

THE TEXAS MEDIATOR

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THE TEXAS MEDIATOR

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P R E S I D E N T ' S R E P O R T

Texas Association of Mediators' Goals 2003-2004

Looking to the Future: Planning and Promoting Mediation

By Judy Corder

As I thought about what I wanted to say to all of you about this next year and what I would like to accomplish, I decided it would be a good idea to follow John Palmer's lead and go back to the five purposes which are listed in our TAM Bylaws. The Bylaws list these purposes as

- to promote and encourage the use of mediation;
- to disseminate information to the public about mediation;
- to enhance communication among mediators;
- to set standards for ethics and practice for mediators; and
- to sponsor continuing education for mediators.

TAM also has a **mission statement**:

The Texas Association of Mediators is a statewide non-profit organization of mediators with various professional backgrounds whose mission is to provide leadership in the field of mediation, encourage interdisciplinary cooperation and communication among mediators, set standards for the ethical practice of mediation, promote professional development, and advance the use of mediation to prevent, manage, or resolve conflict.

Strategic Planning

The mission statement and purposes are basic building blocks for one of the major activities planned for the next year: to develop a strategic plan for TAM, with both short-term and long-term goals and objectives. I would like the Board to spend some time thinking about its vision for the future of TAM and then to agree on a few strategic goals which would move the organization toward that vision. Finally, I would like the Board to agree on some measurable objectives for the next year, the next 3 years, and the next 5 years. A strategic plan would accomplish a number of things for TAM as we move forward:

- provide continuity of projects and activities as membership on the Board changes;
- provide a way to assess proposed projects in terms of whether or not they are good strategies to accomplish the measurable objectives;
- help the Board set priorities for limited time and monetary resources;
- help the Board analyze where there might be opportunities to make significant progress toward the strategic goals; and
- help the Board develop a yearly budget which is tied to the goals and objectives for that year.

What TAM Is Currently Doing

As we think about planning for the future, it is also important to look at what we are doing to accomplish our five purposes. It seems to me that

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President's Report *continued from front page*

we are doing very well on at least three of these purposes:

To enhance communication among mediators

- Jill McKibben has done an outstanding job of developing and maintaining our website www.txmediator.org.
- The website now has a "Members Only" section with the current issue of the newsletter, archives of past newsletters, information about liability insurance, and a schedule of events.
- The "Members Only" section also has a "Discussion Forum" available to members who want feedback or input or information.
- Josefina Rendón produces a high-quality newsletter, the *Texas Mediator*, four times a year, which contains a variety of kinds of information for our members.
- The yearly conference provides an opportunity for mediators to meet and exchange ideas.

To set standards for ethics and practice for mediators

- This past year Linda Gibson chaired a committee which revised the TAM Standards of Practice. The revised version has been on the website for 3 months so that members could review the document and provide comments. Members also had an opportunity to provide comments at the TAM conference.
- The Legislation Committee, chaired by Jim Gudenrath and myself and assisted by a committee of 15 TAM members, has worked diligently this last year to testify against the Uniform Mediation Act (which at this point has NOT been introduced in Texas) and to provide support to a bill which would raise the cap on the fee which funds the Dispute Resolution Centers in Texas from \$10 to \$15. Local county governments would make the decision about any

increase for their counties.

To sponsor continuing education for mediators

- Norma Guerra and Doug Walsdorf organized an excellent conference which provided 9 CE hours for mediators.
- Suzanne Duvall and George McKearin developed and offered a continuing education seminar which would familiarize participants with legal terminology and concepts that arise in the context of mediations. This program is available to TAM members who would like to present a 1- to 2-hour continuing education seminar. The goal is to make this available in areas of the state which do not have extensive continuing education opportunities.
- Suzanne Duvall and Linda Gibson will continue to work on this committee.

I think as an organization we have been less effective with our other two purposes because we have placed much less focus on them: **To promote and encourage the use of mediation and to disseminate information to the public about mediation.** The one exception to that is the impressive work Clara Gomez has done in the last year. She developed an excellent brochure which provides information about mediation in English and Spanish. It is now available.

Marketing Mediation to the Public

At last year's conference I was struck by Linda Golden's research which showed that while about two thirds of her sample had heard of mediation, only about half had a very accurate idea about what mediation is. Dr. Golden talked about how important it is to increase the demand for mediation as a category. She also made the point that in general the public sees mediation as a part of the legal system and pointed out that one important marketing target might be finding ways to get people to think about using mediation to resolve conflicts in many contexts other than the legal system.

I believe there are a number of important reasons for TAM to be more actively involved in marketing to the public the idea that mediation is a good way to approach a wide range of conflicts:

- Increased use of mediation will also lead to the variety of benefits we know result from the use of mediation: more effective solutions, higher satisfaction with outcomes, more commitment to follow through, enhanced relationships, etc.;
- Increasing the use of mediation might contribute to more peaceful solutions to all kinds of problems; and
- Increased use of mediation by the public in a variety of arenas will increase the opportunities for TAM mediators.

To pursue this opportunity, I have established a **Marketing Mediation to the Public Committee**. We will have a clearer picture of this committee's tasks after our strategic planning session, but I anticipate that this year the committee would at least accomplish the following:

- Decide on a message to promote
- Decide on a limited target audience
- Initiate at least one pilot project.
- Set goals for the next year based on an evaluation of this year's efforts.

I anticipate that we will be seeking help from people with marketing expertise as we move forward with this effort.

What You Can Do

Most of the work of TAM is accomplished by members who generously volunteer their time. We will need your help as we work on this ambitious agenda. There are at least two things you can do to help:

All of you can help by joining one of the TAM committees. A list of chairs and contact information is included in the newsletter. Offer your time and expertise. Much of the work is

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TAM COMMITTEES: AN INVITATION TO PARTICIPATE

2004 Conference

(Clara Gomez and Meg Walker)

(cigo@flash.net &
Megwalker@mediate.com)

Responsibilities: To plan and make all arrangements for the 2004 TAM annual conference in Houston.

2005 Conference

(Ken Burdin and Cris Gilbert)

(kb@burdin-adr.com &
Lagilbert@dallascounty.org)

Responsibilities: To plan and make all arrangements for the 2005 annual conference in Dallas.

Bilingual Mediation Issues

(Clara Gomez)

(cigo@flash.net)

Responsibilities: To increase the use of mediation within the rapidly growing Hispanic population in Texas. In 2002-3 this committee collected information from all the Dispute Resolution Centers in Texas about bilingual mediations and developed a bilingual brochure which explains mediation in English and Spanish.

Case Book and Form Book

(John Palmer, Josefina Rendon)

(Palmer@namanhowell.com &

Josrendon@aol.com)

Responsibilities: To update the materials for an electronic database containing cases relevant to mediation and forms used by mediators which will be offered as a member benefit.

Legislation

(Yvonne Becerra and Guy Martin)

(ybecerra@earthlink.net & gnmartin@txucom.net)

Responsibilities: To monitor legislation related to mediation and to represent the TAM Board's position on legislation. In 2002 members of this committee testified against the Uniform Mediation Act and have been actively supporting a bill to increase funding for the DRC's.

Marketing Mediation to the Public

(Judy Corder Linda Gibson Cris Gilbert Doug Walsdorf)

(jcorder@earthlink.net & lwgibson@alunmi.rice.edu &
mail@walsdorf.com)

Responsibilities: To develop short and long-term objectives for TAM's efforts to increase the use of mediation by the public and to implement pilot projects and other efforts con-

sistent with the objectives.

Membership

(Jill McKibben)

(jillsusan@yahoo.com)

Responsibilities: To process membership applications and to suggest ways to continue to improve the benefits TAM has to offer to its members. To communicate with members.

Newsletter/Editorial Board

(Josefina Rendon)

(Josrendon@aol.com)

Responsibilities: To manage the publication of a high-quality, quarterly newsletter with a variety of topics which will be of interest to TAM members. To develop editorial policies for the newsletter.

Taking It to the Streets

(Suzanne Duvall, Linda Gibson)

(214-361-0802 & lwgibson@alunmi.rice.edu)

Responsibilities: To develop continuing education courses which can be offered around the state, especially in areas where mediators might have more difficulty accessing continuing education.

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- done by e-mail so that members from all around the state can easily participate.
- Check the "Members Only" section periodically and provide feedback as requested on things like the Standards of Practice,

TAM Strategic Plan, and Marketing Mediation to the Public plans.

Judy Corder (Austin) became TAM's new president at this year's conference in San Antonio. Judy has been a mediator for 19 years and has trained more than 2500 mediators since 1990. She was President

of the Austin DRC Board of Directors in the 1980's where she continues to be a volunteer mediator. Judy is currently TAM's representative on the Texas Mediator Credentialing Association Board of Directors. She can be reached at 512-458-4427 or jcorder@earthlink.net.



Join TAM—Encourage Your Friends & Colleagues To Join

Contact Jill McKibben at jillsusan@yahoo.com or (972) 406-4137

TAM Board Members 2003-2004

Officers

Judy K. Corder (Austin) is TAM's new President. She is Vice President of Corder /Thompson and Associates and a mediator since 1984 when she received her training from the Austin DRC. She has conducted over 800 mediations covering a variety of subject matters, including commercial, environmental, employment, family and public policy and has trained more than 2500 mediators since 1990. She was President of the Austin DRC Board of Directors in the 1980's where she continues to be a volunteer mediator. Judy is currently TAM's representative on the Texas Mediator Credentialing Association Board of Directors. She received her B.A., M.A. and Ph.D. degrees from the Indiana University. (512-458-4427, jcorder@earthlink.net)

John Palmer (Waco) is now our immediate past president. This will be his sixth year on the board. John has been a mediator for ten years and is a former chairman of the ADR Section of the State Bar. John also serves as mediator for the McLennan County Dispute Resolution Center and a Settlement Week volunteer mediator. He was previously TAM's treasurer and has published numerous articles on ADR. (254-755-4100, Palmer@namanhowell.com).

