



Published By Oregon Mediation Association  
An Oregon Non-Profit Corporation Of Members Committed to the Development, Support, and Advocacy of Mediation in the State of Oregon

VOLUME XV ISSUE NO. 1 P.O. Box 40041 • Portland, Oregon 97240 • 503-872-9775 • [www.omediate.org](http://www.omediate.org) WINTER 2010

## President's Address

Dear OMA members: I am honored to be starting 2010 as your new president in an organization that is dedicated to supporting the work of mediation and alternative dispute resolution. It has already been a pleasure for me to work with our Executive Director, Judy Brodkey, and the many OMA members in leadership and on committees over the past few years. I especially want to thank Mike Schnee for serving as my role model and mentor during his term as president.

If you enjoyed the 2009 OMA Conference in Eugene, you experienced one example of OMA's power to gather colleagues together for education, networking, and social interaction. OMA will continue to bring people and partners together to promote and encourage peacemaking in our communities, workplaces, and governments.

The OMA Board will be gathering at the end of February for a two-day beach retreat in order to further our plans for 2010. Committees are already hard at work planning various initiatives and events to meet membership needs. The Conference Committee is gearing up for the 2010 Annual Conference. The Awards Dinner Dance Committee is deep into the work of creating a fun event on March 18<sup>th</sup> to honor OMA awardees. The Leadership, Membership, Advocacy, and Finance Committees continue to work monthly on their respective projects. The Standards and Practices Committee is focusing specifically on developing model standards for mediator education, experience and training, and model standards for training programs and trainers. Please contact the committee chairs through the OMA website if you would like to find out more about participating in these good works.

Committees, activities, and events provide opportunities to work and play closely together, build relationships within our mediator community, and participate creatively in promoting the work of the organization and rais-

ing funds to support it. My hope for this year is that each OMA member finds a way to stay connected and help the organization grow. We have enjoyed steady membership this year, and successful partnerships with related organizations. OMA maintains collaborative relationships with the UO Appropriate Dispute Resolution Center, PSU's Oregon Consensus, the Oregon Office for Community Dispute Resolution, the Bryan Johnston Annual Workshop hosted by Willamette University, and the ADR Section of the Oregon State Bar. OMA continues to look for meaningful ways to connect with members across the state, and make offerings accessible to all members.

Please join the OMA Board and committees in supporting the work of this quality organization. Join a committee. Attend the OMA Awards Dinner Dance on March 18<sup>th</sup> and bring friends. Give input and help plan for the 2010 OMA Conference this November. Donate auction items or money to help support the work. Attend trainings and social gatherings. You are OMA. Help make 2010 a year to remember.

—Amy Cleary, OMA President

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## Turn Down the Emotional Noise

So, here we are. Only a few weeks ago we said goodbye to the first decade of the new millennium. Many of us also said good riddance. It seemed at times during the last ten years that what we really needed was to find the reboot button and start again. Maybe we could then have avoided the confusion and emotional noise surrounding 9/11, the subsequent war(s), banking crisis, housing bubble collapse, political turmoil, skyrocketing unemployment, the H1N1 scare, the shoe bomber, underwear bomber, and more.

Even when these emotional events didn't impact us directly, we still read about them each day, listened to the breaking news about them each day, and heard reports each day from our friends and relatives and loved ones who may actually have been directly impacted. It seems like the emotional noise has been impossible to escape.

And it is debilitating, impairing my effectiveness and creativity in my work, harming my personal relationships, and degrading my physical health. In the world of mediation the emotional noise resulting mainly from such external events, when combined with the often emotionally noisy environment in which mediators and parties in dispute often find themselves, can make resolution even more difficult. When we learn how to manage this naturally occurring emotional noise, we are often more successful in life and in the world of mediation.

Managing or quieting emotional noise draws on our emotional intelligence. Unlike IQ, our emotional intelligence (EQ) can be developed and strengthened with effort and exercise. Simply put, EQ is being aware and accepting of emotions in myself and others and effectively incorporating the information I get from emotions in my decisions to act.

Using my EQ to turn down the noise

is a bit easier if I understand how my brain receives, processes and remembers emotional information. These processes occur in the amygdala, often referred to as the reptilian part of the brain. Picture the amygdala as a dark soup: the place where emotions are experienced without us being fully aware of what's happening to us. I may experience tense muscles or sweaty palms or teary eyes, but I'm not sure why. This is emotional noise created in the dark soup of the amygdala, and it will impact my effectiveness, productivity, creativity, happiness and health until I pull it out of the soup.

Easier said than done. But we find a simple, three-step tool effective:

Notice it. Name it. Honor it.

Intend to **notice** when emotional noise is present and loud. Is my brow furrowed? Am I distracted or distant---unable to focus? Are my muscles tense, my stomach knotted? Do I feel on edge, tearful? I cannot quiet the noise without recognizing that it is present. And I am receiving emotional stimuli continuously each waking hour. We are Homo sapiens. We are emotional. It is part of our operating system---which the manufacturer no longer supports and for which there is no upgrade available! One researcher reports that on average we receive 27 emotional stimuli each waking hour! This is in normal everyday life. Imagine what the researcher might find in the typical mediation session! Plenty of opportunity to practice step 1: noticing.

Now give it a **name**. And be as specific as possible. OK, I'm angry. But is it more like *irritation* or *disgust*? If it's disgust maybe it's *revulsion*, *contempt* or *loathing*. There are many emotions, and they are colorful. They are the pigments on the palette from

which we paint the pictures of our lives. When our emotions become noisy, this naming step is critical. (Learn more about the variety of emotions: [http://en.wikipedia.org/wiki/List\\_of\\_emotions](http://en.wikipedia.org/wiki/List_of_emotions)). Naming the emotions at the source of my emotional noise allows me to start removing them from the dark soup of the amygdala and up into my neo cortex---the "thinking" part of the brain. It's here that I can shine the light of day on the emotional noise, begin to process it and properly dispose of it, or file it away for future reference.

