Whole Brain Mediation: An Invitation from Modern Neuroscience

When was the last time you just “knew” something, without really knowing how you knew? Perhaps you knew what someone was going to say before they said it; perhaps you “felt” when a client was not sharing the most salient parts of their story. Maybe you had a “hunch” or “feeling” about a client with whom you had no prior experience, and that intuition proved to be true.

Scientific studies support the view that we have two cognitive brains – two ways of knowing – which correspond to the analytical mind and the intuitive mind. Both are important for mediators to draw upon.

In fact, we are using the intuitive mind all the time. We are hard-wired for it. We are continually using our capacity to “see a bigger picture,” to “see how things are interconnected,” and to see and understand things that are not readily available to the logical, analytical mind. The question is not whether we are intuitive, but whether we are aware of it and open to developing this part of ourselves, just as we would develop any skill or talent.

There are many benefits of becoming aware of the power of the intuitive mind. On a personal level, the intuitive mind allows us to connect more deeply with ourselves and our own wisdom derived from our life experience. We can then use this information to approach new situations with confidence and creativity. In a professional context, these insights, hunches and feelings allow us to bring forward all relevant and helpful information that can support and inform the analytical process. This leads to better decision-making and more effective dispute resolution skills.

Let’s take a moment to consider the recent discoveries of psychologists and neuroscientists who are studying the way our brains work. These research findings have important implications in terms of how we process stressful situations and how we problem-solve. In his book, A Whole New Mind, Daniel Pink summarizes these scientific discoveries and emphasizes the significance of the right-brain, intuitive mind. He points out that the human brain consists of over 100 billion cells – a complex system and network that guides all of our conscious and unconscious actions. Anatomists have known for centuries that the brain is divided into a right hemisphere and a left hemisphere, and these two regions of the brain play a role in everything we think and do. The two sides of our brain have somewhat discrete but overlapping functions that result in different approaches to resolving problems. To be an effective mediator means drawing upon both of these cognitive capacities.
The right side of the brain develops and is more active in the early stages of life. As babies, we all communicated non-verbally to make our needs and feelings be known. Even as adults, we continue to communicate with others through non-verbal means, including facial expressions, gestures, postures, etc. The right side of the brain is more directly connected to our awareness of physical sensations, survival reactions and instincts, and our emotional and social selves. This part of the brain stores memories of our personal experiences and forms the images and memories of our interactions with others. Properly trained and developed, this hemisphere of the brain helps us cope with stress and regulates our emotional responses, which leads to overall well-being.

Attention to the right side of the brain increases our ability to see many seemingly isolated pieces of information and perceive the whole – for example, interpreting facial expressions, or seeing all the elements of a situation and understanding what they mean. This side of our brain, when developed, steadies us as we move through stressful situations and conflicts that are a part of daily life. It helps us connect with others, empathize, and understand what another is feeling. As we all have experienced in mediation, being able to make a healthy connection with our clients is crucial in helping them move through the process of resolving conflict.

In contrast, the left hemisphere of the brain lives in an “ivory tower” says Daniel J. Siegel, a Harvard-trained clinical professor of psychiatry at UCLA and co-director of its Mindfulness Research Center. This hemisphere is responsible for formulating ideas and conceptual, rational thoughts. It is the source of linear, cause-and-effect thinking. This includes verbal activities such as talking, understanding the speech of other people, reading and writing. In general, the left hemisphere analyzes information. It operates in a logical, analytic fashion – like a serial processing computer. (The right hemisphere is like a parallel processing computer.) The left side of the brain sorts information into categories, and it can grasp details. It produces “either – or” thinking, and it values structure and predictability. As dispute resolution professionals, we know the importance of having a structure in place for mediation sessions. What’s more, we understand that we may need to change and tailor that process to meet the needs of our clients and the presenting situation.

The brain’s two hemispheres work together to help us create a unified, holistic experience of ourselves, others and our world. The left brain allows us to pick out the relevant details of a life situation; and the right brain supports our ability to see how those details create a broad perspective for understanding, creative problem-solving, and taking appropriate action. The left brain is busy analyzing the relevance and importance of the details of our lives, while the right brain is busy synthesizing these details and making sense of the whole picture. The left brain understands the definition of words, and the right brain picks up the more subtle context – for example, voice modulation or the meaning behind the words. Each hemisphere of the brain transfers information back and forth through a band of neurons known as the corpus collusum. In this way, we continue to learn, we grow in emotional intelligence and stability, and we discover how to integrate life’s experiences and build on them.