Linda Gibson (Temple) is the Board's President-elect. Linda Gibson has been in the field of dispute resolution for 30 years -- first as a high school guidance counselor, later as a mediator, and currently as a middle school counselor. She received a B.A. from Rice University, a Master of Education in Counseling from the University of North Texas, and a J.D. from Baylor University School of Law. She was instrumental in establishing the Volunteer Legal Services Pro Bono

Program for the Bell-Lampasas-Mills Counties Bar Association and served as chairman of Bell County Settlement Week Committee. Linda has been on the TAM board since 1993, serving as newsletter editor, secretary and treasurer (254-770-0805, lwgibson@alumni.rice.edu)

Jim Gudenrath (Austin) is Tam's Secretary. Jim has been a mediator for 14 years. He received his B.A. in engineering from Vanderbilt and completed his basic and family mediation training at the DRC in Austin. He has coached mediators at the DRC, the LBJ School of Public Affairs, and at several state agencies. During his 14 years as a mediator, Jim has mediated over 300 cases and has facilitated numerous groups negotiating public policy issues. He has been on the DRC's board of directors for 9 years, serving as president twice and as treasurer. He also served on the board of the Austin Association of Mediators. (512-327-0212, jgudenrath@aol.com)

Norma S. Guerra (San Antonio) is TAM's Treasurer. She is a licensed school psychologist and Senior Lecturer with the UTSA. She has been a mediator for over twelve years and is credited for the establishment of the UTSA Problem/Conflict Resolution Office. She also developed the Mediation Inventory for Cognitive Role Assessment (MICRA), an instrument designed to examine the cognitive roles assumed by mediators and disputants during the mediation process. This is used as part of debriefing by mediators after a mediation. Dr. Guerra currently serves as a volunteer with the Bexar County DRC where she has been trained in Multi-Party/Family Mediation and General Mediation. (210-696-8120, nsguerra@msn.com)

Appointed Members

Jill McKibben (Dallas) is TAM's Membership Director and Webmaster. She was trained as a mediator (Basic & Family) in 1997 by the Dispute Mediation Service in Dallas. She also received training in transformative mediation by the US Postal Service's Redress program and is serving as Secretary on the board and Webmaster for the Dallas-Ft Worth chapter of the Association for Conflict Resolution (ACR). Jill also writes "Site Sense" - a column that provides advice to Texas Mediators on the use of the internet and design of websites in promoting their practice. Jill is employed full-time by ClubCorp in Dallas as a User Education Specialist in their IT department, developing online courses and technical documentation. (972-406-4137, jill-susan@yahoo.com)

Josefina Muñiz Rendón (Houston) is our newsletter editor. A native of Puerto Rico who has lived in Texas for over 30 years, Josefina has been a third party neutral since 1980 and a mediator since 1993. She is currently an Associate Municipal Judge and a mediator in private practice in Houston. An avid writer, Josefina has been a member of the editorial boards of the Texas Bar Journal and The Houston Lawyer and has authored numerous articles on ADR both in the United States and Latin America. (713-644-0787, Josrendon@aol.com)

Suzanne Mann Duvall (Dallas) will be TAM's first historian. Suzanne is mediator and arbitrator. She is a past president of TAM. She received her B.A. at San Diego State University (CA), cum laude, and her J.D., at the University of San Diego School of Law (CA). She has mediated over 1,000 cases

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to resolution and has over 600 hours of training in mediation, arbitration, and negotiation. She is a frequent lecturer. Her professional affiliations include: State Bar of Texas (Past- Chair, ADR Section); Dallas Bar Association (Past- Chair, ADR Section); Association of Attorney- - Mediators (Past- Chair, North Texas Chapter); Fellow, Center for Public Policy Dispute Resolution; Texas Mediator Credentialing Association (Board President). (214- 361-0802, No E-Mail)

New Board Members

Yvonne Becerra (Austin) currently teaches Conflict Resolution in the University of Texas Extension Division. After receiving her doctorate in Communication from UT- Austin, she taught at the Universities of Texas at Austin, Wyoming, Houston, St. Edward's, and Central Michigan. She is a former Board Member of the NOW Legal Defense and Education Fund and serves on the Travis County Appraisal Review Board. Yvonne acquired her mediation training from the Austin DRC and the Public Policy Dispute Resolution Center at the LBJ School of Public Affairs. She volunteers for the Austin DRC where she was recognized with their "Above and Beyond" award. Among her proudest achievements are running the Austin II Marathon, and founding *Que Hacer*, one of Houston's first bilingual tourist magazines. (512-750-2604, ybecerra@earthlink.net)

Ken Burdin (Dallas) founded Burdin Mediations in 1993 after a career in sales and management with local Fortune 500 corporations. He has conducted over 200 mediations for the Dallas Dispute Mediation Service and various local courts. Ken is a frequent speaker on Dispute Resolution programs nationwide. He has a B.S. in Management from Southern Illinois University. He has received mediation training from S.C.I, Pepperdine School of Law, U.S. Postal Service and Texas

Women's University and is a N.A.S.D. Certified Mediator and a U.S. Postal Service Approved Mediator. Ken is also a member of the Association for Conflict Resolution, the American Bar Dispute Resolution Section and the State Bar of Texas ADR Section. (214-528-1411, kb@burdin-adr.com)

LaCrisia "Cris" Gilbert (Dallas) is the ADR Coordinator for Dallas County Courts, Texas. She has been a mediator and educator in the field for over a decade, serving as an adjunct lecturer with El Centro Community College and assistant director with the Southern Methodist University's dispute resolution graduate certificate program. She holds a Master of Dispute Resolution from Pepperdine University School of Law and has completed course work in Marriage, Family & Child Counseling and Organizational Behavior at the Phillips Graduate School of Psychology in Encino, California. Ms. Gilbert has maintained a private practice in mediation since 1993. She was a principal partner with Peacepipe Dispute Resolution in Plano, Texas. (214-653-7898, L a G i l - bert@dallascounty.org)

Guy Martin (Conroe) is a mediator and arbitrator in the process of establishing a new practice in Conroe, Texas. He received a B.S. in Radio-Television-Film from the University of Texas at Austin and a J.D. from St. Mary's Law School in 1998. Prior to entering law school, he was a partner and sound engineer for Hit City West, a registered account executive with A.G. Edwards & Sons, Inc., the President and co-owner of MarCum Electronics. He is currently a Vice President and financial consultant with LJG Corporation and President of Martin Equity Corporation. Mr. Martin received his 40-hour mediation training from the Austin Dispute Resolution Center in 2002 and has mediated and arbitrated at the Austin and Montgomery County DRCs. (936-273-2029, gnmartin@txucom.net)

Continuing Members

Clara Gomez (Houston) is a microbiologist turned attorney turned mediator. She received her B.S. in Bacteriology at the Universidad Javerinana, Bogota, Columbia, her M.S. in Microbiology at the Baylor College of Medicine, a Masters of Liberal Arts from the University of Saint Thomas, and her J.D. from the University of Houston Law Center. Clara is a private mediator and mediates for the Harris County DRC. Clara is heavily involved in community and bilingual mediation issues. She is a frequent lecturer and trainer with the Harris County DRC and serves as an instructor of negotiation and conflict resolution in a variety of forums. (713- 777-4846, Cigo@flash.net)

Meg Walker (Houston) is a mediator attorney. She is the director of Mediation and Texas Arts Resolution Services of the Texas Accountants and Lawyers for the Arts (TALA). Her duties with TALA include conflict resolution coordinator and designing and implementing the Conflict Resolution Education and Arts Training (CREATE) programs for youth. Meg has a B.A. in Sociology from Newcomb College of Tulane University and her J.D. from the University of Houston Law Center. She is the treasurer/president elect of the Houston Association of Conflict Resolution, and a board member of the Association of Family and Conciliation Courts, Texas Chapter, and Siloam International. (713- 520-8806, Megwalker@mediate.com)

Douglas C. Walsdorf (San Antonio) is a member of the San Antonio Bar Association - Mediation Committee and Alternative Dispute Resolution Association of Attorney-Mediators, International Association of Mediators and Arbitrators and the Alamo Area Mediators Association. Douglas has arbitrated or mediated over nine hundred cases involving personal injury, construction, real estate, probate, family law, and commercial/consumer law. (210-253-6338, mail@walsdorf.com)

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Site

By Jill McKibben



In the last Texas Mediator, Site Sense talked about authoring your pages. I promised to fill you in on your options about where you'll house your site. Basically, you have 3 options:

1. A free access Internet service provider (ISP)
2. A pay-for ISP
3. A domain of your own.

A question that I'm often asked is if anyone really cares if a Web site is housed on a free ISP or not. The short answer is that it depends on how the free ISP deals with keeping itself free. Do they blast the user with little pop-up windows or do they have ad banners on the page? Are there ads at all?

Survey after survey related to ad banners show that people don't like them. You'll want to consider this, as people tend to avoid things they don't like, and that means your site, if it has ad banners!

The only time I recommend that someone use a free access ISP (with ad banners) is when they are first developing their site and are starting out on the web. It doesn't hurt to go this route for a short while, just to see if a website will be easily maintained and something that you are serious about over time.

If you already know that your website is serious business (your mediation business card to the world), then you will want to go the pay-for ISP route. Generally you will pay about \$10 to \$20 per month for

Internet access, but this fluctuates depending on what other services you want from your ISP. As technology develops, there are all kinds of bells and whistles that you can add to your site (list serves, discussion boards, chat rooms, etc.) and these add-ons cost you a little more.

