



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

Virginia Celebrates ABA Mediation Week

ADR professionals from across the State gathered to celebrate ABA Mediation Week at a reception at the University of Richmond School of Law the evening of October 19, 2011. The event was one of many held around the country and beyond in celebration of ABA Mediation Month to raise awareness of the benefits of the mediation process.

Organizations collaborating with the ABA Section of Dispute Resolution to host the celebration included the University of Richmond School of Law ADR Society, the Virginia ADR Joint Committee of the Virginia Bar Association and the Virginia State Bar, the Virginia Mediation Network, and the Virginia Association for Community Conflict Resolution.

Geetha Ravindra welcomed guests and drew our attention to the 2011 Mediation Week theme, as proclaimed in an ABA House of Delegates Resolution. The opening declaration reads, "Resolved, that the American Bar Association reaffirms the principle of civility as a foundation for democracy and the rule of law." Geetha introduced the first speaker of the night, Dr. Frank Dukes, Executive Director of the Institute for Environmental Negotiation at UVA. Frank was one of the original members of the Dispute Resolution Services ADR Advisory Council, contributing significantly to the establishment of mediation as a viable option for litigants in resolving their disputes.



Dr. Frank Dukes

Frank shared a PowerPoint presentation entitled, "The Promise of Collaboration: Inclusion and Civility in the Face of Conflict and Hostility." After eliciting the audience's thoughts on good and bad public speech, he summed them up with two thought-provoking statements. "Enough bad public speech can drown out good speech. Enough good public speech leaves no space for harmful public speech."

In relating some of what has been happening in Northern Ireland and observations from his recent trip there, he lauded the persistent efforts of key military and political figures to encourage and participate in meaningful dialogue based on inclusion and civility. When people holding opposing views



Attentive audience of ADR practitioners

come to the table, willing to consider all perspectives and focus on speech that is civil rather than hostile, meaningful progress can be made! Changes to murals that have long been painted on city walls dividing the Catholic and Protestant communities are tangible evidence of Northern Ireland's transformation of violent conflict to more peaceful dialogue. Murals that once spewed hateful, one-sided propaganda are being transformed into something more civil, hopeful even. The leading muralists are now working together and painting such icons of peace as Martin Luther King and Ghandi on the walls.



Mural in Northern Ireland

Frank is actively involved in many community efforts throughout Virginia to resolve environmental conflicts. One of the goals of his "transformative vision" is to establish engaged communities by inspiring, nurturing, and sustaining a vital communal life, one that is committed to inclusion and civility. The ongoing challenge is to identify multiple parties with sufficient stake in and responsibility for a problematic issue and bring them together in a collaborative effort to craft solutions. The parties may be individual citizens, government and non-government agencies, and businesses. He spoke of "collaborative governance" as a second goal. This is a governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement public policy or manage public programs or assets. A third goal is to enhance society's ability to solve problems and resolve conflicts.

The second speaker of the evening was Lisa Hicks-Thomas, Secretary of Administration for the Commonwealth of Virginia. She oversees multiple state agencies, including the Department of General Services, the State Board of Elections, the Department of Minority Business Enterprise, and the Department of Human Resource Management and is a member of the Virginia Interagency ADR Advisory Council.



Secretary of Administration Lisa Hicks-Thomas

Secretary Hicks-Thomas spoke of the need for a "new playbook" for our high-tech, cyber-connected world and government structure. We live in a highly stressed society, one where human beings relate largely in virtual ways rather than person-to-person. She told the story of a village where no one ever died of physical ailments brought on by the stress of life, but enjoyed a long, peaceful life and died of old age. Utopia? Perhaps, but the moral of the story is that creating an environment of community where people support one another is the secret to good health, less stress, and a peaceful existence.

She also spoke of the late Steve Jobs' diligence in promoting a community atmosphere in the work environment. He went to great effort and expense in designing the workplace, from the location of conference rooms, water coolers, employee coffee bars and cafés to landscaped courtyards and other amenities, to draw the work force together in a positive way. He had the wisdom to realize that personal relationships foster teamwork, creativity, enthusiasm and harmony in the workplace and reduce conflict. He understood that people working together toward a common goal have the potential to accomplish amazing things. Secretary Hicks-Thomas noted, "Two people must look one another in the eye in order to see eye-to-eye."

