



SUPREME COURT OF  
VIRGINIA

# RESOLUTIONS

OFFICE OF THE EXECUTIVE SECRETARY

*Department of Judicial Services  
Division of Dispute Resolution*

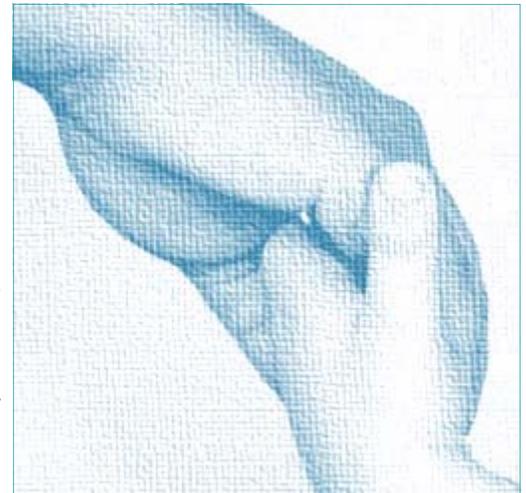
100 North 9th Street  
Richmond, Virginia 23219

## North Carolina's Child Custody and Visitation Mediation Program

In the September, 2009 issue (Volume 17, Issue 3) of the DRS newsletter, *Resolutions*, an overview of the ADR options in the State of North Carolina was presented. The focus of this article will be North Carolina's Custody and Visitation Mediation program. I have had the privilege of mediating in both the North Carolina Custody and Visitation program and Virginia's J&DR system. In this article, I will summarize the workings of the Custody and Visitation program in North Carolina. Although comparisons may be made between the Virginia and North Carolina systems, the intent is not to suggest that one system is better than the other. The purpose of this article is to present another way of structuring a mediation program. I believe there is much the two systems can learn from each other.

### History

The NC Custody and Visitation program began as a pilot in Mecklenburg County, NC in 1983. The success of this program led to the passage of further funding to maintain the program for another two years. In 1987, the NC General Assembly gave a mandate to the NC Administrative Office of the Courts (AOC) to conduct exploratory research to determine if the program should be expanded or eliminated. Over the period of a year, a committee of eight judges researched mediation programs throughout the country. The committee recommended a statewide expansion of the mandatory mediation program administered by the AOC with substantial operational decision making left to each individual jurisdiction. The enabling legislation governing the NC Child Custody and Visitation Mediation Program was enacted in 1989. Since 1989, the program has gradually expanded to all but one of North Carolina's 30 judicial districts and employs about 41 mediators.



### Purpose

The goals of the mandatory custody and/or visitation program are identified in North Carolina G.S. 50-13.1, as follows:

- (1) To reduce any acrimony that exists between the parties to a dispute involving custody or visitation of a minor child;
- (2) To develop custody and visitation agreements that are in the child's best interest;

- 3) To provide the parties with informed choices and, where possible, to give the parties the responsibility for making decisions about child custody and visitation;
- (4) To provide a structured, confidential, nonadversarial setting that will facilitate the cooperative resolution of custody and visitation disputes and minimize the stress and anxiety to which the parties, and especially the child, are subjected; and
- (5) To reduce the relitigation of custody and visitation disputes. [G.S. 50-13.1(b)]

### **The Mediators: Qualifications and Training**

Custody mediators in the NC Custody and Visitation program are employees of the State and are hired by the Chief District Court Judge in each district. Contractors may be hired to help with emergency coverage at the AOC's discretion. The minimal qualifications needed to be considered for a position of custody mediator in the NC Custody and Visitation program include an advanced degree in human relations such as counseling, psychology, therapy, pastoral care or social work.

In North Carolina, there is an intensive training progression\* for newly hired mediators. Within weeks of being hired, new mediators begin the process of completing the following training:

Attend an approved 40-hour basic divorce mediation training program.

Complete 18 hours of court observation and 18 hours of custody mediation observation with an AOC approved mentor.

Complete 24 hours of co-mediation with an approved mentor.

Spend two consecutive weeks of internship in a district.

Complete a minimum of 4 hours (2 sessions) solo mediation under observation by AOC staff or AOC approved mentor before mediating alone in the designated judicial district.

For continued quality of the program, the AOC conducts annual site visits to Custody Mediation Programs in each district and reports its findings to the Chief District Court Judge.

\*Please note all training requirements are funded by the State.

In addition to this training progression, the program requires mediators to participate in 10 hours of continuing education per year. Often these trainings include nationally recognized trainers such as Dr. Arnie Shien-vold, Zena Zumeta, Bernie Meyer, Dr. Gregory Firestone, and Peter Salem. Trainings allow mediators to target specific areas of interest and needs. Opportunities exist for mediators to attend smaller regional meetings, and ongoing trainings are available to newer mediators. These meetings/trainings provide guidance in areas of conducting quality mediation, case management, filing reports with the AOC and record keeping. Since there are only about 41 mediators employed, the group becomes rather close and there is ample opportunity for mediators to contact each other to "mentor" on difficult cases.

### **The Process**

When a petition for custody and/or visitation is filed in the State of North Carolina, it is mandated to go to the Custody and Visitation Mediation Program. Cases can be exempted from mediation for domestic violence/abuse, substance abuse, child abuse and neglect and in some jurisdictions if one or both parties live more than 50 miles from the courthouse. Litigants not meeting the criteria to be exempted are mandated to: 1) attend a group mediation orientation; and 2) attend a mediation session that is usually scheduled within two weeks after both litigants have completed the orientation. If litigants fail to comply, a show cause order can be filed. Unlike Virginia, mediators in the Custody and Visitation program do not mediate child support or any other family financial issues. If litigants wish to mediate financial issues, they may do so through private mediation or community mediation centers. As in Virginia, there is no fee for the custody and visitation mediation.

The mandated orientation is critical. Depending on the caseload of a particular jurisdiction, orientation sessions are held one to three times per month. The orientation session lasts about one hour in most districts. An award winning video titled, "[Putting Children First](#)" produced in NC), is shown. The video features a Judge and parents discussing the advantages of mediating a dispute, the realities of the court process, and the impact of both the court and mediation processes on the family system. During the orientation process, the mediator conducts a screening for the appropriateness of mediation for each case. The mediator may exempt the case from mediation at any point during the orientation and mediation process.

Much like Virginia, if litigants do not reach an agreement in mediation, they return to the court process. For litigants who reach an agreement, the mediator creates a draft document and parties have two weeks to review it with whom they choose, including legal counsel if they have an attorney. Changes may be made to the draft as long as both parents agree. Extensive changes usually require a return to mediation. If after two weeks the parties are still satisfied with the agreement, they return to the mediation office to sign the parenting agreement. The mediator is responsible for arranging for the Judge to sign the agreement, making it an Order of the Court. Once parents have a parenting agreement, they may exercise the option of voluntarily returning directly to mediation in the future without filing a motion to modify.



Most jurisdictions use similar templates for parenting agreements. Agreements are very detailed (usually 2-4 pages long) and written such that the average person can read and understand the agreement. In most jurisdictions the words “custody” and “visitation” are not used in the agreement. The words are generally viewed as polarizing and unfriendly to the family system. Instead agreements are phrased as “the child will spend time with...” or “be in the care of...” and a detailed arrangement is outlined. For “legal custody,” mediators create a paragraph that details how major decisions will be made and by whom, without specifically using the words “legal custody.” The premise is that asking parents to declare who has legal and/or physical custody brings the focus more to the legal aspects of the court system rather than what will work for the family and the child.

### **[A Day in the Life of a North Carolina Custody/Visitation Mediator](#)**

As State employees, Custody Mediators report to work under the same expectations as all other State employees. Custody Mediators mediate one to three cases a day and handle phone calls and emails that may include issues related to scheduling or rescheduling of cases and proposed draft agreement changes. Mediators also receive emails and phone calls about domestic violence issues and questions about the court process and how to utilize the local pro-se clinic (“file it yourself” clinic). Mediators are expected to maintain their own filing system and statistics for monthly reports. Most mediators handle all their own paper work including notices to attend orientations, notices to attend mediation sessions, and draft agreements, and may also initiate the process for show cause. Very few districts have an administrative assistant who might handle general paper work and phone calls. Though it varies from district to district, sometimes mediators are called upon to serve on various courthouse committees or family court committees.

The mediator is responsible for conducting the group orientation and managing all files and paper work associated with the orientation. Orientations can be as small as four participants and as large as one hundred. Attendance depends on the population density of a particular judicial district. In the State of North Carolina, a judicial district may encompass several counties. Most mediators are responsible for more than one county. Mediators covering multi-county districts have the same responsibilities plus the component of travel and maintaining multiple office locations. In extremely rural districts, a mediator may not only cover several counties but might also manage two judicial districts and work for two different Chief District Court Judges.

### A Perspective on Working in a “Mandated” Program

The word “mandated” causes many people in the mediation community discomfort and a common misperception is that people are forced to mediate. However, in the NC “mandated” program, the parties involved are only mandated to appear. Participation and certainly an agreement are entirely voluntary. The engagement phase of mediation is all the more important in a court-ordered program. A great deal of effort has gone into the design of the orientation session with the accompanying video. Most people don’t actively pursue mediation as an alternative to resolve their dispute. A well-designed orientation exposes litigants to the opportunity and broadens their options in terms of managing a dispute. I remember saying to parents in orientation sessions that they were required to come to orientation and “show up” for their mediation session. If they really did not want to mediate, they could walk out the door. In the approximately 1,300 cases I mediated, I can only recall one time when someone “showed up” and left the mediation.

### Conclusion

It has been fascinating to work in two different State mediation programs and court systems. I do believe North Carolina and Virginia have a lot in common and much to glean from each other’s system. The opportunity to detail the North Carolina Custody and Visitation Mediation Program is appreciated.

Additional Information:

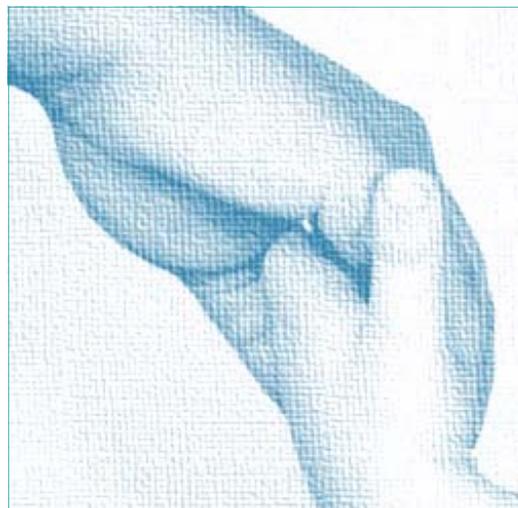
<http://www.nccourts.org/Citizens/CPrograms/Child/Documents/custvisitmedrept.pdf>

This website provides an overview of an evaluation of the program in 2000.