If you have internet access, you already have an account with an ISP. Most common ISPs offer web hosting. If not, you can go to Google and search "Internet Service Providers" and you'll get a really long list of companies to consider.

Here are the features I recommend you look for in a pay-for ISP:

- ? Allows free dial-up service
- ? Allows FTP access so you can upload your files
- ? Offers at least 5 megabytes of space
- ? Comes with at least 3 email addresses
- ? Allows access to the site access logs so that you can track the number of visitors to your site
- ? Offers a telephone number for technical support (Some sites offer email technical support, and this isn't bad, but an actual person on a telephone help desk is better.)

Once you have a list of ISPs, compare the features they offer. Remember, these ISPs are vying for your business and they are always trying to outdo one another. Allow that to play in your favor.

Finally, you might want to consider a domain of your own. First you need to register your domain name. There are almost as many domain registries out there as there are ISPs. I've used Dollarhost.com and BuyDomains.com, but you can find more just by searching Google.

An advantage of buying your own domain is that you can move the site around from server to server and not mess up any of the links back to you out there on the Web. The domain name follows you everywhere.

Which servers can give you a do-

main? Pretty much any server can do it -- it's if they offer the service or not. You have to ask. There are free domain services out there, also, but you have to be very careful when considering one of these. Often they tend to be a little slow. They also may not allow you to keep the site on their machine as your site grows. Shop cautiously!

Additionally, if you really are getting into this whole website thing, there is one more option you should know about, but it's pricey. You can either buy or rent your own server. That server is then attached to the Internet through an ISP. The benefits are that you have seemingly unlimited space to play around with. Your site runs quickly and you don't have to worry about the number of hits or visitors driving up your price.

The downside is that you must take on the cost of the server purchase or rent and then a monthly fee for taking care of the server.

Again, consider your options and select what's best for you. And good luck with your website!

This is my final Site Sense article for The Texas Mediator. If you have any specific questions about your website, please don't hesitate to email me at jillsusan@yahoo.com.

Next month, I'm starting a new series which I'm entitling "Ask TAM-me" and I hope you'll find it interesting, provocative and educational. Look for it!

Jill McKibben is TAM's Membership Director and Webmaster. She was trained as a mediator (Basic & Family) in 1997 by the Dispute Mediation Service in Dallas. She also received training in transformative mediation by the US Postal Service's Redress program and is serving as Secretary on the board and Webmaster for the Dallas-Ft Worth chapter of the Association for Conflict Resolution (ACR). Jill also writes "Site Sense" - a column that provides advice to Texas Mediators on the use of the internet and design of websites in promoting their practice. Jill is employed fulltime by ClubCorp in Dallas as a User Education Specialist in their IT department, developing online courses and technical documentation.



Houston-

Dr. Jerry Hall, the new Texas mediator in Panama, has been working with Resolution Forum, Inc. to help Panama develop techniques in mediation. Since its passage into law in 1999 only 278 cases have been handled in the entire country. As it was

MOVES AND NEWS

in the beginning in the United States, attorneys in Panama are fighting mediation for fear they will lose revenues. Retired Texas Appellate **Judge Frank Evans** has scheduled a trip to Panama to meet with leaders of the legal and business communities to help them realize the benefits of utilizing mediation.

Justice Evans and former Harris County Family **Judge Bruce Wettman** of Resolution Forum, Inc. have successfully developed Online Mediation where the participants may be from different countries and speaking two different languages.

Resolution Forum, Inc. is in the process of developing a useful tool for all parties to utilize in mediation a program that when used helps show both parties how they are progressing on the negotiations. When one party makes an offer this software allows the other party to determine the next movement in dollars, then it shows a graph of the progression.

Moves & News is dedicated to recognize Texas Mediators on their achievements, awards, publications, moves, etc. Members wishing to share such information should contact the editor at josrendon@aol.com Tel: 713-644-0787, Fax: 713-521-9828.

TXMEDIATOR YAHOO GROUP MESSAGE

Won't you join our group? 72 of your fellow TAM members have. It's free and easy. Go to the home page of www.txmediator.org and enter your email address into the field next

to the  logo or you can email txmediator_subscribe@yahoogroups.com. This

group is moderated so that you will not be spammed with emails. The purpose of this group is to expedite communication about TAM events and activities throughout the state to our members. It's the most efficient and inexpensive way we know to spread the word about the good works of TAM and TAM members. So please, give it a try. If you find

that you don't want it, you can always unsubscribe, but I think you'll be glad that you joined us. Do it today!



TAM Board Members 2003—2004 Continued from page 5

Leaving the Board

C. Bruce Stratton (Liberty) was TAM's president in 2001-02. He had previously served as TAM's treasurer. He is a charter member and former chair of the State Bar of Texas ADR section and a co-chair of the Supreme Court Advisory Committee on Court Annexed Mediations. Bruce has been a mediator since 1987 and a TAM Board member since 1997. He has authored numerous articles and has been a

frequent speaker on ADR. (936-336-5766 cbesq@imsday.com)

Ben Jay Cunningham (Austin) received his mediation training at South Texas College of Law in 1987 and at the American Academy of Attorney Mediators in 1992. Besides being a practicing attorney and mediator, Ben has been a combat journalist and an English teacher in Viet Nam as well as a Harris County deputy sheriff, a Creative Writing instructor at the University of Houston, and a writer for Lorimar Productions/ ABC television. (512-477-9300 bjcunnin@gdf.com)

George Mc Kearin (Dallas), has been a mediator since 1991 when he received his training from the Dallas Bar Association. He received his Juris Doctor degree from Southern Methodist University in 1969. He is a former Assistant District Attorney for Dallas County and the editor of Mediation News a quarterly publication. He has authored several articles on mediation and family law and is currently on the editorial board of the **Texas Mediator**. (972-889-3825, gsmmed1@airmail.net)

TAM's Book Reviews

Larry Susskind, William Moomaw, and Kevin Gallagher
Transboundary Environmental Negotiation: New Approaches to Global Cooperation (San Francisco Jossey-Bass 2002, 464 pp.)

Reviewed by Clara I. Gómez

This book emphasizes ways to improve global environmental treaty-making, while highlighting new problems, difficulties and challenges for global negotiation. They present strategies with the inclusion of non-governmental actors to overcome transboundary environmental obstacles.

The book is divided in five parts:

Part One. Chapter One discusses culture barriers and how to accomplish transformation of attitudes and interests negotiation at the mediation table to achieve international environmental agreements. Chapter Three on International Environmental Negotiation is based on the premise that North-South environmental negotiations, especially at the 1992 United Nations Conference on Environment, were adversarial and confrontational. It argues that an opportunity is present for the South to formulate a new strategy for international environmental negotiations and addresses issues with a new perspective for the South. In light of the lessons learned from negotiations theory, the South should focus on interests, not positions; redefine the power balance; be hard on the issues rather than the people; and redefine the international agenda to be more productive for both North and South. Chapter Seven presents recommendations promoting North and South Non-governmental organizations (NGOs) in environmental negotiations where long lasting benefits can be expected by using consensus building.

Part Two. Chapters Five and Six discuss a new perspective on global environmental protection. They present proposals to correct imbalances

and improve interactions between science, politics, and economics on climate change negotiations. Survey data reflecting the views of the natural scientists demonstrates the need for change in their interactions. Chapter Eight examines the role of the media in framing environmental problems. It addresses issues such as: coverage variations between countries, and place, time and amount of information published in newspapers.

Part Three. Chapters Eight and Nine show how to obtain Informational Technology (IT) and how to use it as integral part of environmental treaty-making. The use of (IT) can increase treaty-making agreements; improve simultaneous participation of large numbers of parties; make available answers to the scientific and technical questions during the discussions; and assure the access of the same information to every one.

Part Four. Each of the new treaties proposed in this section addresses a neglected issue or a new and innovative global strategy. Chapter Thirteen on "Creating Environmental Right to Know" (ERIC Convention), focuses on securing freedom of access to international information and improving environmental protection. It shows barriers that prevent the convention from being implemented and how those barriers can be overcome. This chapter also identified the following challenges: getting the parties to the table, commitment to a new process, and convincing leaders that greater public participation in decision making is in their own best interest.

Part Five. This part enunciates the success on a more integrative system. Chapter Seventeen shows the link of human rights and environmental quality. The Declaration of Human Rights, adopted by U.N. General Assembly in 1948 as the first attempt to codify the notion that human rights existed and should be protected by law. More recent international developments (1991), pre-

sented the needs to ensure a healthy environment for the well-being of individuals. Chapter Eighteen, the final chapter of the book, reveals the potential for environmental contribution to peace-making, and demonstrates how NGOs can help to capitalize on the potential for environmental cooperation among neighboring enemies.

This book is an asset for scholars, scientists, professors, students and anyone involved in the environmental negotiation field.

Clara Gomez is a member of TAM's board of Directors and Presidenelect of the Houston Chapter of ACR.

P u b l i s h e r C o n t a c t :
www.Josseybass.com.

Ruth Weiss
Peace in Their Time: War and Peace in Ireland and Southern Africa (Houndmills, England, Palgrave-Macmillan 2000)

By: George McKeirn

Peace in Their Time is part of this publishing company's Global Issues Series that include so many good books on international conflict resolution. The author, Ruth Weiss, is a journalist, author and broadcaster who has worked extensively in the United Kingdom, Ireland, Germany, Switzerland and South Africa.

