law, speaking on Mindfulness in Mediation and David Dominguez, of the J. Reuben Clark School of Law, speaking on Community Dialogue. There are also several break-out sessions, including: Leonard Riskin's Decision-Making Grid; William Eddy on Handling Borderlines and Narcissists: 7 Skills for Mediators; a discussion facilitated by... Continued on p. 7

Legislative Updates

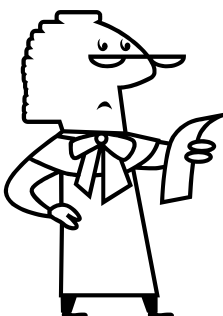
This year UCCR has officially supported two bills being considered by the Utah State Legislature. Senate Joint Resolution 3 (SJR3), Resolution Encouraging

Mediation, is being sponsored by Senator Carlene Walker. This resolution urges state and local governments, special districts, and

their governmental partners to use alternative dispute resolution as a preferred option of preventing and resolving conflicts,

reducing litigation costs, and resolving disputes. UCCR has offered this endorsement of SJR3:

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UCCR Chapters and Sections!

A Chapter is formed based on a regional/geographical association and a Section is organized around a professional interest or a practice area.

UCCR currently has two Chapters, the Southern Utah Chapter, located in the southern part of the state and the Utah County Chapter, located in Utah County. John Klodnicki is the Board representative for the Southern Chapter and can be reached at johnklod@aol.com. Tamara Fackrell is the Board representative for the Utah County Chapter and can be reached at fackrellt@lawgate.byu.edu. There are no additional dues to belong to a Chapter.

UCCR has two Sections as well, the Family Mediation Section (FMS) and the Workforce Mediation Section (WMS). Brian Florence is the Board representative for the FMS and can be reached at attyflo@aol.com. Jill Merritt is the Board representative for the WMS and can be reached at jmerrittalliance@mediate.com. Sections require payment of \$20.00 dues in addition to the \$75.00 dues for UCCR. These dues assist in paying for educational events, website updates, etc., specifically related to the area of interest of the Section.

A Chapter or a Section is formed when someone with an interest gets people together to organize. Subsequently, a proposal is submitted to the UCCR Board for consideration. Each Chapter and Section has Board representation. The Board has decided that the structure of any new Chapters and Sections will be consistent with those already formed. UCCR loosely bases its formation of Chapters and Sections on the Association for Conflict Resolution's (ACR) way of organizing. To see how ACR organizes Chapters and Sections visit www.acrnet.org.

Chapter and Section Updates

The **Workplace Mediation Section** has been meeting regularly, on the second Tuesday of each month. The next meeting is on February 8, 2004. Members have been busy identifying and prioritizing their goals. At the last meeting Senator Carlene Walker spoke to the group. She is introducing legislation this session to support mediation. The discussions are lively, so if this is an area of interest for you, feel free to attend a meeting and check it out. Contact Jill Merritt for information.

The **Family Mediation Section** hosted the November

Brown Bag (Sue Petty facilitated), and is going to host the next Brown Bag on February 16, 2005. The group met on January 19 to discuss their goals as a group. The Family Mediation Section is also going to host one of the breakout sessions at the Symposium. Diane Hamilton will be the speaker. Again, feel free to contact Brian Florence for more information.

Our newest Chapter, the **Utah County Chapter**, had their first event in January. They hosted a Brown Bag and Liz Dalton spoke on Transformative Mediation. Tamara Fackrell is the one to

contact if you are interested in activities in Utah County.

Down South in our **Southern Utah Chapter**, John Klodnicki is keeping busy with Truancy mediation. If you are in the southern part of the state and would like to participate in or host an activity, contact John.

Contact information above.

Anyone wishing to join either a Chapter or a Section must also be a member of UCCR.

Please contact Barbara O'Brien at (801) 685-UCCR (8227) or info@uccr.net and she will help you to sign up. Or, visit the website at www.uccr.net and register online.



Karin Hobbs receives the Peter W. Billings, Sr. Award


On Friday, October 22, 2004, at the Utah State Bar Fall Forum, the ADR Section of the Bar awarded Karin S. Hobbs the Peter W. Billings, Sr. Award for Excellence in ADR.

The Peter W. Billings, Sr. Award is given annually on behalf of the ADR Section of the Bar and the Billings Selection Committee, composed of previous recipients. The Award is intended to honor the legacy of Peter Billings, who was both a pioneer and a champion of the collaborative dispute resolution process and mediation in Utah.

The leaders of the ADR Section are proud to call Karin a friend of ADR and a wonderful colleague to us all. We congratulate her on this most deserved accomplishment. Karin is a gifted author, trainer, professor, and practitioner of ADR. From the creation of the Section to serving regularly as faculty at its events, Karin has become a fixture in the mission of the ADR Section.

CONGRATULATIONS, KARIN!

Thank you for all of the commitment and innovation that you bring to our dispute resolution community.



Mediation or Bust

By Russell Gerrard

When most people hear the term “alternative dispute resolution” (ADR), they think of mediation or arbitration. These two services are the most recognized within the field of conflict resolution. Yet, they are certainly not the only services our field has to offer. Bernie Mayer, Forrest Mosten, and many other leaders within the conflict resolution community, believe that our survival depends on the expansion of our services. This article will provide an introduction to these services.