Problems arise, however, when one side of the brain is under-stimulated and the other side is overly-dominant. For example, when the left hemisphere is over used, we tend to become more rigid, we see things as black-and-white, we are less tolerant of others’ views, and we believe there can be only one right way or outcome. When the right side of our brain is overly-dominant, our thinking becomes very scattered and chaotic. We have a hard time making decisions or following through with them. We can become too emotional and unresponsive to reason. All of us, I imagine, have had the experience of working with clients who are rigid in their thinking and have a hard time seeing another perspective; on the other hand we have also worked with clients who seem to be unable to
focus, who are scattered and ruled by their emotions. As we model whole-brain thinking for our clients, it may help them to move toward greater balanced thinking for themselves.

As mediators and dispute resolution specialists, understanding the functions of the analytical brain and the intuitive brain, as well as their strengths and weaknesses, can help us personally to understand and develop our own analytical and intuitive capacities. This, in turn, will inevitably support our professional lives as we guide our clients successfully through the challenges and decisions they must make in the mediation process.

It is probably safe to say that modern culture values the left brain’s analytical skills and problem-solving approaches over the right brain’s intuitive capacities. We tend to be left brain dominant and our right brain’s input is ignored, devalued, or even feared. It is increasingly clear that both sides of the brain need to be nurtured, developed and used if we are to draw on all of our resources. Only then can we creatively identify issues and problems, and solve the challenges and conflicts that life presents to us.

There are many practices which can support us, as mediators, in developing our intuitive capacities. These practices are designed to quiet the analytical mind and allow our intuition to emerge from the background of our mental experience. (Remember, it is always present, although we may not be paying attention to it!) Here are some of the methods that invite our intuition into the foreground of our attention:

♦ Body awareness exercises, which stimulate the right brain and its natural capacity to become aware of and feel physical sensation and integrate those feelings with our thoughts.
♦ Deep listening practices which encourage us to hear the meaning of what is being said beyond the definition of the words themselves.
♦ Mindfulness practices such as breath attention, meditation, focusing one’s thoughts and becoming aware of one’s emotional state.
♦ Simply creating “space” or “down time” in one’s life for creative ideas to emerge.

We can all aspire to become “whole brain mediators” – highly skilled professionals who draw fully on both sets of capacities that are part of our “innate wiring.” It will allow us to come to new and creative ways to approach the issues and problems presented in mediation. It will strengthen our skills and open up innovative methods and results for problem-solving and dispute resolution.

Mary Elizabeth Lynch, J.D., is a graduate of the University of Virginia School of Law and practiced law and mediated legal disputes in the areas of employment and family law for fifteen years.

She co-founded and is the president of a non-profit organization, The Personal Transformation and Courage Institute, www.transformationANDcourage.org, where she facilitates small group intensive workshops designed to help people overcome attitudinal and emotional blocks to greater health, creativity, and the expression of one’s gifts and talents.

She is an adjunct faculty member at George Mason University, where she teaches two courses, “Intuitive Reasoning” and “Personal Transformation: Identity and Conflict,” through their Center for Consciousness and Transformation.

Mary Elizabeth will be teaching a one-day course, “Intuitive Reasoning: A Whole Brain Approach to Problem-Solving” at the Northern Virginia Mediation Service in Fairfax, VA., on Wednesday, September 21st. This course has been approved by the Office of the Executive Secretary’s Dispute Resolution Office for 7 hours of general or family mediation recertification credit.
Claudette McDaniel was no stranger to the professional mediation community in Richmond and first received Virginia mediator certification in 1995 at both the General District Court and JDR Court levels. Later she also received Circuit Court-Civil certification. Claudette served for many years as a mentor to others working toward certification. She passed away at age seventy on November 3, 2010. Local newspapers and television stations honored her life as a pioneer in the history of Richmond, Virginia. A Richmond City Council news release, published in the Richmond Times-Dispatch the day after her death, remembered Claudette “for her many years of service to our community and for helping to make Richmond an even better place.”

Claudette was probably best known as “part of the history-making first African-American majority elected to Richmond’s City Council in 1977.” (Ellen Robertson, “Pioneering Richmond City Council member dies,” Richmond Times-Dispatch, Nov. 5, 2010.)

In 1969, according to a 1985 article by Margaret Edds, a Richmond annexation brought 47,000 mostly white residents to the city. The annexation sparked a legal challenge under the Voting Rights Act, which prevents election law changes that decrease the impact of black votes. The U.S. Supreme Court blocked new city council elections for seven years until the case was resolved. The Court found the annexation discriminatory, resulting in a change from “at-large” to “ward” voting for the city council seats. Seven whites and two blacks had comprised the former council; in 1977 the newly elected council had four whites and five blacks. Claudette won a seat in the election and became a member of the new black majority. In 1984, she became the first black woman to serve as the city’s Vice Mayor. In 1985, Edds states that Claudette “has proved to be a capable, steel-edged politician.” (See Margaret Edds, “The Path of Black Political Power,” 1985, http://aliciapatterson.org/APF0803/Edds/Edds.html, last visited 4/28/11)

Claudette earned a Bachelor of Arts degree in Sociology at Richmond’s Virginia Union University in 1964; a Master’s degree in Administrative Justice and Public Safety from Virginia Commonwealth University in 1979; and a Doctorate from Lamberhurst University of London.