Published in 2000, this book analyzes the historical perspective and the mediation/political process of the Friday Agreement, which was hammered out in Ireland and implemented in May 2000. It also analyzes the South African Peace process, which began in the 1980's and resulted in an ANC-led government in South Africa in 1999.

Ms. Weiss details first-hand knowledge of many of the parties and events that led to the "successful"

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peace process conclusion in both of these countries. A chilling observation in the epilogue is both an endorsement and a limitation on the mediation community "ethnic and religious conflict still scar countries other than Southern Africa and Northern Ireland. Mediators cannot resolve such conflicts or their aftermath. The protagonist must be ready for peace to make room for mediation. Once the mediators have done their work the future is in the hands of former enemies to make peace a reality."

Publisher Contact:

George Mc Keirn is an attorney and mediator in Dallas and just ended his service as a TAM director.

P.B. Kestner & Larry Ray
The Conflict Resolution Training Program: Leader's Manual
(San Francisco Jossey-Bass 2002) 300 pp.

P.B. Kestner & Larry Ray
The Conflict Resolution Training Program: Participant's Workbook
(San Francisco Jossey-Bass 2002) 160 pp.

A Chinese proverb states as follows: Tell me and I forget; Show me and I remember; Involve me and I understand. *The Conflict Resolution Training Program* tells trainers how to involve their students for better learning. They offer the four D's as their methodology for training. These are: **D**escribe activities, processes and skills, **D**emonstrate processes and skills, **D**evelop skills through practice and **D**iscuss experiences, learning and applications.

Authors Prudence Kestner & Larry Ray head the Institute for Organizational and Personal Transformation (I-Opt) and are former directors of the American Bar Association Section on Dispute Resolution. Their training program provides a valuable

basic overview of the concepts of conflict resolution management, communication and resolution. It dedicates a chapter each to creativity, consensus, negotiation, mediation and arbitration.

The Leaders Manual has an excellent 60-page section dedicated to 19 role-plays. Both offer numerous activities for the trainees to use to learn the necessary concepts.

This a valuable book for trainers of basic conflict resolution techniques.

P u b l i s h e r C o n t a c t :
www.Josseybass.com.

R. M. Shapiro, J. Dale, M. A. Jankowski ***The Power of Nice: How to Negotiate so Everyone Wins - Especially You!*** (New York, Wiley 2001) 282pp. Revised Edition

"Negotiation is not war. Negotiation is not a science. Negotiation is the commerce of information for ultimate gain;" and "The best way to get what you want is to help the other side get what they want." These are some of the messages of *The Power of Nice*, a book that teaches negotiators how to be effective while still being civil and respectful. In fact, the book's premise is that by being nice and establishing good working relationships, a negotiator can get better and more effective deals.

Author Ron Shapiro and his partner Mark A. Jankowski are well-known in the sports industry for having negotiated high profile deals for Cal Ripken, Jim Palmer and some of the best known, best paid athletes. The book focuses on negotiations that take place to make deals not to necessarily solve conflict, though some of the advice is good for both types of negotiations. It is full of anecdotes of some of these high profile sports negotiations.

Part of the authors strategy for deal-making is what they call "the three P's and One L." This is a systematic approach of: Preparing better than the other side; Probing so you know

what they want and why; Proposing strategically, and Listening. Regarding proposals, the authors' advice is to try not to make the first offer, to never (immediately) accept their first offer and to set your aspirations high.

The chapter on dealing with difficult negotiators is very helpful, as are the refreshers and checklists that succinctly list important points and techniques to remember. Even better are the "portable negotiator" worksheets to be filled out by anyone in the planning stage of deal-making.

Maria A. Aiello de Almeida
Mediación: Formación Y Algunos Aspectos Claves
(Mexico D.F., Editorial Porrúa 2001) 196 pp.

This Spanish language book on mediation is unique in that it is published in Mexico, written mostly by mediators from Argentina, and includes a chapter written by one of our TAM members, Professor Walter Wright, a longtime mediator and conflict resolution professor at Southwest Texas State University in San Marcos.

The book was compiled by Maria Aiello, a law professor, mediator and academic director of Argentina's Equipo IMCA, a well-known multidisciplinary conflict resolution team in Argentina. It includes a chapter on the education of mediators by Prof. Aiello in which she proposes that the training of mediators involve eighteen goals. Some of these goals include: promoting peace, understanding the importance of human communication and different ways of approaching conflicts that impede communication, searching for answers to ethical questions, develop inquiring minds, encourage respect for differences in moral and religious values and differences among other races and lifestyles. Another Chapter is a comparative study of the mediation field in 25 countries. There are also chapters on family mediations and family business mediations.

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Personality Mediating

Have you ever had a case that should have settled on the facts, but because of people-problems, ended in an impasse? That is like asking, "Have you ever dropped jelly-bread without it landing jelly side down?" This is not going to be a column on Murphy's Law—or maybe it is. By definition mediation is facilitated communication between and among people, people with often very different personalities, not to mention values, cultural backgrounds, and intellects. Fortunately some very smart researchers have studied temperament and personality type theory for many years.

One of the smartest and best known was Carl Jung, a Swiss psychiatrist. It was his work on personality preferences as genetically determined traits that caught the attention of behaviorists and clinical psychologists as a way to understand one cause of unhappiness and conflict in relationships. Although the instrument most widely used to determine personality type was not developed by Jung, it is entirely compatible with his theories.

The Myers-Briggs Personality Type Indicator is the most widely used psychological instrument in the world. It was developed over many years by a mother/daughter team, Katharine Briggs and Isabel Briggs Myers. Their aim was to create a tool to validate and put to practical use Jung's work on psychological types. After encountering his work in 1923 they began over two decades of "type watching." During World War II Myers decided people could make more constructive use of differences if they knew about personality

types. Myers began to create a paper and pencil questionnaire to assess type. Three decades of research on thousands of persons produced the current versions of the instrument.

I have used the MBTI for four years, with the help of a clinical psychologist, to train mediators. In 2002 I went through training myself to better understand and be able to explain to students that people communicate and make decisions differently because they *are* inherently different. Just as I was born right handed and others were born left handed, I have a personality type (ENTP), my husband has one (ISTJ), my friend has one (ENFJ), and *you* have one (????).

If you would like to know your own, you can now take a version of the MBTI (Step II-Q) on your computer and receive very quickly a twenty-two-page print out of your preferences and what they mean about your sources of energy, your way of gathering and processing data, and how you make decisions. That is the first step in Personality Mediating—**KNOW THYSELF!**

As a mediator I now have another tool for facilitating communication, which gives me an insight into one aspect of conflict. When one party is garrulous and seems to get energy from the people in mediation, wants immediate feedback, and often "thinks out loud," I can respond to that party's needs specifically by answering questions quickly, giving recognition and appreciation frequently, and responding appropriately to that party's preferences. This will keep that party's energy high, even if the other party is not saying much, is apparently processing inwardly, and takes more time to answer a question than the garrulous participant. My sense would be that the talkative person is an Extravert (E) and the more reflective person is an Introvert (I). You can understand

this much without training in the MBTI. But you may not have a technique for helping *both* parties work as a team *with* you. If you were facilitating a dialogue between Robin Williams, as he behaved in the movies "Patch Adams" and "Good Morning Vietnam," and Russell Crowe, as the Nobel scientist in "A Beautiful Mind," you might want to give Russell more time alone to process and decide, while you took Robin aside (caucus) to process aloud with him the problem as he sees it. It also would help to keep Robin from continuing to talk and ask questions of Russell in the mistaken belief that either (a) Russell didn't hear him or (b) is being stubborn and difficult. Robin could overwhelm Russell and prevent him from processing and deciding efficiently.

Once you understand that differences are not chosen, but inherited, you can help both parties see each other in a less combative way. Sometimes behavior *is* a choice, but often it is a trait that, like being left-handed, is just a preference. Left-handed persons can shake hands with, play tennis and baseball with, and embrace right-handed persons, but they may have to make a few adjustments and be a little more patient to achieve a smooth, satisfying interaction.

While extraversion and introversion affect how *tolerant* each person will be of the process, demands on time and energy, another set of preferences, thinking (T) and feeling (F) may be the challenge to reaching a mutually satisfactory resolution. One party may reach decisions using logic, analysis, linear thinking, and deductive problem-solving (T). Many judges, scientists, and mathematicians solve complex problems in this way. Imagine Mr. Spock in the Star Trek series giving an answer to a complex problem posed by Captain

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Kirk, or Albert Einstein working out $E=mc^2$. But for 50% of the population if a rational decision is going to have a negative impact on a party's personal values or needs, it is not the best decision (F). If you give someone Sophie's choice, pick one child to keep, what *is* the rational decision? If you tell a man to sell the ranch that has been in his family for years to pay off the creditors, a logical solution to his *financial* morass, he may tell you that he cannot betray his *family* values and the promise he made to his beloved grandfather to keep the land for his own lifetime and pass it on, intact, to his children. He isn't being unreasonable, just *human*. If he is a Thinker he might have a value conflict, but sell the ranch because that is the rational choice. If he is a Feeler the creditors won't get the ranch!

Another way to "speed read" Thinkers and Feelers is to listen to the words they use as they process. If you hear "I think," "it would be logical to," or "rationally, a good decision would be," you are probably listening to a Thinker. If you hear "I feel," "my sense is that," or "this conflict involves my beliefs and strong feelings," you may be listening to a Feeler. Imagine mediating a dispute with a Thinker (accountant?) and a Feeler (clinical psychologist?) and helping the accountant hear and validate the therapist's way of processing information. In some cases party A (a T), sends an offer to party B (an F), that is a spreadsheet or a balance sheet. Party B wants to communicate with words, not numbers. An alert mediator can point out that it is important for each party to communicate to the other person's preference. Party A can use words *and* numbers. Party B can get an financial expert and use the mediation to convey concerns and values in terms of the impact on monetary resources—how value can be distributed fairly and rationally without offending either party's feel-

ings or values.