Virginia supports by statute the settling of workplace disputes in all government agencies through the process of mediation. Secretary Hicks-Thomas stated that Governor McDonnell is a firm believer in the benefits of mediation, and his administration encourages state agencies to make such services readily available to all employees. A recent survey reveals that 83% of state agencies report disputes are resolved faster with mediation, 80% report that it saves the agency money, and 75% are satisfied with the results of mediation for their workplace disputes. Secretary Hicks-Thomas thanked those present for their hard work and efforts to advance the field of ADR in Virginia.

In closing remarks, Geetha recognized long-time mediator Larry Hoover, referring to him affectionately as "Virginia's godfather of mediation." The celebration also presented an opportunity to enjoy tasty cuisine and networking among professionals from diverse areas of practice who share a passion for mediation and peacemaking.



Geetha Ravindra and Larry Hoover



Mark Rubin, a U of R law student, and Joe Boisineau



Amanda Monaco, Leigh Trippe, and Erin Simon



Secretary Hicks-Thomas chatting with University of Richmond law students



Sally Campbell, Frank Dukes and Mandy Stallings



Kristine Lansing, Geetha Ravindra, Claudia Farr and John Settle



Frank Dukes and Larry Hoover

Youth Make a Positive Impact as Peer Mediators

There may be a tendency to talk about “kids these days” and all the negative things that they are doing. The “kids” in Norfolk, however, are challenging this stereotype.

The Youth Services department at the Virginia Conflict Resolution Center (VCRC) unites youth in the community for Martin Luther King Day and Community Cleanups, but also seeks to leave a lasting impact in schools and on lives. VCRC is gaining recognition for Peer Mediation, one of its biggest youth programs. In November 2010, VCRC was awarded the A+ Community Partnership Collaborative Award through the Norfolk Education Foundation for the creation and support of peer mediation programs in two Norfolk High Schools. This award recognizes members of the community who have formed meaningful partnerships within Norfolk schools. Peer mediation continues to grow, as VCRC has begun receiving calls from schools and colleges from Hampton Roads to Roanoke, asking about peer mediation training.



Through this program, high school youth who are in a dispute can sit down with a peer mediator, and attempt to resolve the problem on their own, rather than going to the administration. The mediations take place during school hours, often during peer mediators' lunch breaks or free periods. Referrals come from students, whether or not they are involved in the conflict, teachers, administrators, and even parents. Anyone can refer two or more students to mediation. Often, schools designate one staff member to be in charge of taking in referrals and scheduling mediations. This person has forms on hand and can take referrals by phone, email, or in person. Everything said in mediation is confidential, so students are able to open up about the problem to fellow students, without worrying about what parents or teachers might say. Similar to being in the adult realm, peer mediation is voluntary, as participation and a desire to solve the problem are needed for the process to be successful.

As with court-referred mediations, opting out of peer mediation means going in front of a “judge”: a principal or other school administrator who decides whether disciplinary action is necessary to resolve the dispute.

Though slightly simplified from the Virginia Judicial Council's process of certification for adult mediators, peer mediation training is not child's play. Students attend a sixteen-hour training course that includes discussions on conflict and conflict styles, the stages of mediation, and important listening skills. Activities help them practice paraphrasing and understand how perceptions can cause conflict. They learn communication and listening techniques that help them identify feelings and needs, while still retaining neutrality and allowing the disputing parties to make their own conclusions and find their own solutions. Through role plays, they practice every stage of mediation. Before receiving their certification, they must take a written exam as well as receive an evaluation of a full mediation role play.

