

Maryland Humanities Council's "Practicing Democracy"

New Program's Facilitators Use the Humanities to Tackle Contentious Issues

By Michele Baylin, Maryland Humanities
Council's Communications Manager

Bringing Marylanders together for a series of public discussion forums, workshops, and interactive events, "Practicing Democracy" provides the opportunity for people of different opinions and points of view—who may have previously been unable to agree or even have an open dialogue—to come together for passionate, respectful, and effective civic conversation. The first phase of programs addressed the issues of natural gas extraction, transportation, cultural diversity, and land use and development in four areas around Maryland. During Practicing Democracy's inaugural year, Maryland Humanities Council (MHC) staff created a series of location-specific, issue-based assemblies.

In Western Maryland, MHC, Frostburg University, the Allegany Arts Council, and local venues explored the issues surrounding natural gas extraction. Screenings of the films *Gasland* and *Shale Gas and*



Josh Fox (left) and Gregory Wrightstone (right) debate and answer questions from the public about fracking in Western Maryland.

photos courtesy of Michele Baylin

America's Future were held prior to a moderated debate between Gregory Wrightstone, director of geology at Pittsburgh-based Texas Keystone Inc., and Oscar-nominated filmmaker Josh Fox (*Gasland*). MHC heard from constituents that, even as the Maryland State Senate debated the issue, locals were eager for dialogue that weighed a struggling local economy against potential environmental and health risks. Afterwards, letters to the editor were submitted to local papers, and a local clean water action group formed. Three hundred and forty-two citizens participated.

Baltimore City's event focused on transportation. Stoop Storytelling Series and the Walters Art Museum joined participants representing Wide Angle Youth Media and urban planning, housing, and transportation organizations. Storytelling workshops led to a public performance exploring perspectives on transportation, followed by small break-out conversations.

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Rachel's Notes

By Rachel Wohl, MACRO's Executive Director

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Arthur Schopenhauer says, "Change alone is eternal, perpetual, immortal." We know that change is always happening and that sometimes it can be swift. It can also creep along more slowly than we would like. For example, while ADR has grown exponentially in Maryland over the past decade, resulting in major benefits for those in and beyond the courts, the task of growing a more civil and peaceful society has been a much slower matter. People, in general, are not handling conflicts skillfully, and they seldom initiate mediation or other forms of ADR to resolve their differences absent a court order or contract clause. The dominant metaphor for "conflict" in our society is still "a fight" that should be battled out or avoided and eventually have a winner and a loser.

Something new and interesting, however, is afoot. The Maryland Council for Dispute Resolution (MCDR) called together the Maryland Chapter of the Association for Conflict Resolution (ACR), Community Mediation Maryland (CMM), the State Bar Association's ADR Section, and MACRO to consider a collaborative project. The result of the conversation is a joint effort of all five groups to move towards a bold new vision of the future and to use a new methodology to get there.

The bold vision sees a future in which Maryland residents are confident and comfortable engaging in difficult conversations with one another, recognizing the need to deal with their differences early before disputes emerge and having the communication, negotiation, and other conflict resolution skills needed to resolve many of their differences constructively. In addition, people know when and where to find high quality dispute resolution services when they can't resolve their differences on their own.

The new methodology involves the science of behavior change. What will cause people to see

"conflict" as a rich opportunity to learn from our differences and to act accordingly? Is there a way to move toward this vision for all sectors of society and organizations that will bring Maryland to and beyond a tipping point? Major behavioral shifts have taken place elsewhere, such as changes with regard to smoking, drunk driving, and other harmful behaviors.

A good deal of research has been done, and is ongoing, about what causes people to change their behavior. The five-organization collaborative is learning about this from researchers in the fields of public health, economics, neuroscience, psychology, and communications. We are looking for effective ways to get people to change their behavior in response to conflict. We are collaborating to design a process for developing a plan to achieve our new vision. We will need you to be involved in the process, so stay tuned for further updates.

Speaking of changes, 2011 was certainly a year of ups and downs, including worldwide political upheavals, environmental disasters, and many kinds of achievement. One change was particularly sad for MACRO. I regret to inform those who don't already know that Ramona Buck, MACRO's multi-talented treasured colleague and *MACROscope* editor of many years, left to take a job with the Federal Mediation and Conciliation Service. (Julie Linkins, MACRO's outstanding court ADR resources director, is the new editor of the *MACROscope*). While we have nothing but abundant good wishes for Ramona in her new position, we still miss her terribly. Thankfully, she is not far away, and she remains active in the Maryland mediation community.

On the upside, we have witnessed firsthand that the use of ADR is growing internationally. MACRO often meets with groups of foreign judges who are interested in Maryland's collaborative ADR growth process.

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By Cheryl Jamison,
MACRO's Quality
Assistance Director

The Tree Is Five Years Old

On August 25, 2006, 30 Maryland mediators gathered at the Arthur Perdue Stadium to watch the Delmarva Shorebirds minor league baseball team and to launch the Maryland Program for Mediator Excellence (MPME). Symbolized by a tree with many roots and branches, the MPME integrates several non-regulatory, voluntary approaches for enhancing mediators' skills and their ability to address the needs of their clients. However one characterizes the event, it was the start of a program whose goal is to assist Maryland mediators in all venues to provide high quality mediation services and whose germination began with the ADR Commission.