Some mediators do these things instinctively because they are very Intuitive (N) but for many of us emotional intelligence must be acquired. Intuitive people think differently from people who show a preference for data discovered through the five senses. Their method of perceiving is called simultaneous processing: that is the "aha" or light bulb in your head that is an idea or possibility. Sensates (S) accept as fact what can be experienced through seeing, hearing, tasting, touching, or smelling. Sensates are concrete, literal, realistic, and practical. They are not likely to be persuaded by another's hunch, insight, idea, or inspiration. A mediator who observes a party resisting change in the future and insisting on tangible benefits now for herself and others may suspect the party is a Sensate, and improve communications by using the words "see," or "hear," as in "what are you hearing the other party say today?" or "I see the balance sheet you brought reflects a \$50,000 equity in the house."

A Sensate believes concrete, verifiable information, and values practicality and "good, common sense," not inspiration or creative brainstorming. A mediator can assist a Sensate by providing the concrete, practical data required for him to process and make decisions at the table. A mediator can assist the Intuitive by encouraging her to brainstorm options, explore ideas for settlement, and create a vision of what a settlement package would include. Sensates and Intuitives have difficulty communicating because they perceive differently. A Sensate is a sequential processor—step by step in building blocks. Imagine a hard working, down to earth potato farmer (an S) trying to understand and negotiate with Kevin Costner's character (an N) in "Field of Dreams." "Build it and they will come," says Kevin. "I don't think so," says the farmer, "and anyway, why play baseball when you can plant potatoes?"

Some people want closure quickly, plan and manage their lives carefully, and are action oriented. I imagine George C. Scott as "Patton." We can say from the MBTI their preferences will probably be Judging (J). Many judges are "J's!" Many leaders and executives are also. But about half of the population prefers to be more flexible and spontaneous, adjusting to changing circumstances by changing their plans or solutions. Trainers, psychologists, and artists are often Perceivers (P). This may cause the most difficulty in mediation. When an action oriented, managerial party wants to come to a quick solution and the other party cannot keep up with the pace, a mediator can assist by asking the Perceiver what data she needs to come to a decision and if a time can be established by which certain agenda items will be completed. The Judger can be given "homework" to do to assist the Perceiver to come to closure.

This is a very brief discussion of a very complex theory. At the 2003 TAM Conference I presented some tips on Personality Mediation. I invite you to contact me at k4mede8@swbell.net for those tips if you missed the conference, or if you want to share some of your own experiences on the subject. I promise to keep adding to the tip sheet and to publish it here in a later issue.

Happy Personality Mediating!

Kay Elliott, J.D., LL.M., M.A., a Texas attorney and mediator, teaches Conflict Resolution to law and graduate students at Texas Wesleyan University School of Law and Texas Woman's University. She lived and worked in southern Africa for a decade before serving as an EEOC Administrative Hearing Officer and opening a mediation practice with offices in Dallas and Granbury. She designed the State Bar of Texas ADR Section training, *Mediation Across Cultures*, presented in Houston in July 2002.

Unauthorized Practice of Law or “What Me Worry? I’m a Mediator.”

By Suzanne Mann Duvall

The Practice of law in Texas is restricted to members of the State Bar of Texas with limited exceptions permitted by the Supreme Court of Texas. The “practice of law” is defined in the State Bar Act as “the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a court as well as a service rendered out of court, including the giving of advice of the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract or other instrument, the legal effect of which under the facts and conclusions involved must be carefully determined.” (Texas Government Code § 81.101 (a))

This statutory definition is by its own terms “not exclusive of the power and authority....to determine whether other services and acts not enumerated may constitute the practice of law.” Indeed, it has been held that “independent of any statutory provisions as to what may constitute the practice of law, the court has the duty to determine in each case what constitutes the practice of law and to inhibit persons from engaging in the practice of law without having obtained a license to do so.” *Grievance Committee vs. Coryell* 190 SW 2nd 130 (Texas Civil App: Austin 1945, writ ref’d w.o.m.). A complaint may be filed and an action instituted not only by the Unauthorized Practice of Law (“UPL”) Committee, but also by grievance committees, local bar associations or by an attorney or group of attorneys.

Most recently, in 1993 the Legis-

lature made the unauthorized practice of law a Class A misdemeanor or in multiple convictions, a third degree felony. (13 Texas Penal Code § 38.123)

“All very interesting” you might say, “but what does this have to do with me? I’m a mediator and everyone knows mediation is not the practice of law. Everyone knows that according to both the proposed Rules of Ethics for Mediations and Mediators promulgated by the Supreme Court of Texas and the Ethical Guidelines of the ADR Section of the State Bar of Texas that mediators cannot give legal and any other professional advice.” But what if we do? And how will we know if we have stepped over the unauthorized line from providing information to actually giving legal advice? And what about drafting settlement agreements?

The Texas Civil Practice and Remedies Code provides in § 154.071 (a) “If the parties reach a settlement and execute a written agreement disposing of the dispute, the agreement is enforceable in the same manner as any other written contract” (emphasis added). If the mediator serves not only as the scrivener of the mediated settlement agreement, but also as the drafter of its terms and conditions which by its very nature will, when properly executed, bind the parties thereto, can’t it be argued that the mediator has “changed hats” from one of third party neutral to that of lawyer in that he/she “rendered a service requiring legal skill or knowledge in the preparation of a contract” intended to bind the parties and be enforceable in court under Texas Civil Practice and

Remedies Code § 154.071 (a)?

Suppose the Mediated Settlement Agreement was drafted pursuant to Texas Family Code § 6.602 (b) (1) (2) (3) and (c) thereby not only making the agreement binding on the parties but also making a party entitled to *judgment* on the Mediated Settlement Agreement, clearly even a stronger agreement than an ordinary contract under 154.071 (a) or a Rule 11 agreement? Clearly the intent in these cases is for a supposedly neutral third party, the mediator, to draft an agreement that will purport to contractually bind the interested parties to the agreement. While if the mediator were a lawyer, it can be argued that in so doing that lawyer serving as mediator might be engaging in “bad mediator behavior” by stepping over the line in the drafting of a legal instrument or perhaps by giving legal advice in the appropriate language regarding its terms and conditions, at least that lawyer-mediator would not be practicing law without a license or otherwise engaging in the unauthorized practice of law. Not so for the mediator who does not have a license to practice law. Such mediators ran the risk under both the Penal Code and the Government Code (particularly under the catch-all non-exclusive language of the Government Code) of being investigated by the Unauthorized Practice of Law Committee and ultimately being sued by the State Bar of Texas and/or the Supreme Court of Texas for the unauthorized practice of law.

What can you do to avoid such a risk? The following is a list of suggestions.

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Mediator's Toolbox: What to do With the Original Agreement

The parties reached an agreement in a business case you mediated. Defendant agreed to pay Plaintiff & a Co-defendant an amount of money in exchange of a dismissal with prejudice. Defendant failed to comply. You, the mediator, have the original agreement. The two parties who want the agreement enforced want you to send the original agreement to the court.

This is often done in family law cases but not in civil cases. Is there anything that should stop you from sending the mediated agreement directly to the court?

The Texas Mediator asked several mediators what did would do. Here are their responses.

Jeff Abrams (Houston)

I always give the original to Plaintiff's attorney and copies to everyone else unless someone wants to do it differently, which is almost never. I just don't want to keep the original for this very reason. I'm not sure that there's anything wrong,

technically about sending it to the court because once it is signed, I doubt the agreement is confidential. But I think it's safer not to send it to the court. I would probably send it to Plaintiff's counsel and let everyone know that's what you're doing, perhaps at Plaintiff's counsel's request and notify the others that the copies are just as valid as the originals. I'm not sure if there's a right answer but that is probably what I'd do.

George McKeirn (Dallas)

I always get duplicate original copies of the Mediated Settlement Agreement signed at the mediation. If the parties want me to, I will mail a copy to the court. If not, I hold it, but each has their own signed copy. Without an agreement to send at the mediation, I would not do so later. I do think, though, that this is the parties' agreement, so I would turn the original over to whichever party asked me for it.

Bruce Stratton (Liberty)

I always try to be super careful. I assume the other party does not

want the mediator to file the agreement. Therefore this is a unilateral request, which may or may not be known to the other party. The desiring party should file a motion with the court seeking an order directing the mediator to file the original so that it may serve as evidence in a motion to enforce. The mediated agreement is not confidential but I do not think the mediator should undertake steps, without direction, which are in the nature of enforcement when he/she is aware of a conflict/dispute. The original is the best evidence and, in a dispute, ultimately should be on file with the court. We don't want the mediator to be subpoenaed to verify that a copy is the same as the original. I am very sensitive about a request for the mediator to say/testify as to anything beyond the pure basics concerning a mediation which he/she has conducted.

Unauthorized Practice of Law or "What Me Worry? I'm a Mediator." continued from page 12

1. Out of an abundance of caution, especially when the parties attend and participate in the mediation *pro se* (without legal representation), do not provide any information, either directly or indirectly that could be construed as legal advice;
2. Do not draft the binding Mediated Settlement Agreement. Especially do not draft the Mediated Settlement Agreement if the parties are not represented by counsel. Although it may be argued that if the mediator serves only as the scrivener of the agreement using the lan-

guage; terms, and conditions dictated by the parties, he/she is not preparing the contract, the more conservative view is that it is better to allow the parties themselves and/or their legal counsel to prepare the agreement.

