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## First Annual Bryan Johnston Dispute Resolution Conference

*Richard Birke*

On April 4, 2009, nearly 100 people gathered at Willamette University for the first annual Oregon Dispute Resolution Conference honoring Bryan Johnston. The purpose of this now-yearly event is to create new collaborative projects among members of Oregon's dispute resolution community that will improve the quality and delivery of dispute resolution services and education in Oregon.



The day started with presentations from representatives of various important constituencies in the world of Oregon dispute resolution – government, public policy, community, courts, education and the private sector. After the reports, each group met and discussed briefly their reactions to the morning reports.

During lunch, the group honored Bryan Johnston, a true leader in our field who passed away last year at the too-young age of 59. Willamette President Lee Pelton recalled Bryan's versatility and humor. Secretary of State Kate Brown reminded the audience of Bryan's bravery and commitment to values during his service as a State Representative. Willamette Trustee and renowned mediator Susan Hammer spoke of Bryan's work in the private sector and his ability to make difficult situations easier by addressing the problem with the hu-

manity of the parties. Professor Charles Wiggins honored Bryan's steadfast values and his love of life. Finally, Bryan's son Drew Johnston let the audience know that Bryan's values were a true personal commitment, not merely a means to political and financial advancement. Drew let everyone know that Bryan was a promoter of dialogue and understanding in his personal as well as his professional life.

The afternoon consisted of a series of work sessions that resulted in proposals for action to be taken by the community during the next twelve months. Among the proposals was one that seeks to organize, streamline, augment and improve the various dispute resolution training ventures occurring in Oregon. Another project involves marketing dispute resolution services in new and different ways. Another relates to searching for new funding sources during difficult economic times. There were eight projects in all.

The day was also an opportunity for members of Oregon's widely dispersed dispute resolution community to see each other – to meet new people and rekindle relationships with old friends. In that regard, the day was an unfettered success. Having a day with lots of time between work sessions, with few "sit and be quiet" presentations and with an agenda that was designed to find and promote new collaborations, attendees mixed and chatted and formed bonds that will help us all move forward in our mission to make Oregon a better place.

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# Member Services Report

## OMA Salon Generates Feedback for Dispute Resolution Conference

Member Services hosted an OMA Salon at the Oregon State office building on March 18 – thanks to OMA Members Donna Silverberg, Sam Imperati, Josh Kadish and Mike Schnee for leading the discussion and garnering some great feedback regarding what is working well and what needs attention within/without the paid practitioner mediator community in Oregon. This feedback was brought to the first annual Bryan Johnston Dispute Reso-

lution Conference at Willamette University on April 4.

The following captures the ideas put forth during the Salon:

**What is Working Well for Paid Practitioners?** Participants responded that as clients and mediators are increasingly educated through training and experience, the demand for mediation has increased. More opportunities exist for specialized practice (including collaborative and consensus building) as clients are better educated through training and experience to choose conflict management services at different

stages in a process. Also, as the field becomes more sophisticated both in the art and science of mediation, practitioners are more educated and become more creative in their practices. It was also noted that there is a growing number of mediator rosters and more institutionalization by the public and larger organizations, and one participant commented that there is a strong family mediator community.

**Challenges to Paid Practitioners and Addressing the Gaps:** Participants felt that more public education is needed to bring more work to private practitioners and to more fully bring clients into participation. It was noted that there are a lot of free services available to clients but that there is a cultural aversion to openly discussing conflict. There is a need to expand the definition of what we do (see Beyond Neutrality), and there is a need for more and better training of new mediators. CR graduates are challenged by a false expectation of having higher paying jobs readily available to them. More cross-pollenization of the various sects of mediation could help private practitioners move out of their “silos” and provide additional education opportunities; other professions also bring a dispute resolution role to their work (facilitation, organizational development, public involvement) and it is perceived that dollars flow to those who have certain qualifications in, e.g. law, psychology (lawyer and non-lawyer mediators have a history of strained relationships). The field tends to process itself too much – more action is needed! At the same time, the practice is expanding and changing so fast that it is tough to keep up with new

and useful techniques. There is a need for an organization to fill the role that the ODRC once played in informing practitioners about what is happening in the broader field. Finally, it was noted that the field hasn’t yet determined whether the needed qualifications or definition of mediation adequately serves clients and the public.

“Member Services hopes to continue to reach out to members outside of the Portland metro area with the use of ‘listening sessions’...”