<http://www.nccourts.org/Citizens/CPrograms/Child/Default.asp>

General information on the NC Custody and Visitation Program

*Submitted by Jennifer Phillips, LMFT,  
a Richmond area J&DR District Court certified mediator  
and OES mediation services contractor for  
child dependency mediation.*



## Mediating Aging Issues

I did not think much about death and dying until my mother needed my assistance in overseeing household matters and my father's care when he was dying in a Veteran's hospital. I had always thought of both parents as invincible, destined to live forever. As their daughter, there were aspects of their relationship of which I was just not aware. Suddenly, I had a front-row seat to the winding down of a marriage of fifty years. I had not noticed before how they finished each other's sentences and anticipated each other's thoughts.



As my mother braced herself for my father's death, I wondered whether she was overwhelmed by the day-to-day tasks to which he usually attended. Who would open his mail, take care of servicing the family car, and take the trash to the town dump? How should she answer the telephone when someone called the house and asked to speak to him? Did he need a will? Was there other paperwork that should be drafted to give her authority to manage the household finances when he was gone? Was it okay to go through the mail from the union to which he used to be a member? When did the "gap insurance" claim forms have to be filled out and filed?

Indeed my mother did find herself overwhelmed. Moreover, in her mind asking her adult children to take time out of their busy lives to help her out would have been unacceptable. Once we offered to help, she accepted gratefully. Had we not offered, she would have struggled with these issues alone. Over time, my sister and I were able to support her as she addressed the day-to-day issues of patient care and made arrangements for my father to update his will and execute an advanced medical directive. We were able to track household issues such as utility bills and property taxes and set up a system to enable our mother to deal effectively with these issues on her own. While nothing softened the blow of my father's death for her, by working collaboratively, my sister and I were able to help her maintain a sense of equilibrium in emotionally chaotic times.

In recent times, mediation has woven itself into the fabric of the judicial system. Parties seek mediation as a prelude to filing a court petition in the expectation that a mediated agreement will streamline the court proceedings and enhance the role of the parties in crafting their own court order. With increasing frequency, courts refer family and civil disputes to court-appointed mediators to see if the dispute can be resolved or the issues in dispute narrowed. Businesses and landlords routinely make mediation clauses a part of their business agreements to minimize the risk of litigation. It is a given that mediation saves parties time and money. What is equally important is that mediation provides parties with a forum that acknowledges and addresses the emotional components of the conflict. This attribute of mediation especially lends itself to addressing the needs of and the long-term planning issues faced by aging family members.

According to a 2006 news release prepared by the U.S. Census Bureau, the number of "baby boomers" in the United States reached 78.2 million in 2005<sup>1</sup>. The term "baby boomers" is used to refer to the generation born between 1946 and 1964<sup>2</sup>. These individuals are being thrust into the role of caring for aging parents, spouses and siblings. These responsibilities may be fraught with conflict. Unresolved conflicts and rivalries not resolved in early adult years are often carried forward over time. As a result, the growing ranks of "baby

<sup>1</sup>See U.S. Census Bureau, "Facts for Features: \*Special Edition\* Oldest Baby Boomers Turn 60!", [http://www.census.gov/Press-Release/www/releases/archives/facts\\_for\\_features\\_special\\_editions/006105.html](http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/006105.html)

<sup>2</sup>id.

boomers” in the care-giving role may find their lives further complicated with care-giving decisions that are not made with the input and agreement of other family members. These conflicts may interfere with care giving and may complicate estate administration and dealing with grief once the object of the care giving has died.

Family relationships are complicated in the best of times. When dealing with the added stress of “end-of-life” care, mediation may provide family members with a useful tool to address these stressors. While mediation can be used at any point in the care-giving process (i.e., estate planning, making decisions about nursing home care, administration of an estate), the ideal time to utilize it is at the outset of the process.

Some families may have the capacity to self-mediate. Over a decade ago, I had the opportunity to work in a rural community in North Carolina. My next-door neighbor was in her seventies. She had moved into her home as a young bride, had raised her children there and now continued to live there as a widow. While the house was small and manageable, the yard was quite large. When I first moved next door, I was curious about how she managed to maintain the lawns, garden and grape arbors so well. Over time, I observed that her children and grandchildren had worked out a system that preserved the daily routine and autonomy to which my neighbor was accustomed. Each family member had an assigned task. One person took her to church on Sunday. Another took her grocery shopping. Still another handled the laundry. Someone was responsible for cutting the grass, another for weeding and watering the garden and still another relative maintained the grape arbor.

Working together, her extended family managed to make sure that everything got done without any one family member being over-burdened with the day-to-day care. I cannot say how the family got to the point that they operated like a well-oiled machine. However, I have often thought about that family as I have observed families work through the conflicts that arise when aging parents or siblings can no longer manage the daily details of their lives. So often, there is no forum in which family members can express their doubts and concerns about what level of care will be provided for the family member in question, who will provide and/or oversee that care and how decision-making responsibility will be allocated.

What needs to be done to enhance access to mediation to address these concerns? For those who specialize in Elder Law, adding a mediation component to the services they offer can provide much-needed assistance in planning for these clients’ long-term care and end-of-life decision-making. Mediation lends itself to minimizing intra-family conflicts at three different junctures of care giving. It can facilitate care giving by (i) supporting the process of organizing a care plan and tweaking it once implemented at the beginning of the care-giving process, (ii) repairing and/or improving intra-family communication where no such plan was worked out in advance and (iii) helping parties work through emotions to minimize the baggage they carry forward in the aftermath of death that interferes with the grieving process and/or complicates administering the estate.



The emotional cost of not dealing with care-giving issues can be immeasurable as suggested by the following three anecdotes. Each anecdote concludes with a suggestion for how mediation can facilitate end-of-life decision-making.

### Sharing Care for a Parent

Shortly after the death of one of my parents, I stopped by a florist to order flowers to be wired to my sister. We had shared the responsibility for our mother’s hospice care to honor her request that she be allowed to die at home. My sister was away from her husband and eleven-year-old daughter during that period of time. She did a yeoman’s task of closing up the house after my mother’s death. When she returned home, I wanted a beautiful

bouquet of flowers to be there waiting for her to welcome her home and to express my gratitude for her aid and comfort during a difficult period.

The woman who owned the florist shop wanted to know what the occasion was. I shared with her my reason for wiring the flowers. After a pause, she related to me that she had grown up in a family of four girls. When her mother was dying, she took the lead in her care. She said that her three siblings sat on the sidelines and left the burden of her mother's care to her. She felt overwhelmed by the task, angry that her sisters did not volunteer to pitch in and, ultimately, felt taken advantage of. In the aftermath of her mother's death, she had not spoken to her sisters. Her mother had been dead for ten years.

How might mediation have made a difference here? It could have facilitated a conversation among the sisters about who was going to do what to contribute to the mother's care. It could have encouraged a candid discussion about how each daughter proposed to contribute to the mother's care, whether through "hands on" assistance or through underwriting the cost of a private-care nurse to give the primary care giver a break. Even if the other siblings took the position that they were unable to contribute to their parent's care on any level, it could have enabled the care provider to more realistically assess the magnitude of the task she was about to take on and to consider other options such as assisted living or nursing home care.

### Single-handed Care for a Parent

Sometimes there are no adult children or siblings of the aging parent with whom care giving can be shared. In such instances, the caregiver's job can become overwhelming. In an effort to keep the parent in familiar surroundings, the caregiver may find that overseeing the parent's needs and care becomes a fulltime job. As illness and aging slowly transform the parent, the caregiver may find the object of her care becoming progressively more demanding, occasionally ungrateful and even verbally abusive at times. Moreover, the care giving may become a fulltime, 24/7 job that allows no time for the personal needs of the caregiver.

An acquaintance related to me how her own mother became the fulltime care provider for her grandmother. Through her ministrations, her grandmother never missed a hair appointment, was delivered to church on time and generally maintained her normal social and household routine. As the grandmother's mental and physical health deteriorated, providing care became an unrelenting demand. While it would have been helpful to have access to adult daycare or other services available to seniors, the daughter was not aware of their availability. Moreover, by the time she realized that her own support system needed shoring up, her mother had become extremely resistant to having outsiders or strangers assist with her care. In the aftermath of her mother's death, the daughter whose daily schedule had been taken over by the care-giving process found herself oddly overwhelmed when care giving was no longer required. She struggled to cope with the grieving process.



Again, while mediation is not a panacea for the difficult issues families face in coping with illness, aging and dying, it does provide a forum in which family members can express their desires and fears about the future care of a sibling or parent. A skilled mediator can facilitate family members in formulating realistic expectations of what each family member can contribute to the care-giving process in time, effort and finances as well as realistic assessments of their ability to provide the care required.

## Care of Aging Sibling

These issues may arise in the context of caring for an aging sibling as well as for a parent. Consider the example of siblings who carry forward the anger and conflict of childhood years only to have it resurface in the aftermath of the death of a sibling. Assume that in a household of four siblings, the children group themselves in pairs of two. The two pairs behave like twins, standing up for each other and fighting each other's battles. Although as adults the members of each pair live in different cities, they stay in touch with each other. On the other hand, they maintain contact with their other siblings infrequently.

The sister in one of the pairs of siblings dies alone in her home. The brother with whom she is close takes steps to be appointed as the executor of her estate. In the interim, the other siblings enter the home. In the process of family members' coming and going, keepsakes are removed from the home by other family members. The sibling who has been appointed the executor of his sister's estate files a suit in general district court for \$15,000.00 for the property removed from the home. Is the issue the furniture and household items or is it something more? Does the executor impute disrespect to the siblings that have not conferred with him before removing items from the deceased sibling's home? Is there a sense of guilt that the sister has died alone in her home without any of her siblings realizing that she was that ill?

In a situation such as this, the administration of the sibling's estate may be a surrogate for other issues that the siblings have not confronted and resolved during their growing-up years. While mediation is not counseling or therapy, it does provide a forum in which individuals can talk about the emotional components of a situation, work through issues and alternatives and, hopefully, identify workable strategies for providing care and/or administering the estate of the sibling or parent in need.