Created by Chief Judge Robert Bell, the ADR Commission was tasked with developing a workable plan to increase the use of ADR in Maryland. In 1999, the commission published *Join the Resolution: The Maryland ADR Commission's Practical Action Plan*, detailing recommendations in 12 areas, one of which was the establishment of a state resolution office, MACRO. The one area on which they could not reach a consensus was mediator quality assurance. The commission set up the Maryland Quality Assurance Committee to continue consensus-building work on this important topic. After countless hours of meetings and discussions, several rounds of regional forums, and a future search process, the MPME tree was planted in 2004. It would take another two years before the program would officially be launched and start accepting members.

What has the MPME accomplished since the tree was planted? Much of the work of the program is done by volunteers in 10 task groups represented by the roots and branches of the tree. Some of those accomplishments include the following:

- 2004 - Mediation Strategies Survey (which became the foundation for the description of Mediation Definitions adopted in 2010) administered
- 2004 - Mediator Excellence Council, the 22-person governing body of the MPME, elected Toby Treem Guerin first chair
- 2005 - Mentoring Task Group begins Mentoring Pilot Program
- 2006 - Maryland Standards of Conduct for Mediators approved

- 2006 - Mediation Ombuds program adopted
- 2006 - MPME officially launched; 110 members by year end
- 2006 - District Court ADR Office requires mediators to be MPME members
- 2007 - Diversity Task Group created
- 2007 - Ethics workshops held around the state
- 2007 - Roster Managers Group (now called ADR Program Managers) holds 1-day conference
- 2007 - Consumer Awareness Task Group creates 30-second commercial that airs in select local movie theaters during December
- 2008 - Self-Awareness Task Group created
- 2008 - MPME grows to 256 members
- 2008 - Diversity Task Group holds regional workshops
- 2009 - MPMEonline launched
- 2010 - First MOSS (MPME Members Only Synergy Session) held
- 2010 - Mediation Framework Definitions approved
- 2011 - Diversity of Practice Series held
- 2011 - MOSS 2011 held
- 2011 - MPME membership reaches 943—and still growing!

Mediators and mediation programs are discovering that the MPME is a great way to connect with other mediators, make and keep a commitment to continuing mediation education, and have fun doing it. If you are not a member of the fastest growing mediator excellence program in the nation, isn't it time you joined? Membership is complimentary, and joining is quick and easy. Go to www.MPMEonline.org and complete the membership application. In the meantime, stay tuned for future tree developments. ♦



Humanities Council, from p. 1

More than 200 participants, through active listening, gained a better understanding of fellow riders. Wide Angle was then inspired by this event to produce a series of youth-led documentaries about the Maryland Transportation Administration.

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On the Eastern Shore, film and literature were used to initiate discussion among community leaders on the contentious subject of land development.

Disagreements over growing rural infrastructure, specifically sewage line placement, had caused an impasse between growth and environmental health of the Chesapeake. Three two-and-a-half-hour discussions were held, with attendance from realtors, developers, business leaders, environmentalists, and farmers in Queen Anne's County.

Members watched the film *In the Light of Reverence* and read Robert Frost's "The Mending Wall" and "The Three Questions" by Leo Tolstoy.

MHC provided a safe environment to conduct productive, transformative dialogue. Every member agreed to continue the process. Three more meetings were scheduled at their own request.

"Practicing Democracy" in Kent County engaged partners trying to address how to increase cultural diversity and how the use of the historic G.A.R. building in their community might serve as a community center and celebrate African-American history. The Kent County Arts Council participated with an Intercultural Diversity Dialogue group, two churches, and community members. While the dialogue was not new, experimental interactive theater workshops cultivated wider interest and were a springboard for planning future gatherings around the topic.

Survey results show the majority of participants felt programs improved their understanding of a topic and the events inspired thoughtful discussion. One participant reported, "I am repeatedly struck by the degree to which the humanities pieces have facilitated discussion," while another commented, "Opening up my perspective to hear outside my own 'echo chamber' is not easy, but I think this hard work will lead us to a healthier place."



Participants taking part in theater exercises in Kent County.

photos courtesy of Michele Baylin

As MHC looks forward, we will explore new models, seek new partners, and build a network of facilitators. Finding the right partners is crucial, as we must rely on them for help navigating local communities. And while each community's needs are unique, "Practicing Democracy" empowers facilitators to use the humanities as a tool to engage in respectful exchange, ignite conversation, and seek common ground. Find out more at www.mdhc.org. ♦

Congratulations to the Maryland Humanities Council for being awarded the 2011 Helen and Martin Schwartz Prize by the Federation of State Humanities Councils. This prize recognizes MHC's "Practicing Democracy" program for its "Standout in Risk-taking and Most Demonstrable Community-changing Outcomes."

Rachel's Notes, from p. 2

Among those we met with in 2011 was a delegation from Turkey that included judges from the Turkish Ministry of Justice, the presidents of local and national Turkish Bar Associations, Turkish university professors, and court personnel. The delegation invited Chief Judge Bell to participate in December's Turkish Mediation Summit, but unfortunately, he was not able to attend. We were excited to note that Turkey submitted a resolution to the United Nations to become a promoter of peace and mediation, and the UN is also expanding its capacity to do mediation in hot spots around the world.

Last month, Mediators Beyond Borders, a nonprofit, conflict resolution capacity-building organization that works with local people in troubled places, held its annual Congress in Baltimore. The demand for peaceful conflict resolution around the world is being met on many fronts.