**Opportunities Exist to Collaborate With Others:** Areas for collaboration include promotion, public education and advocacy, mentoring, cross-mediation training, setting qualifications, cross-discipline education and work, networking, tackling the gaps and challenges list, and establishing a real ‘center’ for DR that crosses sectors.

### Top Goals for ADR in the Next Year:

- 1) Each Sector should focus on doing just ONE thing to promote the field
- 2) More public education, with agreed-upon points for speaker’s bureau
- 3) Better organization / coordination that is consistent and sustainable for broader ADR work
- 4) More opportunities for advanced training
- 5) Statewide ADR Steering Committee to coordinate, convene, monitor collaborative activities (e.g. fill gap left by ODRC)

*Continued on page 9...*

## Upcoming OMA Board Meetings:

Friday, June 19, 2009

Monday, September 14, 2009

Friday, October 9, 2009



## Director's Cut

***"It is only with the heart one can see rightly. What is essential is invisible to the eye."*** - Antoine de St. Exupéry

On Friday, May 8<sup>th</sup>, 55 people gathered in Portland for OMA's fabulous training on "Approaching Difficult Conversations." Those in attendance included many OMA members, as well as representatives from a wide range of sectors. With wisdom and humor, presenter Greg Abell engaged, challenged and inspired us to move beyond our assumptions and rigid stances and instead ask questions to surface what is "not obvious" when we find ourselves or others in conflict.

So this week I've been thinking a lot about what is not obvious, what is often invisible to the eye. What initially comes to mind are some of the many OMA members who have been working hard to provide service to OMA members and the greater mediation community in Oregon.

Thank you to Meg Goldberg for her generous contribution in formatting OMA's newsletter for the past ten years. Your steadfast commitment, creativity and keen editing skills have made it possible for OMA members to stay informed and engaged via the newsletter.

Thank you to Amy Cleary, Sue McFadden, Phil Moses, Joan Howard, and Jim Brooks for helping us plan such a successful Advanced Training.

Thanks to the many OMA members who worked on the planning committee for the Oregon Dispute Resolution Conference honoring Brian Johnston and who have

since taken active leadership roles in making progress on conference action items. You are powerfully modeling the theme of OMA's upcoming fall conference - *the power of collaboration*.

Often, what is most important goes unseen because people are persistently and with great determination doing whatever needs to be done behind the scenes in ways that have big results.

As this newsletter goes to print, the Oregon Legislature is deciding our state budget for the next biennium. Since its inception, OMA members have taken an active leadership role in advocating for legislative decision-making that promotes mediation in Oregon. Many of you have written letters, met with your legislators, presented testimony, strategized and done everything else you can possibly think of to ensure that high quality mediation services will continue to be available. Although we cannot mention you all by name, thank you!

Occasionally someone asks us, "What do I get from my OMA membership?" It's easy to rattle off some tangible, visible benefits such as the OMA newsletter, email flashes, our online mediator directory, liability insurance rates, and reduced fees for events. However, when it comes to being an OMA member, much of what is essential is indeed invisible—at first glance—in the way that members come together to work on a project of mutual interest, make connections, advocate for the greater, collective good.

Very soon, we will likely see some me-

diation services reduced or eliminated due to the state's budget woes. We'll need to take time to grieve these losses and assess the situation. However, it's also a perfect time to take a look around and ask yourself, "How can I help?"

If you know someone whose job is being eliminated, let them know you are thinking of them. Listen to them. Don't tell them how to feel. Ask them how they are doing. Remind them of their strengths and talents. Think of ways you can assist them in their job search.

If you become aware of mediation programs facing cutbacks, let them know you are also thinking of them. Listen. Tell them what you appreciate about them and their services. Do you have any resources or ideas that could benefit them during this time? Can you volunteer your time? Can you offer some creative collaboration possibilities? Do you know how to write a grant?

As a life coach, I know it's normal to feel discouraged when changes occur. However, despite any short term losses, mediation will remain an essential, valuable process now and in the future. So, take the time to feel, assess, regroup, and as you are able, find ways to support other mediators and mediation programs that may need extra help during this time.

It's a perfect time for OMA members to remember that what is essential *is* often invisible to the eye and there is a lot *you* can do to make a difference!

*Judy Brodkey, OMA Executive Director*

### OMA's Wish List

***Can you donate time, money, or other resources to support OMA? The following are some specific ways you can help!***

- Donation of one or two vinyl banners for the OMA Fall Conference
- Donation of t-shirts for OMA's next OPB event

### OMA's Wish List

- A stepstool (4 to 5 feet high) for the OMA office
- Financial broker who is willing to do some small transactions for OMA on a pro bono basis
- Occasional volunteer work on special projects in the office Help with a special volunteer project (ideal for someone who loves books!) This project can be done at home.