Some states have already acknowledged the role that mediation can play in resolving aging issues. For example, in 2006, North Carolina enacted new legislation and rules for estate and guardianship mediation<sup>3</sup>. Similarly, in California the Los Angeles Superior Court has "...adopted a special set of probate mediation rules for ordering contested estate, trust, and conservatorship disputes to mediation..."<sup>4</sup>

Mediation allows family members to have a conversation with themselves and among themselves. It affords an opportunity to have a candid exchange about what our perceived capacities and limits are to take care of each other and assist with the challenges of aging. It allows us to define a meaningful role for ourselves in the face of a life process over which we have no control.

*Submitted by Kathleen A. McKee, who is an Associate Professor of Law at Regent University School of Law. She received her J.D. from the Columbus School of Law, Catholic University of America and an LLM in Labor Law from Georgetown University Law Center. She currently holds Supreme Court of Virginia certification as a mediator at the General District Court, J&DR District Court, and Circuit Court-Family levels.*

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<sup>3</sup>See Kate Mewhinney, "North Carolina Tries Mediation for Estate and Guardianship Disputes", BIFOCAL, Vol. 28, No. 3, p.1 (Feb. 2007).

<sup>4</sup>Caroline C. Vincent, "Practice Tips: The Challenges of Mediating Disputes Involving Elders," 30 Los Angeles Lawyer, p. 12 (October, 2007).

# Mediator Confidentiality Requirements Revisited

By Sally P. Campbell

We<sup>1</sup> continue to receive questions about what information must be kept confidential and what may be reported to a court or other third party. Is it permissible for a mediator to report that a party failed to appear for an orientation session? Does the level of confidentiality depend to some extent upon to whom the information is being reported? Are the rules different and does it make a difference if the information is being reported back to the referring court or judge? Does a mediator have administrative responsibilities to the court that affect the mediator's duties of confidentiality?



In an effort to clarify what we believe to be the rules regarding confidentiality, we have carefully reviewed the applicable authorities, and we offer the following thoughts for your consideration:<sup>2</sup>

The “reporting back” issues are the same as those presented in the first vignette of the ethics training at the recent Virginia Mediation Network conference. The vignette fact pattern provides a backdrop for discussion of the legal issues, and is reproduced below with the permission of Mike West, Jim Pope and Sam Jackson, who presented the ethics training:

Father and mother have been sent to a mediation orientation session by the Juvenile and Domestic Relations Court. The mother shows up and describes the father as an alcoholic who often calls the mother names (“skank, meanie . . .”). He was recently in a hospital to “dry out” but started drinking soon after his discharge. Mother thinks that mediation would be a waste of time because the father “won’t ever agree to anything and never lives up to his agreements.” The father did not show up at the session. The mediator sends a report back to the court after checking off “no evaluation session or mediation occurred.” The court’s clerk calls back and says: “The judge wants to know why the evaluation session or mediation did not occur.” So the mediator says: “The father did not show up.” The clerk asks, “What about the mother?” The mediator says: “Well, she showed up, but she said he was an undependable alcoholic and did not want to waste her time mediating with him. Look, I think this case is inappropriate for mediation.” “Hmm,” says the clerk, “We’ll see what the judge says about that.”

Virginia Code sections addressing the “reporting back” issues include 8.01-576.4, 576.9 and 576.10. Pertinent parts of each code section read as follows:

§ 8.01-576.4. Scope and definitions.

The provisions of this chapter apply only to court-referred dispute resolution services.

As used in this chapter:

...

<sup>1</sup>Staff in the Division of Dispute Resolution Services (DRS) at the Office of the Executive Secretary.

<sup>2</sup>Please note that this article represents the views of the author and is not a statement of the views of the Executive Secretary or the Supreme Court of Virginia.

"Dispute resolution proceeding" means any structured process in which a neutral assists disputants in reaching a voluntary settlement by means of dispute resolution techniques such as mediation, conciliation, early neutral evaluation, nonjudicial settlement conferences or any other proceeding leading to a voluntary settlement conducted consistent with the requirements of this chapter. **The term includes the orientation session.**

...

"Orientation session" means a preliminary meeting during which the dispute resolution proceeding is explained to the parties and the parties and the neutral assess the case and decide whether to continue with a dispute resolution proceeding or adjudication.

§ 8.01-576.9. Standards and duties of neutrals; confidentiality; liability.

... In reporting on the outcome of the **dispute resolution proceeding** to the referring court, the neutral shall indicate whether an agreement was reached, the terms of the agreement if authorized by the parties, the fact that no agreement was reached, or the fact that the orientation session or mediation did not occur. The neutral shall not disclose information exchanged or observations regarding the conduct and demeanor of the parties and their counsel during the **dispute resolution proceeding**, unless the parties otherwise agree.

...

§ 8.01-576.10. Confidentiality of dispute resolution proceeding.

All memoranda, work products and other materials contained in the case files of a neutral or dispute resolution program are confidential. Any communication made in or in connection with the **dispute resolution proceeding** which relates to the controversy, including screening, intake and scheduling a dispute resolution proceeding, whether made to the neutral or dispute resolution program staff or to a party, or to any other person, is confidential. However, a written settlement agreement signed by the parties shall not be confidential, unless the parties otherwise agree in writing.

...

Note that both confidentiality code sections reference the "dispute resolution proceeding," which is defined in § 8.01-576.4 to include the orientation session. (See language highlighted in red in the code sections above.) Therefore, the requirements of the confidentiality code sections apply not only to the mediation session but to the orientation session as well. The statutes do not differentiate between mediators and coordinators. The vignette's fact pattern takes place during an orientation session; therefore it appears the confidentiality statutes would apply.



**Question:** May the mediator in the vignette report the parties' attendance, or lack of attendance at the orientation session (or a mediation session) to the court?

To answer this question, it is helpful to refer to the precise language of the statute. Va. Code § 8.01-576.9 provides that the mediator "...shall not disclose information exchanged or observations regarding the conduct and demeanor of the parties and their counsel during the dispute resolution proceeding, unless the parties otherwise agree." Is it reasonable to consider the fact of the parties' attendance, or non-attendance, at the orientation session to be an observation regarding the conduct and demeanor of the parties during the dispute resolution proceeding? We know the orientation session is part of the proceeding but when does the proceeding begin? Does it appear from the language of the statutes that the General Assembly clearly intended to prohibit a mediator from reporting the parties' failure to appear? Your decision to report or not report this depends on how you answer these questions. Until the courts address this question, reasonable people might disagree on

whether attending or not attending is “conduct” or “demeanor” that is not to be disclosed absent agreement of the parties. (For authority from other state and federal courts regarding confidentiality and other mediation issues, see the Hamline University School of Law’s Mediation Case Summaries at <http://law.hamline.edu/adr/mediation-case-summaries.html>.)



**Question:** May the mediator in the vignette disclose to the clerk information learned at the orientation session? Does the level of confidentiality depend to some extent upon to whom the information is being reported?

A plain reading of the statutes quoted above suggests that all information obtained from communication with a party, from initial contact, intake and scheduling through the conclusion of the dispute resolution proceeding, is confidential, unless the parties waive confidentiality. Va. Code § 8.01-576.10 provides that “[a]ny communication made in or in connection with the dispute resolution proceeding which relates to the controversy, including screening, intake and scheduling a dispute resolution proceeding, whether made to the neutral or dispute resolution program staff or to a party, or to any other person, is confidential.” Va. Code § 8.01-576.9 provides what the mediator shall report back to the court. When these code sections are read together, there is a strong argument with regard to communications made in connection with the proceeding that mediators may report back to the court only those things that are listed in the statute. All other communications appear to be confidential, unless the parties agree to waive confidentiality.



**Question:** Does a mediator have administrative responsibilities to the court that affect the mediator’s duties of confidentiality?

The statutory confidentiality issues addressed above may implicate larger policy questions. To what extent, if any, is the mediator’s role to assist the court with litigant accountability? Is it part of the mediator’s role to assist the court in scheduling and other “administrative” matters? The role of a court-referred mediator is set out in Va. Code § 8.01-576.9:

A neutral selected to conduct a dispute resolution proceeding under this chapter may encourage and assist the parties in reaching a resolution of their dispute, but may not compel or coerce the parties into entering into a settlement agreement. A neutral has an obligation to remain impartial and free from conflict of interests in each case, and to decline to participate further in a case should such partiality or conflict arise.

This same statute emphasizes the need for confidentiality. The obligation of confidentiality extends even to scheduling and other administrative matters, to include “[a]ny communication made in or in connection with the dispute resolution proceeding which relates to the controversy, including *screening, intake and scheduling* a dispute resolution proceeding . . . is confidential.” Va. Code § 8.01-576.10. The degree to which a mediator may also assist the court will again depend upon a careful reading of the statutes that address the mediator’s duties together with any other authority that may become available, in light of the particular facts and circumstances of the mediation proceeding.

Depending upon the particular facts involved, reasonable people may well disagree about the answers to these policy questions. Court mediators must carefully consider statutes and applicable law in responding to the sometimes disparate interests of the parties and the court program. As professionals, mediators and coordinators must stay informed and exercise their own independent professional judgment when confronted with situations where the best course of action may not be immediately apparent. DRS staff is available to provide guidance. The role of DRS is not to require courts to run their programs in a particular way. DRS seeks to provide support, advice and problem solving when difficult situations arise for certified mediators and the courts. While a perfect solution to the dilemma may not exist, a careful review of the applicable statutes will often help to avoid the horns.



## Mediation Community News



### March 2010 Celebrated Statewide as Mediation Month

Virginia Governor Robert F. McDonnell signed a proclamation officially recognizing March 2010 as Mediation Month. This practice has become a long-standing tradition in the Commonwealth, and many entities promote the practice of mediation in exciting and creative ways across the State.

#### Supreme Court of Virginia's Office of Dispute Resolution Services

Our DRS office hosted an ADR Brown Bag Lunch Series in order to educate OES employees with regard to several of the options for resolving conflict that are available to Virginia citizens as an alternative to litigation. The events were met with enthusiasm, and it is our hope to make this practice an annual happening. To accompany the program at each event, the DRS staff served coffee and mouth-watering homemade desserts to our guests.