MACRO is looking forward to continuing its support for advancing ADR in the courts and beyond in 2012. We will soon be releasing a new set of

"Mediation: It's Your Solution" posters addressing new conflict situations. We are also planning the second annual "Walk for Peace in Our Communities" with the District Court's ADR Office. Please see the article on last year's walk on page 18. Look for information about these and other 2012 events and initiatives on MACRO's list serve. If you are not already on the list serve, please call Eileen Bannach, MACRO's excellent office manager, at 410-260-3540 to sign up.

Going back to the research I mentioned at the beginning of these notes, Albert Einstein said, "If we knew what it was we were doing, it would not be called research, would it?" We admit that we don't know if the behavior change we seek is possible. The mental fear circuit, often triggered by conflict, is the strongest circuit in the brain. Neuroscientists, however, say that we can rewire our brains, and research shows that entrenched behavior can be changed. In any case, we believe the inquiry is worth pursuing, and we will begin by working to change our own behavior. ♦

Wolakota, Rukun,



By Alecia Parker, MACRO's
Budget and Grants Director

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Did you know that these are all ways to say “peace” in different languages? These words and others helped Molly Twigg of Allegany County win First Place in the 3rd–5th grade category of MACRO’s sixth Conflict Resolution Day Bookmark Art Contest. Molly’s entry was among good company. More than 450 children from across Maryland submitted bookmark entries this year. Other winners included Matthew Campbell from Baltimore County, who used the themes of “Be Kind” and “Say Sorry,” winning First Place in the Kindergarten–2nd grade category. Among the older children in the 6th–8th grade category, Lily Fu of Frederick County took First Place with a superb drawing of world “Peace 4 Us” carried into outer space.

In all, 11 bookmarks won prizes, and 38 earned Honorable Mentions. Chief Judge Robert M. Bell presented awards to all of the winning students at a ceremony held on Conflict Resolution Day, October 20, 2011, at the Courts of Appeal Building in Annapolis. The winning entries, as well as select photos from the awards ceremony, can be viewed on MACRO’s website: www.marylandmacro.org. Click the link for Conflict Resolution Day events, then 2011 Winners.



Third Place (tied), Grades 6–8
Benjamin Switzman, Severn River Middle School,
Anne Arundel County



First Place, Grades 6–8
Lily Fu, Urbana Middle
School, Frederick County

Is It Mediation *Yet?*

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One of the things I find interesting about our field is the conflict among us. Various schools of thought on what mediation is, or is not, and which mediation approach is the correct one seem to create divisions that are unnecessary and sometimes harmful. One adherent might say to an adherent of another mediation approach, “You can’t do that. It’s not mediation!” This puts me in mind of the arguments I used to see among correctional counselors who supported the “transactional analysis” approach versus the counselors who favored the “reality therapy” approach versus counselors who supported the “rational emotive” approach to dealing with clients in a prison population. There the counselors would argue that one approach was pointless and would not serve the inmate client or the prison well. My thoughts at the time as a counselor were that all approaches had a place and that the real danger for the prison and the inmates was the confusion they experienced listening to the debates. So, I ask some questions about mediation in this article.

Can there be mediation if the parties do not reach an agreement?

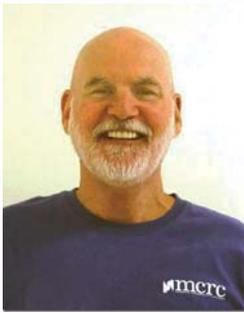
As a conciliation specialist for the United States Department of Justice, Community Relations Service, for many years I was always under pressure to close cases. This meant that I was to get the parties to make some kind of agreement. So, the Department of Justice’s answer to the question was there cannot be mediation unless there is an agreement. I respectfully disagree with that notion. I base this position on the idea that mediation is a process of communication between two or more parties, facilitated by a trained third party. The point of mediation is not necessarily to reach an agreement. It is, in my opinion, facilitation of discussions that allow for the

possibility of an agreement. Trained mediators can assist parties to present issues, interests, and positions to one another. It is through these conversations that parties may see agreement possibilities. The mediator can help the parties to look at agreement possibilities by comparing party positions, asking questions, clarifying party needs, reframing and neutralizing party comments, encouraging parties to look for collaboration opportunities, etc. It is mediation if a third party can get opposing parties to communicate with one another.

Can there be mediation if there is no “good faith”?

As mediators we desire parties to negotiate in “good faith.” The term good faith is used in many areas of the law. **InvestorWords.com** defines good faith as “the observance of honorable intents in business relations and the avoidance of any attempts to deceive in assuming and performing contractual obligations.” Good faith is an abstract and comprehensive term that encompasses a sincere belief or motive without any malice or desire to defraud others. It derives from the translation of the Latin term *bona fide*, and courts use the two terms interchangeably. According to the Pennsylvania Public Utility Commission, good faith includes, among other things:

1. Giving the participants, prior to the first session, all the information they need to know in order to resolve the case. (The Commission believes “that formal discovery procedures are not appropriate in the informal [mediation] process.” Pa. Bul., Vol. 25, No. 20, May 20, 1995, p. 1996. Therefore, discoverable information should be shared informally.)
2. Being fully prepared with full knowledge of the case and with possible solutions for resolving the case.



By Timothy J. Johnson, Volunteer Mediator with the Mediation and Conflict Resolution Center at Howard Community College

3. Being willing to create options to resolve a matter, considering how the solution must address the interests of all the parties, as opposed to taking an unyielding position.
4. Having the person with the authority to approve the terms for resolution attend the mediation session, or, at least, be available to confer with the party's representative during the mediation regarding approval of terms.
5. Demonstrating a willingness to listen and to understand the perspectives of the other parties.
6. Being willing to spend the entire day, if necessary, at the session.