Forrest “Woody” Mosten, who visited UCCR last year, outlines a few of the services our field has to offer besides mediation and arbitration. In his book, “Mediation Career Guide”, Mosten explains the concept of unbundling mediation services: “You can break out many of your services and sell them on an individual basis, lowering the economic and emotional barriers that prevent an individual from entering mediation” (92). Mosten discusses the following services: session-by-session

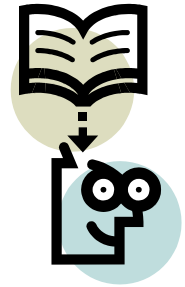
mediation; mediation case assessment; convening and contracting; managing information gathering; coordinating the use of experts; handling emergency conflicts; negotiating and writing up the terms of the agreement; preparing court forms and other documents; and preventing future conflicts.

The Association for Conflict Resolution (ACR) also lists several services within the field of ADR: negotiation; mediation; arbitration; mediation-arbitration; early neutral evaluation; community conferencing; collaborative law; negotiated rulemaking, and peer mediation.

The most comprehensive list of services was compiled by Bernie Mayer. In “The Dynamics of Conflict Resolution” Mayer describes a continuum of services that can be provided: “All effective systems of conflict resolution will in some way provide prevention services, procedural assistance, substantive help, support for reconciliation, decision-making assistance, and mechanisms for design and linkage” (222). Mayer breaks down the range of services within those categories: prevention, including... *Continued on p. 7*

“The Open Space of Democracy”

Terry Tempest Williams



Book Review by Julene Fisher

As a Staff Mediator/Case Manager at Utah Dispute Resolution, Julene E. Fisher mediates and manages cases in both English and Spanish.

Banned in Florida. Booed at the University of Utah. What could enviro-activist Terry Tempest Williams possibly have to say of relevance to mediators?

Granted, her prose is pure poetry. On a sleepless July night you wander with her in the blossoming tundra of the Arctic National Wildlife Refuge in a twilight that never fades to black. You are beside Williams another time as the wind shifts and a grizzly under surveillance becomes the surveyor.

For the sheer beauty and love of words exquisitely selected and stories vividly related you might choose to read Williams' newest book.

But neutrality is the mediator's mantra and first commandment. And in The Open Space of Democracy Williams is often insistent, always passionate. Never neutral.

What is a professional grounded in neutrality to learn from one so avowedly un-neutral in her positions?

–Respect for opposition: "If we cannot engage in respectful listening there can be no civil dialogue and without civil dialogue we the people will simply become bullies and brutes, deaf to the truth . . ."

–Dedication to principle: "We are nothing but whiners if we are not willing to put our concerns and convictions on the line with a willingness to honestly listen and learn something beyond our own assumptions."

–Appreciation for careful listening: "Even if we can prevail and listen for only one hour, the other person will obtain a great deal of relief. Listening with an open heart, we are able to keep compassion alive. Then we give the other person a real chance to express his or her feelings." (Quoting Thich Nhat Hahn, Zen Buddhist monk)

–Commitment to communication: "To have peace, we must first have understanding and understanding is not possible without gentle, loving communication. Therefore, restoring communication is an essential practice for peace."

–Encouragement in difficulty: "Don't worry about what you will do next. If you take one step with all the knowledge you have, there is usually just enough light shining to show you the next step." (Quoting Mardi Murie, environmental advocate)

Your challenge in reading Terry Tempest Williams' The Open Space of Democracy as a mediator might be to find wisdom despite disagreement. Or to find agreement without arrogance. Or simply to be reminded that "in the open space of democracy [and of mediation] there is room for differences."

UCCR Brown Bag Lunch meetings!

Bring Your Lunch and Join Us!!!

The next Brown Bag is on February 16, 2005

From 12:00 noon to 1:00p.m.

Law and Justice Center, 645 South 200 East



UCCR Members attend free, all others are \$5.00 at the door.

The format will be a 20-30 minute presentation followed by networking, mingling, visiting.

We hope to offer a Brown Bag once a month!

UCCR began offering Brown Bags in October, 2004. Michelle Hawes was our first Brown Bag speaker, talking about Good Questions in Mediation. In November Sue Petty facilitated a discussion about Agreements to Mediate and Opening Statements. In December Joseph Connelly presented on the topic of Understanding Decision-Making; The Ap-

plication of Logical and Values-Based Perspectives. And, in January, Francine Mahak talked about Clarifying Intent on the Way to Common Ground.

All-in-all, the Brown Bags have been a great success. We have had somewhere between 20 and 30 attendees at each one and people seem to enjoy the opportunity to learn a little something

and to network with their colleagues.

If you or someone you know would like to present at a Brown Bag, please let us know. Also, if you have a topic you would like us to address and want us to find a speaker, let us know that too.

You can email info@uccr.net or call 685-8227 (UCCR).

MEDIATOR STORIES!