The last step is **honor** it. And I can accomplish this in a number of ways, the two easiest of which are to write it down or tell a friend. MRI research has helped us understand that more brain cells are active when I write something down or talk through it with a trusted friend than when I just think about it. Writing down the name of the emotion or describing it to someone may actually bring to mind other emotions or shades of emotions to help me complete the picture. And seeing the emotion named on paper (or on my smartphone screen) or hearing it out loud gives me confidence that I have removed it from the dark soup of my amygdala.

Notice, name, and honor. This three-step process may have taken only a minute or two, and I have already found myself in a quieter, more peaceful and grace-filled state of mind. More able to focus, be productive and creative, and experience more of the joy of everyday life. And more able to focus on bringing my mediations to a successful conclusion.

*Valerie and Roger Pease are partners in InspirationWorks, LLC, an Oregon-based firm created to help organizations apply emotional intelligence to improve employee engagement, satisfaction and workplace wellness. © 2010 InspirationWorks, LLC. All rights reserved.*

## Book Review: *The Healthy Divorce*

Gold, Lois. *The Healthy Divorce: Keys to Ending your Marriage While Preserving you Emotional Well-Being*. Sphinx Publishing, 2009.

This book is an updated version of *Between Love and Hate: A Guide to Civilized Divorce*, originally published in 1992. At that time, I was troubled by the continuing portrayal by the American media and movies of American divorces as destructive, poisonous, hateful processes and behaviors reminiscent of *War of the Roses*. I widely recommended Lois Gold's book to mental health and legal professionals as well as separating partners and spouses in order to educate them about a better way to separate and divorce.

As in 1992, in *The Healthy Divorce*, Lois Gold again provides a powerful antidote to the self-defeating stereotype of the hostile divorce, and provides tools offering hope and healing. It appears at a good time in the evolution of the American divorce process. In the past 20 years, divorce education programs for parents and divorce and custody mediation have become well established processes across much of the U.S. for helping parents separate and divorce in a more civil, less terminally destructive manner. Collaborative law is now following the same path to acceptance, and increasing numbers of partners seek to obtain their own divorce without professional assistance through the use of self-help information and formats. I no longer get dozens of phone calls from the media asking if mediation can *really* work. Reporters and interviewers now seem more accepting of empirical research that the majority of divorcing men and women who did not have extreme conflict and violence in their marriages do not want revenge. They are angry but not raging, disappointed but not hateful, have some interest in thinking about their children's interests

and a future co-parenting relationship, and some even begrudgingly wish the former partner well. These are normal responses to divorce. The majority of separating parents *do* have some minimal ability to communicate and 20-30% are willing to cooperate about their children and are supportive of each other as parents.

*The Healthy Divorce* is a wonderful book. Immensely readable, very human, at times quite moving, it is packed with information that will help couples divorce in a more civilized way. It is an excellent resource as well for mediators, psychotherapists, and attorneys who assist divorcing couples. Lois Gold has managed the difficult task of integrating diverse fields of knowledge and expertise including family systems theory and practice, communication skills, negotiation theory and mediation concepts and skills, research on divorcing adults and children, and clinical observation. This book could have been three books, each quite separate, focusing on the adult process of disengaging from marriage and moving toward healing, parenting during and after divorce, and preparing for and successfully mediating divorce agreements. It is extremely helpful for the reader experiencing the bewildering facets of divorce to have these difficult processes combined in a way that mirrors their reality.

Even today, with dozens of self-help books about separation and divorce available, *The Healthy Divorce* stands out from others due to the extent to which readers are given genuine help in learning about and beginning the process of separating their behavior from their strong feelings. A wide range of exercises and self-evaluation tools are provided for the reader to take multiple steps toward achieving a civilized divorce: checklists, written and visualization exercises, brief ques-

tionnaires, key pointers, practical advice, sample letters, and symbolic gestures and rituals. Each is intended to promote more rational thinking, more effective action, more enlightened self-interest, and, ultimately, healing and moving forward.

*The Healthy Divorce* has charted the high road. The book invites divorcing spouses to consciously choose a better course of action, explains why it is in their self-interest to do so, and provides the tools necessary to achieve the goals of civility and dignity. The author continually acknowledges the powerful and normal feelings of anger, of wanting to hit back, of wanting to flee from interaction, of wanting to embroil the children in loyalty conflicts. The pain that divorce parties experience is never given short shrift, but that pain is set within a broader perspective of what the individual may gain in the longer term. Healthy divorces increase and preserve self-esteem, empower the participants, promote a better adjustment for children and adults, and enable parents to retain or improve their working partnership on behalf of the children.

A healthy divorce is possible. It is difficult. It takes resolve, maturity, conscious effort, learning, practice, and self-evaluation. The long-lasting outcomes for those participants who decide to divorce in a healthy, civilized manner are worth it, for themselves and their children. *The Healthy Divorce* shows them the way.

*Reviewed by Joan B. Kelly, PhD*

## *Coping With Stress: Energetic Boundaries*

### **Once Upon A Client...**

In my private practice as a management consultant and business coach, I had the opportunity to work with a successful business professional who found themselves stuck for several months, unable to schedule a termination meeting with a well-liked employee. Just thinking about the conversation caused my client stress and sleepless nights as she worried about the employee's reaction and if she would be able to maintain her professional demeanor. We agreed to tackle the issue with an *Energetic Business Coaching™* session to identify and clear the underlying issues associated with her "roadblock". The session revealed that my client didn't have "energetic boundaries" with her employee or the termination conversation scenario. Once we established them, my client felt empowered enough to move forward and schedule the meeting. To support her follow-through with an action step, we added an aspect of mental rehearsal to help her focus on how an "optimal" outcome for the meeting would look, feel, and sound. When it came time for the meeting, my client was empowered and able to stand her ground in a firm, compassionate way – just as she had mentally rehearsed many times before. For my client, achieving this goal was not only important for the business, but an opportunity to expand her comfort zone as a manager and reinforce her confidence as a successful business owner.