So “good faith” does not necessarily mean a willingness to compromise one’s position. Again the question arises, can there be mediation if one party is not willing to compromise? Looking at mediation as facilitation of discussions between parties, mediation is still possible even if one party enters into the discussion unwilling to listen to the opposing side’s perspective. The fact that they are at the table still presents the possibility of communication. If parties can be exposed to the idea of a good-faith effort prior to the mediation, chances for a collaborative agreement increase.

Can there be mediation if the mediator favors one outcome over another?

There has been an ongoing debate about mediator neutrality. Is it ever possible for a mediator to be neutral? Another term proffered by the United States Department of Justice Community Relations Service was “disinterested third party.” Currently the term “non-judgmental” is gaining favor. How can mediators not affect the process if they truly believe in the correctness of one party over another? I support funding for disabled veterans. Would it be possible

for me to mediate a dispute between the Veterans Administration and a claimant over benefits? I support equal pay practices. Would it be possible for me to mediate a dispute between workers and factory owners? The question becomes one of defining what the mediator’s role in the process is. Can a mediator facilitate discussions between two parties without affecting any side’s positions? Perhaps this is a question that mediators need to address on a case-by-case basis. If one’s feelings are so strong that one would be unable to facilitate discussions without showing support or opposition to any side’s positions, get another mediator to do the job.

That said, I have mediated numerous cases where I would have voted for one side over another. In these cases the results were not always ones I would have accepted had I been involved as a disputant. This is where the non-judgmental/neutral/disinterested-third-party factor comes into play. A mediator can mediate if he or she can maintain a presence in the discussions that is not perceived by the disputants as biased or unfair to either side.

Can there be mediation if the mediator is a Muslim and the disputants are Christian?

Can there be mediation if the mediator is a Democrat and the disputants are Republicans? Can there be mediation if the mediator is a man and the disputants are women? Can there be mediation if the mediator is gay and the disputants are heterosexual? Mediation as defined in this paper is the facilitation of discussions between opposing sides. Mediation can happen if the parties are willing to talk and the mediator is willing to facilitate an unbiased process.

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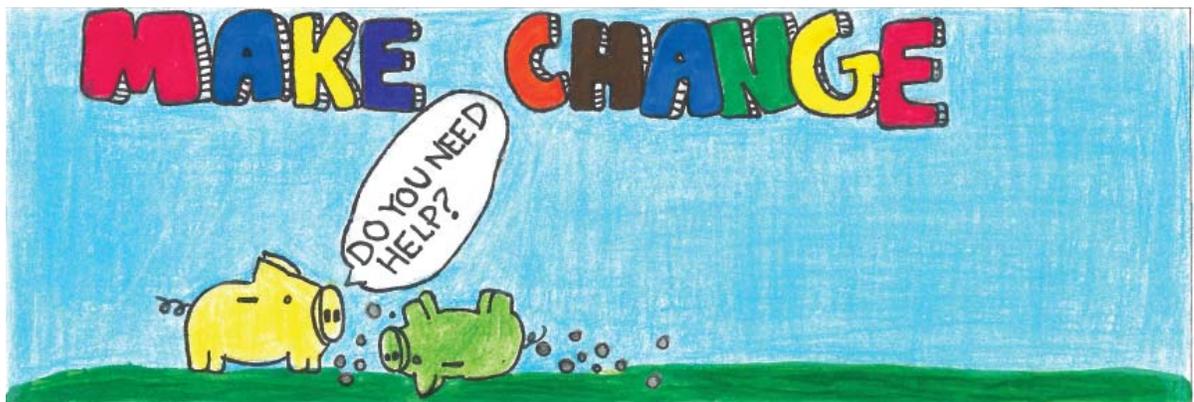
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The problem with the mediator's background comes into play only when it prevents her or him from fulfilling the process in an unbiased manner. That said, it is entirely possible for a mediator's religious or other belief system to prevent her or him from providing an unbiased presence in mediation. Again, the responsibility for answering the question is left with the mediator on a case-by-case basis. In addition, a disputant's biases may prevent a mediator from being effective in a particular case. If a party to a dispute believes that a mediator's race, language, religion, gender, or any other characteristic would prevent a balanced discussion, then mediation will not be possible until that issue is resolved or another mediator takes the case. A party's biases, then, may be cause for using a different mediator.

Can it be mediation if there is a time limit?

How long is too long? What is a reasonable amount of time to devote to a single case? I think that placing a time limit on meeting length is a reasonable measure to take. In terms of putting a time limit on the number of meetings, I suggest that the disputants make that decision. If I have unwilling parties, mediation is pointless. If, however, the parties are willing to meet and communicate with one another, there is still the opportunity for a resolution satisfactory to the disputants. My bottom line on time limits is that it is up to the disputants as far as number of sessions is concerned, but it is up to the mediator as far as length of each individual session. Advanced Mediation Solutions with offices located in Arizona says the following:



Second Place, Grades 6-8
Ariana Gitzen, Urbana Middle School, Frederick County



Our style and approach to your mediation is focused. Most couples with children meet with us between two and four sessions of two hours in length. During these sessions we will consider resolution of all divorce issues. Many divorcing couples without children meet with us only two or three sessions and sometimes even less. Child support modification or post-divorce parenting issues may require as little as a single session!