### OMA's Wish List

***Contact the OMA office at (503) 872-9775 or email [oma@omedeiate.org](mailto:oma@omedeiate.org) to coordinate your contribution. Thanks!***

# President's Ponderings

Hi Everyone,

The tough economic times facing us today have the unfortunate impacts of increasing stress and levels of conflict and decreasing available funds for efficient and effective means of conflict resolution.

OMA is actively working in the legislative arena and coordinating with judicial and community programs and state officials to promote the use and funding for mediation and other appropriate dispute resolution approaches.

State government is facing extreme deficits for current budgets and the legislature will be faced with difficult budget cutting in the upcoming biennium. I encourage you to pay focused attention to those areas of concern to you and to keep your local and state representatives and officials informed about the **value** of mediation and other forms of appropriate dispute resolution. Please contact the OMA office or me if you have questions or need assistance. OMA's most valuable assets are our members – we must work together to continue to advocate for mediation opportunities and funding in Oregon.

Out of times of crisis come both challenges and opportunities. As an example, legislation is being considered that will

promote the use of mediation to resolve difficult problems. Oregon Senate Bill 628 addresses residential foreclosures. Currently there are over 50 foreclosures occurring each day in Oregon. The bill requires mandatory mediation between trustee and grantor before a sale to foreclose on a residential trust deed. The bill provides for notice and procedures for conducting this type of mediation. The legislation would be effective on passage and would sunset on January 2, 2014.

On a large scale, the economic crisis is going to require Oregonians to redesign the approaches and mechanisms for how we deal with conflict. Oregon's state and local governments will have to restructure how business is conducted in a multitude of programs - from human services to natural resources. It is important that we all play a key role in helping reinvent how conflict resolution is integrated into our communities at both personal and institutional scales. While these are challenging times, they do present us with the opportunity to rethink and even improve how we deal with individual, institutional, or policy conflicts.

OMA will be looking for opportunities to participate and influence how our conflict resolution systems evolve into the future.

You need to be part of this effort. We need members to get engaged in the discussions that will help meet your needs today and that will shape the future of mediation in Oregon. Contact the OMA office or me to discuss how you can get more involved. Wherever you live in the state, there is a need. If we work together we can make a difference and now is a window of opportunity.

*Mike Schnee*

*OMA President*



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## 2009 OMA Conference Update

Your Conference Committee is very excited about the 2009 OMA Conference that is being planned for November 6<sup>th</sup> and 7<sup>th</sup> in Eugene, Oregon. Our theme this year is: "Beyond Heroes and Villains: The Power of Collaboration". The University of Oregon Law School has agreed to host the event in their beautiful William W. Knight Law Center. This partnership helps OMA build relationships beyond the Portland area, attracting more participants from the Eugene area and around the state. Put the dates on your calendar, and plan to attend.

Workshop Requests for Proposal (RFP's) are still being accepted. Please consider putting in your RFP to present information that would be of interest to workshop participants. Training tracks will include subjects in the following areas: community mediation, lawyer mediators practicing Alternative Dispute Resolution (ADR), public policy collaboration and consensus building, public participation, mediation in health care and social services, skills building, environmental issues, and more. Continuing Legal Education (CLE) and National Association of Social Work continuing education credits will be

made available upon request. Visit OMA's website to submit a proposal: [www.omediate.org](http://www.omediate.org).

The Conference Committee is working on making this a powerful event. Final plans to confirm the keynote speaker are underway. Subcommittee members are being identified to help round up items for the silent auction; procure baskets from the community mediation programs; hold blocks of rooms at local hotels/motels at conference rates; identify sponsors to help underwrite conference costs; and identify volunteers to help with conference packets, set-up and wrap-up. We are developing ideas for the brochure, for marketing, and for promoting the conference. We are also looking for a small group of Eugene residents to help coordinate volunteer efforts locally.

If you are interested in helping plan the conference in any way, please contact OMA's Executive Director, Judy Brodkey at: [director@omediate.org](mailto:director@omediate.org). Judy and OMA's Administrative Assistant, Megan Brooker, can also be reached by phone at 503-872-9775 if you have specific questions. We welcome your participation and input as we craft this exciting event. Please feel free to call with ideas and suggestions for the Conference Committee. Amy Cleary, Conference Committee Chair, 503-351-3971, [amycle@co.clackamas.or.us](mailto:amycle@co.clackamas.or.us). We look forward to seeing you in Eugene in November!