### **What Are Energetic Boundaries ...**

Energetic boundaries relate to the power-dynamic we experience as we interact and relate with the world. Unlike an energy *shield*, energetic

boundaries don't separate us from the world, but help to inform how we experience it by supporting us to differentiate our truth from another truth. In the case above, not having energetic boundaries with the person or the scenario led to my client's stress, anxiety, and inability to move forward on an important business goal.

Energetic boundaries apply both to internal and external realities. Internally, energetic boundaries can inform how we relate and respond to our own thoughts, feelings, ideas and emotions, while externally they might influence how we interact with people, places, and things. To have "optimal" energetic boundaries with internal and external aspects of our lives is to be in a state of optimal energetic rapport with the world. In reference to the story above, once my client had energetic boundaries, she was able to comfortably perform her role as business owner and manager.

### **Energetic Boundaries and Role Performance Under Stress...**

When a mediator facilitates a meeting with several highly emotional participants and has good energetic boundaries with the participants, the space, the topic, and the level of emotional charge, they are more likely to perform optimally in their professional role from a place of empowerment. However, during those meetings where a mediator doesn't have optimal energetic boundaries, they may experience the meeting from a state of disempowerment, struggle through it, and not perform optimally in their professional role. In scenarios where we lack optimal energetic boundaries, we are more likely to leave feeling

stressed out, raw, exhausted, spacey, burned out, irritable, or generally disempowered. Thus, having good energetic boundaries enables us to fully martial our internal resources and respond appropriately to "challenging" and highly-emotional situations without getting creamed by the stress, which if left unchecked can affect our wellness and lead to burnout.

### **Impacts of Stress on the Body...**

Research by Dr. John Diamond in the 1970's identified the thymus gland (located beneath the sternum in the middle of the chest) as the primary gland that regulates the body's acupuncture meridians which circulate "Chi" or life energy to different organ systems throughout the body.

Through his work in Psychiatry, Dr. Diamond found that the thymus is highly susceptible to different types of stress including physical, mental, emotional, social, environmental and food. Thus, when our thymus is exposed to different forms of stress, it affects our acupuncture meridians which Chinese Medicine tells us negatively affects the flow of Chi through the body and can lead to health problems.

*Continued on page 14...*



## OMA Member Spotlight: Cynthia Moore

Cynthia Moore, Oregon Mediation Association Board member and former Executive Director, says, “Checking your assumptions, eyeballs peeled and mind open,” is the best advice she can give to other mediators as well as to fellow travelers. Cynthia recently returned from two years in Cheng Du, the capital city of Sichuan Province in China. While in China she volunteered for a nonprofit where she was able to learn a bit of the Chinese language, hence her advice to the employees: “Don’t speak English just because of me.” Moore said she would “take notes, hear the same word over and over again, write it down and find out what it meant.”

Moore likened her experiences in China to what many mediators face in situations where they ‘don’t speak the language’ of workmates, parents or businesses.

“Having a neutral view and coming from another country, even on a daily basis you can’t assume anything”, Moore said, and she used her mediator training to “throw away everything you might have been thinking before” when you go into a new and unfamiliar country. She says that the same advice works well before you go into mediation. Moore had learned in a Public Broadcasting program that there were small claims and family mediation programs where she would be living, but when she asked her driver, whose English she says was better than hers, about mediation, he replied, “Here the police do that!”

Moore volunteered for a non-profit for about a year while in China, and used her experiences both as a mediator and as an organizer for non-profits as she volunteered. She went to the organization thinking she might spend time translating materials or editing project reports to submit to funders, and ended up mediating a workplace dispute. She helped the group write reports and “keep track of what’s going on so that each person trusts that everyone can do their own part.” Moore says she didn’t have too much to do with other foreigners, but did take language classes for two hours, four days a week.

Moore’s name ‘sounds familiar’ to lots of OMA folks. Cynthia started her mediation career in the mid-90’s, taking training for small claims mediation with a Douglas County group working to start court mediation in that county. When the Douglas County group asked the question, “Why don’t we offer mediation BEFORE they take

each other to court?”, her background working with non-profits led her to start “poking around.” She discovered the Oregon Dispute Resolution Program and started going to association meetings, later becoming the Douglas County ‘Neighbor To Neighbor’ community mediation program’s first Executive Director.



Soon she was traveling to Salem to attend meetings and learn more, and she ended up both on the ODRC board and on COVOMP, the Coalition on Victim-Offender Mediation Programs, which started Oregon’s Serious and Violent Crime Dialogue program. As she learned, Cynthia shared her knowledge, becoming a role-play coach and then co-trainer and later serving as lead trainer for community and small claims mediation programs across the state. Cynthia says of the first training she attended, “If I had known they were going to do role-plays I would never have taken that training...it would have changed my life”. Cynthia continued, “I told myself ‘Do you want to do this? If you do, then do what these people are asking you to do’”. Moore, who describes herself as shy, has now provided more than 30 trainings for mediators in Oregon.

Now back in Oregon, Cynthia has joined the OMA board for a second term. She first served on the board in the 1990’s and took on the Board Treasurer’s role, then assumed the Executive Director’s duties when Kristen Erbes left in 2004. She was “looking forward to spending six or seven years” as the E.D. but the trip to China interrupted that plan. Moore continued to work closely with the board while in China and has returned looking forward to working again with the organization.

*Continued on page 13 ...*

## Ask OMAr

Dear OMA'r,

I was conducting a conflict resolution training last year and I unwittingly insulted a participant during a demonstration. He angrily approached me at the break and asked me to apologize in front of the group of 50 participants. In this setting, is the "customer always right" because I am a "delivered" service? Or do I maintain my personal integrity as a professional and say my apologies to him alone?