Recent references to Claudette include such phrases as “Richmond icon,” “trailblazer,” “a mover and a shaker, “and “phenomenal woman.” While she was a student at Virginia Union University, she participated in lunch-counter sit-ins in an effort to slice through the racial barriers in Richmond. She held her seat on City Council for seven two-year terms from 1977 to 1990. She was the Vice Mayor for six one-year terms from 1984 to 1990. Claudette represented Richmond’s 8th District, where crime and unemployment issues were some of the most challenging in the City. She worked hard to secure much needed financial resources for her district and the community at large. In 1983, the National Council of Negro Women conferred on Claudette its Mary McLeod Bethune Award for her accomplishments in community service and politics. (See Robertson, “Pioneering Richmond City Council member dies.”)
The mark Claudette McDaniel made on her world is all the more remarkable, given the humble beginning from which she came. Edds notes that her father was a chauffeur who made $50 a week when he retired, and her mother was a housewife. Claudette “grew up with four brothers, ample love, boundless confidence and little else in a black section of south Richmond.” ‘Dogtown,’ [Claudette said softly in an interview], recalling the neighborhood’s nickname. Her smile is as wide as Dixie, but there is an edge of challenge to her voice. ‘Yeah, dogtown.” (Edds, “The Path of Black Political Power,” 1985.) Claudette lived in the same house on East 15th Street her entire life. (Robertson, “Pioneering Richmond City Council member dies.”)

Claudette worked for nearly fifty years at VCU Medical Center as a recreation therapist in the Department of Therapeutic Recreation. When the Medical Center held its 36th Annual Service Award Reception in 2007, Claudette was honored for her 45 years in therapeutic recreation. Her employee sketch from the event states that she “first came [to MCV] as a patient and remembers being visited by social workers every day. In college, McDaniel studied social work and sociology because she wanted to be like the social workers. She enjoys helping people lead more fruitful lives. Her first paid job here was an activity therapist with TB patients. Her goal is to work at VCU for 50 years. . . . In her free time, Claudette enjoys singing with the Harry Savage Chorale and the African-American-Heritage Chorale. She also enjoys spending time with her daughter and grandchild.” (Photo on right from VCU News Center web page.)

Claudette nearly reached that goal of working at VCU for fifty years. Due to health issues, she was anticipating retirement on December 1, 2010. R. Macon Sizemore, Director of Rehabilitative Services at VCU Medical Center, said Claudette “was warm and engaging and supportive of her clients and had a great memory for folks.” (Robertson, “Pioneering Richmond City Council member dies.”)

In addition to her political and work careers, Claudette had a talent for mediation. During the mentorship phase for her initial mediator certification in 1995, Claudette’s mentors lauded her skills and potential as a mediator. One mentor noted, “Claudette’s skills are very good. Her responses and control during this highly confrontational, emotional mediation helped a great deal. Her calm, easy manner was greatly appreciated in today’s mediation.” Another mentor’s evaluation stated, “Claudette is very skilled at ‘grounding’ the mediation session. She is able to bring situations back to reality when necessary. She is extremely perceptive [] when emotions take over logical reasoning.”

Claudette was visiting her daughter, Claudine, and her twin grandsons, Blake Charles and Isaiah Wendell, in Maryland when she was hospitalized and passed away. She had been ill since early 2010. Current Richmond Mayor and Senior Pastor at First Baptist Church in South Richmond, Dr. Dwight C. Jones, officiated at Claudette’s funeral. Dr. Jones recalled that he was her first campaign manager and remembered her as “a trailblazer and an integral part of what makes Richmond a great city with a great history.” According to J.J. Minor, chairman of the Richmond Democratic Committee, Claudette had a reputation for believing in young people and encouraged them to prepare to step into positions of leadership to make their community strong. Mayor Jones observed, “Losing Dr. Claudette McDaniel is like a tall timber falling.” (See Robertson, “Pioneering Richmond City Council member dies,” Richmond-Times Dispatch, Nov. 5, 2010.)

Claudette was a member of the Association for Conflict Resolution, the Virginia Mediation Network, and the Virginia State Bar Fee Dispute Resolution Program. She was a volunteer mediator and mentor for the Dispute Resolution Center in Richmond and mediated for VCU Medical Center, the U.S. Postal Service, FEMA and Commonwealth Mediation Group in Richmond.