3. Do not prepare any follow-up documents such as deeds, promissory notes, releases, or pleadings that can in any way be construed as the unauthorized practice of law.
4. In short, no matter what your underlying profession, when serving as a mediator, mediate; don't practice law.

Suzanne Mann Duvall is an attorney mediator in Dallas. She is a former president of TAM and Past Chair of the State Bar's ADR section. She has mediated over 1,200 cases to resolution and has been a teacher and trainer on ADR for organizations including Dallas Bar Association and State Bar of Texas, Texas Wesleyan University School of Law, SMU School of Law and Texas Woman's University, Texas A&M University, Galveston. She has also been the recipient of numerous awards including the Susanne C. Adams Award for Outstanding Commitment and Dedication to the Mediation Profession and State Bar of Texas Frank G. Evans Award for outstanding leadership in the field of alternative dispute resolution.

Mediation in Small Claims Court in Oregon: A Comparison

By Arthur Shapiro

I recently moved from Texas to Oregon. I had mediated hundreds of small claims cases in Texas, so why not continue in Oregon. It seemed logical that the statutes governing small claims would be the same in both states, but, of course, they aren't. I thought the readers of this newsletter might be interested in how small claims are handled in another state, especially in the part mediation plays in the process. This article summarizes what I have learned about small claims in Oregon.

Small Claims Court

Small claims of \$5,000.00 or less, as in Texas, can be filed in Small Claims Court. However, in Oregon, all claims of \$750.00 or less must be filed in Small Claims Court. Except in very special cases, and then only with specific permission from the Court, parties cannot be represented by attorneys. The judgment is the final decision of the court, as there is no appeal from a decision in small claims cases.

Mediation

Although the actual mediation process in Small Claims Court is optional, it is mandatory for the parties to attend an orientation session describing the mediation process. Only a judge can waive the requirement for the parties to attend the orientation session. However, a party can reschedule the orientation session one time by making a request to the Court and providing a timely notification to the other party at least ten days before the scheduled orientation. If these conditions are met, the

Small Claims Clerk may reschedule the orientation session.

At the orientation session, a judge or other court official explains to the disputants the mediation process and its advantages and encourages them to try to resolve their dispute through mediation. Mediators are present at the sessions, which usually take place in the Court House. The judge or the official calls each party and asks them if they want to mediate or not. If they do, a mediator is assigned to their case, and they all go immediately into another room. If one or all parties in a dispute declines, a court hearing will be scheduled. If one party fails to appear at the orientation session, a summary judgment against the absent party can be entered.

If an agreement is reached, the mediator has it entered into the court file, as an agreement, not as a judgment. Not being a judgment, the agreement remains confidential, thus the credit rating remains protected (for this particular cause). It should also be noted that no prevailing party court fees will be imposed on either of the parties by the court. If no agreement is reached, the case is sent back to the court and put on the docket.

If within 90 days a party or parties do not comply with the agreement, the injured party may file an affidavit of non compliance. The case will be reinstated, the agreement entered as a judgment, and the case closed.

New Developments

On January 28, 2003, there was a

special election in Oregon to decide on the fate of Proposition 28, which was a proposal to increase the rate of the state income tax for the next three years. This increase would have helped to cover projected budget shortfalls for education, social services, and the judicial system. Proposition 28 was defeated. In consequence the authorities have decided, among other things, to close all the courts on Fridays, at least until June 30, 2003. Starting March 1, all small claims cases filed will be postponed until after June 30, and the situation will be reviewed after that date. In the meantime, if people want to avail themselves of mediation services, courts will have pamphlets directing them, but not ordering them, to the Oregon equivalents of the DRCs.

Arthur Shapiro, a retired Management Consultant, has become a professional Mediator and Arbitrator. He mediates and arbitrates for a number of different organizations and also conducts private mediations. A graduate of the University of Montreal, he took his initial mediation training at the A.A. White Dispute Resolution Center—University of Houston. His dispute resolution skills were built on a solid foundation of more than 40 years of business and human relations experience here and abroad. He now lives in Corvallis, Oregon, where he continues his mediation and arbitration career. He can be reached at Medarb@attbi.com

Texas Mediator

Credentialing Association Update

Voluntary Credentialing is About to Happen!

On March 21, 2003 the TMCA will have launched its program for voluntary credentialing of mediators. TMCA Board members will have made a presentation at the ABA conference in San Antonio. Board members will have brochures and applications at the conference. After that date, mediators may apply for credentialing. TMCA will mail information about the program to all TAM mediators. If you do not receive the information by mail, the information

will be available on the TMCA website after March 21, 2003. The TMCA website address is www.TXMCA.org.

You can also contact the Secretary of the TMCA Board:

James Gibson

Sam Houston State University
19 Huntsman's Horn Circle
Woodlands, TX 77380
Sls_jwg@shsu.edu

Or, contact your TAM representative on the TMCA Board:

Judy Corder

Corder/Thompson & Associates
5903 Lonesome Valley Trail
Austin, Texas 78731
512-458-4427
jcorder@earthlink.net

TAM members can also check the TAM website for information at www.txmediator.org.

TAM's Book Reviews *continued from page 9*

Prof. Walter Wright's chapter is entitled "Metodos Alternativos de Resolucion de Conflictos en los Estados Unidos: Experiencias al Nivel Federal. It is a rather comprehensive discussion of federal ADR laws in the United States starting with the Labor-Management Relations Act that created the Federal Mediation and Conciliation Service in 1947 and ending with the 1998 Alternative Resolution Act.

This is good book for mediators who are interested in Latin America Spanish-language mediations or comparative studies.

Publisher Contact:
www.porrua.com

Michael J. Gelb
Discover Your Genius: How to Think Like History's Ten Most Revolutionary Minds
HarperCollins, 2002 356pp.

According to author Michael Gelb, everyone has the potential for creativity and genius. With that philoso-

phy in mind, he recently wrote the interesting book *How to Think like Leonardo Da Vinci: Seven Steps to Genius Every Day*. Now he expands on many of those ideas in *Discover Your Genius*.

Gelb draws from ten of history's most inventive and revolutionary minds as examples of the qualities of genius. With each person's biography he also expands on each of these special "genius" characteristics and invites readers to integrate these in their daily lives. Each biography with its companion genius characteristic is a separate chapter.

The ten genius characteristics and their representative genius are as follows: 1) Deepening your love of wisdom - Plato; 2) Expanding your perspective - Filippo Brunelleschi; 3) Going perpendicular: strengthening your vision, optimism, and courage - Christopher Columbus; 4) Reorganizing your vision of the world - Nicholas Copernicus; 5) Wielding your power with balance and effectiveness - Queen Elizabeth I; 6) Cultivating your emotional intelligence - William Shakespeare; 7) Celebrating your freedom in the pursuit of happiness - Thomas Jefferson; 8) Devel-

oping your power of observation and cultivating an open mind - Charles Darwin; 9) Applying the principles of spiritual genius to harmonize spirit, mind, and body - Mahatma Gandhi; and 10) Unleashing your imagination and "combinatory play" - Albert Einstein.

Though each of these great minds has different special characteristics, they seem to have in common courage, passion and perseverance to the point of stubbornness. Much of the book has to do with cultivating your inner talents and emulating and developing those individual and common traits.

The book is a good read for mediators who strive to be creative in both their mediations and their dealings with people. It is also an inspiring read for those mediators who are stubbornly trying to make a day job out of mediation and who often feel the odds are against them.

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Note: Unless otherwise specified, book reviews in this issue have been written by the editor of The Texas Mediator

THE MISSIONS OF MEDIATION



TAM CONFERENCE 2003



Susanne Adams Award: Michael Schless

By Suzanne Mann Duvall, 2003

This award, named for Susanne Adams, one of the founders of the Texas Association of Mediators, was so named in order to recognize Susanne, not only as a pioneer in the field of mediation in Texas and elsewhere but also to honor her for a life well lived.

Susanne was dedicated to her profession, devoted to her family and her friends and fearless in her willingness, despite her own personal sacrifice, to face head-on wrongs that she felt needed to be righted. And she did it all with a great sense of fun, a wry sense of humor and a twinkle in her eye.

So it is that I look upon this award as not only recognition of leadership in our profession, but also as a celebration of a successful life – a life well lived. It is therefore a particular pleasure to introduce you to this year's recipient of the Susanne Adams Award. I could read you a litany of his accomplishments, the schools he attended, the honors garnered, the leadership positions occupied, the articles published, but that resume-like approach would spoil the surprise and more importantly would not allow you to know the person behind the resume. Instead, I want to allow you a glimpse of a life well lived.

According to former President Jimmy Carter, one cannot speak of a successful life unless one speaks of service - service to one's profession, to one's community, to one's family and friends, and to one's God. Today's honoree has been committed to and has been of service to each endeavor which he has undertaken, whether it be his leadership as attorney and as a member of the judiciary or as a community leader giving years of volunteer time to such diverse organizations as local and state bar associations, child guidance organizations, his

local dispute resolution center, or his and other churches and their ministries. His devotion to and pride in his wife and to his child are obvious in every conversation one has with him.

He approaches each area of his life with integrity, a consummate sense of justice and fair play and, like Susanne Adams, he always does it with a great sense of fun, a wry sense of humor and a twinkle in his eye. Those of you who have the privilege of calling our honoree "friend" know that he can and has walked with presidents and yet has never lost the common touch. He has that innate ability to make everyone with whom he comes in contact feel as if he or she is the most important person in the room.