Signed, Embarrassed



Dear Embarrassed,

The good news for you is that, whatever you ultimately did, you did not violate the Core Standards, because, well, technically, they cannot be violated, and, moreover, what you were doing, technically, was not mediation. The Preamble to OMA's Core Standards of Mediation Practice reflects that the Core Standards "are not intended to dictate conduct in a particular situation, define competency, establish 'best practices,' or create a 'standard of care.' They are not intended to be disciplinary rules." OK, so what do they do? They are intended to "guide, not limit the exercise of the mediator's judgment . . . in a particular situation." The Core Standards incorporate Oregon's statutory definition of mediation as "a process in which a mediator assists or facilitates two or more parties to a controversy in reaching a mutually acceptable resolution . . ." ORS 36.110(6). At least as you describe it in your letter, your training did not involve parties attempting to resolve an actual controversy, and, therefore, was not "mediation."

But, my dear Embarrassed, pride goeth before the fall. The Standards do suggest an answer to your problem, and I'm afraid it is not the one you were hoping for. One of the cornerstone values of mediation, reflected in Section III of the Core Standards, is Impartial Regard:

"Mediators demonstrate Impartial Regard throughout the mediation process by conducting mediations fairly, diligently, even-handedly, and with no personal stake in the outcome. Mediators avoid actual, potential, or perceived conflicts of interest that can arise from a mediator's involvement with the subject matter of the controversy or the participants, whether past or present, that reasonably raise a question about the mediator's Impartial Regard. Where a participant or the mediator questions the mediator's ability to give Impartial Regard and the issue cannot be resolved, the mediator declines to serve or withdraws if already serving."

Comment 3 to this Section suggests, "Mediators should guard against the potential impact on their Impartial Regard . . . because of the mediator's personal biases, views, or reactions to any position, argument, participant, representative, or other person in attendance."

How does this apply to you? Well, just how well do you know those other 49 participants? How many of them might you also have "unwittingly insulted" who might simply have remained silent? How many of them might not have been personally insulted, but might have perceived the insult to the participant who did complain? How many of these people might reasonably have had a question about your Impartial Regard based on whatever it is you did that "unwittingly insulted" at least one participant (or, in the words of the Comment, based on your "reactions to any . . . participant")?

People inadvertently hurt one another all the time. The inadvertence makes it rather easily forgivable, but, oftentimes, absolution requires penance. It takes real courage to eat crow in public, and most people respond favorably when they see someone else do it. In your situation, you had an opportunity to restore the participants' perception of your Impartial Regard, or, in other words, your credibility, through the strategic use of humility as a teaching opportunity. By admitting your inadvertent faux pas, and inviting other participants to share any others you might have made, you could have demonstrated an important lesson: people frequently are unaware of their own biases, or of the unintended consequences to others of their acts. Showing your willingness to learn and to correct your behavior would have demonstrated to all the

*Continued on next page...*

participants the importance of their being respectful of one another and of being willing to look at their own behavior, and could have reinforced your commitment to Impartial Regard. I don't mean to minimize your sense of your "personal integrity as a professional," but ask yourself this: would the wound to your pride from a public apology really have been too great a price to pay for such an opportunity?

Impartially yours, OMA'r

**\*UPDATE** – In the last "Ask OMA'r," we highlighted a decision from the United States District Court in *Fehr, et al. v. Kennedy, et al.* Reader Debra Healy informs us that the case is now on appeal to the United States Court of Appeals for the Ninth Circuit. If the Ninth Circuit issues an opinion that provides further guidance, we will let you know.

**\*\*Do you have questions about standards and practice issues you have faced? If so, email them to OMA'r, care of [hauerbach@ci.portland.or.us](mailto:hauerbach@ci.portland.or.us).**

## ***OMA Calendar of Events***

### **OMA Board Meetings**

- Friday-Saturday, February 26-27: OMA Board Retreat in Lincoln City. Directions will follow.
- Monday, April 26, 11:00 - 4:00 p.m. : Board Meeting, Oregon State Office Building.
- Monday, June 21, 11:00 - 4:00 p.m. : Board Meeting, Room 1C Board Meeting.

### **Conference Committee Meetings**

(All meetings take place in the OMA office, 3:00 - 4:45 p.m.)

- Tuesday, February 23
- Tuesday, March 23
- Tuesday, April 20

### **Family Mediation Interest Group**

- Tuesday, March 9
- Tuesday, May 11

### **2010 OMA Awards Gala: Give Peace a Dance!**

Thursday, March 18th, 6:30 - 10:00 p.m.  
 The Tiffany Center Ballroom  
 1410 SW Morrison, Portland

### **Bryan Johnston Conference**

Saturday, April 17, 2010  
 Willamette University, Salem

### ***OMA's 24th Annual Fall Conference***

November 5th and 6th, 2010  
 The Ambridge Center  
 Portland, Oregon

**Save the date now for another  
 fabulous conference!**

## 2009 OMA Member Services Survey Results

At the 2009 OMA Conference, the Member Services Committee was very excited to see folks signing up for Committee and Interest Groups and to see new conference attendees and veterans alike benefiting from the “Buddy System”. We connected about ten new conference attendees with seasoned attendees - thanks to all who participated. OMA members who took the time to provide feedback to us via the survey that was included in the conference packets also deserve thanks – we really love hearing about which benefits you currently enjoy now and your suggestions for OMA’s future. Here are the results of the survey:

**I am a current OMA Member:** (13) Yes (1) No

**If “yes”, are you a:**

(7) paid practitioner (5) unpaid/volunteer (2) lifetime member

\_\_\_ student \_\_\_ mediation organization/program

\_\_\_ friend of mediation

**If “no”, what would entice you to join/rejoin?**

Planning to join soon

**What do you see as a value you get from OMA?**

*(Respondents were asked to check all that apply and are shown here in order of most to least valuable)*

14 - information about upcoming trainings/events

13 - emailed OMA Flash

11 - ethical guidance / standards of practice

11 - a sense of belonging to a state-wide community

11 - discounted rate to attend the OMA conference

8 - information about developments in the field-at-large

8 - emailed copies of the OMA Newsletter

7 - information about mediation-related legislative developments

6 - discounted rates on professional liability insurance

**Other values:**

- The opportunity to be listed in the online OMA Mediator Directory
- I can always depend on OMA to be a resource for whatever I need.
- OMA Salons
- I have experienced very professional, timely and thor-

ough response from both the ED and the Administrative Assistant at OMA to any inquiry or request I have made – this is much appreciated!