Developing peer mediation in schools is not always easy. Though many schools like the program concept, few have the time, money, or staff to actually put it into effect. Arguably the most crucial part of establishing a program is strong school support, in the form of one member of the faculty or staff who will front the program. Someone is needed to take the lead, making others in the school aware of the program, taking and making referrals,



scheduling mediations, and offering support to the peer mediators. Money can also be an issue. Budgetary and financial concerns are rampant in today's society, and schools are certainly no exception. Payment for peer mediation training often comes in the form of grants. Grant funding often convinces schools to start the program since they do not have to pay for the training. On the other hand, grant funding also limits the number of schools that can be reached. For organizations just getting started with peer mediation, it can be difficult to convince schools of the program's worth. Building a reputation and a pool of successful data can make a decisive difference, not only in convincing schools to take on the program, but also in generating contact from interested schools who have heard about the program independently and want to learn more.



VCRC offers on-site support to local schools that receive peer mediation training, usually visiting each school one day per week. VCRC helps schedule mediations, observes peer mediators to be sure that they are carrying out the process with ability and neutrality, and offers periodic refresher trainings to help peer mediators practice and refine their skills. Granby High School in Norfolk is in the sixth year of its peer mediation program, in partnership with the Virginia Conflict Resolution Center. Recent statistics show that not only are disputes being peacefully settled without the need for adult guidance but, even more remarkably, administrators are beginning to see changes in the school culture.

Granby High School had a core group of twenty-two peer mediators for 2010-2011. These amazing high school students mediated 124 conflicts during the school year. Their success rate was an astounding 96%, incredible by any standards. The most impressive statistics, however, are the dramatic decreases in disciplinary referrals. Between the 2009-2010 school year and the 2010-2011 school year, there was a 28% decrease in the number of fight referrals, and a 41% decrease in the number of harassment referrals. School administrators attribute these astonishing statistics to the peer mediation program, through its peaceful resolution of existing disputes and its modeling of an alternative way to settle future disputes.

Peer Mediation continues to grow across the schools of South Hampton Roads. Thirteen sophomores and juniors recently went through the training at Granby High School and will soon be joining the ranks as full-fledged peer mediators. They dove eagerly into the training and, upon receiving their certificates, immediately asked when they would begin mediating. In addition, VCRC has helped start programs in other public schools such as Norview High School in Norfolk and Princess Anne High School in Virginia Beach, as well as in the Newport News Behavioral Health Center. In August, Virginia State University in Petersburg also brought VCRC in to train a group of college students as peer mediators. In a time when negative news pervades our media, this story brings hope and shows the positive impact youth of today are striving to have in their schools and communities.



Submitted by Emily Terrana. She received her Bachelor's degree from Clark University in Worcester, Massachusetts, where she studied Psychology with a concentration in Peace Studies. She has been an AmeriCorps member in Youth Services at the Virginia Conflict Resolution Center since September 2010, and is a Virginia certified mediator for general and family.



A Life That Inspires Vincent Cusumano, Ph.D.



One could easily envision Vince Cusumano wearing the distinguished gold badge of an international ambassador of peace and goodwill to Latin America. He has lived out a fascinating personal history that reveals his passion for improving life for the struggling masses and his heart for making a difference one-on-one in the lives of those whose paths cross his.

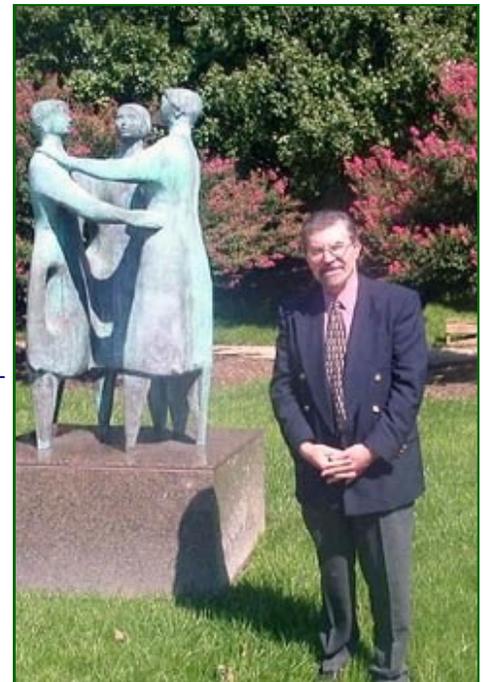
Vince has been a court-certified family mediator since June 2003 and volunteers with Northern Virginia Mediation Service (NVMS) in Fairfax. When asked about featuring Vince in "A Life That Inspires," NVMS Executive Director, Megan Johnston, responded that he would be a great choice. She said, "He is generous with his considerable talents. Vince often does both the intake and mediation for Spanish-speaking families, clients at NVMS, and has been great to work with here in Northern Virginia." Megan also pointed out that Vince was presented with the 2010 Family Mediator of the Year award by NVMS.