Of course, many factors can influence how long it takes to complete your mediated divorce and we discuss these with you in our complimentary consultation. Parties who tend to be in more conflict with each other, have more persistent child custody and co-parenting difficulties, or who have more complex marital estates or more challenging support, tax planning and retirement issues often require more time.

No process, lawyer assisted, do it yourself or mediated, can complete your divorce in less than sixty days. This is referred to as the "cooling off period" and is a requirement of Arizona law seeking to keep divorcing parties from acting impulsively. However, it is almost always possible to complete your entire mediation and prepare your agreement before the end of the required waiting period. Keep in mind that contested and litigated divorces can and often do take many additional months or years to complete.

So when is it mediation?

It is mediation if there are at least two identifiable sides with opposing views who are willing to meet and discuss differences, and there is a neutral, disinterested, or non-judgmental third party willing to assist in that discussion. Mediation is enhanced if the mediator has specific training in the skills of facilitation. Mediation is enhanced if the mediator is comfortable in a particular approach to helping disputants in their discussions. Mediation is possible using a variety of approaches, and it can be conducted by persons with a variety of educational backgrounds. ♦





A Sense of Accomplishment

Extending Maryland's Wisdom Nationally

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As many friends, colleagues, and *MACROscope* readers know, I recently completed a one-year term as president of the Association for Conflict Resolution (ACR). ACR is the premier professional organization for all dispute resolution practitioners. When people asked me what it was like to lead ACR, I sometimes quoted Mark Twain, who once said of Wagner's music, "It's not as bad as it sounds." Challenging and sometimes stressful, this volunteer service commitment was among the most rewarding experiences of my professional life.

I am especially thankful to MACRO Executive Director Rachel A. Wohl, who first nominated me for the ACR Board of Directors several years ago and has consistently encouraged me to be active in the dispute resolution field at the national level. I also had the great fortune of having Cheryl L. Jamison, MACRO's outstanding quality assistance director, by my side as a very hard-working vice-president; Cheryl is a trusted friend and colleague who provides brilliant insights and achieves excellence in all she does. Finally, I'd like to thank Marvin E. Johnson, a nationally renowned Maryland-based practitioner who helped create ACR and solidify its commitment to diversity, for providing me guidance and moral support during my entire year as ACR president.

Policy Objectives

I ran for ACR president for two reasons. First, I love ACR and see it as essential for maintaining a sense of community among ADR practitioners

nationally and internationally. Second, I wanted to advance discourse in the field in four major policy areas:

- diversity of practice
- mediator certification
- higher education, and
- public awareness

Diversity of Practice

I have long believed that we as a field can do more to respect and honor one another. Too often I find that we get caught up in persuading others that our area of practice or our style of mediation is better than the rest. In doing so, we forget to acknowledge our common purpose and potential as a field. I am grateful to Marvin Johnson and Howard Gadlin who co-chaired for me a Diversity of Practice Initiative, which engaged leaders in a national focus group to examine the breadth and depth of our field. They also organized the opening plenary panel on diversity of practice at the ACR annual conference. Their work can be found online at www.acrnet.org, and I hope that it is the start of an important dialogue about the many aspects of the field, its diversity, and its foundations.

We have learned in Maryland the importance of highlighting excellence in every area of the field and acknowledging the vast contributions of our established and emerging dispute resolution leaders. By doing so, we as a community can be of service to those at every level, while helping people new to the field find the path that is right for them.



By Lou Gieszl, Immediate Past President of the Association for Conflict Resolution and MACRO's Deputy Executive Director

Mediator Certification

The debate over mediator certification is as old as mediation itself. Too often the discourse becomes destructive when the focus is on whom to keep out of what. My goal as ACR president was to shift the debate off of the mediators and onto the certification programs themselves. To kick off my term as president, the ACR board of directors adopted a draft set of standards for mediator certification programs. That original draft was written by me and very much inspired by the work of Community Mediation Maryland and the Maryland Council on Dispute Resolution, as well as Family Mediation Canada and the Institute for the Study of Conflict Transformation, all of which operate model performance-based mediator certification programs. We received encouraging and helpful comments from thought leaders throughout the United States and beyond.

Ultimately, the ACR board adopted a much-improved final set of Model Standards for Mediator Certification Programs. These standards outline the importance of performance-based testing, validity, reliability, transparency, due process, and diversity within programs that certify mediators. The document also draws important distinctions among such terms as certification, credentialing, licensure, certificates, and rosters. With these standards, ACR has set a high bar for mediation certifiers, and much of my remaining work on the ACR board will be to help raise awareness of these standards and their importance to the field of mediation. I owe special gratitude to Doug Brookman of Maryland and Susanne Terry of Vermont for co-chairing the committee on certification that reviewed comments on the original and subsequent drafts and developed the finished product, which is also available on ACR's website—www.acrnet.org.

Higher Education

As our field evolves, more colleges and universities are shaping conflict theory, offering coursework in dispute resolution, and helping to cultivate the next generation of conflict resolvers. To encourage and support their work, I have become convinced of the need for us as a field to collaborate on national standards for post-graduate conflict resolution programs. Higher education leaders within the ACR community consistently indicate that their programs could gain additional resources, credibility, and prominence if there were some standards to which they had to aspire. Thus, I created a special committee on higher education, co-chaired by ACR board members Tamra Pearson D'estree from the University of Denver and John Windmueller of University of Baltimore, to collaborate with higher education stakeholders on standards and identify new ways for ACR to be of increased value to the academic community.