On March 10<sup>th</sup>, we showed the mediation video created by the Virginia Mediation Network in 2002 and reformatted to a bi-lingual DVD in 2007, "Take Advantage of Mediation, the Alternative." Carol McCue (pictured below), the Dispute Resolution Program Director for the Richmond J&DR District Court, was our guest practitioner who further described the concept of mediation to our audience and facilitated a lively question and answer session.



The March 17<sup>th</sup> program consisted of a video entitled "The Collaborative Way to Divorce," followed by a presentation by our guest practitioner Kimberly Fauss, Esquire, of Richmond. Again, the question and answer session that concluded the program sparked enthusiasm by the participants. If you are interested in reading more about the practice of collaborative law, see Kimberly's recent article in the *Collaborative Review*, "Collaborative Professionals as Healers of Conflict: the Conscious use of Neuroscience in Collaboration."

The final program in the Brown Bag Lunch Series took place on March 30<sup>th</sup> and included the video entitled, "Introduction to Restorative Justice Conferencing," followed by our guest practitioner/presenter Lawrie Parker, Executive Director of the Piedmont Dispute Resolution Center in Warrenton and Vice-President of the Restorative Justice Association of Virginia. Discussion was lively and we received very positive feedback from the participants. Learn more about this subject at the website for the [Restorative Justice Association of Virginia](#), where you will also find links to other informative sites.





## Virginia Conflict Resolution Center

~ formerly Community Mediation Center  
of Southeastern Virginia ~

The Center hosted several special events during March as a way to promote mediation and to spotlight the Center's 20<sup>th</sup> anniversary in 2010 and its recent name change. The Center hosted a March is Mediation Month Open House on March 11<sup>th</sup>, which was open to the public and included an educational presentation about mediation certification and services offered by the Center. 2010 will be a year filled with many special events, including a Hoops for Hope Basketball event with real celebrities to help its youth program, a peacemaker Gala, a nonprofit art auction, and the compilation of a 20-year history book. Congratulations to the Center and its staff for reaching this historic milestone!

VCRC played a key role in the United Way of South Hampton Roads' annual *Dancing With Our Stars* gala event on March 20<sup>th</sup> at the Virginia Beach Convention Center. Each star accepted the challenge to raise \$2,500, train with a professional dancer, and compete in front of a live audience and a panel of judges. Mediation Services Director, Diane Arnold, represented the Center as a dancer in this competition. This is a fun and exciting event aimed at raising community awareness and support for the community mediation centers. In her free time, Diane enjoys running and entering local races. She also tutors elementary students in reading and math. Congratulations to Diane (pictured to the right) on being chosen the winner of the dancing competition!



The VCRC also was a co-sponsor in presenting the Women's Wellness Celebration on March 20<sup>th</sup> on the Old Dominion University Campus in Norfolk. Promotional materials for the event highlighted topics such as fitness and nutrition, healthy communication, workforce development, women's health and maintenance, youth violence prevention, medical screenings and more. VCRC provided trainers for the event, and the overall theme was "Planting Seeds for a Healthier Community."



During March 2010, Northern Virginian Mediation Service (NVMS) was busier than ever serving its community. Early in the month, Sharon Bulova, Chairman of the Fairfax County Board of Supervisors, issued a proclamation designating March as *Alternative Dispute Resolution Month* in Fairfax County. In the proclamation, NVMS was recognized as the "sole mediation organization in Fairfax County." Moreover, Bulova noted that NVMS is presently celebrating twenty years of conflict resolution service to the community. The Board of Supervisors engaged in public comments supporting ADR practices in a wide range of settings. The ADR community demonstrated a strong showing with twenty-eight members present to participate in the ceremony. NVMS Executive Director, Megan Johnston, humbly received the proclamation on behalf of the community, thanking Fairfax County for their support.



NVMS Executive Director Megan Johnston holding proclamation. To her right is Fairfax County Board of Supervisors Chairman Sharon Bulova and to her left is David Roquet, winner of the Marge Bleiweis Peacebuilders Award. Board Supervisor Linda Smyth appears second from the right in the front row.

Apart from receiving recognition for its many years of service, NVMS began celebrating its Twentieth Anniversary by providing the first of six free *Community Conflict Education* seminars. The purpose of the seminars is to provide communication tools that enable audience members to better handle a wide range of conflict situations. The topics of the seminars include co-parenting, restorative justice, parent-teen communication, tough conversations with aging relatives, intercultural community building and workplace dispute resolution. The first seminar was held on March 15<sup>th</sup> in Dunn Loring and addressed the challenges of parenting from two separate homes. The *Communication Tips for Co-Parenting Seminar* featured two family-certified mediator speakers, Angus MacInnes and Ann Warshauer. The interactive workshop imparted innovative communication strategies and co-parenting techniques. The seminar was received well by the attendees and NVMS looks forward to hosting the second seminar on April 15<sup>th</sup> on the topic of restorative justice.

This month NVMS also supported Fairfax County Public Schools' 18<sup>th</sup> Annual Student Mediation Conference. The Student Mediation Conference, held on March 9<sup>th</sup> and 10<sup>th</sup>, gave elementary and middle school students the opportunity to meet other student mediators and receive validation that resolving conflict constructively leads to better outcomes than resorting to violence. The conference was an occasion for developing leadership, enhancing fundamental skills, and exploring new ideas in the field of conflict resolution. Megan Johnston, who gave the opening remarks to students each day, and the NVMS community members who facilitated workshops with the students, were privileged to aid the conference and its educational mission.

Lastly, as part of its mission to provide dispute resolution education to its community, NVMS worked with local libraries in Fairfax, Arlington and Loudon counties to prepare displays on conflict resolution during the month of March. Leaders in the organization hope the added community outreach pursued through many avenues this year will support long-term growth of the conflict resolution field through public understanding. Moving forward, NVMS will continue to provide dispute resolution services and education to the community while striving also to support the field of ADR.

*Written by Katie Beringer, 20<sup>th</sup> Anniversary Intern Event Coordinator for NVMS.*

[While not a part of the Mediation Month celebration, readers may be interested to know that Executive Director Megan Johnston and Mediator/Trainer John Settle hosted a delegation of 19 professionals from the Shanghai Municipal Human Resources and Social Security Bureau of China on December 7<sup>th</sup>. The group

requested a presentation from NVMS during their labor dispute resolution visit to the Washington, DC area. Megan and John introduced their audience to the history and work of NVMS and discussed local workplace mediation experience and procedures with the group. The delegation rewarded NVMS with a beautiful set of commemorative plates, which are on display in the office.]

**Congratulations to NVMS as they celebrate their 20<sup>th</sup> year anniversary!**



As the cost of conflict born by individuals, families, and organizations continues to escalate, so does the need for innovative ways to raise community awareness about such costs, as well as the potential for peaceful co-existence that resides within us all. In response to this need, Roanoke's Conflict Resolution Center (CRC) developed its Peace by Piece Quilt Project, a children's educational initiative that combines elements of artistic expression, storytelling, and self-reflection in a tangible symbol of peace, tolerance, and the spirit of collaboration. The project is not typical of the client-centered model with which most mediation professionals are familiar. However, as the field of alternative dispute resolution expands in the face of increased demand, it is important to think creatively about how to help communities manage conflict by enhancing their capacity for healthy communication about difficult issues. To this end, the Peace by Piece project embodies the value of creativity itself by bringing the community together around an art project focused on peace – perhaps the most elusive, divisive, yet vital issue facing our communities today.

Like the final quilt, the project was itself the product of a multitude of diverse efforts by CRC staff, board members, volunteers, and almost 20 partnering schools, civic groups, and other organizations. Much of the work involved fostering connections among individuals and organizations with a stake in dealing with conflict in families and schools. This outreach process was valuable in itself, recapitulating the larger theme that more peaceful, stronger communities are the result of diverse people and groups willingly engaging in healthy communication about meaningful issues. The result was a network of local artists, storytellers, printers, teachers, and many others all generously volunteering to help realize various phases of the project.

The most prominent phase was the participation of area children in a guided process of self-reflection to help them articulate their ideas of peace, ultimately transferring their thoughts, ideas, and dreams about what peace means to them onto an eight-inch quilt square. With the help of Kim Weitkamp, a nationally recognized storyteller, the children were guided through the creative process using imagery techniques to write a story about peace. Using these stories as a guide, the children then created their quilt squares to illustrate the peaceful memory or vision described in their story.

With the help of its partners, the CRC brought together more than 500 children from across the Greater Roanoke Valley (GRV) so that each child could create a quilt square and story representing what peace means to them. Reflecting the ties that bind individuals into healthy communities, each of the hundreds of squares were connected to one another and to a centerpiece containing a universal symbol of peace, a dove. Now that the quilt has been fully assembled, it embodies the ideal that when we work together, our diverse perspectives and world-views are the pieces that strengthen the fabric of harmonious, sustainable communities. Through this process, the CRC's motto, "because people see things differently," is transformed from simply a reason why there is conflict and a need for mediation, into the very basis for the variety of insights on which dynamic and resilient community depends.

The other phase of the project has involved partnering with the Taubman Museum of Art and other venues to secure appropriate places to display the Quilt, which now measures more than 16 feet tall and 18 feet wide. The

Peace by Piece Quilt was unveiled at the Taubman Museum on November 17 and remained on display through January 16, during which time many of the children involved in its creation were able to view the result of their efforts in a prominent public space. In observance of March as Mediation Month in Virginia, the Quilt was on display at Valley View Mall, the region's largest shopping mall, from March 5th through the end of March, along with a table top display and free literature describing the CRC's mission and services. As to the future, the CRC is working on plans to display the Quilt at additional venues, both in the Roanoke Valley and at shopping malls, museums, and other appropriate locations across the state. Any parties interested in hosting the Quilt should contact Eddy Smart, Interim Executive Director, at 540-342-2063, Ext.303.

Coinciding with the CRC's twentieth anniversary, Peace by Piece is part of the Center's commitment to reinvigorating the community conflict resolution paradigm. Part of this commitment entails recasting the field of alternative dispute resolution as less of a passive, piecemeal, and referral-based process that people find out about only when other, more adversarial methods have failed. Instead, the principles of conflict resolution should operate more proactively through a broadly shared mindset that people and organizations employ on an ongoing basis. To this end, for example, the CRC plans to facilitate community dialogues to help develop more fair and effective agendas for social change. The CRC also is pursuing a public awareness campaign to engage the general public in discourse about the nature of conflict in their families, schools, businesses, and neighborhoods, along with practical, cost effective means of managing and preventing such conflict.