A review of his mentors' comments when he was preparing for his mediator certification is impressive. A sampling of those comments include such descriptions as: very self-assured, competent, fluent in Spanish, skilled, very professional, able to handle tense hostile confrontations, conveys authority over the mediation process that is not intimidating, compassionate, always ethical, comfortable, very congenial, fair to both clients, empathetic, calming manner, tactful, excellent communication and timing skills, reality testing a great strength, positive, constructive, keen analytical skills, a natural, nice way of engaging people with humor, and diplomatic." No wonder Vince is considered by his mediator colleagues to be an outstanding role model!

Vince's responses to several questions posed to him highlight his diverse and interesting experiences.

How did you become interested in certification as a mediator? What motivates you to continue practicing in the field of conflict management?

My retirement from government services provided me with an opportunity to look back at my life's experiences and assess these in light the next phase of my life's journey. Continuing to make a difference in peoples' lives was important to this assessment. I always enjoyed problem solving, especially within a multicultural and varied interest context. Finding solutions to complex social, economic, organizational, and multinational problems was always gratifying to me. I learned that managing conflict and understanding interests were always key elements to finding common ground to build long-lasting solutions. After looking for ways to apply this to problem solving closer to home and perhaps at a more micro level, I found that the state of Virginia's ADR program was a perfect fit. Thus began my quest for certification through Northern Virginia Mediation Services. As you read the following, the motivation for continuing to do this will become obvious.



**Vince at
George Mason University**

What contributed to your passion for being involved in humanitarian efforts?

A stable, supportive family environment combined with a strong Christian upbringing as a foundation: I grew up in Springfield, Illinois, the oldest of three brothers. Both Mom and Dad had a strong work ethic. I am also a product of Springfield's great Catholic schools. Helping the less fortunate and promoting social justice have always been and continue to be part of my DNA.

Describe your involvement with the OAS, the Ford Foundation, the Peace Corps, USAID, George Mason University and NVMS.

The Peace Corps as a life-changing event: In 1961, when I was a junior at Griffin High School, we all heard the call to public service from John F. Kennedy. His challenge to all of us was, "Ask not what your country can do for you, but what you can do for your country." Five years later, when I graduated from Bradley University, I still remembered those words. The Peace Corps gave me the opportunity to respond to Kennedy's call to give back through public service and to live up to my Christian values and beliefs. I joined the Peace Corps in June 1966. After a three-month training program in New Mexico, which included aspects of cooperative administration, intensive Spanish and history and culture of Latin America, I was assigned to serve in Chile from 1966 to 1969. There I worked as a financial and economic advisor to Chile's Cooperative Development efforts—a movement that promoted self-help organizations such as credit unions, consumer cooperatives, housing and agricultural cooperatives among Chile's poorest of the poor.

There were many memorable moments during the three years with the Peace Corps, including that special moment that I met my Chilean wife of now 40 years, Luisa. On the professional side, some memorable results include the introduction of indexing for inflation into the loan management system of Chile's credit unions. This was extremely important since Chile at that time was suffering from hyper-inflation. Other important accomplishments included the introduction of legislation and client-based services that provided needed resources to the Chilean Institute for Cooperative Education and the successful start up of an audit service for Chilean cooperatives. All of these continue to exist today. These, however, did not match the real memorable moments of seeing the smiles on people's faces when they realized that they could do something for themselves and knowing that in a small way I was part of it.