# Negotiating Shadows: Working with Extreme Conflict

Grace Eagle Reed

The other day I was having breakfast and was about to open the orange juice bottle and noticed the instructions on the side that read, “Shake well, settling is natural.” I thought ‘wow’ this is how I mediate and attempt to go beyond seemingly intractable conflict. I found after years of working with people in extreme conflict they tend to freeze in place, settle into old patterns, habits and defended positions. I found that anger based on fear-based thinking is a strategy to keep others away. It keeps conflict centered people in thinking patterns that prevent forward movement.

Taking a risk of the unknown is scary for most human beings but is particularly true for deeply conflicted people with raw emotional expression. It is a challenge for the average mediator to work with this kind of extreme emotion. Moving and getting to ‘yes’ means slogging through ‘no’ to move the parties along and to demonstrate what ‘yes’ looks like. The delicate balance of nudging them to move on while not being intrusive or directive is the challenge. This method is not for the faint of heart.

I have been negotiating shadows (conflict) for over 25 years as an addiction counselor and drama therapist. I have been working with extreme conflict in at-risk people that have complex, multivariate problems, especially youths who are at-risk from addiction. Some of the most conflicted people are addicts. However it isn’t just about addiction it is about the conflict and chaos around the addict and their families and community. Addicts turn to substance to relieve stress on life issues. They are seeking empowerment and recognition. Transformative mediation suggests firm but gentle intervention in these cases.

People that stay in perpetual chaos to get what they want use violent forms of communication as their go-to strategy which becomes a deeply entrenched way of life. One of the tools I use is nonviolent communication skills which I find is essential and challenging especially with extremely conflicted people. Dr. Marshall Rosenberg identifies understanding “tragic expression of unmet needs” as a teaching opportunity for the best outcome of unresolved conflict in communication (Puddle Dancer Press). Once they understand they are in this position and see there is another choice things can move to less extreme conflict. It takes time and is not always cost effective but lives are saved over time.

I am a passionate advocate for positive change and conflict resolution in individuals, especially encouraging, empowering and engaging youth who are in extreme, seemingly intractable, conflict. There are times as a mediator I need to trust in the process as clients begin to shake things up to get to the bottom of understanding their extreme conflict.

There is no such thing as working above the fray in these cases. What is required of this type of mediation is being in the middle of the fray but with a ‘tough love’ strategy coupled with empathy, compassion, transparency and equity being utilized simultaneously. Driving a team of horses that are out of

control is the best image to describe this technique. But even runaway horses get tired and stop running.

The mediator only has to hold onto the reins and enjoy the ride and I found the gentlest tug on the reins keeps the horses on the road. This approach stays true to the basic principles transformative mediation of following the parties where they want to go, staying detached and yet present while believing they will find their own gold nugget in the center of all the chaos.

Long before I received my masters degree in CR, I realized, as an addiction counselor and a drama therapist, I have been mediating and negotiating extreme emotional conflict in extremely emotional people with deeply entrenched problems with a modicum of success. I bring this background into the mediation field with some success as well. Today I specialize in this type of mediation.

This past experience serves me well and helps the fact facing, fact finding process that stressed people go through in seeking balance in their lives. I believe counselors are also mediators on some level. I also believe mediators can use counseling techniques to help the mediation process and this crossover service is important in extreme cases.

“Extreme conflict impacts all parties involved, including the mediator.”

My strategies were tested during a two year research during which I worked with homeless at-risk youth and meth-addicted, gang affected boys 13 to 17 years old experiencing extreme conflict in the juvenile justice system. My research included working with staff, teachers, and other volunteers, etc., all who had conflicts with each other and the boys. It was pure chaos most of the time but working with them proved to be fairly effective.

Coming up with strategies to help them negotiate their conflicts was the challenge. I found combining my background in drama therapy with conflict resolution skills helped them work through their extreme emotional problems to the long process of negotiating their shadows.

Resistance to change from a fixed position often feels familiar and safe even though it is uncomfortable. Extreme conflict impacts all parties involved including the mediator. Negotiating these human shadows is difficult. Mostly conflicts will resolve, but since we human mediators will not live the time it takes to come to resolution in extreme cases, perhaps being brave enough to be the one to tolerate, trust and even encourage them to shake things up is worth taking the time and see what happens! The juice bottle says it will settle, and that is natural.