Their committee tapped into the wisdom of more than 120 academics worldwide and began the hard work of developing standards for post-graduate conflict resolution programs. In the coming months, I anticipate release of draft standards and their approval by the end of 2012. Under my leadership, the ACR board also adopted policies to encourage academic alliances and negotiated a memorandum of understanding with Creighton University to provide reduced tuition for ACR members and university-subsidized dues for students in the program who elect to join ACR.

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Public Education

Finally, I set out to encourage the entire ACR community to keep working on messages that might help the public understand our work. ACR made Conflict Resolution Day a worldwide reality, and we at MACRO have had success with our “Mediation: It’s Your Solution” campaign. Still, I think the right message remains elusive. We as a field need to find the Smokey the Bear of conflict resolution. We need a simple message – like “only you can prevent forest fires” – and an iconic figure whose image makes people recognize that they have choices when faced with conflict. Thus, I named Donzell Robinson of Maryland and Jim Rosenstein of Pennsylvania to co-chair ACR’s public awareness initiative and to engage members in

collaboratively generating messages that resonate with the general public. A series of draft messages can now be found at www.acr.icanmakeitbetter.com; please visit the site to read the messages collected so far and to offer your suggestions.

I also believe we can get better at explaining the value of our work by taking our own disputes to mediation, negotiating mindfully, and working to make our conflict interactions more positive, constructive, and humanizing. We can’t sell a product we don’t use.

Operational Stuff

A leader of another professional organization advised me using an iceberg analogy. She said that 90 percent of what you do in leadership goes unseen. With ACR, there were always day-to-day operational issues requiring some attention. These included completing a transition to working with a management company instead of having our own staff and offices, monitoring our finances to ensure long-term solvency, building member services, supporting our network of local chapters and special interest sections, improving ACR’s website, figuring out effective ways to use social media, and developing new methods for communicating directly with members.

Rock Stars

At one of the first ACR conferences I attended many years ago, I overheard someone saying that the presenters from Maryland were “the rock stars of the mediation world.” Much of what I brought to ACR was shaped by our experiences in Maryland. Many of our state’s rock stars played a very active role in making my time as ACR president productive and meaningful. I’m honored to be part of the Maryland ADR community and to have had this chance to extend our collective wisdom nationally through leadership in ACR. ♦

Oops!

In Issue 14 (January 2011) of the *MACROscope*, we mistakenly omitted listing Jennifer Langdon, professor of anthropology at Towson University and president of the Board of Directors of Baltimore County Community Mediation Center, as the co-chair of the Circle of Restorative Initiatives (CRI) Restorative Justice Conference. Thanks, Jennifer, for your excellent work as conference co-chair!



The Safe Harbor of Mediation

Air crackling with energy and shifting winds
 a powerful reflection,
 a clear-the-air reframing,
 set in the safety of a wide blue sea of confidentiality.

The mediator is both captain and witness
 as the process is launched.
 At first, there are dark clouds and adversity.
 Anger, uneasiness, and distrust rumble in the air.
 A map emerges with identified issues that bear further exploration.

As the parties embrace the wind and catch the empowerment of the process,
 the movement takes on a thrilling energy.
 There is heat and a rush of air.

Silence is huge,
 as the mediator and parties wonder whether the energy is faltering
 and the boat will be doomed.
 The heavy quiet creates the space for new direction
 as one party seizes the moment that sparks new energy.

The safety of the process is refreshing
 And existing possibilities become emerging solutions.
 Recognition of what may result outside of the harbor
 propels the parties to work hard at understanding one another
 to navigate the realm of negotiated options
 and seek deep win-win solutions.

By Barbara Sugarman Grochal, director of the School Conflict Resolution Education Program at the Center for Dispute Resolution at the University of Maryland Francis King Carey School of Law (C-DRUM), recalling a recent workplace mediation in the Shared Neutrals Program. [New Zealand photo by Barbara Sugarman Grochal](#)



By Nick White, MACRO's
Evaluations Director

I Did It! . . . *Didn't I?*

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You spent the last year working hard – working late nights, attending endless meetings, making telephone calls, creating new publicity material, and tweeting about your conflict resolution project. You name it and you tried it, all to make your project a success. So how do you know what worked well and what you want to improve?

While there is no single universal evaluation process for all situations, a good starting place is to ask yourself what are your goals, objectives (also known as “outcomes”), and indicators for the project.

When you are designing your project, think about your goals as your dreams. Why are you putting your blood and sweat into the project? Big picture, what is it that you want to accomplish, change, or create? For example, you could have the goal of having “a high quality mediation program.” This is big picture thinking; it tells you where you want to be in the future.

Your objectives narrow your thinking down from your big picture goals to a level that provides something more immediate and concrete that you can measure. Objectives are the milestones along the path to your goal. For example, measurable objectives for a goal of “a high quality mediation program” could be that mediation participants are satisfied with the

- program
- process
- mediators

Another objective that moves you towards your goal may be that your mediators regularly receive continuing education. So the last question to ask is, “How do we measure our objectives?”

Indicators are the specific pieces of information that directly measure what you are doing; for example, the number of mediators who received training last year could be an indicator that shows how you’re doing with respect to the objective of having mediators regularly receive continuing education. Many tools can help you gather this information, including surveys, interviews, focus groups, or systems that track data. Your indicators should speak to your objectives, which in turn, speak to your goals.