With the assistance of mediators and other professionals in the ADR field, the whole range of interrelated institutions on which healthy communities depend must come to embrace and deploy the principles of conflict resolution. Such institutions, including families, schools, neighborhoods, and organizations of every type, must learn to manage conflict as a matter of everyday practice, through more inclusive, respectful, and empowering forms of communication. Only then can practitioners hope to realize the promise of community mediation. Through activities such as Peace By Piece, community dialogues, and public awareness campaigns, the CRC hopes to exemplify one of the key characteristics of Virginia's Community Mediation Centers identified in the vision of the Virginia Association for Community Conflict Resolution: "offer(ing) early, easy access to conflict resolution and... transform(ing) conflict situations to prevent violence and to promote strong, harmonious communities."

*Written and submitted by Paul Thompson, TimeBank Coordinator,  
on behalf of the Conflict Resolution Center in Roanoke, Virginia.*



1. For more information about the Peace By Piece Quilt Project, please visit <http://www.conflictresolutioncenter.us/peacebypiece.html>.
2. For more information about Kim Weitkamp and the power of storytelling, please visit <http://www.kimweitkamp.com/>.
3. For more information about the Virginia Association of Community Conflict Resolution, please visit <http://www.vaccr.org/>.

**Also newsworthy is the Center's naming of Eddy Smart as Interim Executive Director. Congratulations and best wishes to Eddy and to the CRC on its 20<sup>th</sup> Anniversary!**



The following Press Release was issued by Tricia Muller, Chief Operating Officer for the Richmond J&DR Court, on March 8, 2010.

Via proclamation by Governor Robert F. McDonnell, the Commonwealth of Virginia has recognized March 2010 as “Mediation Month” in an effort to call attention to how the principles and practice of mediation can be a crucial tool for resolving disputes. For over 20 years, since the 1989 Commission on the Future of Virginia’s Judicial System included mediation among its ten major recommendations, Virginia’s judicial branch has recognized that, in order to offer the most effective, responsive, and appropriate methods for resolving disputes, the court system should offer an array of dispute resolution options along with traditional adjudication. Court-referred mediation in Virginia has since grown tremendously and is highly valued by many judges and users of the Commonwealth’s courts.

The *Code of Virginia* defines mediation as “a process in which a neutral facilitates communication between the parties and, without deciding the issues or imposing a solution on the parties, enables them to understand and reach a mutually agreeable resolution to their dispute.” Mediation is beneficial because it is voluntary, collaborative, controlled, confidential (with a few statutory exceptions), neutral, and satisfying to the parties. Those involved openly communicate with each other as they explore the issues in dispute, options available to resolve them, and lay a foundation for better communication in the future.

Mediation is a valuable service not only to litigants but also to courts, as national research indicates mediated cases are less likely to return to court and that, if they do, there is less conflict in subsequent cases. Further, mediation may assist in simultaneously resolving multiple related petitions before a court. Thus, it is believed tangible cost-savings are realized in terms of judicial time and resources when mediation is used. Important to a community where court-referred mediation services are available, research also indicates that parties are more likely to adhere to an agreement that they were involved in developing and that the mediation process teaches parties collaborative problem-solving skills.

Richmond’s Juvenile and Domestic Relations (J&DR) District Court judges note this is critical when attempting to address issues within families and indicate that collaboration with mediation providers is extremely effective in serving the needs of litigants before the Court on a wide range of issues. Thanks to a Dispute Resolution Office within the Richmond J&DR Court, in appropriate cases, an array of mediation services helps parties find workable solutions to problems and encourages early settlement of disputes. The mediation process helps parties to:

- focus on the best interests of the child(ren);
- communicate openly about the issues in dispute;
- fully explore all options to resolve the dispute;
- improve the relationship between the parties; and,
- be afforded some control over the outcome of the dispute.

Under the leadership of Director Carol McCue, the Richmond J&DR Court’s Dispute Resolution Office conducted a record number of mediation sessions last year, assisting with hundreds of custody, visitation, support, truancy, and child dependency matters before the Court. Restorative justice mediation services also are available in appropriate criminal matters. Chief Judge Angela Roberts notes “since the Dispute Resolution Office’s

formal integration with this Court in 1995, our Court and the litigants it serves have been fortunate to have access to some of the most qualified mediation services in the state.” To learn more about the mediation services available via the Richmond J&DR Court’s Dispute Resolution Office, contact Ms. McCue at 804.646.2900.

The Richmond J&DR Court includes Chief Judge Angela E. Roberts and Judges J. Stephen Buis, Richard B. Campbell, Marilyn C. Goss, and Ashley K. Tunner. In addition to hearing all cases within its jurisdiction, the Court is involved in a number of justice-improvement initiatives in partnership with the community and in support of its strategic plan. Visit the Richmond J&DR District Court online at: [www.richmondgov.com/CourtJuvenileDomesticRelations](http://www.richmondgov.com/CourtJuvenileDomesticRelations).

## Fairfax County Office of ADR & Appeals

The Winter 2010 issue of the newsletter, *Fair Resolutions*, published by the Fairfax County Office of ADR & Appeals, featured an article about the Fairfax Board of Supervisors’ proclamation of March as ADR Month. Their staff gathered with colleagues from George Mason University’s ICAR and Fairfax County School’s Peer Mediation Program, to recognize the contributions of NVMS and to honor David Roquet, 2010 recipient of the Marge Bleiweis Peacebuilder Award. They also hosted a brown bag lunch on March 25<sup>th</sup> where they provided a program highlighting the field of mediation.

Their newsletter also announced that GMU’s Institute for Conflict Analysis and Resolution (ICAR) graduate school has begun a partnership with the Peace Corps, making the conflict resolution-related Master’s International program the first in the nation. The ICAR students are able to earn a master’s degree while simultaneously serving a two-year commitment to the Peace Corps. Students will learn strategies to deal with conflict surrounding matters of cultural sensitivity, discrimination, minority issues and development prior to commencing their Peace Corps service.



As part of Mediation Month, the Center hosted an open house for its mediators on March 19<sup>th</sup>. With the opportunity to relax and chat together while enjoying crudités and desserts, mediators were also entered in a drawing for a gift certificate to a local family-owned-and-run restaurant. The Center chose a family-owned restaurant to emphasize MCC’s work in helping parents reduce conflict and create harmony in their own families.

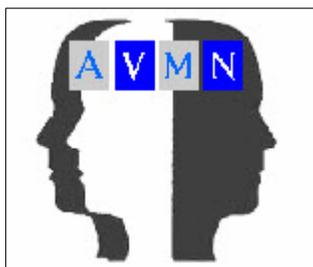
At the Mediation Center of Charlottesville, volunteers have not only been mediating, but they’ve been giving local residents tools with which to handle life’s inevitable conflicts. In conjunction with a Charlottesville Development Block Grant (CDBG), three volunteers have presented three-hour workshops on conflict management to public housing staff and residents. An average of twelve people attended each session. The workshops, providing the same content for both staff and residents, took place on Friday afternoons. Participants heard from certified mediators, discussed conflict, role-played, and took home a manual to aid them in addressing future challenges at work and in the home. Participants’ evaluations were very positive, and the CDBG site review gave MCC high marks for this program.



**PDRC is also celebrating their 20<sup>th</sup> anniversary in 2010 and will be planning several special ways to highlight this great milestone in their history!**

Virginia Lawyers Media, publishers of *Virginia Lawyers Weekly* and the *Virginia Medical Law Report*, has announced the Class of 2010 of “Influential Women of Virginia.” This awards program, started last year, recognizes the outstanding efforts of women in the Commonwealth in all fields, including law, business, health care, education and the arts. For 2010, fifty individuals who are making notable contributions to their chosen professions, their communities and society at large were chosen for this distinction.

PDRC is excited to share that its own Executive Director, Lawrie Parker, has been named a recipient of this prestigious honor! The honorees will be celebrated at a gala luncheon on May 20<sup>th</sup> at the Omni Richmond Hotel. The “Influential Woman of the Year” for 2010, to be voted on by the 2010 honorees themselves, will be announced at this luncheon. Each honoree will be profiled in a special publication that will be distributed at the event and inserted into *Virginia Lawyers Weekly* in early May. **Congratulations, Lawrie!**



**Apple Valley Mediation Network, Inc.**  
*A Provider of Mediation and Restorative Justice Services*  
*Since 1994*

The Center observed March as Mediation Month at its Annual Meeting on March 22<sup>nd</sup> at the Page County Courthouse. J&DR District Court Chief Judge Dale Houff, 26<sup>th</sup> Judicial District, addressed the audience about the successes of the Center’s programs in assisting the courts. They also discussed ways to further increase the effectiveness of the ADR program.

**Virginia Association of  
Community Conflict Resolution**

**Apple Valley Mediation Network**  
 242 North Main Street, Suite 202  
 Woodstock, Virginia 22664  
 540-459-8799  
 Edward F. Wilkins, Executive Director

**Better Agreements, Inc.**  
 305 Washington Street, SW  
 Blacksburg, VA 24060  
 866-832-5093  
 T'aiya Shiner, Executive Director

**Community Mediation Center  
of Danville and Pittsylvania County**  
 490 Piney Forest Road  
 Danville, VA 24540  
 434-797-3981  
 Bob Phillips, Executive Director

**Conflict Resolution Center**  
 4504 Starkey Road, Suite 120  
 Roanoke, VA 24018  
 540-342-2063  
 Eddy Smart, Acting Director

**Fairfield Center**  
 165 S. Main Street, Suite A  
 Harrisonburg, VA 22801  
 540-434-0059  
 Timothy Ruebke, Executive Director

**Mediation Center of Charlottesville**  
 P.O. Box 133  
 Charlottesville, VA 22902  
 434-977-2926  
 Patrice Kyger, Executive Director

**Northern Virginia Mediation Service**  
 4260 Chain Bridge Road, Suite A-2  
 Fairfax, VA 22030  
 703-993-3656  
 Megan Johnston, Executive Director

**Peaceful Alternatives  
Community Mediation Services**  
 P.O. Box 1169  
 Amherst, VA 244521  
 434-929-8227  
 Carolyn Fitzpatrick, Executive Director

**Piedmont Dispute Resolution Center**  
 P. O. Box 809  
 Warrenton, VA 20188  
 540-347-6650  
 Lawrie Parker, Executive Director

**Virginia Conflict Resolution Center**  
 586 Virginian Drive  
 Norfolk, VA 23505  
 757-480-2777  
 Kim Humphrey, Executive Director



## **New Name: Fairfield Center**

Mediation, facilitation, Restorative Justice Initiatives, Listening 101 sessions, the Harrisonburg Summits series, mediator certification training – my how we have grown!