Results of this study can be found in my research *Negotiating Shadows: Conflict Resolution for Addicted At-Risk Youths in Juvenile Justice* and at <http://negotiatingshadows.com/>.

## ASK OMAR

OMA's thoughts about some of the potential ethical issues presented by the Ask OMAR victim-offender mediation scenario presented in the Fall 2008 and Winter 2009 issues of the OMA Newsletter (articles are posted for reference on OMA's website at <http://www.omediate.org/pg1007.cfm>) are as follows (including references to possibly applicable provisions of OMA's Core Standards of Mediation Practice):

1. As a church member and a dog owner, Jim the mediator should be particularly conscious of his potential bias against the offenders because of their apparent disrespect for the Bible and disregard for the lost dog – even to the point of declining to serve as the mediator and/or disclosing to the participants the depth of his feelings about these values. See Core Standard III, Impartial Regard, and Core Standard II, Informed Consent. If Jim does decide to proceed as the mediator, he needs to constantly “check in” with himself throughout the course of the mediation to guard against the possibility that his personal values and beliefs may be seriously threatening his ability to remain effectively impartial.

2. During his conduct of the mediation, Jim will need to be very conscious of, and constantly guard against, the possibility that his behavior is being significantly driven by the knowledge that the judge and his own program supervisor have expressed strong desires that a settlement be reached in this case. See Core Standard III, Impartial Regard. The resulting settlement-at-all-costs mentality will probably lead the mediator to improperly influence the decisions of the parties by e.g., providing them with an inadequate or positively misleading sense of the consequences of their decisions.

3. As the mediator, Jim needs to be very conscious of the potential implications of his annoyance with Biff's apparent lack of sincerity and empathy. See Core Standard III, Impartial Regard. It's not at all unusual for a mediator to like or dislike one participant more than the other, but the mediator needs to be sharply aware of that kind of natural imbalance and make every effort to counteract its potential for distorting the whole process in favor of or against one party or another. If the mediator's personal feelings of relative dislike or distaste for a participant are severe, then withdrawal is the only prudent and ethical choice open to the mediator. A decision to withdraw must, of course, be carried out with the utmost sensitivity to the potential for damaging the interests of either or both parties and making a bad situation worse. As with the concerns covered in number 1 above, the mediator always needs to be sensitive to the de-neutralizing effects which his or her own personal views, biases, and reactions to the characteristics of a participant may be creating.

4. As the mediator, Jim certainly has an obligation to help Biff understand the legal significance and implications within the court system, of the manner and attitude with which Biff proceeds to participate in the mediation process. See Core Standard II, Informed Consent and Core Standard VI, Encouraging Good Faith Participation. However, Jim's reference to the attitude of the judge runs the risk of coming across as the kind of

blunt threat to Biff which may well run afoul of Core Standard I, Self-Determination and Core Standard III, Impartial Regard. There is often a very fine line between legitimately helping a participant understand the consequences of various behavioral options and bludgeoning him into a series of settlement decisions which eviscerate the critical element of voluntary participation that is so essential to an ethical mediation process. Also, whether or not Jim is, in fact, a lawyer, he is getting very close to providing (or appearing to provide) legal advice, further undermining his own neutrality and improperly engaging in a second role. See Core Standard IX, Dual Roles and Hybrid Processes.



5. As the mediator, Jim probably should have spent more time on the front end trying to remember why he “thought he knew Sylvia,” putting himself in a position to disclose the existence of a potential bias or the appearance of possible bias. See Core Standard II, Informed Consent. Even if Jim couldn't place the feeling, he probably should have disclosed its existence; and he should have disclosed the old relationship once he remembered and given all parties an opportunity to express whatever concerns they might have had about the acceptability of Jim's continuation as the mediator. Just as importantly, Jim should have reflected deeply on whether or not the fact of the old relationship might significantly damage his ability to continue effectively to act as a neutral. See Core Standard III, Impartial Regard. Particularly in small towns, neighborhood settings, and specialized professional communities, a mediator's personal connections and encounters over time must be considered anew in each and every mediation case. Appropriate disclosures will strengthen not only the effectiveness of a particular mediation but also the integrity and quality of the mediation field, generally. See Core Standard X, Mediation Practice.