If you ask these questions as you design your project, you will have a clear plan for yourself and for your grant applications. Additionally, this road map can help you focus limited resources on what is most important in achieving your goals. People often find it helpful to talk through their goals, objectives, and indicators with someone else. Articulating our dreams and responding to another person’s questions can help identify important details within the big picture.



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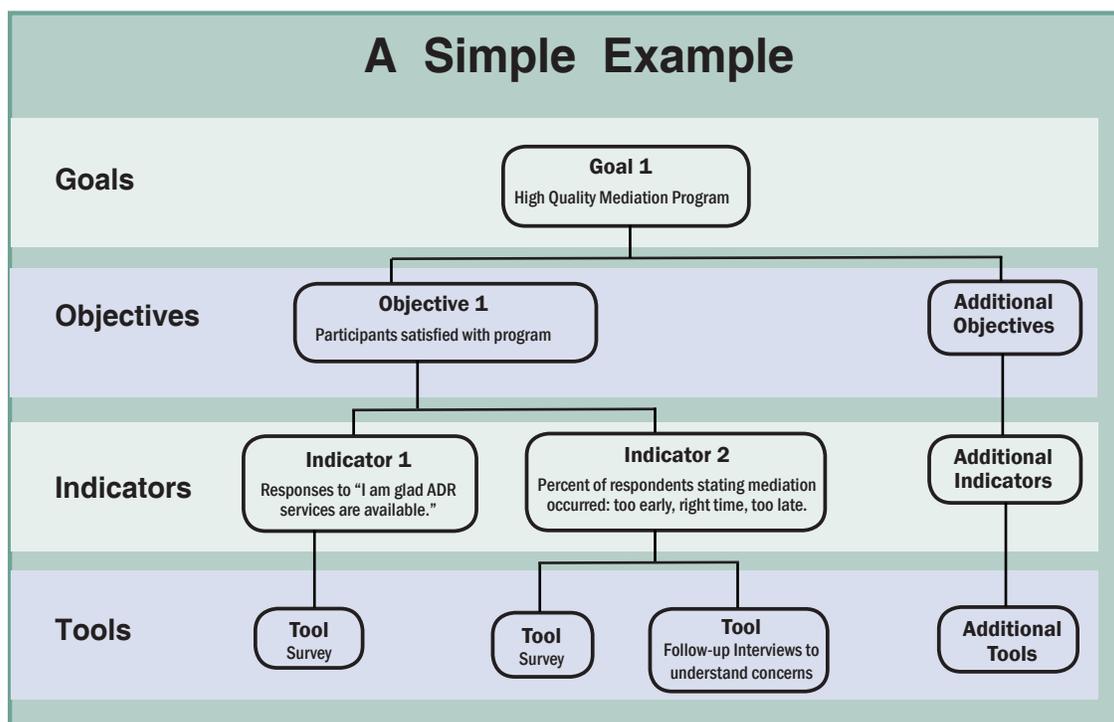


This short piece is just dipping our toe into the ocean of evaluation; there are books, courses, and graduate degrees in evaluation. Yet, it does not have to be daunting. Before you start your project, just ask yourself:

- What is my dream for this project?
- What concrete steps will I take to achieve my dream?
- What information do I need to gauge my progress?
- What tools will I use to gather that information?

Of course, feel free to call me with questions. I can't choose your dreams, but I can help you develop a road map to reach them. You can reach me at MACRO. ♦

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Steppin' Out to Support Peaceful Conflict Resolution

Issue 15

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April 2012

A festive mood prevailed in spite of the damp, chilly temperatures on the first Saturday in October, showing just how important peaceful conflict resolution is to the volunteers, staffers, and families gathered to set up for the peace walk. The idea for the walk originated from a brainstorming session between two judicial offices. “The District Court ADR Office was pleased to work with MACRO to create such a wonderful, community-centered event. We are fortunate to have [Chief Judge Bell and Chief Judge Clyburn] who understand the importance of giving people an opportunity to try to resolve their conflicts before going through a trial,” said Jonathan S. Rosenthal, the executive director of the ADR Office for the District Court of Maryland. Everyone was excited to see the idea finally come to fruition.

Nearly 75 walkers came out for the premier event, titled “Join the Resolution, Walk For Peace in Our Communities” and held at the Baltimore Inner Harbor. After a brief check-in process, walkers were ready to embark on the leisurely course with a bright green t-shirt, matching tote bag, and healthy snacks in tow.

The peace walk had two goals—to mark the start of International Conflict Resolution Month and to raise awareness about the many peaceful resources people can use to resolve their conflicts. This walk was an attempt to help people learn about such processes as mediation, community conferencing, and settlement conferencing, as well as connect them with organizations that can help them access those processes.

With lively music playing in the background, children and adults alike lined up to get elaborate designs painted on their

faces, create personalized walk signs, and design the next award-winning conflict resolution book mark for the annual student art contest sponsored by MACRO. Others visited Exhibitor’s Row to learn how various organizations contribute to creating peaceful communities in Maryland. Participating exhibitors included Community Mediation, Prodigy Youth Services, Learning by Heart, Tuttie’s Place, Safe Streets East, Living Classrooms, Mediation and Educational Programs of Mosaic Community Services, and Paul Laurence Dunbar High School.

Looking on and chatting with representatives from the many organizations present, Judge Dorothy Wilson of the District Court for Baltimore County commented on why she wanted to participate in this walk. “The use of mediation and ADR processes is increasing, not just in the court system but in other areas, such as school, employment, and restorative justice programs. It is important for judges to help raise public awareness about mediation.”