The many friends I met along the way and the many travels within Chile and to other Latin American countries are all memorable. This period of exploring and adventure bring back cherished memories, including the trip to Rio de Janeiro during Carnival, going through the Panama Canal, visiting the southern-most port city in the world, celebrating New Year's Eve by going house to house and making new friends. But most special are those moments when you reflect and appreciate that, because of the Peace Corps experience, you have become more tolerant and culturally aware, more appreciative of the things you have. In those moments, you realize that you have become a citizen of the world and for that you are a better person. The Peace Corps experience was not a one-time event. For me, it not only changed my career path, but it changed me as a person and continues to be part of my being today.

"In those moments, you realize that you have become a citizen of the world and for that you are a better person."



Vince in Southern Chili during his Peace Corps days

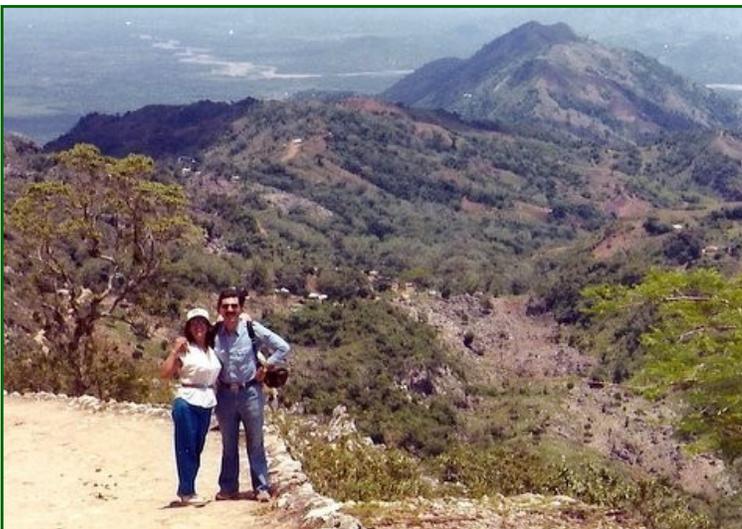
My Graduate School Years: It was this Peace Corps experience that led me to continue my studies in economics and pursue a graduate education in economics with an emphasis in international economic development and especially the role that agriculture and rural areas play in meeting the needs of the poor. I knew that if I wanted to continue my work in developing countries, my knowledge of agriculture would have to improve. During the early stages of economic development, the agricultural sector plays a critical role in not only providing employment but also moving the country to non-agricultural development. After returning to the States, I enrolled in a graduate program at the University of Kentucky in Lexington, Kentucky. In 1974, I graduated with a PhD in Agricultural Economics.

While in graduate school, I received a foreign area fellowship by the Ford Foundation to study the economics of education in Lima, Peru under the auspices of the University of Chicago. A topic that brought me a great deal of satisfaction was the role of vocational education in the development process. Peru, during that time, was moving away from agriculture and towards industrialization. Vocational education provided those individuals who were no longer needed in agriculture with the necessary skills for industrial employment.

Also, during my graduate year, the Organization of American States approached me to teach research methodologies to Masters' degree candidates at their university development program located at the University of Santa Maria, in Rio Grande du Sul, Brazil. What a humbling experience! I was not only the youngest of the faculty members, but I was also the youngest of the student body. These students were the first in all of Brazil and Spanish-speaking Latin America to receive a Master's degree with an emphasis on educational economics.

Since by that time I was the father of two children, I needed to find ways to supplement my research and teaching assistantships at the University of Kentucky. I taught micro and macro economics at Kentucky State University in Frankfort, Kentucky, during the evening hours and conducted field research on problems of economic and social development in the Appalachian mountain region of Kentucky during the summers. Looking back at those years, I wondered when I really had time for work and study, but more importantly for my young family.

The Intermediate Years: At the end of the summer of 1974, I joined the faculty of Southern Illinois University (SIU) where I taught courses in resources economics and international agriculture at SIU's Carbondale campus and at its affiliate university in Southern Brazil – the University of Santa Maria. This appointment allowed me to bring my life experiences to the young men and women at SIU and to return to Brazil and continue to work on developing the institutional capacity of the University and specifically the School of Agriculture. My research areas included the economics of agricultural production systems in Southern Brazil and the role of education in rural development.