## ASK OMAR (continued)

6. Jim's comment to the victims that one of the offenders "doesn't seem to have a heart" may well violate his obligation of neutrality. See Core Standard III, Impartial Regard. This seems particularly unfortunate because Jim probably could inoffensively have conveyed a similar set of ideas in a productive way by a more careful choice of words. For instance, he could have suggested to the victims that they shouldn't be too quick to characterize Biff's apparent lack of empathy as a problem, but rather should try to understand, and work around, the side effects of Biff's youth, lack of experience, lack of sophistication and similar factors typical of youthful offenders.

7. Whether or not the decision to hold the mediation at the victims' church actually violated the mediator's obligation of neutrality (see Core Standard III, Impartial Regard), Jim probably should have made the site-selection question part of a discussion with all of the participants. See Core Standard I, Self-Determination and Core Standard II, Informed Consent. As a practical matter, Jim's failure to do so probably represents a missed opportunity to use discussion of a fairly simple issue to build confidence in the integrity and neutrality of the whole process.

8. Jim's threat to report to the judge that Sally lied raises several issues and involves an attempt to arrive at a balance between the concerns expressed in Core Standard VI, Good Faith Participation; Core Standard IV, Confidentiality; and Core Standard I, Self-Determination.

9. Jill's behavior (touching Sylvia, handing Mickey a tissue, and various comments to them) raises questions about her neutrality (Core Standard III, Impartial Regard) and the mediator's performance of dual roles (Core Standard IX, Dual Roles and Hybrid Processes). Demonstrations of genuine sympathy and empathy for one party can be easily misinterpreted as bias by the other. And conduct that may be appropriate in a private caucus (as long as it doesn't cross the line into psychological counseling, for instance) can easily be miscon-

strued and become counterproductive in a general session involving all parties.

10. Jim's method of dealing with Sally's continued lying raises issues of private caucus confidentiality (Core Standard IV, Confidentiality) and various means and methods of encouraging good faith participation (Core Standard VI, Good Faith Participation).

11. Jim's comments to Biff about insincerity when Biff was apologizing to the victims raise issues of neutrality (Core Standard III, Impartial Regard).

12. Jill's inquiry about Biff's ability to sell something (in order to make restitution) presents some practical as well as ethical questions (Core Standard I, Self-Determination). The manner and forcefulness of such suggestions can inadvertently convert legitimate option-exploration into the sort of top-down authoritarianism that is the antithesis of good mediation practice.

13. Dealing with Sally's statement that she doesn't have any money presents the frequent conflict between confidentiality and the encouragement of good faith participation (Core Standard IV, Confidentiality and Core Standard I, Self-Determination). There's a world of difference between characterizing Sally as a liar, on the one hand, and helping her to discover the practical benefits of being truthful, on the other. Mediation has little or no room for judgmentalism.

14. The suggestion that the offenders work with the Church presents issues of neutrality and self-determination (Core Standard III, Impartial Regard and Core Standard I, Self-Determination). There may well be a pattern in Jim's behavior throughout this mediation process (e.g., church location for the meeting, value judgments, references to external authorities, recommendations of church service, etc.) suggesting that Jim has a real difficulty in distinguishing the mediator's role from other, inappropriate roles.

# Training Calendar

The Training Calendar can be found on OMA's website at [www.omediate.org](http://www.omediate.org). Please see the website for a listing of mediation-related training and other events. If you would like OMA to list your event, send an email to [oma@omediate.org](mailto:oma@omediate.org).

### OMA Newsletter

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Next Newsletter Deadline:  
August 15, 2009

# Shaping the Future of Elder Mediation

Cynthia Nielson

A few years ago, mediation that involved elders – from probate court to disputes over care-giving – was practiced and promoted by a handful of mediators. Now there is growing recognition of elder mediation as a valuable resource for seniors in Oregon and nationwide.

## Elder mediation gains national attention.

Over the last two years elder mediation has been in the news: from The Wall Street Journal to CBS Evening News. Last month NPR's Morning Edition featured a story about the advantages of mediation for families making difficult choices around aging.

## Oregon's probate courts support elder mediation.

Both Multnomah County Circuit Court and Deschutes County Circuit Court are developing projects to increase use of mediation in guardianship, conservatorship and probate cases. Deschutes County has partnered with its local community dispute resolution program, Central Oregon Mediation, to provide services. Multnomah County will develop a roster of approved mediators. Both programs require advanced training and mediators must meet specific court-related qualifications.

## Consensus grows over training for mediators serving seniors and families.

While recognition is growing, so is awareness of the complex nature of mediation involving aging issues. Elder mediation often involves complicated legal, health and emotional issues. A list of training objectives for elder mediators has been proposed nationally and would build on currently accepted mediator standards and practices.