If you would like to share your mediation experience with others, we want to hear from you and include your story. Help by sending in your narrative with changes made to protect confidentiality. We will edit for space and notify you when it will be printed. Please keep the article to 250 words or less and include your name, address, phone, email, fax and one sentence about your experience with conflict resolution.

Send your mediator story to The UCCR News, c/o Barbara O'Brien, info@uccr.net

WHAT IS IT ABOUT THE GIRLS?

By Shelly Wilkerson

Ask any probation/parole officer or court employee and they're likely to say that they'd gladly work with ten boys rather than one girl any day of the week. Are girls really that much more difficult to deal with? Not necessarily. However, they do have needs that must be addressed differently than boys. Girls are entering the juvenile justice system at a rate of 2 to 1 compared to boys. There is speculation about why girls' involvement in the system has escalated, but definitive answers are elusive.

To better understand and work with female offenders as clients in mediation, it is important to understand what kinds of offenses girls commit, why they commit them, and who their typical victims are.

You may be surprised to learn that girls are frequently incarcerated for crimes far less violent than those committed by boys. According to Michelle Amerman, Executive Director of DrugTALK, the top 4 offenses females commit are:

Drugs

Prostitution

Running Away

Truancy

These crimes are usually an indication of the girl herself being victimized in some fashion and should serve as warning flags. Unfortunately, the criminal justice system has historically sought to punish the girls

rather than identify the reasons behind the crime. Most of the females in the system are victims first, and offenders second, to the tune of 92%! When violence or trauma occurs in the home, it affects girls to a greater extent because relationships are central to their lives. Due to relationships playing such an important part in girls' lives, only 10% of girls' offenses are against strangers.

Girls who have been victims and who have victimized need the following things to move to a more positive life:

- (1) positive relationships
- (2) a feeling of empowerment
- (3) direct/open dialogue
- (4) positive self-identity
- (5) validation of their feelings associated with being victimized

Keeping these things in mind and using a more transformative style in mediations involving female offenders will set the stage for a more fruitful mediation.

For more information regarding this topic, the most recommended reading is "Reviving Ophelia: Saving the Selves of Adolescent Girls" by Mary Pipher.

Shelly recently attended training on "Female Offenders", taught by Michelle Johnson-Amerman and Nanon Talley.

Legislative Updates: Continued from p. 1

UCCR formally endorses Senate Joint Resolution 3 Encouraging Mediation.

UCCR agrees with Senator Walker that the citizens of Utah are best served when all levels of government are resolving disputes in the most efficient and effective means possible. Mediation can be a quicker, more cost-effective dispute resolution process than some traditional options. Mediation as a dispute resolution process offers a collaborative approach to the divisiveness which often overwhelms a dispute. UCCR thanks Senator Walker for her insights and willingness to bring forward the idea of mediation to all levels of government in Utah.

House Bill 4 (HB4), Divorce Mediation Program, is being sponsored by Representative Ben Ferry. This bill creates a mediation program for divorce actions, makes the mediation program mandatory, and allows parties to be excused for good cause. UCCR has offered this endorsement of HB4: UCCR formally endorses House Bill 4, Divorce Mediation Program.

UCCR agrees with Representative Ferry that the citizens and families of Utah are best served when the time and tensions associated with divorce are reduced. Mediation in cases of divorce has been shown to increase the level of cooperation and flexibility between the parties. It is a process which is more time efficient and more cost-effective than traditional options. When children are involved, divorce mediation encourages both parents to remain involved in their children's lives after divorce without increasing co-parenting conflict. UCCR thanks Representative Ferry for his insights and willingness to bring forward this bill.

If you would like to track these bills through the legislative process visit: <http://le.utah.gov/session/2005/bills.htm>

Mediation or Bust: Continued from p.3

...preventing conflict and preventing escalation; procedural assistance, including assessment, convening, mediation, facilitation, training, and coaching; substantive assistance, including technical input, fact finding, data gathering, design, and professional consultation; decision-making assistance, including advisory mediation, arbitration, mediation-arbitration, and expert decision making; and reconciliation, including individual healing, forums for interaction, in-depth dialogue, and addressing substantive problems.

These authors believe the goal of conflict specialists should not simply be the resolution of a given conflict, but rather to provide for the resolution of all conflict. This can only be accomplished if practitioners accept the challenge of listening to the concerns of the critics, analyze the strengths and weaknesses of the field, and work to expand their role whenever and wherever conflict arises. Although mediation and arbitration are essential elements of our practice, they do not have to be the only elements. It is apparent from just these sources that there are many additional services for conflict specialists to offer in order to expand the identity of the ADR field.

2005 Symposium - Continued from p. 1

...Leonard and Michelle Hawes of the new book by Bernie Mayer, "Beyond Neutrality" - and its implications for our field; Diane Hamilton on *When Push Comes to Shove: The Mediator's Role in Decision-Making*; and a panel discussion featuring practitioners and administrators on the growth of dispute resolution in organizations and building relationships across organizational boundaries.

Following the Symposium we will once again be honoring this year's Peacekeeper at the Peace Gardens.

More information will be available soon on both our website and in the form of a brochure.

Come join us!

*You Don't Get Harmony When Everyone
Sings the Same Note*

Doug Floyd

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