Vince and wife Luisa in rural Haiti

Four years later, I was recruited by the Department of State and the Agency for International Development to join the U.S. diplomatic corps and to serve as a Latin American Specialist. Given my previous experience in Chile, USAID wanted originally to send me to Chile to manage a \$20 million program in agricultural credit. Augusto Pinochet, Chile's military dictator at the time, decided to terminate all USAID activities in Chile, including the agricultural credit project. Instead of going to Chile, I was assigned to USAID's Washington, DC office. During those early years with USAID, I worked as a rural financial markets specialist providing technical assistance to the many missions in Latin America

and the Caribbean. My duties also included assisting U.S. universities interested in developing long-term institutional relationships with similar universities in Latin America.

My longer-term assignments with USAID have taken my family and me to Ecuador, Haiti, and Honduras. During my twenty-five plus years in the Foreign Service, I held many senior positions, including Director for Strategy and Portfolio Management in the Bureau for Latin America and Caribbean and Program, Budget and Policy Coordinator in the areas of humanitarian assistance and food security. I look back at those years with a great deal of nostalgia and pride of achievement. We were in Ecuador at the end of many years of a military rule. Our programs promoted grass roots organizational development, while providing economic assistance to emerging institutions needed for sustaining a fragile democracy.

In Haiti, we helped curtail the spread of African Swine Disease, a disease that would have destroyed the U.S. swine industry if allowed to spread to the U.S. We were there when we initiated programs that brought jobs to the poor, planted trees to conserve Haiti's natural resources, and promoted the provision of public education and health services to Haiti's poor. We were there when Baby Doc and Papa Doc's brutal dictatorship was ousted from power after almost thirty years. And we were there to see the resurgence of democracy in the lives of the Haitian people.

In Honduras, we promoted equity in the allocation of public resources, especially to those underserved areas of the country. We were there to initiate programs that protect the fragile ecosystems of the country's rain forests, and we were there to influence the policies that would give Honduran women the right to inherit property and qualify for credit assistance. As the Agency's Senior Food Security Advisor and Agricultural Economist, I was there to influence the policies of not only the U.S. government, but also of the many United Nations Organizations and Non-Governmental Organizations involved in providing development and food assistance to the less fortunate. I was there to coordinate the U.S. government's efforts to deliver assistance to the millions of people suffering the devastating impacts of hurricanes Mitch and Georges in Central America and the Caribbean. This illustrative list of accomplishments, however, masks the real achievement of improving the lives of the less fortunate.

I retired from active service after twenty-five plus years and began to consult on international humanitarian development issues, but perhaps more importantly to spend more time with my unattended passions including family and friends, giving back to my community that has given me so much and such leisure activities as golf, wine making and traveling inside the U.S.A.

The "Now" Years: Shortly after retiring from public service, George Mason University afforded me the opportunity to share some of my life's experiences with George Mason students. As faculty director of the global humanitarian program, I gave the students real life experiences in the provision of development assistance through a well-designed internship program. The program introduced the students to the literature of humanitarian assistance/development aid and the multitude of organizations providing assistance. Face-to-face contact with U.S. institutions, non-governmental organizations and U.N. agencies located in Geneva was also part of the program. Most gratifying to me was the thought that the students, through this program, were able to assess their interest in the field and make informed decisions about their future career paths.



**Vince visiting an agricultural project
in Honduras. Others pictured are
Honduran extension agents**

Currently, through Northern Virginia Mediation Services (NVMS), I am involved in providing mediation services to mostly Latino families who need a Spanish-speaking mediator to assist them in resolving their conflicts. NVMS provides me with an opportunity to give back to my community. I now continue to pursue my passion for learning as I venture into such topics as philosophy and history. I also try to spend a great deal of time with family and friends, traveling the Lewis and Clarke, Santa Fe and Oregon Trails, visiting our national parks and making great wine from Virginia's grapes. My wife and I have two grown children and four grandchildren. Our children are bilingual in Spanish. We split our time between Northern Virginia and Raleigh, NC, where our son lives and, of course, the occasional trips back home to Springfield, Illinois, where my mother and brothers live, and to Santiago, Chile, where my wife's family lives.