As a mediator he has done it all. He has unselfishly given of his time, his talent, and his leadership to serve on virtually every committee, task force, section, organization and association having to do with mediation in this state and elsewhere. And he has gone on to lead most of those committees, task forces, sections, organizations and associations, including this one. He has volunteered and continues to volunteer at his local dispute resolution center. He has trained hundreds of other mediators and has gone on to mentor many of those trainees as they start their journey to break into our profession. Like Susanne, our honoree stands fast for inclusion in our profession and has and will continue to defend it against those who would choose to close the door, to those who would pit the "us-es" against the "thems" in our profession. He has approached each effort without the slightest notion that any of us who are the recipient of his generosity owe him anything, yet every person in this room owes him a great deal.

This award has been named to honor Susanne Adams. The recipient of this award today honors both Susanne and the ideals that Susanne stood for by his deeds and by his life. To paraphrase Ralph Waldo Emerson, he has laughed much and often; he has won the respect of intelligent people and the affection of children; he has earned the appreciation of honest critics; and when, in the very distant future, he leaves this world he will have left it a better place because he passed this way.

Please help me celebrate the life well lived of this year's recipient of the Susanne Adams Award, Michael J. Schless.

Suzanne Mann Duvall - (Dallas) is TAM's first historian and former TAM president. She is an attorney, mediator and arbitrator. Suzanne received her A.B. at San Diego State University (CA), cum laude, and her J.D., at the University of San Diego School of Law (CA). She has mediated over 1,000 cases to resolution, with over 600 hours training in mediation, arbitration, and negotiation.



New Texas Approach for the Cases from Hell

By Lynelle C. Yingling

What do judges do when the family in front of them is intractably stuck in negative emotional engagement? Some judges are turning to Family Therapists to say, "Just do something." It takes a collaborative team effort to unlock the system for effective co-parenting. And effective parenting is critical in the development of the child into a healthy responsible adult. A recent study of Swedish children in single-parent families led to the conclusion that the *quality of parenting* is a key issue in explaining why children growing up in single-parent families are twice as likely as their counterparts to develop serious psychiatric illnesses and addictions later in life. See:

www.nj.com/news/ledger/index.ssf?/base/news-6/1043392495298510.xml Promoting effective co-parenting in separate households will help protect our future society.

Grant-Funded Project

The Texas Attorney General's Office Family Trust Fund currently supports a model development grant administered by Texas Tech University and implemented in Dallas County. The primary goal of the Collaborative Family Assessment Project is to evaluate a structured model for high conflict families in the court system which will protect children by defining an effective co-parenting plan based on the specific needs of the client family, and consequently reduce present and future litigation. The intervention model uses the Family Therapy skills of family assessment, parenting education, family violence screening, and family mediation.

The family mediation model used can be described as relationship-focused, therapeutic, problem-solving, or transformative. The focus of the mediation process is to define a parenting plan [whether or not the components need to be processed legally] which is truly based on the needs of their child/ren.

This program is a helpful tool to enhance the successful outcome of legalistic agreement-focused mediation with high conflict families. Following this program, the clients and attorneys come together to define specific legal elements from the parenting plan and additional financial issues into a mediated Rule 11 agreement or an attorney-drafted agreed order for the court.

Statutory Authority

Legislators recognized the need for Family Therapists to intervene in high conflict families by enacting the following in 1995 and 1997: Texas Family Code § 153.010 Order for Family Counseling

(a) If the court finds at the time of a hearing that the parties have a history of conflict in resolving an issue of conservatorship or possession of or access to the child, the court may order a party to:

- (1) participate in counseling with a mental health professional who:
 - (A) has a background in family therapy;
 - (B) has a mental health license that requires as a minimum a master's degree; and
 - (C) has training in domestic violence if the court determines that the training is relevant to the type of counseling needed; and

- (2) pay the cost of counseling.

This statute provides a judicial resource for the child's voice to be heard with therapeutic protection. As more judges and attorneys become familiar with the potential, they will increase the use of the statute.

Intervention Model

The intervention is a structured 5/6-hour family therapy model combining family assessment with children present at the 1st session, divorced parenting education between sessions using videotape and handbook resources, and mediation of parenting conflicts at the 2nd and possibly 3^d session. The unique power of effectiveness is the continuous focus on listening to the voice of the child using face-to-face communication and collaborative problem solving.

Children are generally interviewed separately and decide whether they want their parents to hear what they need through (a) children communicating directly to the parents, (b) the therapist communicating their messages to the parents with the children present, (c) the therapist communicating their messages to the parents without the children present, or (d) not to communicate their messages to the parents at this time. Ground rules for no repercussions on the children are established with the parents before sharing. The messages of the children are unbelievably consistent: stop fighting! When the parent's own child looks them in the face and says that, it has impact.

Continued on page 23

CALENDAR OF EVENTS

Austin/San Antonio/Central Texas

40-hour Mediation Training, April 2-4, 8, 9, 2003- Trainers: Mary Thompson & Judy Corder.

Contact: Austin DRC (512) 371-0033 or www.austindrc.org

Mediation Ethics -Mediation Grievance Procedures: The Texas Experience - May 6, 2003 –Trainers: Mary Thompson & Judy Corder. **Contact:** Austin DRC (512) 371-0033 or www.austindrc.org

Public Policy Dispute Resolution - June 4-6, 2003 - Trainers: Charles Pou, Jr. and Center staff. **Contact:** Center for Public Policy Dispute Resolution, Univ. of Texas School of Law, Tel: (512) 471-3507.

40-hour Mediation Training - June 11-13, 17, 18, 2003 - Trainers: Mary Thompson & Judy Corder. **Contact:** LBJ School of Public Affairs, Office of Conferences and Training) (512) 417-0820, <http://www.utexas.edu/lbj/profdev/mediation.html> School of Law, Tel: (512) 471-3507.

Beyond Basic Mediation & Ethical Issues for Mediators - June 12-13, 2003 - Trainer: Kimberlee Kovach. **Contact:** Center for Public Policy Dispute Resolution, Univ. of Texas School of Law, Tel: (512) 471-3507.

Group Facilitation Skills - June 23, 24, 25 - Corder/Thompson & Associates, Austin, Texas, (512) 476-5814, www.corderthompson.com.

40-Hour Basic Mediation - June 23-27, 2003 - Trainers: Kimberlee Kovach, Eric Galton. **Contact:** Center for Public Policy Dispute Resolution, Univ. of Texas School of Law, Tel: (512) 471-3507.

40-hour Mediation Training, July 23-25, 28, 29, 2003 - Trainers: Mary Thompson & Judy Corder. **Contact:** Austin DRC (512) 371-0033 or www.austindrc.org

Negotiation Workshop - July 23-25, 2003 - Trainer: John Fleming. **Contact:** Center for Public Policy Dispute Resolution, Univ. of Texas School of Law, Tel: (512) 471-3507.

Advanced Facilitation Training -August 8, 2003- Trainers: Corder/Thompson & Associates. **Contact:** Center for Public Policy Dispute Resolution, Univ. of Texas School of Law, Tel: (512) 471-3507.

Dallas/ Ft Worth/ North Texas:

ACR- Dallas Chapter – for upcoming meetings, **Contact:** www.dallasACR.org

Lamar County Society of Mediators - meets at 5:30 p.m. on the third Tuesday of odd-numbered months in the PJC Alford Center. To confirm meeting time and place, **contact:** Linda Wolfe at (903) 785-5455.

Family and Divorce Mediation - April 5, 11,12, 18, 19, 2003. El Centro College Arts and Sciences Division. **Contact:** Glenn Currier, Director Phone: 214/860-2392, website: mediationadr.net

Transformative Mediation Training- Dallas- May 9, 10, 16, & 17, 2003 - a 24-Hour course that explores the potential of mediation to transform systems and relationships as described by Robert Bush and Joseph Folger in The Promise of Mediation. The skills developed during this course will benefit those wishing to take mediation and conflict resolution services to a level beyond settlement. **Contact:** DMS (214-754-0022) or Eastfield College Continuing Education (972-860-7113)

Houston/Upper Gulf Coast

ACR- Houston Chapter – Meets quarterly. **Contact:** Meg Walker megwalker@igc.org and Clara Gomez cigo@flash.net

CALENDAR OF EVENTS

Houston Bar Association ADR section- meets the second Tuesday of the month for breakfast and one hour of continuing education. **Contact:** Judy Dougherty (713) 521-6789 or judyk-dougherty@aol.com.

Arbitration Seminar- April 3, 2003 – Houston Community College. **Contact:** Sherry Wetsch. swetsch@flash.net

40 Hour Basic Mediation - April 14 , 2003 - Houston Community College. **Contact:** Sherry Wetsch. swetsch@flash.net

40-Hour Basic Mediation Training— May 12-16, 2003 Houston, Texas UH Law Center A.A. White Dispute Resolution Center Contact: Robyn G. Pietsch, 713.743.2066 or rpietsch@uh.edu

High Conflict Family Mediation Training - June 19, 2003 - June 22, 2003 - 30-hr Family Mediation Training for high conflict families, includes 8 hrs on family violence. Interdisciplinary training team of Dr. Lynelle Yingling , Hon. Thomas Stansbury, Hon. Bruce Wettman. online assignments. **Contact:** Dr. Lynelle C. Yingling, tel: 972-771-9985, fax: 972-772-3669, e-mail: lynelle@cs.com, www.SystemsMediation.com.