- The integration of skills, goals, and missions with sister organizations.
- An opportunity to be involved in the field (x2!)
- Interaction with other members and opportunities to learn how to be a better mediator.
- Networking with really smart people!

**What do you find helpful or fun to see in the OMA Newsletter/Flash?**

- The “Ask OMAr” ethics columns (x2!)
- Committee and Special Interest Group Updates
- Comments and articles from other colleagues
- Case discussions
- We need more articles that get a dialogue going.
- Trainings and events notices (x3!)
- Stories about OMA Member’s work life.
- Articles on pertinent topics.

**Is there an aspect of your practice or relationship to mediation that OMA could better support or understand?**

- Mentoring the mentee
- Revive the quarterly Committee Conveners meetings to keep up the momentum of the leadership at OMA out into the community.
- Re-focus the efforts/assistance to Environmental Public Policy Interests.
- The need for space to hold a mediation

**Other Comments/Questions:**

- Where does all the money go? The OMA budget and/or cash flow was not presented at the Conference Membership Meeting; we only saw the balance sheet.
- I have not read the Newsletter since it went online, but I do appreciate the information included in the OMA Flashes that help me stay in the loop.

## OMA Member Services Feedback

At the 2009 OMA Fall Conference, we included a survey in packets to gather information about your experience as OMA members and how we can better serve you. The survey results indicated that OMA members particularly value information on trainings and other events, OMA Flashes, ethical guidance through the Standards of practice, a sense of belonging to a statewide community and discounted rates on trainings.

OMA Members had some specific questions and comments about ways we can be more responsive to members' interests and needs. We appreciate that input and want to share our responses with all OMA members.

**Comment #1:** Revive the quarterly Committee Conveners meetings to keep up the momentum of the leadership at OMA out into the community.

**Response:** Thanks for that reminder of the value of those meetings. Amy Cleary, OMA's new President, will be reconvening those meetings shortly. In addition, this spring we will be holding a special training led by Karen Hannan on facilitation for Committee Conveners and Board members.

**Comment #2:** OMA could provide more support for Mentoring the Mentee.

**Response:** Watch future newsletters for a response to this suggestion.

**Comment #3:** Re-focus efforts/assistance to Environmental Public Policy Interests

**Response:** Last October, OMA endorsed a resolution to include mediation as a peaceful means of resolving disputes over climate change issues likely to result from interpretation or implementation of the new climate change treaty. *OMA welcomes specific suggestions about how to support our members in focusing on various public policy issues.* We also invite members with special areas of interest to consider organizing and convening a Special Interest Group. We hope whoever submitted this suggestion will get in touch with the OMA office – we want to hear your ideas.

**Comment #4:** I need space to hold a mediation.

**Response:** OMA does not currently maintain a listing of available spaces. However, if you are looking for a space, feel free to contact the OMA office at (503) 872-9775 or [oma@omediate.org](mailto:oma@omediate.org). We can put the request out to OMA members in your vicinity who may have space available or know about options.

**Comment #5:** Where does all the money go? The OMA budget and/or cash flow was not presented at the Conference Membership Meeting; we only saw the balance sheet.

**Response:** Thank you for bringing this to our attention. The Finance Committee will be coming up with a solid plan for presenting financial information at our Membership Meeting. In addition, that committee will be including articles on OMA finances in future issues of the OMA newsletter. A copy of OMA's annual budget is available

### "Give Peace a Dance"

#### Oregon Mediation Association Gala Awards Event

Thursday, March 18, 2010

6:30 to 10:00 pm

The Tiffany Center Ballroom

1410 SW Morrison, Portland



Join us for a fun and fabulous event to honor individuals and organizations in Oregon who have made special contributions to the field of mediation and to raise funds to further the mission of the Oregon Mediation Association.



- OMA Awards of Excellence
- Light dinner and dessert buffet
- 1970s theme—feel free to dress the part!
- Dancing                      • Silent Auction

**Tickets:** \$40.00 per person/ \$300 per table of 8— available for purchase on the OMA website: [www.omediate.org](http://www.omediate.org)

## ***OMA Model Guidelines for Private Practice Mediator Education, Training and Experience***

On December 14, 2009, the OMA Board unanimously adopted Model Guidelines for Private Practice Mediator Education, Training, and Experience. The adoption followed a multi-year process with extensive outreach to members and stakeholders spearheaded by the OMA Standards and Practices Committee.

This initiative is consistent with the Board's June 16, 2008 Quality Enhancement Initiative, <http://www.omediate.org/docs/2008qeboardreportfinal.pdf>, which reviewed the 2007 Bryan Johnston Task Force findings and recommendations. It is also consistent with the Board's 2009-2011 Strategic Plan, <http://www.omediate.org/pg75.cfm>.

In Oregon, most of the mediation community's practice areas (court annexed, family, government, and community) have standards or requirements, which include mediator training, experience, internship, monitoring, ethics, and continuing education. However, mediators in private practice not operating under one of these umbrel-

las have no such mechanism. These proposed guidelines are intended to help the private sector catch-up, if you will, with the sectors that have standards, requirements, or guidelines already in place. The proposal requires more experience to make up for the lack of supervision and mentoring that exists in the court and community programs.

The goal of the Guidelines is to take one evolutionary step forward with private sector mediators to enhance the quality of mediation services delivered, provide consumers with information to make informed decisions when choosing a mediator, and provide prospective mediators with specific ideas on how to prepare to become a mediator.

These Guidelines will be posted soon on the OMA website. Please direct any comments, suggestion, or concerns to OMA's Standards and Practices Convener, Larry Coady, at [LTCOADY@MSN.COM](mailto:LTCOADY@MSN.COM).