Claudette McDaniel
Virginia’s ADR community salutes you.
Yours is truly a life that inspires!
ADR in the Department of Agriculture and Consumer Services: 
The Office of Consumer Affair’s Dispute Resolution and Investigations Unit

In 1996, the Virginia General Assembly tasked the Commissioner of the Virginia Department of Agriculture and Consumer Services (VDACS) with establishing a mechanism for receiving and facilitating the resolution of consumer complaints. Since that time, the Office of Consumer Affairs (OCA) within VDACS’s Division of Consumer Protection has provided this dispute resolution function to aid consumers and businesses in the resolution of their disputes.

OCA is comprised of three units: 1) Counseling, Intake, and Referral; 2) Regulatory Programs; and 3) Dispute Resolution and Investigations. In response to the General Assembly’s directive, the Dispute Resolution Unit was created in 1996. In 2007, the Dispute Resolution and Investigations units were combined to create the Dispute Resolution and Investigations Unit (“Unit”).

OCA accepts complaints against Virginia businesses from consumers anywhere, and Virginia consumers may file complaints there against businesses located in Virginia, across the United States or in other countries. During more than 14 years of operation, Unit staff has handled over 16,000 cases that resulted in more than $11 million in consumer recoveries. In 2010, approximately 67% of the consumer complaints received by OCA were referred to the Dispute Resolution and Investigations Unit for handling.

Consumer complaints referred to the Unit fall into two categories: complaints that allege violations of the Virginia Consumer Protection Act (VCPA) or other consumer protection statutes, and complaints that do not allege such violations. Investigators in the Unit handle complaints that allege statutory violations. Dispute Resolution Specialists in the Unit assist consumers and businesses in the resolution of disputes that do not involve statutory violations, by acting as neutral third parties using alternative dispute resolution (ADR) processes. Investigators sometimes refer complaints involving violations to Dispute Resolution Specialists for neutral dispute resolution, while continuing to investigate the alleged statutory violation.

The Dispute Resolution Specialists are required to be Virginia certified General District Court mediators. One OCA staff member is also a mediator mentor. Three additional OCA staff members are Virginia certified mediators. Staff typically uses the following ADR processes: telephone conciliation, mediation, and arbitration.

The top five categories of consumer complaints handled by the Unit are:
1. Credit (Debt Collection, Loan Modification)
2. Housing Service and Repair
3. Automotive Service and Repair
4. TV and Electronics (TVs, Computers, Satellites)
5. Automotive Sales

Participation in OCA’s ADR processes is voluntary and all information is confidential. VDACS provides ADR services at no cost to consumers and businesses.

For questions about these services or additional information, please contact Joe Boisineau at (800) 552-9963, Ext. 18999 (Toll-Free in VA) or (804) 371-8999 or Joseph.Boisineau@vdacs.virginia.gov.

Joe Boisineau has been a Dispute Resolution Specialist in the Office of Consumer Affairs for twelve years. He has been a Virginia certified mediator since 1996 and holds mediator mentor status.
March 2011 Celebrated as Mediation Month in Virginia

We would like to thank Virginia Governor Bob McDonnell for honoring the request of Virginia’s ADR Community to issue a proclamation recognizing March 2011 as Mediation Month in the Commonwealth of Virginia. The Mediation Month Proclamation is available on the Governor’s web page.

ADR Brown Bag Lunch Series at OES

The Virginia Governor’s Office annually proclaims March as Mediation Month, and mediation providers across the Commonwealth seize this opportunity to promote alternative dispute resolution (ADR) options in their courts and communities. In the same spirit, the staff of Dispute Resolution Services hosted its second annual ADR Brown Bag Lunch Series for employees of the Supreme Court of Virginia, Court of Appeals, and Office of the Executive Secretary (OES).

At these sessions on three consecutive Tuesdays in March, through presentations, role-play demonstration and discussion, employees learned about the ADR processes of mediation and judicial settlement conference as well as mandated parent education seminars. We had a good turnout and enthusiastic feedback.

Ann Warshauer presented the Parent Education program, including a showing of the new version of the Spare the Child DVD produced in 2010 by the Virginia State Bar Family Law Section.

For the mediation session, Mandy Stallings presented a brief overview of the mediation process before breaking the audience into four groups for a workplace mediation role-play experience. Certified mediators Heather Schofield and Lois Jones plus DRS’s Mandy and Sally teamed up with four OES employees who have completed mediation training to co-mediate for the four groups. Eight other OES employees played the roles of the disputants while other attendees observed the action.

Retired Circuit Court Judge Jerry Ford was our guest presenter for the Judicial Settlement Conference program. He shared how the program works and why it is so popular with the courts, parties and their counsel in resolving disputes at the circuit court level. Judge Ford entertained the audience with first-hand stories regarding settlement conferences he has conducted.