As I look to the future, first and foremost is the desire to spend more time with family and get to know my adult children and grandchildren better. A continued quest to learn by expanding my knowledge of history, philosophy, world religions, and the Classics is important to me. My passion to produce a better wine from Virginia's grape varieties is also on my horizon, as is my wish to improve my golf game. And so is my aspiration to continue to add to my life's experiences and share these in a way that is beneficial to those in need. Resolving conflict through mediation will continue to be part of my future.

Did you study foreign languages formally or learn them by living and working within other cultures?

For me, the romance languages (Spanish, Portuguese, French, and Italian) were easy to master. Latin was my foreign language in high school. But I did not "really" learn to master these languages without the help of formal training at the university level and at the Foreign Service Institute and, of course, the benefit of having lived in Latin America and the Caribbean over the years.

What would you say is your favorite country in which to serve and work? Why?

Chile and Haiti are my favorite countries. It is because it was there that I learned the most about development, people and most importantly about myself. Since Chile was my first overseas posting, the newness of it all made that assignment very special. Haiti, because of its history and complex development issues, was not only challenging, but rewarding to me as I learned a new language and culture and made new friends. I believe, in both Chile and Haiti, that what I received from the experiences far exceeded what I contributed.

The Cusumano Family

Vince and Luisa with their grandchildren. L to R: Nicole (9), Maddy (2), Christopher (10) and Eric (7). Their daughter Rosanna and husband Phil both work in the computer science business and live near Leesburg, VA. Their son Paul and wife Viviana live near Raleigh, NC, where Paul is with the Environmental Protection Agency.



**Vince Cusumano, Virginia's ADR community salutes you!
YOURS IS TRULY A LIFE THAT INSPIRES!**

Spreading the Word About Mediation

Most people come to Springfield Days, a community celebration, primarily for entertainment, not to learn about community resources. But Ed Wilgus, who specializes in workplace mediation, and Dr. Virginia Colin, who specializes in family mediation, know that educating the public about mediation is an important thing to do. With that goal in mind, they staffed a booth at Springfield Days on June 4, 2011.

Dr. Colin was able to speak from the stage for a few minutes. The mediators were not surprised that relatively few people visited their booth, but the people who did were an interesting set. Those seeking information included one who was involved in a workplace dispute, one who slipped brochures and a divorce mediation business card into a pocket during the brief absence of the relevant spouse, a music teacher, a Christian concerned about people he had met, a child care worker who sees some families in hardship, and a pediatrician who also observes families in distress.



Mediators, Dr. Virginia Colin and Ed Wilgus, at Springfield Days

During dinner on June 3rd, several Springfield Days volunteers took advantage of the opportunity to talk with Dr. Colin about mediation in general, and family mediation in particular. Hearing about marital mediation -- family mediation to resolve issues when no separation or divorce is expected or intended -- intrigued them. It sounded like a good alternative to couples counseling when spouses need help resolving an issue but do not need therapy.

Submitted by Virginia Colin, a Virginia certified mediator for J&DR and Circuit Court-Family. Dr. Colin (mediatorQ@gmail.com) and Mr. Wilgus (ewilgus@verizon.net) welcome suggestions from others about effective places and ways to educate the public about the existence, availability, and value of mediation.