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### ***OMA Volunteers at OPB Night!***



**The Member Services Committee will meet next on March 2, 2010. Look for information on future events and the next OMA Listening Call in an upcoming OMA Flash.**

Thanks to the OMA volunteers who donated their time and efforts to the OPB telethon on December 3, 2009.

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## Compassionate Listening Project

“We must listen and listen and listen. We must listen for the Truth in our opponent, and we must acknowledge it. After we have listened long enough, openly enough, and with the desire to really hear, we may be given the opportunity to speak our truth. We may even have the opportunity to be heard. For no one and no one side is the sole repository of Truth. But each of us has a spark of it within. Perhaps, with compassion as our guide, that spark in each of us can become a glow, and then perhaps a light, and we will watch one another in awe as we become illuminated. And then, perhaps, this spark, this glow, this, light will become the enlightening energy of love that will save all of us.” – Gene Knudsen Hoffman, founder of Compassionate Listening.

Mt. Angel, Oregon, is a lovely small town northeast of Salem whose countryside might have reminded its German settlers of home when they happened upon it in the 1800’s. The town features an old world flavor with Bavarian storefronts, and hosts an annual Oktoberfest celebration which claims to be “Oregon’s largest folk festival.” Mt. Angel is also home to the Benedictine Sister’s Shalom Prayer Center, site for the Compassionate Listening Project’s Introductory Intensive on October 3-4, 2009.

The training was facilitated by Andrea Cohen, who has been involved with the Compassionate Listening Project for many years. Andrea helped develop the Compassionate Listening Project’s Advanced Training and Certification program, is co-director of their Jewish-German Reconciliation Project, and directed a film about the Compassionate Listening Project’s involvement with the Middle East conflict titled “Children of Abraham,” among many other accomplishments.

From what I gathered through the training, the name really says it all. Compassionate Listening is about listening with compassion, first and foremost. To offer this to another it is not necessary to say or do anything other than to receive another person from a place of pure heart connection, a skill we practiced extensively throughout the weekend. One training participant inquired about different learning styles in mastering these skills, to which Andrea replied, “If your goal is giving the gift of listening, then it doesn’t matter how you ‘get it.’”

Distinctions were developed around choosing our questions carefully when practicing Compassionate Listening. For whom is the question being asked? Does the question bring the energy of the conversation up into the head, or does it offer the receiver of the question an opening in which to deepen the heart connection? Exercises were

engaged in which tested the physical response people had to different questions we asked of them.

Other core components of the Compassionate Listening model were discussed, such as distinguishing between facts, feelings, and values when listening to another. This reminded me of other communication models I have explored, save for the additional emphasis on paying attention to the body language the speaker uses when communicating these elements verbally. Again, the process was grounded in the physical experience.

What stood out most to me about the Compassionate Listening training was the nearly exclusive focus on the physical experience of heart connection... listening from the heart, and speaking from it. Language skills and conflict management technique were deemphasized in favor of a focus on the physical presence of heart connection. We must be able to remain present and heart-connected in the midst of real-life conflict, and being able to identify and connect with that presence in any moment is an essential skill which allows enemies to be humanized through allowing their stories to be heard and validated, minimizing fear and mistrust, and allowing everyone the opportunity to learn from each other and grow beyond the presenting conflict.

I would recommend training in Compassionate Listening to anyone interested in peacemaking and enhancing their ability to connect with their heart in the present moment. The Compassionate Listening Project also facilitates annual delegations to the Middle East which present further opportunities for involvement. More information is available at [www.compassionatelisting.org](http://www.compassionatelisting.org). It is with much gratitude that I acknowledge the Oregon Mediation Association for making my participation in this training possible.

*Dan Akins*



## Director's Corner

Though the holiday of Thanksgiving has come and gone, gratitude and appreciation are on my mind. And even though “riding the crest of change” was the theme of our 2008 Conference – more than a year ago, I’ve been reminded lately that the need to maneuver the sometimes rocky, sometimes calm waters of change is ever present.

I began my own tenure as Executive Director in July and want to acknowledge the contributions of the Board that oriented and supported me in learning about OMA and guiding my work, as well as that of the larger organization.

A special thank you goes to President Mike Schnee who rose to the occasion as President midway through a term of office and led this organization for eighteen months with clarity, strength, vision, and wisdom. Among many other things, he has put an emphasis on focusing on OMA’s Leadership Committee and involving that group in many facets of the organization.

Executive Committee members Amy Cleary, Lauren MacNeill, Tomás Garza, and Sue McFadden have truly given countless hours of their time and energy to OMA during the past few years. Their grace, excellent listening skills and teamwork during the challenging transitions have had huge results for OMA.

Joan Howard, Rita Moore, Tomás Garza and Sue McFadden have completed their tenures on the Board. Each of them contributed to OMA in numerous ways; I’ll name just a few. Joan Howard served on the Enhancing Communications workgroup, helped us with our Spring Training, and went above and beyond the call of duty as a steadfast helper during the Fall Conference.

Tomás Garza has served as OMA’s President and was a catalyst for OMA’s recent discussion on succession planning for ongoing leadership. Sue McFadden helped with crucial aspects of planning last year’s highly acclaimed Spring Training and has been a vital member of OMA’s newly formed Finance Committee. Rita Moore has served on both the Member Services and Standards and Practices Committees. We will miss your many gifts and look forward to your staying in touch in other ways.

We are thrilled to welcome new board members Paul Allen, Ruth Rondema, Forrest Collins, Kevin Grant, Liza

McQuade, and Cynthia Moore. I especially want to welcome Cynthia Moore back from her sojourn in China and publicly extend my deep appreciation for all she has done in her volunteer role as OMA bookkeeper - as well as keeper of much of the historic and collective memory of OMA. Her contributions this past year – even while thousands of miles away – have been extraordinary.