Two programs in the series included lively question and answer sessions, and DRS staff outdid themselves in providing a plethora of scrumptious desserts. This annual series has been effective in generating enthusiasm at OES for the positive contributions our mediators, parent educators and settlement conference judges are making to the courts and users of the judicial system.
Fairfield Center Featured on Virginia Insight for Mediation Month

Fairfield Center’s Executive Director Tim Ruebke and Director of Business Services Kai Degner teamed up with Jayne Docherty, Professor of Leadership and Public Policy at the Center for Justice & Peacebuilding at Eastern Mennonite University, for a call-in program on radio station WMRA’s Virginia Insight. Their topic was Resolving Conflict Calmly, and the program was aired on January 31st with the plan to run the taped version in mid-March in honor of Mediation Month.

Radio station promotion for the program:

- Ever say something in anger you wish you hadn’t?
- Ever have someone do that to you, and then wish you had a better way to respond?
- We’ll be talking with three Virginians who are part of a movement to help people in business, government, and personal relationships move past conflict . . . and on to understanding.
- Join us as we examine the communication strategies they say can enrich dialogue for anyone.

The discussion was lively and informative as the three interacted with citizens calling in with questions and commentary. There were varied and interesting perspectives shared by both the experts and the callers. The program provided an excellent forum for encouraging positive conflict resolution techniques, and the host highlighted the role of the local mediation center in helping to bring this about.

If you are interested, you may listen to the podcast on the WMRA Virginia Insight website. Scroll down to the January 31, 2011 program entitled Resolving Conflict Calmly. Click on “Listen to the program.”
Legislative Updates

All bills approved by the Governor
Effective 7/1/2011

Please take note of the following updates to the Code of Virginia. This information comes from the Virginia General Assembly Legislative Information System. All of these updates may affect your clients and/or the information you provide in trainings. **Attention Trainers:** If you have a training (for example, judicial, family, or domestic violence) that needs updating based on these law changes, please submit updated materials to DRS no later than July 1, 2011.

**General District Court**

HB1590/SB 774 - Jurisdictional limits of courts; increases maximum civil limit of general district courts.

**Summary:** Jurisdictional limits of courts. Increases from $15,000 to $25,000 the maximum civil jurisdictional limit of general district courts.

[Full Text]

**Juvenile and Domestic Relations District Court**

**Domestic Violence**

HB 2063/SB 1222 – Protective orders; expands class of persons eligible to obtain.

**Summary:** Protective orders; availability; penalty. Renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order by enlarging the types of conduct that permit the issuance of a protective order from certain specified criminal acts to any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such protective orders are available based on such conduct, regardless of the relationship of the parties involved. The bill also makes several amendments to make protective orders and family abuse protective orders more consistent, including amending the definition of “family abuse” to be consistent with the conduct that would allow for the issuance of a “protective order” and providing that a family abuse protective order may include a condition prohibiting the allegedly abusing person from committing a criminal offense that results in injury to person or property. The bill also makes the penalties for violating a protective order consistent with the penalties for violating a family abuse protective order: (i) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (ii) any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (iii) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (iv) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony.

[Full Text]
Custody/Visitation/Child Support/Spousal Support

HB 1529 – Pendente lite support orders; payment of debts
Summary: Pendente lite support orders; payment of debts. Provides that a pendente lite spousal support order may include ordering that a party pay secured or unsecured debts incurred jointly by the parties or in either party's name.
Full Text

HB 2085 – Guardianship; child custody
Summary: Guardianship; child custody. Eliminates the option for parents who are separated but not divorced to bring a custody proceeding in either circuit court or juvenile and domestic relations district court. Such actions shall be brought in juvenile and domestic relations district court, unless concurrent jurisdiction exists with the circuit court, i.e., divorce actions.
Full Text

SB 910 – Military parents; delegation of visitation rights
Summary: Military parents; delegation of visitation rights. Provides that in cases involving a parent who is a member of the military and who has been deployed on active duty, a court may enter an order (i) delegating the deploying parent's visitation rights with a child to a family member of the deploying parent or (ii) awarding visitation rights to a family member of the deploying parent if the parent had physical custody of the child prior to the deployment and physical custody is awarded to the nondeploying parent or his family during the deployment. Written notice of the return of the deployed parent or guardian and the termination of the delegated visitation shall be provided by the previously deployed parent or guardian to any family member whose visitation is thereby terminated. The bill also provides that the court may provide for the appearance of parties and witnesses via electronic means at any hearing under the Virginia Military Parents Equal Protection Act (§ 20-124.7 et seq.).
Full Text