With winds picking up, Chief Judge Robert M. Bell of the Maryland Court of Appeals, with his familiar camera in hand, walked to the stage to deliver welcoming remarks. “It’s great to see you all out here to support peaceful conflict resolution, instead of sleeping in on a Saturday morning,” said Judge Bell. After joking with the crowd, he said, “The Judiciary is supporting this walk and encouraging people to ‘Join the Resolution’ because we consider it part of our mission to contribute to building a more civil and peaceful society.”

Major Dennis Smith of the Baltimore Police Department’s Central District then addressed the crowd. “Community Mediation is a very important tool for the police



photos courtesy of Ann Eid, Duval Diaz, and Virginia Knowlton



By Felicia G. Watkins, MACRO's ADR Resources Coordinator

as we cannot solve or fix everything, so we need partners to help us out. Having the mediation team as partners helps to resolve problems before they become criminal matters, and it provides a level of relief for the parties involved,” said Smith.

After opening remarks, it was time to get the walk started. MACRO Executive Director Rachel Wohl and District Court ADR Office Executive Director Jonathan Rosenthal joined Major Smith and Judge Bell to cut through purple and green paper streamers to signal the walk's start. Participants embarked on the 3-kilometer route along the Inner Harbor's promenade and took part in a fun scavenger hunt along the path to win prizes. Clues were chosen from interesting landmarks that walkers passed as they trekked to the turn-around point at the Pier 5 Lighthouse and returned to Rash Field. With paper and pencil in hand, little walkers helped the big walkers find the clues that ultimately allowed for everyone to be entered into a drawing for prizes. The prizes included four Baltimore Aquarium tickets, gift certificates to Shuckers restaurant, a beautiful framed conflict resolution bookmark art collage, and drink tokens.

While many walked in this event for the collegial atmosphere, others joined from curiosity and wondered why the folks wearing the green and purple t-shirts were walking. Crystal Orr and John Manning were coming to hang out at the harbor and joined after learning the reasons for the walk. “We feel there is too much violence in Baltimore and the U.S. in general. We want to do our part support the cause,” said Crystal. “Youngsters need to know the things that make you mad today may not necessarily influence your life tomorrow.”

Gardnel Carter, site director for Safe Streets East in Baltimore, says he knows far too well the significance that mediation has played in his jurisdiction, which includes the neighborhoods of McElderry Park, North Patterson Park, and

East Monument Street. His organization has been doing high-risk street mediations since June 2007, so far conducting 400 mediations and counting. Some are even done on the spot in the middle of extremely violent incidents. “One such mediation took place in the street immediately after a person was shot,” said Carter. He believes those mediations prevent incidents from escalating. His outreach workers walk the neighborhoods every night to fulfill their mission to reduce homicides and shootings in target areas throughout Baltimore City.

Anita Weeks is an advisor with the peer mediation program at Paul Laurence Dunbar High School and also was an exhibitor. “This walk gave me the opportunity to network with other organizations and learn about new interventions to handle conflicts,” said Weeks.

After completing the walk, participants reassembled to hear the answers to the scavenger hunt. Everyone went away with something as the event came to a close. As break-down and clean-up got under way, members of the walk committee were already discussing the day's activities and how the next peace walk will be even better. “I'm energized by the turnout for our first walk,” said Rachel Wohl of MACRO. “We're looking forward to making this an annual event that reaches more people every year with the vital message that they can resolve their conflicts without violence and bring peace to all our communities. The Judiciary supports all efforts to create a peaceful society in Maryland.” ♦





2012 events

- April 18-21, 2012
ABA Section of Dispute Resolution 14th Annual Spring Conf.
Wash., DC. www.americanbar.org/groups/dispute_resolution.html.
- June 13-15, 2012
Center for ADR's 25th Anniversary and Conference
Martin's Crosswinds, Greenbelt, MD. www.natlctr4adr.org/
- June 23, 2012
Community Mediation Maryland's Gala
Arnold, MD. www.marylandmediation.org
- September 12-15, 2012
Association for Conflict Resolution Annual Conference
New Orleans, LA. www.acrnet.org/
- Fall 2012
Walk for Peace in Our Communities
Inner Harbor, Baltimore, MD. www.marylandmacro.org
- October 5, 2012
Community Conferencing 5th Annual Bull and Oyster Roast
Glen Burnie, MD www.communityconferencing.org
- December 7, 2012
Maryland Mediator's Convention
Maritime Institute, Linthicum, MD. www.marylandmacro.org

District Court ADR Practitioner Brown Bag Lunch Series

Each event will be held in the District Courthouse at the listed location from 12 noon–1 pm. For more information, go to www.mdcourts.gov/district/adr/home.html.

April 10, 2012	Leonardtown	August 8, 2012	Rockville
April 16, 2012	Westminster	August 17, 2012	Bel Air
May 10, 2012	Towson	August 21, 2012	Glen Burnie
May 18, 2012	Baltimore City (Fayette St.)	September 7, 2012	Upper Marlboro
June 1, 2012	Frederick	September 21, 2012	Prince Frederick
June 12, 2012	Salisbury	October 9, 2012	Leonardtown
		October 23, 2012	Baltimore City (Fayette St.)
		November 5, 2012	Westminster
		November 16, 2012	Towson
		December 7, 2012	Frederick