Thank you to Megan Brooker, OMA’s Administrative Assistant, as she prepares to move to beautiful and sunny Hawaii for a new adventure. Once in a while, the right person comes along at just the right time. And in Megan’s case, we were all the beneficiaries. Beginning the job in October 2008, she quickly organized many of the logistical details to make that year’s Conference run smoothly. Over the past year, she edited our Flashes, updated OMA’s registration system, responded to members and the public with patience and professionalism, resolved computer problems, and performed a myriad of tasks to keep things going smoothly in the OMA office. We will miss her!

And finally, I want to thank Amy Cleary, Convener, and the members of the 2009 Conference Committee for their superb work in bringing us “Beyond Heroes and Villains: The Power of Collaboration” The Committee has included: Paul Allen, Lisa Amato, David Bertram, Jim Brooks, Tom Fiscus, Caitlan Hendrickson, Berry Kruijning, Lisa Mayfield, Phil Moses, Warren Oster, and Brad Witt.

To the many others who deserve our thanks for a job well done, your contributions have been noticed, appreciated and valued!

The changes and transitions keep coming. Sometimes it’s not easy. What eases the sting a bit is that OMA has had and will continue to have fabulous people that make this all worthwhile. It’s an honor to be a part of this community.

*Judy Brodkey, Executive Director*

My first year as a volunteer mediator in Eugene for Community Mediation Services (CMS) was a diverse if not abundant year which included mediations for an interpersonal dispute, a neighbor to business case, two restorative justice cases, one divorce case as an observer, and two cases that didn't make it past contacting party number two (P2).

When I ask why 2009 was slower than my expectation of a hundred cases, a mediator of the year award, and a shingle proclaiming professional status, the answers pour out: I am a volunteer; my day job and family time keeps me from cases; I am not a lawyer; and I need to learn more. Going to law school, quitting my remodeling job, and ignoring my family and personal time are not viable options. I can increase my potential for 2010, though with continuing education advanced training, and, yes, more volunteering.

CMS offers workshops and trainings year round. This year I attended offerings in Approaching Difficult Conversations, Divorce and Family Plans, Restorative Justice, and Case Devel-

opment. I also attended my first OMA Conference held here in Duck Village (UO Law School). After each of the trainings I am pumped up with enthusiasm to change the world through mediation, and, of course, signing up for the next workshop.

Yes, new information is a reason to keep up mediation training, but just like Frisbee golf, it is the repetition of technique that gets the disc to the basket under par. What is the technique I need repeated the most? I need to ask questions and then ask more.

Two elderly women lived next door to each other. One woman, who called CMS, had been accused of stealing planted flowers from her neighbor. She wanted to clear the record and return to being good neighbors. I called the other neighbor hear her story and explain the process of mediation. She declined to mediate. I restated the desire of the other woman to mediate and how mediation brings people together, but she interrupted saying, "Listen Hon, I know you are trying to do the right thing here, but I just don't want to talk to her."

I thanked her, invited her to call us if she changed her mind, and hung up. I still hear that click and wonder what other questions I might have asked that would have led her to mediation. Still one must weigh the risk of asking questions.

My big question for 2010 is, "How can I increase the number of cases I mediate for CMS and thereby lay a solid foundation for opening a private practice?" Certainly continued training will improve my skill set and may make me a more desired mediator to my community. But remember I must ask more questions. How can the CMS caseload be increased? Increase the public awareness of CMS. How can CMS increase public awareness? A public relation campaign coordinated by a volunteer media coordinator positions could increase the number of private cases. Who can fill that position? Me.

See how questions can get you in trouble – er, volunteering.

*Michael Omogrosso, Volunteer*

*... Member Spotlight: continued from page 5*

Moore has a broad knowledge of mediation in general and of mediation in Oregon in particular. In addition to the positions already listed, Cynthia facilitated Family Decision Meetings for the Department of Human Services in Douglas County while in her position with Neighbor to Neighbor. Moore also worked with the Douglas County parent-teen victim offender program and her extensive history with statewide stakeholder groups gives her a wide-lens perspective that has true value for a statewide member organization such as OMA. She firmly believes that "recognizing who can do what and what resources are available in your community" is one of the strengths of the community mediation program model. She also recognizes that "some folks believe it's not 'real' unless it comes through the courts", adding "we have to pay attention to what works 'here', meaning in each local area". Moore says she is looking forward to another term on the board and reciting the strengths of the organization, in-

cluding strong leadership and staff, and states, "I think we're in great hands." She remembers that when she was first working for Douglas County Neighbor to Neighbor, "I thought at the time that OMA was an organization for private practitioners."

Moore is also looking forward to becoming a grandmother in January. She describes herself as "the poster child for that bumper sticker that says being a grandparent is better than being a parent" and anticipates the next stage of her life with enthusiasm. She states she has "finally figured out" that she could talk with large groups of people about something she knows or cares about, like training or representing rural mediation in statewide groups. She almost didn't take that first training many years ago – she related that "the class was full but somebody cancelled" and that twist of circumstance - and many others - has led Cynthia Moore back to OMA.

*Joan Howard, former OMA Board member*

... “Energetic Boundaries” continued from page 4

Among the volumes of research on the impacts of stress on the body, Brosschot & Benschop found that chronically stressed individuals show greater reactivity to, and prolonged recovery from challenging tasks. Not surprisingly, research by Kohler & Kamp that studied the impact of stress on professionals found that work stress is strongly correlated with employee burnout, health and performance problems.

### Impacts of Stress on Brain Cognition...

Job stress doesn't just affect the body, but also the mind and our ability to think. Through his research on stress and cognition, Dr. John Diamond found that when the thymus gland is subjected to stress, it can switch cognitive brain function from “optimal” bilateral brain cognitive function, to left or right-side brain dominant function.

Under normal conditions, the brain's cognitive function operates bilaterally which enables “whole-brain” creative problem solving – a combination of the logical/analytic left-brain collaborating with the creative and artistic right-brain. However, the impact of stress on the thymus impairs our brain's ability for creative problem-solving, temporarily leaving us in a state of left or right-brain dominant cognition.

This means that people who are naturally left-brain and oriented around logic and reason may have a tendency under stress to temporarily revert to brain cognition patterns that are left-brain dominant, creating a tendency to be obsessive and overly analytical.