Circuit Court

Equitable Distribution

HB 1569—Marital Debts; equitable distribution
Summary: Equitable distribution; marital debts. Provides that for purposes of equitable distribution in divorce actions, the court is required to classify debts of the parties as either marital or separate. The bill defines what constitutes a marital debt and a separate debt for purposes of classification and establishes how a party may rebut such a classification. This bill is in response to the Virginia Supreme Court's decision in Gilliam v. McGrady, 279 Va. 703, 691 S.E.2d 797 (2010).
Full Text
Judicial Council of Virginia Adopts Revisions to Mediation Governing Documents

For three years, from 2007 to 2010, the mediation Ethics Committee labored over revisions to the Virginia mediation governing documents.* Goals were to clarify and update the guidelines documents based on mediator and DRS experience over the years, improve the handling of complaints, ensure parallel construction of documents where possible, harmonize the standards of ethics with other ethical standards, and improve the functional cohesiveness of the five documents.

The Judicial Council of Virginia, the body that promulgates the mediation governing documents, adopted the Committee’s proposed revisions to the documents at its meeting on April 5, 2011. The effective date for the revised documents is July 1, 2011. Mediators, mediation trainers and mentors may wish to take advantage of the delayed effective date to become familiar with the revisions, incorporate them into training materials, and prepare to put them into practice as of July 1st. “Final” versions, “redlined” versions (showing what text was added and what was removed), bulleted lists of the substantive changes to each of the documents, and a chart outlining the revised complaint process are available on the Virginia Judicial System website on the Standards and Guidelines page.

DRS cannot adequately express its appreciation for the diligence and extended effort of the Ethics Committee members: Sam Jackson, John McCammon, Frank Morrison, Lawrie Parker, Jeannette Twomey and Paula Young. These dedicated souls met twenty times over three years to propose, research, study and draft revisions, and then to review and study mediator comments on the revisions. They never wavered in their commitment to see the project through. Sam Jackson also attended the Judicial Council meeting and helped field questions regarding the many revisions.

DRS gratefully acknowledges the countless mediators whose careful examination of the proposed revisions generated thoughtful suggestions and comments. Many suggestions were incorporated into the documents. The Ethics Committee was impressed, in the words of one member, to have so many “certified mediators/trainers with the desire, knowledge and analytical skills to review our work so thoroughly.” Many thanks to all of you!

* Guidelines for the Training and Certification of Court-Referred Mediators, Guidelines for the Certification of Mediation Training Programs, Mentorship Guidelines, Standards of Ethics and Professional Responsibility for Certified Mediators, and Complaint Procedures for Mediators Certified to Receive Court-Referred Cases (re-titled Procedures for Complaints Against Certified Mediators, Mediation Trainers, and Mediator Mentors).

Finding a Mentor Has Become Simpler!

It is now easier for potential mediators to locate mentors who are qualified at the particular court level for which they seek certification. DRS has added a new mediator database table to better track the levels of certification for which a mediator has achieved mentor status. The OES Department of Information Technology has made this information available on the court website. From the Virginia Judicial System home page at www.courts.state.va.us click under “Directories” on “Mediation” and then “Mediation Mentors by Circuit.” You will be directed to a map of Virginia by judicial circuit. As you click on a circuit, a list will be displayed of available mentors at each level of court. By clicking on a mentor’s name, you will see his or her mediator profile, including contact information.
The next phase of technology enhancements will be to automate the updating process that transfers DRS changes in the mediator database to the online searchable mediator directory. Our IT staff anticipates having this in place several months down the road. When a mediator or parent educator changes contact information, a new certified mediator or parent educator is added to a database, a mediator is awarded mentor status for a particular court level, or a mediator requests that his or her listing be removed from the website for security or other reasons, the changes will automatically take place online the same day. Currently, the webmaster updates all directories one time each month, so this automation will be a great new benefit to keeping our online information current.

**DRS Offers Training Opportunity**

DRS will present a *Child Support, the Courts, and You (Mediator)* training in Norfolk on May 7, 2011 from 9:00 a.m. to 1:00 p.m., hosted by Virginia Conflict Resolution Center. The main focus of this training is calculating child support. This advanced training will include a statute review and multiple child support calculations by hand. Come with questions, calculators, and pencils (maybe an eraser, too!). 4 hours Family CME, $10. If you are interested in attending this training, please register at [www.VaConflictResolution.org](http://www.VaConflictResolution.org). For questions contact VCRC at 757-480-2777.

**Eighth Annual Parent Educators Symposium**

The Office of the Executive Secretary invites all parent educators to register for the Eighth Annual Parent Educators Symposium to be held on Friday, May 13, 2011, in the Courts Conference Center on the sixth floor of the Supreme Court of Virginia building in Richmond. There will be two identical sessions, the first from 8:00 AM. to 12:15 PM and then repeated from 1:00 to 5:15 PM. This valuable program is being offered to you at no cost through an Access and Visitation grant from the Virginia Department of Social Services.