40-Hour Basic Mediation Training— July 14-18, 2003 Houston, Texas UH Law Center A.A. White Dispute Resolution Center Contact: Robyn G. Pietsch, 713.743.2066 or rpietsch@uh.edu

Out of State

Inquiry as Intervention: Crafting Questions with Purpose and Impact - April 3, 2003 , Boston, MA -1-day workshop will explore fresh ways of thinking about the questioning process, experience the power and effects of different kinds of questions, and engage in a process of crafting questions and evaluating their impact that will be directly applicable to their practice. **Contact:** Kim Verner, The Public Conversations Project (PCP), 888-727-8326, kverner@publicconversations.org, or visit, <http://www.publicconversations.org>

Curing Conflict (TM): Health Care Mediation Training - April 24, 25, 26 and May 2, 3rd, 2003- Stanford Hospital and Clinics Continuing Education Center, Stanford, CA. (40 hour basic mediation training within the context of actual health care conflicts) Faculty: Debra Gerardi RN, MPH, JD and Ginny Morrison, JD of Health Care Mediations, Inc. Contact: CE Center, tel: 650-723-6366 or www.HealthCareMediations.com

Training of Trainers - May 4-8, 2003 Oberod Conference Center Wilmington, DE. Trainer: Dr. Dudley Weeks, author of the "Eight Essential Steps to Conflict Resolution" and two-time Nobel Peace Prize nominee. **Contact** :Susan McClellan at (302) 478-6844 or by e-mail atconflictresolutn@aol.com

Mediating Disability Related Disputes - Thursday-Friday, May 15-16, 2003 Good Shepherd Mediation Center, Philadelphia, PA. **Contact:** (215) 843-5413 www.conflictconnections.com or www.phillymediators.org

Power of DialogueWorkshop: Constructive Conversations on Divisive Issues- Seattle, WA - June 19-21, 2003. During this hands-on 3-day workshop, participants will explore ways to promote the type of meaningful dialogue that has the power to shift relationships. **Contact:** Kim Verner, The Public Conversations Project (PCP), 888-727-8326, kverner@publicconversations.org or visit, <http://www.publicconversations.org>

1st African Continental Seminar on HR and Conflict Resolution - Jun 23-27- Accra, Ghana **Contact:** Gamey Academy of Mediation ~ www.ggamed.com/ or ggamed@ghana.com

Editor's Note: The above information is given here to provide our members with information an opportunities for professional advancement. Other than TAM's conference, TAM does not endorse nor has been remunerated by any of the above providers.)

The Missions of Mediation: TAM's 2003 Annual Conference

By Jim Gudenrath & Yvonne Becerra

The conference brochure promised "the perfect location to make our conference stay memorable," and it kept its promise. The stay at the Menger Hotel next to the Alamo and the Riverwalk was even more memorable because, just outside our conference, the siege of the Alamo was being reenacted in commemoration of Texas Independence. Close to us we saw reenactors who very authentically dressed like Mexican or Texian soldiers. This year, our conference coordinators were TAM Board members **Norma Guerra** and **Doug Walsdorf**. We all greatly benefited from their obvious hard work and attention to detail.

Among the speakers on the first day were **Prof. Richard Lane** of Lamar University who spoke about Empowerment and the Mediation Process and **Hon. Nancy Stein-Nowak** who spoke about Mediation Programs in the Federal Courts. **Marge Lyro** - Bexar County ADR Coordinator, TAM treasurer **Dr. Norma Guerra** and **Ed Churchin** made presentations on, respectively, Establishing ADR Dockets, Developmental Considerations in Mediations Involving the Parent-Child Relationship and Overcoming Potential Deadlocks. These excellent presenters were followed by **Frank Rizzo** from the Bexar county DRC speaking on Community School-Based Mediations and **Syvia de Leon**, Coordinator of the Equal Employment Opportunity Commission ADR Program in San Antonio.

Also on the first day, **George Walton** made a presentation on Multi-cultural Issues. He told a series of stories from his life that illustrated the questions and feel-

ings he experienced as he encountered racial discrimination growing up as a "Negro" in America in the 50's and 60's. In her breakout session, Effective Mediation Dialogue Techniques, **Dory Warren** spoke about basic communication skills. Former TAM president **John Guerra** concluded Friday's presentations by speaking about Pigeonholing People: Methods to Distinguish Personality Types for Mediation Purposes.

On the second day, Civil District Judge, **Hon. John Coselli** from Houston spoke about Partners in Peer Mediation, a program that trains teachers and helps teach conflict resolution skills to our youth. **Marie Hejl** spoke about the Uniform Mediation Act. **Doug Walsdorf** also led a very interactive and thought-provoking discussion about Resolution on Mediation and the Unauthorized Practice of Law.

Other excellent presentations were Mediating Mass Torts by **Allen Church**, Texas Rules of Civil Procedure and the Unauthorized Practice of Law For Non-Lawyers by **George McKearin** and **Suzanne Duvall**, and Spanish-Speaking Participants in Mediation: Past, Present and Future at Texas Dispute Resolution Centers by **Walter Wright**, **Josefina Rendón** and **Clara Gómez**.

Also on the second day, new officers and board members were elected and changes to our bylaws were approved by the majority of our members. The conference ended with a panel of experienced mediators sharing their Hot Tips. Among the panelists were **Judy Corder**, **Jay Cox**, **Claudia Dixon**,

Suzanne Duvall, **Kay Elliot**, **Robert Matlock**, and **Michael Schless**.

Dr. Arthur E. Hernandez was the conference's Keynote Speaker. He spoke about Mediation Mysteries - Myths, Methods and Mastery. The keynote was about the psychological aspects of mediation. Mediation is different from therapy, but shares some characteristics. Communication that takes place in both counseling and mediation has a goal of understanding the other person, and also helping the person understand themselves. There is also an educator role that is common to both. Educating the parties in a mediation includes teaching them about a process by facilitating their path through it just as a counselor does.

In the next issue of the Texas mediator we will review some of these excellent presentations.

***Yvonne Becerra** (Austin) is a TAM director and mediator who currently teaches Conflict Resolution in the University of Texas Extension Division. She is a former Board Member of the NOW Legal Defense and Education Fund and serves on the Travis County Appraisal Review Board.*

***Jim Gudenrath** (Austin) is TAM's secretary. He has been a mediator for 14 years having completed his basic and family mediation training at the DRC in Austin. He has coached mediators at the DRC, the LBJ School of Public Affairs, and at several state agencies.*

Professional Opportunities

The following information is given here for the purpose of providing our members with possible opportunities for professional advancement. Other than TAM's newsletter, The Texas Mediator does not endorse nor has been remunerated by any of the listed providers.

Mediation:

Online Mediators & Arbitrators

Working in conjunction, ADR Services International, Inc. (adrservicesintl.com), The International Association of Mediators - Arbitrators (e-iama.com) and the Resolution Forum, Inc, are trying to find the most qualified panel of mediators and arbitrators in the world. They are accepting applications for membership in this elite panel of mediators - arbitrators.

There is a growing opportunity for Bi-Lingual mediators that can handle international mediations through an online mediation program developed by former appellate Judge Frank

Evans and former Harris County Family Judge Bruce Wettman of Resolution Forum, Inc.

Contact: Applications can be posted on www.adrservicesintl.com in the list credentials area free of charge. Qualified applicants will be notified of their acceptance in the elite group of mediators and arbitrators. Special qualifications are required and areas of specialization will be considered based on education and experience.

The Texas Mediator

Deadline: May 9, 2003
We welcome articles and queries in the area of mediation and conflict resolution. We accept academic as well as practical, how-to pieces. The decision to publish an article is based on quality, conciseness, relevance, current interest, and/or author's standing in the conflict resolution community. Release of issues is planned for the last week of March, June, September and December of each year. Submission deadlines are

the second Friday of the month prior to the above publication dates.

Articles submitted should conform to the following guidelines:

- Articles should be no longer than 2,100 words including footnotes and biographical information. Longer articles may be considered for serialization.
- Book Reviews should be no longer than 500 words.
- Citations should appear as endnotes.
- We reserve the right to edit articles.
- Authors must provide their biographical information (1 to 4 sentences).
- We reserve the right to republish accepted articles but do not retain sole rights.

Contact: Please submit your query or article to: Josefina M. Rendón, Editor, THE TEXAS MEDIATOR, 909 Kipling, Houston, Texas 77006. Tel: (713) 644-0787 Fax: (713) 521-9828 or at josrendon@aol.com.

New Texas Approach for the Cases from Hell *Continued from page 22*

Before the next meeting, parents then reflect on the words of their child, review educational materials which emphasize the general needs of children, and think through proposals on how they can meet the needs of their child. Then parents come back together with the therapist to answer the following questions:

1. What do my children need in order to grow up with a healthy supportive family?
2. What specific changes do the parents need to make to meet the needs of the child/ren?
3. What resources will help the parents make the necessary changes?
4. How will the changes improve the co-parenting behaviors of the parents?
5. How will the improved co-

parenting help the child/ren?

A written copy of their agreed-upon responses is given to the parents to share with attorneys. If legal changes need to be made, the attorneys process those changes through the court. Parent responses the therapists hear include: "We've never had a forum before to sit down together & talk through it." "Why haven't we done this before?"

Expansion of the Model

This model has the potential for being incorporated into a Collaborative Divorce model designed specifically for Texas law. It is being tested as a very time-limited process in order to make the cost predictable. Refinements will result from this research project. In order for the model to be implemented state wide, there must be sufficient Family Law Attorneys and Family Therapists who understand both the family law and family therapy sys-

tems in order to collaborate effectively. Hopefully, the next phase of grant funding will facilitate needed training. With the current budget situation, we cannot rely on that funding.

The Resolution Forum, through the South Texas College of Law, is planning a 30-hour training June 19-23, 2003 to bring family law and family therapy professionals together to better understand the functioning of the other system and how to collaborate for working effectively with high conflict families in the mediation process. Watch for announcements at www.ResolutionForum.org.

Dr. Lynelle C. Yingling, LMFT, LPC is Director of the Council for Human Systems Development. You can reach her at www.SystemsMediation.com



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THE TEXAS MEDIATOR

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