While the non-profit Community Mediation Center in Harrisonburg (est. 1982) has historically accomplished much of its work through mediation, our identity and impact are much greater than a single program in one community. Why not distinguish ourselves in a manner that enables us to more clearly communicate everything that we do?

We wanted to more accurately reflect who we are in the communities we serve. After more than 18 months of thoughtful consideration, we decided on a new name that we believe accomplishes just that. Since the beginning of this year, the Community Mediation Center is doing business as the Fairfield Center.

“A central aspect in all our programming is to create ways and spaces for people to listen and interact in meaningful, balanced ways,” said Tim Ruebke, Executive Director. “Providing a *fair field* resonates with that vision.” Kathryn Fairfield is one of the organization’s founding members and out of all the options considered, Fairfield best met our criteria.

## **New Program: Harrisonburg Summits**

It all started with the Mayor’s Sustainability Summit on May 30, 2009. Originally, the Fairfield Center was a partner organization along with 59 other local organizations. The summit brought out 150 participants, all interested in the same overarching discussion.

The summits use a technique called Open Space Technology, which allows for participants to decide what specific topics within the common theme they want to discuss throughout the course of the day — effectively setting their own agenda. Everyone operates under the same four principles: “Whoever comes are the right people; Whatever happens is the only thing that could have; When it starts is the right time; When it’s over, it’s over.”

The outcome of the Mayor’s Sustainability Summit was so positive that Mayor Kai Degner (*employed as the Fairfield Center’s Director of Business Services*), along with Tim Ruebke, Fairfield’s Executive Director, decided to capture that energy in a way that would not only be ongoing but would also continue to reach community members interested in different types of conversations.

The series continued with the Health and Wellness Summit on August 29, 2009. The number of partner organizations swelled to 70 as more businesses saw their interests and concerns represented by the summit’s topic, and 140 individuals were in attendance.

During the Health and Wellness Summit, C-Dub Whitney, who was homeless at the time, created a session to discuss the lack of available showers for the homeless. A few people at the summit met with him to learn more about his, and others’, need.

Those discussions prompted a conversation with Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority. Wong offered to open up showers in the Lucy Simms School three days a week, as long as they were supervised by volunteers and the hours didn't conflict with other programming.

The week of November 9<sup>th</sup>, the showers opened. Our Community Place provided the volunteers, and the Continuum of Care provided the shower kits. This is just one incredible example of a direct reaction to the conversations held during the summits.

Following the Health and Wellness Summit was the Intercultural and Interfaith Summit, held on October 22, 2009 in JMU's Memorial Hall. This summit experienced the highest turnout yet, with over 270 attendees.

Among many other topics, participants discussed needs in the Hispanic community, language concerns, education, interfaith relations activities, and ways to sustain childhood care for impoverished immigrants.

"The summits have the potential to not only capture the imagination but to establish connections and create energy from the ground up," said Ruebke. "The people that attend are the ones who want to be there. The people that act are the ones who are motivated to act."

Other topics in the series:

Sustainability Summit II, held on November 14, 2009

Strengthening Local Business and Economy, held on February 18, 2010

Supporting Youth and Families in Crisis, held on March 19-20, 2010

Building Bridges Between Our Intercultural/Interfaith Communities II, *scheduled for May 23, 2010*

The Harrisonburg Summit series not only helps to connect people who are interested in the same subjects, but also helps to connect people in different social circles with a wide range of interests. As more and more people support the series as a whole, those people begin to attend summits on subjects outside of their own specific interests. As of March 22, 2010, more than 800 people have attended at least one summit!

For more information on Harrisonburg Summits, including full reports, pictures, videos, blog posts, information on upcoming summits, and updates on the continuing conversations surrounding previous summits, or to register for upcoming summits, please visit: [www.HarrisonburgSummits.com](http://www.HarrisonburgSummits.com).

## **Fairfield Summit in Your Community?**

In order to promote greater citizen and stakeholder participation in the regional Consolidated Planning process, the Northern Shenandoah Valley Regional Commission contracted with the Fairfield Center to hold a series of forums to discuss housing in the Northern Shenandoah Valley. 140 people attended to discuss the impacts of the current housing market as well as the existing and future availability, affordability and sustainability of housing opportunities for Northern Shenandoah Valley residents. If interested in learning more about application in your local community, please contact Kai Degner ([kai@fairfieldcenter.org](mailto:kai@fairfieldcenter.org)).

## **Governor's Proclamation**

On the following page is the text of the 2010 Proclamation. Our thanks to Governor McDonnell and the mediation organizations that support this effort each year. It's exciting to hear of the many innovative ways March is being celebrated as Mediation Month in Virginia!



# CERTIFICATE of RECOGNITION

*By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:*

## MEDIATION MONTH

**WHEREAS**, the Virginia Mediation Network, the Virginia Chapter of the Association for Conflict Resolution, the Restorative Justice Association of Virginia, and the Virginia Association for Community Conflict Resolution are growing professional entities that strengthen the dispute resolution services available to citizens, families, businesses and government bodies; and

**WHEREAS**, with the continuing efforts of the Virginia Administrative Dispute Resolution Act Interagency Advisory Council, public bodies of the Commonwealth are demonstrating a growing commitment to innovation in problem-solving and the application of creative actions and behaviors when faced with complex issues and disputes; and

**WHEREAS**, the Virginia Alternative Dispute Resolution Joint Committee, a joint committee of the Virginia Bar Association and the Virginia State Bar, supports education of the Bench, the Bar, law students, and the public on the advantages of appropriate dispute resolution options and encourages collaborative practices; and

**WHEREAS**, the Attorney-Client Fee Dispute Committee of the Virginia State Bar supports the use of mediation or arbitration to resolve fee disputes between attorneys and clients; and

**WHEREAS**, mediation practices and skills are being applied in the workplace by leaders, managers and supervisors who have embraced the power and efficiency of open communication and collaborative problem-solving; and

**WHEREAS**, mediators and other dispute resolution practitioners, through their significant expertise in helping stakeholders find durable solutions to important issues, have demonstrated the value of the field of alternative dispute resolution; and

**WHEREAS**, mediation, along with the principles and practices that it embodies, can be a crucial tool for peacemaking between individuals, groups, units, neighborhoods or countries, and the Commonwealth of Virginia continues to be a national leader in those efforts; and

**NOW, THEREFORE**, I, Robert F. McDonnell, do hereby recognize March 2010 as **MEDIATION MONTH** in the **COMMONWEALTH OF VIRGINIA**, and I call this observance to the attention of all our citizens.



  
Governor

  
Secretary of the Commonwealth

# KEEPING YOU INFORMED

## ~ A DRS Update ~



**Greetings from the Staff  
at Dispute Resolution Services  
and Happy Spring!!**

### Parent Education Events

#### **Training the Trainer Class – April 16, 2010**

The Office of the Executive Secretary, through an Access and Visitation grant from the Virginia Department of Social Services, is pleased to announce a training program for those who wish to be trained to teach a four-hour mandated parent education seminar. Part I of the training will be held from 8:00 to 4:00 on Friday, April 16, 2010 in the Courts Conference Center on the sixth floor of the Supreme Court of Virginia building in Richmond and will be provided at no cost to participants. Part II will be completed on your own at a later date. It will consist of an observation of a mandated parent education class conducted by a qualified provider. The names and locations of providers for observation will be distributed at the training. Please note that this training is the same as the one offered in past years. It is intended for new instructors wishing to become approved providers or for repeat attendees wishing a review course.

If you would like to receive registration materials and additional information, please contact Melanie Rinehults at [mrinehults@courts.state.va.us](mailto:mrinehults@courts.state.va.us). Space is limited and the deadline to register is April 12, 2010.

#### **Parent Educators Symposium – May 11, 2010**

The Office of the Executive Secretary will host the Seventh Annual Parent Educators Symposium on Tuesday, May 11, 2010 from 8:15 to 4:00 in the Courts Conference Center on the sixth floor of the Supreme Court of Virginia building in Richmond. This valuable instructional and networking opportunity for parent education instructors is being offered to you at no cost through an Access and Visitation grant from the Virginia Department of Social Services. The goal of the Symposium is to improve our skills as parent education instructors.

We are pleased to have three guest speakers for the Symposium who will share their expertise:

Dr. Lawrence Bussy	Enhancing Communication Skills in Teaching Diverse Populations
David Hershey	Tips on Public Speaking
Janice Mason	Managing Difficult Conversations in Your Classes

Should you wish to receive registration materials for this event, please email Melanie Rinehults at [mrinehults@courts.state.va.us](mailto:mrinehults@courts.state.va.us). Space is limited and the deadline to register is May 3, 2010.

## Governing Documents Revisions

The DRS Ethics Committee has continued to work diligently on the proposed revisions for our ADR governing documents. The Standards of Ethics and Professional Responsibility for Certified Mediators and the Procedures for Complaints Against Certified Mediators, Mediation Trainers, and Mediator Mentors will be presented to the Judicial Council of Virginia for adoption at its next meeting on April 23, 2010.

The Ethics Committee will continue to work on the remaining three sets of documents (Guidelines for the Training and Certification of Court-Referred Mediators, Guidelines for the Certification of Mediation Training Programs, and Mentorship Guidelines). The goal is to present these documents to the Judicial Council of Virginia for adoption at their June 22, 2010 meeting.

## DRS on the Road

Sally Campbell and Mandy Stallings continue to make visits to meet with our judges and clerks in the courts, our mediation contractors, and the community mediation centers to support the various ADR programs in Virginia. If you wish to schedule meetings or trainings, please feel free to contact the DRS office.

## DSS Grant Provides Valuable Resources

Funds from our 2009 Access and Visitation Grant from Virginia DSS were used to purchase mediation posters that have been provided to our J&DR courts for display. These posters were developed by the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO), and permission was granted to personalize them for our use in Virginia.

Also funded by this grant was the printing of two brochures to encourage noncustodial parent involvement to enrich the education and development of the child. These resources are entitled, "In the Best Interest of the Child: What Parents Can Do" and "Reaching Out to Noncustodial Parents: What Schools Can Do." The parent brochure in particular will be furnished to our J&DR Courts to make available to parents. You may view and print this publication from our website, both in narrative format or in tri-fold brochure format. Both brochures were created by the Fairfax County Public Schools and we are grateful for their excellent work.