The Symposium will begin with a discussion of the implementation of the “standard” approach to the teaching of the four topics required by the Code of Virginia. Secondly, a panel consisting of parent educators representing Middle Eastern, Korean, Latin American, and African American cultures will address the role of culture in parent education.

To request a registration form, email Melanie Rinehults at mrinehults@courts.state.va.us. Due to space limitations, we will not be able to accept more than 75 registrations for each session. Registration deadline is Friday, May 6, 2011. Indicate which session you wish to attend, and we will do our best to accommodate your preference.

**ADR Training Calendar and Mediation Conferences Schedule**

The DRS office regularly receives inquiries from mediators requesting information on where to find continuing mediation education (CME) courses that satisfy their recertification requirements. The best source of this information is the Training Calendar on the mediation webpage. The calendar indicates the number of credit hours granted for each class and whether general, family, or ethics. There is also a Conference Calendar, updated quarterly, where you will find information regarding ADR conferences across the country. If you are a trainer and wish to have your courses listed on the training calendar, please submit them to mrinehults@courts.state.va.us for inclusion. Updates take place the first week in each month. To have a core course or a CME course listed, the trainer and the materials must have been approved by DRS. You will find the required course applications on the forms page.

**Requests for Proposals for 2010-11 Mediation Contracts Posted to Web**

The RFPs, all required forms, and an instructions memo were posted to the mediation page of the Virginia Judicial System website on April 5, 2011. This is your opportunity to apply for consideration for a contract for the 2011-12 fiscal year to provide mediation services and/or mediation coordinator services for the courts.

Please be sure to read the RFP Instructions Memo first for details and follow all instructions carefully. Please note that the deadline by which all proposals must be received in the DRS office is Friday, May 6, 2011 at 4:30 PM. You will need to meet with your courts to obtain their input and signatures on forms that must accompany your proposals.
The Little Book of Restorative Justice is part of the “Little Book” series, a collaboration between Eastern Mennonite University and Good Books publisher. The purpose of the “Little Book” series is to make information about conflict resolution, peacemaking, and restorative justice available in easily digestible forms. These books aren’t too meaty and give a good overview and introduction into various topics like restorative justice, circle processes, victim-offender conferencing, family group conferencing, and other similar topics in conflict resolution. One of these books can easily be read in an afternoon, and they’re priced right at about five dollars a book.

The purpose of The Little Book of Restorative Justice by Howard Zehr is to give a brief synopsis of the philosophy and theory of restorative justice. The intent is to introduce interested persons to the concepts behind restorative justice and to be a quick refresher for practitioners. This book does not seek to make arguments for restorative justice, or serve as a “how to.”

Zehr starts by explaining what restorative justice is and is not. This gives readers points of reference and a frame for understanding the purpose of restorative justice. Zehr points out that restorative justice is a “compass, not a map.” This speaks to the idea that restorative justice is not a program on a list of possible programs, but instead it is a different criminal justice paradigm that approaches crime with a community-based approach. The question restorative justice asks is, “What do harmed parties need from the justice system?” This is contrasted with the question the traditional justice system asks, “How do guilty parties need to be punished?”

With this frame, Zehr explains the principles of restorative justice. These principles are based on the idea that crimes create harm and violate people and relationships; these harms and violations create obligations; and these obligations need to be fulfilled in order to “put things right.” The traditional, retributive criminal justice system also seeks to “put things right;” however, it seeks to do this by removing the victim and community by having the state stand in for the injured parties. Retributive justice systems and restorative justice systems have the same goal, according to Zehr. They just have different approaches, and the restorative approach is more effective at truly balancing the scale and bringing the victim(s) a better sense of healing and closure.

After explaining the pillars and principles of restorative justice, Zehr gives practical examples of restorative justice, which he calls restorative practices. This section does not give specific details on how to start a program, but gives an overview of different models and discusses the qualities of an effective model. Even though it gives no “how-tos,” this chapter is particularly helpful for practitioners and program designers.

Finally, Zehr contrasts restorative justice with retributive criminal justice and asks is it “either/or”? This chapter is interesting because he says, “No.” The dream is to have a system that is purely restorative. However, Zehr is realistic and acknowledges that the criminal justice system has some positive qualities. It has a role to play in sorting out the truth of a situation and keeping in mind the interests of people beyond the immediate stakeholders. Both retributive and restorative justice, as currently practiced, have strengths and weaknesses. He says a realistic goal is to move as far as possible towards restorative practices in justice systems. This means in some situations the process for resolution will be purely restorative and in others the process may have less restorative components.