## Outreach builds awareness of mediation for the aging population in Oregon.

This year OMA's Elder Mediation Interest Group (EMIG) has the help of an intern from Portland Community College who is contacting nursing homes, caregiver groups, associations and other potential referral sources, offering information, brochures and presentations.

If you are interested in elder mediation, EMIG's steering committee wants to hear from you. EMIG offers continuing education, builds connections with the legal community and promotes elder mediation throughout the State. For more information about EMIG or elder mediation, visit OMA's website <http://www.omediate.org/pg67.cfm>.

## OMA has Moved!

OMA is pleased to announce that we have moved into a new office space. Our new office is located in Suite 403 of the Wilcox Building, 506 SW 6th Avenue, in downtown Portland. Our phone number and Post Office Box have not changed. The office is located a couple of blocks from the Pioneer Place MAX stop. Small OMA meetings (6 to 8 people) can be held at the OMA office. In addition, we have the use of a conference room two blocks away at 621 SW Alder Street. If your OMA Committee or OMA Special Interest Group would like to reserve space for a meeting at our office, please contact Megan at [oma@omediate.org](mailto:oma@omediate.org).

...Member Services Report continued from page 2

### OMA Hosts Listening Call

OMA Member Services convened the first ever “OMA listening call” on April 20 – the opportunity to connect via a free conference line was intended to include members from outside the Portland area, and in fact one out-of-Portland member participated and the call generated some great discussion. Member Services hopes to continue to reach out to members outside of the Portland metro area with the use of conference calls and “listening sessions” later this year – please join us for a chance to speak directly to OMA board members about issues that are important to you!

Below is a summary of the 4/20 listening call:

- We need better marketing materials that highlight the statistics around satisfaction with mediation and the cost-benefits of mediation.
- Articles could be written for publication in business periodicals that highlight the economic benefits of mediation.
- Periodic reports about what is happening in the legislation and in other areas concerning mediation are a great idea – we

look forward to seeing those developed by OMA and other organizations.

The Advocacy Committee is busy with the East Metro pilot project – perhaps the Marketing Committee developed at the 4/4 Event at Willamette can help fill the void in developing materials and resources that can be used to advocate for mediation and boost public awareness of its benefits. (OMA Member Dorothy “Dot” Fallon was on the call and is part of this new group.)

The Quarterly Newsletter and the OMA flashes help members feel connected – and the listening calls are a great addition!

OMA committee convener meetings help the committees stay connected by linking information and events, and ensure everyone is contributing to a collective vision for OMA.

To continue and boost engagement, OMA members need the organization to give back, and to feel that their voices are considered/reflected in the decisions the OMA Board makes.

OMA members and Board Members who attended the 4/4 conference at Willamette University were encouraged by the great cross-sharing of information and look forward to seeing that momentum and spirit of good collaboration continue.

## Welcome New Members!

Daniel Akins	Lisa Horwitch
Tonya Alexander	Cliff Leonardi
Paul Allen	Jane Means
Harry Auerbach	Julie Nehl
Cathy Bennett	Natasha Oilar
Tommie Brunick	Mary Orton
Cindy Castro	Susan Pender
Kevin Chambers	Leslie Prieto
Nita Crabb	Ann Roberts
Michelle Diamond	Pat Rogers
Danny Doncan	Katie Whalen
Dennis Gerl	Brad Witt

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*...Bryan Johnston Dispute Resolution Conference continued from page 1*

You can find out more about what went on and what will be going on in the months before next year's Johnston conference by clicking on <http://odrc.shutterfly.com/>. The website contains pictures, summaries, survey information and more. It will continue to evolve over the coming year, as is appropriate for a project that is meant to evolve and adapt with the changing needs of the community.

I'd like to close this summary of the conference with a summary of the reasons why we thought it appropriate to honor our much missed friend, Bryan Johnston.

#### FIVE REASONS WHY WE HONOR BRYAN JOHNSTON

**1. Bryan carried the gospel of dispute resolution with him 24/7.** He "walked his talk" wherever he went. He believed that:

- Relationships matter;
- Compromise is generally possible;
- Discussion is always honorable;
- Talking helps;
- Listening helps more;
- Shared values can and should be found;
- Conflict resolution should benefit the parties (not the mediator or politician);
- Every conflict is part of a bigger picture; and
- Everyone's story is worth hearing.