## 2010-11 Requests for Proposals

The Office of the Executive Secretary of the Supreme Court of Virginia annually provides funding to award contracts to certified mediators to provide mediation and coordination services to the courts of Virginia.

The 2010-11 Requests for Proposals for Mediation Services Contracts and Mediation Coordinator Contracts were posted to the mediation page of the Supreme Court website on Monday, April 5, 2010. The deadline for receiving proposals in the DRS office will be 4:00 pm on Friday, May 7, 2010. An email was sent to all certified mediators and the community mediation centers on the day the RFPs were posted, including a link to the documents.



## A Life That Inspires ~ Kathryn Esther Stoltzfus Fairfield ~



Many who know Kathryn Fairfield aptly describe her as a “*pioneer*.” She was a member of the original group that met in November 1981 and made the decision to form the Commonwealth’s first non-profit community mediation center, that opened in February 1982. She was an original Board member for the Community Mediation Center in Harrisonburg, even serving a term as Chairman of that Board.

Larry Hoover was also among these trailblazers, and he told DRS that initially their application for an IRS Section 501(c)3 exemption was denied. They appealed the denial and Kathryn, Larry and Barry Hart traveled to Washington, DC to make their case to the IRS. They prevailed and the exemption was granted.

Kathryn and the others who founded the Center received basic mediation training in December 1981 and January 1982 from Ron Kraybill of Mennonite Conciliation Services in Akron, Pennsylvania. Kathryn was on the original training team at the Center, starting in the mid-80’s. They developed a basic mediation skills training manual and conducted trainings for community groups, court personnel, correctional institution staff and church groups in Virginia and in nearby states. Kathryn and other associates with the Center also developed a divorce mediation training in 1989-90.

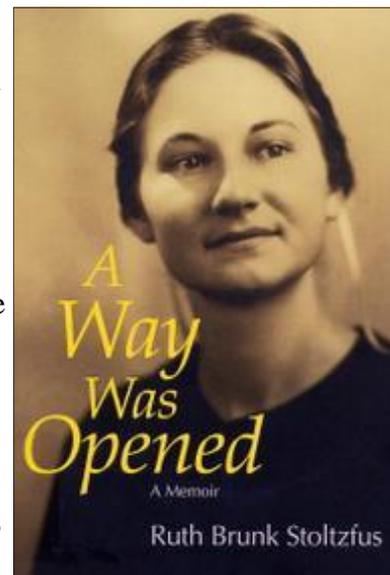
Recently, the Center’s leadership decided to choose a new name that would serve as an umbrella over the diverse services offered to their community. They considered the last names of those individuals who were instrumental in founding the Center, in light of how each name might lend significance. Kathryn’s last name “Fairfield” was chosen for several reasons. Fairfield Center strives to make available to parties in conflict a “field” or a safe place to which they can come. It must be a “fair” field where all parties are treated with respect and all options receive equal consideration. For Kathryn personally, the allusion to her service to the Center was both humbling and gratifying.

DRS spoke at length with Kathryn’s delightful sister, Ruth Stoltzfus Jost, who like Kathryn is a

lawyer in the Harrisonburg area. Even though Kathryn is only about a year and a half older than Ruth and their brothers are older, she remembers “Kathie” as being like an eldest child in that she was the responsible one. She learned homemaking skills as a youngster and was very much the “big sister,” although being so close in age the girls were also like “psychological twins.” Kathryn loved classical music and would play it while the girls cleaned house. She was a bit of a worrier and always very concerned if she observed anything she thought was wrong with a relationship. Their mother, Ruth Brunk Stoltzfus, was very fair, firm and affectionate. She taught all her children to work things out when there were disagreements. The forum was often a family meeting where everyone got a chance to talk things through.

Their father, Grant Moses Stoltzfus, was a historian whose thesis at the University of Pittsburgh was entitled, “History of the First Amish Mennonite Communities in America.” He was very active in the civil rights movement in the sixties and taught sociology and church history. Grant and Ruth traveled often, speaking together in churches and leading conferences on marriage and family, often taking the children with them. Ruth Stoltzfus was passionate about social justice issues, directed a Heart to Heart nationally syndicated radio broadcast for many years, and published works that include her 2003 autobiography, *A Way Was Opened*.

Grant died very unexpectedly in 1974 as a result of a heart attack, a very difficult time for the family. At the age of seventy-five, Ruth became the first woman ordained by the Virginia Mennonite Conference. She passed away in 2008 at the age of 93. At her memorial service, her nephew said, “I would describe my aunt as exemplifying ego strength in the service of others.”



Ruth Jost describes her sister Kathryn as an utterly amazing person. In her early teens, she had ambitions for medical school and planned never to marry. She first met John Robert Colin Fairfield in high school when he transferred his junior year to Eastern Mennonite High School. Kathryn said she and John really didn't get along in high school but became interested in each other during their sophomore year at Eastern Mennonite University. Kathryn and John studied at Marburg an der Lahn in Germany in 1968-69, their junior year. They hitchhiked all over Europe, and John recalls, "A couple of Italian truckers driving a reefer full of bananas picked us up south of Padua headed for Bologna. They kept asking about our relationship. We made like we didn't understand Italian, or the word fiancé, but it's hard not to understand someone miming a ring being put on a finger. We looked at each other and said, yes, we were. They treated us to spaghetti at a roadside dive, paid for with bananas stolen from the reefer." Ruth joined them in Germany for a period of time and they traveled a great deal by train. Kathryn and John married when they returned home after that junior year.

Signing up for a three-year Teachers Abroad Program through the Mennonite Church, John and Kathryn spent the initial year in Brussels learning the French language in preparation for the next two years teaching in the Congo. They chose to live among the locals and, true to form, Kathryn landed with both feet on the ground. In Ruth's words, "Wherever they lived, she managed to figure out how to conduct basic life in that culture. She always endeared herself to those around her, and they often commented that Kathryn was very unlike the traditional image of an American woman." Kathryn found teaching in the Congo exciting because they loved the people there and the students were so eager to learn. They were only in their early twenties and some of their students were older than they were.

When they returned to the States, Kathryn and John moved to North Carolina for John to enter graduate school. Their first son, Joshua Allen Thomson Fairfield, was born. When he was two years old, Kathryn taught a year of school as part of the Master of Arts in Teaching program. She dropped out of the Master's program near the end in order to enroll in Law School at Duke. Kathryn explained, "This decision was in part influenced by my sister Ruth doing law school, but also I could see myself teaching in my

twenties and thirties but not long term. Practicing law would allow me to work part-time while raising our children. I was also attracted to the logic of law. My brother Allen taught me the art of rigorous thinking and the importance of being able to defend what I believed." Ruth is still amazed when she pictures how her sister could remain so focused, excel in law school and pass the Bar while remaining eagerly passionate about motherhood and doing it so well. She describes Kathryn as having a strong personality and a wonderful presence as a mother to their children. John and Kathryn's second son, Nathaniel James Stoltzfus Fairfield was born at the beginning of Kathryn's last semester of law school.

Their third son, Peter Basken Brunk Fairfield, was about to be born as she took the Bar exam. Joshua was six and Nathaniel a year and half old. In Kathryn's words, "I knew I had to pass the Bar the first time because there would be no chance to study again with three little guys at home!"

Kathryn was never interested in practicing trial law but gravitated naturally toward mediation. When they returned to Harrisonburg, John taught at JMU and put the finishing touches on his Ph.D. in Computer Science. Because she had three small children, Kathryn opened a law office but only worked part-time.

When asked how she became interested in mediation, Kathryn responded, "I guess it really began in my childhood at home. There was a contention between my sister Ruth and my oldest brother Allen. My sister teased our older brother and he would get very angry. It bothered me to a point that I tried to pacify them and wanted to bring harmony to their relationship. My mother intervened one evening after dinner by calling the family together to talk about family relationships. Allen and Ruth were invited to talk about the frustrations and feelings that fueled the tension and behavior toward one another. Everyone in the family was encouraged to talk about how it affected them. In a sense, my mother acted as a mediator and I witnessed a wonderful transformation as both sides were heard and acknowledged and they were led to understand each other. That evening it was Ruth's turn to clear the dinner table. To our amazement, Allen (who always hated doing dishes) got up and began immediately to help his sister clear the table. It was evidence that a transformation had truly taken place in their relationship, and it only grew deeper over the years."

“Also, in law school, a woman spoke at our negotiation seminar on mediation, and I saw the strength of the mediation process and felt very attracted to it. After law school when we moved back to Virginia, my mother was invited to meet with Larry Hoover and Barry Hart about mediation because they knew her reputation as a peacemaker. She in turn told me about the meeting and I followed up to learn more for myself.” It was shortly after this that Kathryn was instrumental in helping to form the Community Mediation Center.

Several years later in 1985, their fourth son, Andrew Robert Wenger Fairfield, joined the family. Kathryn’s sister Ruth and her husband, Timothy Jost, both lawyers, met at a poverty law conference. When they married, Ruth joined him in Ohio where he taught at Ohio State Law School. During those years in Ohio, they and their sons spent summers back in Virginia with Kathryn and John’s family. Kathryn remembers those summers together with fondness. They kept very busy, had great fun with all the children, and spent time canning applesauce. Ruth recalls she was in awe of how her sister could juggle her busy career, service projects, and home duties with seeming ease. “She was like a pioneer woman, baking her own bread, ironing, shopping, cleaning and running a household of four boys. She was frugal, ambitious and ever cheerful.”



Left to right: Joshua, John, Nathaniel, Kathryn holding Andrew, and Peter (1986)

In 1989, John took a one-year sabbatical and the family moved to Southern France where he did research on predicting water flow based on topography. Kathryn opted to stay home with Andrew, running the house and helping the older boys with home-

their French schools.

In the mid 90’s, Kathryn and John accepted a one-year Mennonite Central Committee placement and moved with their three youngest sons to Nepal. Possessing a gift for language acquisition, Kathryn learned Nepali. Her brother Eugene visited Nepal, creating a video while there. He found that the people in that culture had developed a deep admiration for his sister. Ruth notes that Kathryn has a great respect for the beauty of other cultures and adapts readily, yet maintains her American identity. Kathryn conducted mediation training for a Mennonite Central Committee retreat, where missionaries from many other areas came together in Nepal. Later, she went to India to do several mediation trainings and then returned the following year to present more training both in India and Pakistan.