This book may be little, but it is big on information. It is helpful for anyone who wants to learn more about restorative justice or who needs a practice/theory tune up. This is not the book for someone who wants to really sink his or her teeth into theory or program development, though Zehr does provide a list of readings in the back of the book for anyone who wants to delve a little deeper into this topic.
Community Mediation Center News

Mediation Center of Charlottesville Appoints Executive Director

The New Year started on a very upbeat note for The Mediation Center of Charlottesville (MCC), when the Board chose Leigh Robinson Trippe from a strong field of qualified applicants for the Executive Director position. We were thrilled when she accepted our offer and reported for work on February 2.

After earning her business degree from William and Mary and law degree at Wake Forest University School of Law, Leigh worked for two years as a trust fund analyst and lobbyist for the Virginia Department of Commerce. In 1988, she took her talent for contract negotiation, management and strategic planning to LexisNexis, spending 20 years as a successful business executive with the last 8 years as a vice-president. Fortunately for us, Leigh decided to change career directions and follow her long-held desire to work in the non-profit sector. To this end, she served an executive internship with the Blue Ridge Chapter of the National Multiple Sclerosis Society and earned a certificate in non-profit management at UVA.

Leigh particularly enjoyed designing fund raising events and collaborating with others to develop the annual marketing plan for the MS Society. She is excited to bring these skills, as well as her experience in finance and budgeting, public relations, and team management, to the MCC.

Within one month of taking the reins, Leigh had completed the Basic Mediation Skills class and sat down to lunch with our most valued asset, the expert mediators who volunteer their services to this community through the MCC. Leigh says that she is most impressed by the extremely high quality of the mediation provided by the MCC and by the generosity of the mediators themselves – particularly, “how many people have gone through more than 30 hours of training and then continue to volunteer their valuable time, free of charge.” She also cites the organization’s impressive agreement rate of 85%.

As Executive Director, Leigh looks forward to working with the Board of Directors to create a higher profile and greater visibility for the MCC and to “explore more ways to get people into mediation, which will improve the quality of life for them, their children and everyone around them.” This includes potential growth into areas such as elder care, where families struggle with difficult decisions that often result in conflict and strife, as well as exploring how to serve more surrounding counties. Leigh brings energy, enthusiasm and knowledge to the post of Executive Director. Welcome, Leigh!

Submitted by Phoebe Frosh, The Mediation Center of Charlottesville, Board of Directors
Apple Valley Mediation Network Holds Annual Meeting

AVMN celebrated another year of growing mediation at its annual meeting, held on April 26, 2011. 26th District J&DR Judge Ronald Napier facilitated a dialogue with Center staff and mediators about the successes of the program and any areas of change or improvement that would be helpful to the courts they serve. The meeting was open to all stakeholders, such as community workers, including attorneys who refer clients to mediation, work in the court system, or use mediation.

Fairfield Center a High Profile Presence in Harrisonburg

Valley Plane Pull  Fairfield Center, in partnership with the Downtown Dining Alliance, hosted the 4th Annual Valley Plane Pull at Shenandoah Valley Regional Airport on April 30th, touted as one of the most unique family-focused fundraisers in the Valley.

Anticipating more than 30 teams and a great energetic crowd, the Valley Plane Pull is an event that draws together families, sponsoring businesses, university and civil groups valley-wide. Teams of 5 to 8 people must work together to pull a King-Air Twin Turboprop weighing 8,000 pounds a distance of 150 feet! Teams compete for the fastest time and prizes are also awarded for the best team costumes.

This is a fun-filled day with airplanes on display, airplane rides, emergency vehicle and car show, face painting and a variety of activities for children along with amazing food and groovy live music.

Sustainability Summit  On April 23rd, Fairfield Center also sponsored the Shenandoah Sustainability Summit, featuring the region’s leading organizations, business and individuals dedicated to promoting sustainable work and living in the Shenandoah Valley. This is an extension of the Harrisonburg Summit series sponsored by the Center over the past two year. The purpose of the summits is to provide a forum within the community to explore and brainstorm ways to improve various aspects of community life.

Volunteer Appreciation  Mandy Stallings and Melanie Rinehультs attended Fairfield Center’s Annual Meeting and Volunteer Appreciation Night at the Center on February 24th. Professor Vernon Jantzi from Eastern Mennonite University was the guest presenter on the fascinating subject, “Breaking Cycles of Violence—Trauma and Resilience.” It was a great evening of learning and good food and an opportunity for the Board of Directors and Executive Director Tim Ruebke to honor their interns and volunteer mediators for the tremendous work they do for the courts and local citizenry.

Left: Executive Director Tim Ruebke enjoying evening with staff, volunteers and Board members
Right: Guest Speaker Professor Vernon Jantzi