**2. Bryan was civic minded and unselfish.**

He cared deeply about people and he wanted to use his skills and gifts to help others. In his long career, Bryan always took jobs that gave him the capacity to help others, and his favorite jobs and tasks were the ones that helped the most people. Bryan didn't do it for ego. It was always about family or clients or constituents or students. It was never "about Bryan."



*Conference participants Gail McEwen and Donna Silverberg share ideas during a plenary session.*

**3. Bryan had a strong moral compass.**

He was someone you could trust. He was ethical, honest and sincere. You could count on him to do the right thing even if it wasn't convenient or easy. He was willing to sacrifice his own goals for the greater good. His belief in the good in people was sincere, and it guided everything he did.

**4. Bryan was versatile.**

He could talk comfortably with anyone and make anyone feel comfortable. He worked well in a wide array of environments with a broad cross section of people. He was a teacher, an administrator, a legislator and a mediator. You could call on Bryan to do nearly any job and you could trust that he would do it well.

**5. Bryan loved life.**

He seemed to always enjoy his work, no matter how hard the conflict, no matter how grueling the schedule. He always found a way to be funny and self-deprecating. While he worked on serious matters, he never took himself too seriously. His enthusiasm and sense of humor were infectious in the best possible ways.

**Don't miss the OMA Fall Conference!**

***"BEYOND HEROES & VILLAINS: THE POWER OF COLLABORATION"***

**November 6 - 7, 2009 in Eugene, OR**

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## Thank You Lifetime Members

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OREGON MEDIATION ASSOCIATION  
MEMBERSHIP APPLICATION AND RENEWAL FORM

**SECTION 1: Contact Information**

Full Name: \_\_\_\_\_ Name (Informal): \_\_\_\_\_  
Title: \_\_\_\_\_ Organization: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_  
Day Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_ Website: \_\_\_\_\_

**SECTION 2: Standards of Practice Agreement** (choose one)

To review a copy of OMA's Standards of Practice Agreement, please visit: [www.mediate.com/oma/pg61.cfm](http://www.mediate.com/oma/pg61.cfm).  
 "I am a mediation practitioner. I hereby acknowledge that I have read the OMA Standards of Practice and agree to abide by them in conducting mediation."  
 "I am not a mediation practitioner."

**SECTION 3: Membership Levels / Annual Dues** (See back of form for descriptions of membership levels.)

Membership Level (check one): Annual Dues  
 Full-time Student.....\$25 annually  
 Unpaid Practitioner.....\$35 annually  
 Friend of Mediation.....\$65 annually  
 Paid Practitioner.....\$85 annually  
 Non-Profit Organization.....\$175 annually  
 For-Profit Organization.....\$275 annually  
 Lifetime OMA Membership.....One time contribution of \$1500

**Student Members:**  
List school: \_\_\_\_\_  
**Organizational Members:**  
Please indicate the number of OMA newsletters you wish to receive. (maximum 5) \_\_\_\_\_

**SECTION 4: Additional Contributions**

**a) OMA Online Directory Listing:** OMA maintains a searchable online directory of mediators and mediation programs. Businesses can be identified by name, location, practice areas, and services. Public organizations are automatically added to the directory. Private mediators can advertise their business for \$120 annually.  
 Yes! Please add my private mediation business to OMA's online directory. I am enclosing \$120 for one year of online advertising.  
**b) Additional Donation**  
 Yes! I would like to make an additional tax-deductible donation to OMA in the amount of \$ \_\_\_\_\_.

**SECTION 5: Committees / Special Interest Groups**

**a) OMA Committees:** OMA's activities are primarily carried out by committees. If you are interested in joining any OMA committees, please select them below and the committee convener will contact you.  
 Advocacy (Public Education & Outreach)       Membership Services (Member Support & Activities)  
 Conference (Annual Conference Planning)       Newsletter (Writing/Reporting/Editing/Graphics)  
 Leadership (Financial & Leadership)       Standards & Practices (Core Standards and Ethics)  
 Legislative (Monitoring legislation)  
**b) Special Interest Groups:** Check below to be added to the email list for a special interest group.  
 Elder Mediation       Family Mediation       Workplace Mediation       Neuroscience

**SECTION 6: Payment**

**Total Amount Enclosed:** \$ \_\_\_\_\_  
\*Checks can be made payable to the Oregon Mediation Association and mailed to the address below.  
\*To pay by credit card, please visit: [www.omediate.org](http://www.omediate.org) and click on "Join OMA".