In 1996-97 on a sabbatical, Ruth and Tim lived in Germany while Tim studied the German health system. They traveled to a conference in Calcutta and then went to visit in Nepal. This was about a year after Kathryn and John had left Nepal, and they met many people who had become friends of her sister’s family. Ruth was struck by how much these folks loved and appreciated Kathryn and John. She says they have always had a gift for connecting with people of other cultures in a deep and natural way.

When their brother Allen conceived the idea of developing computer software that would aid in teaching foreign languages, John worked with him to turn his dream into a product. First named Fairfield Language Technologies in 1992, the name was later changed to Rosetta Stone. Kathryn and Ruth were coaxed to lend their expertise as in-house legal counsel to the business from 2002 up until the family sold their interests in 2006. The sisters’ law skills and areas of interest were different, yet they found they complemented each other in this endeavor. Kathryn drafted and negotiated contracts and handled general legal matters. Ruth’s area was piracy issues. She told us that with Kathryn’s great people skills, she was a wonderful asset in the area of employee support. Their brother Eugene was also a company founder and later the youngest sister, Helen Greenberg Stoltzfus, managed retail kiosks in California. The company grew from six local staffers in 1992 to about 400 employees in Harrisonburg and another 500 working elsewhere in the U.S. Ruth describes Kathryn as having an incredible range of competency and notes that her sister has very good judgment, even to a point of determining

what not to spend her time on. Ruth, in summing up her tribute to her sister, affectionately described Kathryn as her “guide for life.”

Kathryn’s husband John shares that he admires his wife because she is “personally gutsy.” He believes her life is an inspiration to others because she works hard, she fights fair, and she is practical. He says she is such an accomplished mediator and peacemaker because she levels the playing field and doesn’t let stuff get past her that needs to be addressed. She can often help someone see himself in another person. John describes her greatest passions as: kids, justice, fairness, honesty, British 19<sup>th</sup> century drama, travel, her English garden, and our sons and their families.

DRS asked a number of Kathryn’s ADR colleagues what they would like to share about her. Several recurring themes in the following excerpts help to paint a portrait of this amazing lady.

#### Larry Hoover

In addition to training and co-mediating with Kathryn, she accompanied me to Lexington and helped with the trainings I used to do in connection with my class on Negotiation and Mediation. We kept the students engaged in simulations for an entire weekend at Marshall Library at VMI with the portraits of famous generals observing our peace-work.

Kathryn has probably mediated more cases at the Center than any other volunteer mediator. In my view, her most important (and famous) case was a dispute between next-door neighbors in the town of Mt. Crawford over the use of a septic tank that served both houses. (One of the disputants was a client of mine.) The case settled and the local paper carried a story about it and accompanied the story with a picture of the two families gathered in one of their living rooms enjoying a discussion about the settlement. This story and picture were the best publicity we could have had to educate the community about our work. *LH*

#### John Birch

We frequently co-mediate cases, particularly circuit court-family issues. I believe we complement one another very well. She is an exceptional mediator, which I attribute in part to her transformative approach. She strikes the perfect balance between providing information the parties need in order to make an informed decision and yet letting them make their own decisions. Kathryn is extremely intuitive and spots

issues that might be missed by other mediators. She skillfully aids the parties in thinking through all the possible consequences of their options. *JB*

#### Shannon Sneary

Kathryn was my trainer for Judicial and Domestic Violence when I was first trained as a mediator. She is very direct, extremely knowledgeable and confident. She presents with those qualities and yet, if she doesn’t know the answer to a question, she is candid to say so. She may point the trainee to great resources to find the answer or do the research herself and bring the answer back to class.

In divorce mediations, if Kathryn senses a degree of hesitation on the part of the parties in making a decision to separate or divorce, she is careful not to push that agenda and will articulate to them that she senses they may be “on the fence” with regard to such a major decision.

In meetings, Kathryn is a great debater and presents her side clearly, yet she is open minded and able to process other opinions and views and give them fair consideration. *SS*

#### Eddie Bumbaugh

On a personal level, I recall Kathryn as one of the team of trainers for the first mediation and conflict resolution workshop I completed. Her skills and modeling of the attributes of an effective mediator were an inspiration to me as a beginning mediator.

After receiving advanced training and becoming employed at the Center, I had the opportunity to mediate, co-train and facilitate with Kathryn. Her outstanding personal and professional qualities always made it a special experience to work with her. Attributes that come to mind include compassionate, realistic, calm, assertive, poised, confident, humble, and balanced with a sense of humor. *EB*

#### Ed Wilkins

Kathryn was the first woman attorney in the field whom I knew anything about. She has a firm grasp of human dynamics as well as the law and is able to help people deal with sensitive feelings as well as facts.

She is very clear and concise as a trainer. It is very easy to learn mediation theory from her and she is quite helpful with role-plays. In my early

preparation as a mediator, I felt Kathryn was much easier to understand as a trainer than as a mentor. She was so skilled as a mediator and could move a case along so fast that it was hard for the novice I was at that time to keep up with her at the mediation table. *EW*

### Bill Kimsey

Deep-seated standards are hallmarks of Kathryn. She has internalized many of the values inculcated in conflict resolution. She keeps a balance between substantive and process expertise. Her intuition is prudent, anchored in values, and keeps the focus on the people in distress.

Kathryn is a leader, not in the heroic leader sense, but more in the transformative, principled leadership style. She is astute and works to make trainings come together by being a good team member. She makes the training about her co-presenters and the students. *BK*

From the mediator records at the DRS office, one learns that Kathryn earned a B.A. in Natural Science and German from Eastern Mennonite College in 1970. At Duke University, NC, she graduated cum laude with her J.D. at their School of Law in 1979. She was admitted to the Virginia State Bar in 1980. Kathryn holds mediator certification at the General District Court, Juvenile & Domestic Relations District Court, Circuit Court-Civil and Circuit Court-Family levels.

On an application, Kathryn wrote: "I try to help couples to be their best selves when they are settling matters surrounding the dissolution of their relationship. It is important to me that they begin to understand and to respect the feelings and expressed needs of the other person. I want them to take the long view, to project into the future the impact of what they are deciding now. I hope that they can set patterns of interaction that are as positive as possible. We talk about these things and how the children are the main beneficiaries if they can pull off this transformation. I am motivated to work in this field because, although I decry the large number of family dissolutions, mediation offers a way of resolving issues and handling relationships that is vastly superior to any other alternative."

Kathryn currently serves as a Board member for the Mahatma Gandhi Center for Global Nonviolence at James Madison University. Larry Hoover, also a Board member, says his colleague is an

invaluable Board member, making many positive contributions to their work. Every two years, the Gandhi Center brings an important speaker to the area, and one of Kathryn's functions is to assist with the fundraising efforts.

Kathryn has also been involved in EMU's Center for Justice & Peacebuilding, which includes the graduate program in Conflict Transformation and the Practice and Training Institute which houses the Summer Peacebuilding Institute. Kathryn taught one summer in the Peacebuilding Institute and continues to follow and support their work.

Kathryn has served as a volunteer trainer and mediator over the years for the Mennonite Central Committee in Sudan, Congo and India. In her congregation, Kathryn currently chairs the committee responsible for their Developing Countries Capitol Project. They assist with church building in third world countries and currently are working on helping a church in New Orleans rebuild. As chair of this committee, she is also on the Missions Commission. Kathryn says she and John are always in discussion about short-term mission assignments, primarily in Africa, but don't have any specific plans at the moment.

She is also passionate about a program called "Bridge of Hope" for single moms with kids who are homeless or close to it. Years ago, Kathryn and Ruth used to go to Social Services to ask to be connected with single women with children whom they could mentor. Then about a year and a half ago, a local group became an affiliate of Bridge of Hope, a program started in Lancaster County, Pennsylvania. The work is accomplished with minimal staff by enlisting churches to put together mentoring groups who are trained by the organization. Each mentoring group is assigned a single mother with whom they work, the goal being to help that mother become self-sustaining and establish a healthy family. Kathryn is on the board of the local affiliate.

When speaking with Kathryn in preparation for this article, she answered several questions posed to her.

*What are the greatest lessons you learned from your parents?*

First and foremost, they taught me that my relationship with God is the most important thing in my life. My relationships with other persons in this world are of next greatest importance.

*What do you admire in your husband?*

I admire John's honesty, his fairness, his hard work, and his intelligence.

*How do you set priorities when you are involved in so many areas?*

Our children and grandchildren are a prominent priority. We want to do all we can to prepare them to contribute in positive ways to the world. It is also important to me to help the unfortunate, especially children both locally and worldwide. In my mediation work, my priority is the children. I want parents to understand they have the power to make choices today that will mean twenty years down the road their grown children will be able to look back and say their parents both loved them and pulled together to parent them in harmony. Bitterness and psychological damage can be greatly minimized when parents make this choice as they separate.

My missions work through the church is also a priority because through it I can help bring about short and long-term positive results.

*How does your Mennonite faith color who you are?*

I had a very strong upbringing to be a non-resistant pacifist and to value justice with peace. Justice encompasses the economic and political realms. For me personally, my mediation work and helping to meet physical needs bring me great fulfillment.

*Several mediators describe your training and mediation as "transformative." How would you explain that for the layperson?*



John and Kathryn with their four sons and their families (2007)

The goal is to help the parties who are experiencing conflict to really listen and hear each other, maybe even for the first time. In doing so, they may be able to put themselves in the shoes of the other party. They experience a different interpretation of what has happened in the past, and understanding dawns! It's like the story about Ruth and Allen as kids at home being led to understand each other. Feelings and actions are intertwined so it's critical that understanding be brought to light, thus bringing about transformation.

*What do you still hope to accomplish in this lifetime?*

I hope to continue to help grow the Bridge of Hope effort, to go to the East Congo to talk and pray with women who have suffered much adversity through the wars there, and to see our grandchildren grow into healthy, productive Christian men and women. We are greatly blessed in our sons, daughters-in-law and grandchildren, and we are grateful every day.

**Kathryn Esther Stoltzfus Fairfield,  
the mediation community salutes you  
for living a life that truly inspires!**



Top to Bottom: Joshua & Christine with Mary Katherine, Hannah, Maggie & Grace; Nathaniel & Miriam with Thomas & Ruth; Peter & Bethany with Elisabeth; Andrew & Molly