People who are naturally right-brain

oriented and naturally relate well with creative, artistic, and big picture concepts, may have difficulty focusing when they are overwhelmed by stress as their brain switches to right-brain dominant cognition resulting in spaciness.

Clearly, whole-brain *bilateral* thinking is the *best* way to ensure optimal job performance. Maintaining strong energetic boundaries in a stressful work environment helps to support this.

### Mediation and Job Stress...

Mediators that regularly work in stressful environments where there is a high prevalence of emotional conflict are well aware of the stress and exhaustion that comes with the job. Recently, an Australian study on mediators conducted in 2009 by Patricia Marshall identified multiple stress factors among the participants including the phenomenon of “emotional contagion”, which refers to the possibility of emotion being transferred from one person to another. Some mediators in the study actually experienced the feelings of antagonism between the parties as “contagious” and reported having their own sympathetic emotional reaction mirroring that of their client's.

The “contagious” affect described in the study may have resulted from the mediator's lack of energetic boundaries with their clients, as they were unable to differentiate their client's feelings from their own. Another way to put this is that by not being in “optimal energetic rapport” with their clients, the mediators took on their clients “stuff”.

### Stress Management Approaches to Prevent Burnout...

For mediation professionals whose

work environment regularly exposes them to mental and emotional stress, there are things one can do to protect oneself from the ravages of chronic stress that also support job performance and prevent burnout. That said, here are some things to consider adding to your list of New Year resolutions for 2010 that will help prevent stress, manage stress, and make it easier to maintain your energetic boundaries on the job.

DIET- Health providers consistently advise us about the importance of diet, sleep and exercise as means to better handle stress. Things you can eat to help cope with stress include eating a balanced diet rich in B Vitamins, protein, and complex carbohydrates. Foods to avoid that hinder the body's natural abilities to handle stress include: sugar, salt, caffeine, fatty foods, and alcohol – all of which stress the body in different ways, including your thymus.

SLEEP – The importance of sleep is a critical element to stress management, especially today. One study conducted by the University of California found that the amount of plasticity (connections between nerve cells) in the brain depends on the amount of deep sleep we get. Thus more sleep means more neural plasticity, which means more neural connections that are going to help you perform better in your role and prevent stress.

EXERCISE – Aerobic exercise is a great way to manage stress as it releases endorphins which are the brain's feel-good neurotransmitters, producing what is commonly referred to as a “runners high”. Types of exercise that specifically support bilateral brain function are those that require cross-hemispheric body coordination using the same kind of cross-crawl

movements (where the arms move opposite with the legs) such as walking, running, and swimming. Results from the Marshall study on the coping skills of Australian mediators showed that nearly all the participants effectively managed job stress through regular exercise and social interaction where they could vent.

YOGA – Research on the impacts of yoga on stress reduction discovered encouraging results that help explain its popularity including: reducing cortisol; supporting good sleep; lowering blood pressure; lowering heart rate; and reducing anxiety and muscle tension.

MEDITATION – Like yoga, meditation has also become mainstream as an approach for stress relief as well as prevention. Scientists that have studied the effects of meditation tell us that it not only helps boost immune function, but lowers the heart rate by an average of three beats per minute, lowers levels of cortisol (the stress hormone) in the blood, decreases oxygen consumption by 17%, increases brain wave activity, and helps to rewire the brain with new neural connections.

ACTIVATE YOUR THYMUS – There are many ways to activate your thymus throughout the day to help with stress management - here are three easy ones you might want to try.

(1): “*Thymus Thump*” – Dr. John Diamond suggests doing the thymus thump regularly by gently tapping the middle of your sternum with a closed hand – just like you’re knocking gently on a door. (2) When you need to temper your response to stress in a discrete way, try activating your thymus by placing the tip of your tongue on the roof of your mouth on what Dr. Diamond calls the “*Centering But-*

*ton*”. Not only does this technique reflexively activate your thymus, but it helps keep your brain balanced. (3) The third technique that everyone can do to help reduce stress is to *smile*.

That’s right, research conducted by Dr. Diamond found that smiling activates the thymus glad due to its relationship with the Zygomaticus major, the primary facial muscle involved in the act of smiling.

MENTAL REHEARSAL – Mental rehearsal is a great tool for stress prevention that can also have a calming effect on the body similar to meditation. Studies using consistent mental rehearsal show that it can be as effective as actual practice since our brains don’t know the different between “real” and imagination. Dr. Joe Dispenza, DC a respected chiropractic physician and avid brain researcher featured in the movie *What the Bleep Do We Know*, talks about how mental rehearsal creates new neural pathways in your brain that support the new experience you are trying to create.

ENERGETIC BUSINESS COACHING™ – If you are feeling burned out or overwhelmed by job stress and have already tried traditional approaches to bring greater balance to your work, Energetic Business Coaching™ might also be something to explore. In a typical coaching session, we focus on client goals and use Applied Kinesiology A.K.A. “muscle testing” to identify any blocks or limiting beliefs that might be in the way of achieving the desired outcome. Based on what we discover, we can then apply different Energy Psychology interventions to quickly clear the roadblocks and if need be, install new beliefs that support the goal.

*Noah Brockman, MBA is a Consultant, Business Coach, and Instructor*

*that lives in works in the Portland Metro area. For questions, inquires, or to read testimonials about Energetic Business Coaching™, please visit [www.PointmanConsulting.com](http://www.PointmanConsulting.com) or call 503.804.2074.*

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<p><b>OMA Newsletter</b>          P.O. Box 40041          Portland, OR 97240          Editor : Robin Gumpert  <i>Published quarterly by the Oregon Mediation Association (OMA)</i></p>	<p>Send newsletter and calendar items to the above address or email Meg Goldberg at:  <a href="mailto:meg@goldbergmediation.com">meg@goldbergmediation.com</a></p> <p style="text-align: right;"><b>Next Newsletter Deadline:</b>  <b>March 12, 2010</b></p>
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