ADR Resource Corner

Book Review

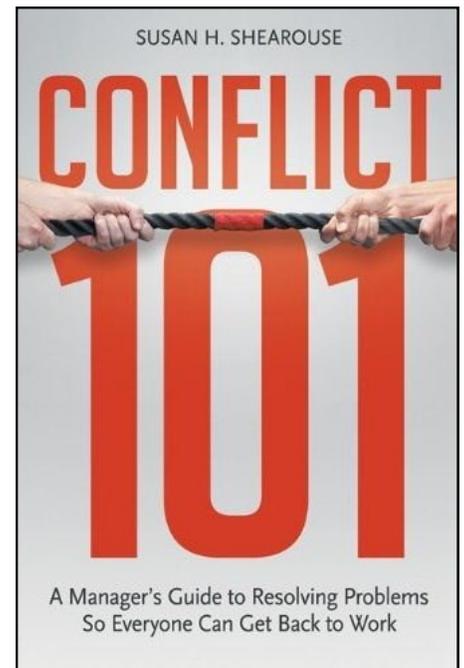
By Kathleen Burns

Title: Conflict 101: A Manager's Guide to Resolving Problems So Everyone Can Get Back to Work

Author: Susan H. Shearouse

Publisher: AMACOM of the American Management Association

ISBN: 13: 978-0-8144-1711-9 and 10: 0-8144-1711-6



In spite of its textbook sounding title, Conflict 101 is not a boring academic treatise based on dry writing and incomprehensible theory. The writing is fluid, concise, coherent and never pedantic. The author's personal sense of humor and zest pervades the copy! And its scope goes far beyond a mere classroom curriculum and questions for quizzes.

And although author Susan Shearouse has had a long career in conflict resolution, she didn't want to limit her audience to just those affiliated with mediators, judges and law enforcement personnel who work the courts and the judicial system. So her subtitle reads: "A Manager's Guide to Resolving Problems So Everyone Can Get Back to Work." Disputes in the workplace can lead to lost productivity, lower morale, problems with recruiting workers, excessive employee turnover, and high rates of absenteeism. There can be a high incidence of damage and theft of inventory and equipment as a result of unresolved conflicts, along with covert sabotage of work processes. In the extreme, it can lead to harassment and violence and even death, where a disgruntled employee lashes out at co-workers and bosses.

Shearouse offers some startling statistics to support her assumptions: 42% of a manager's time is spent addressing conflict in the workplace. Over 65% of performance problems at the job site are caused by employee conflicts. Excessive turnover because of these conflicts ratchets up replacement cost by 75% to 150% of the average worker's salary.

However, the book isn't limited to either mediators or managers looking for additional tools to resolve conflicts. It is also a practical manual for anyone seeking to resolve disputes arising in families, in relationships, in neighborhoods, on sports' teams, in schools, in churches and religious organizations---and, yes, even in Congress and Capitol Hill, where the members can't seem to agree on anything at the present time.

In an interview, Shearouse said conflict is an inevitable part of life, and avoidance is not a solution. She makes this point with memorable quotes from others, scattered throughout the book: "the easiest, most tempting and least creative response to conflict is to pretend it doesn't exist."

One focus of the book is to “normalize conflict, rather than see it as an awful thing,” she said. “It is helpful to understand better what is going on with people and to have other ways to analyze the source of conflict.” Fear, blame, habits and false assumptions can all get in the way. She warns that in trying to sort out conflicts, “the temptation to generalize is strong” and advises instead that it is better to “understand and respect [personal differences] rather than label their attitudes.”

Whether dealing with warring preschoolers, office bullies or cantankerous neighbors and relatives, Shearouse stresses simple basics like steps for building trust; cultural considerations (i.e., individual or collectivist, hierarchical or egalitarian); and patience coupled with the measurements of time. The latter allows people to change their minds, to save face, to heal wounds, to offer apologies and to cool off. And in the heat of battle, humor can be a successful weapon. But she cautions against the use of sarcasm, flippancy or sexist or racist jokes. Her chapter on re-thinking anger is a great refresher course for any mediation professional in how to avoid the “emotional hijacking” of a conflict resolution attempt and how to avoid the “early warning signs” of trouble ahead.

Shearouse has a Master of Science degree in Conflict Resolution from George Mason University and 20 years of experience as a consultant, trainer, mediator, and facilitator, helping people in organizations resolve their differences. Her many prominent clients have included Lockheed Martin, Philip Morris, Mobil Oil, the US Environmental Protection Agency, the US Army Corps of Engineers, the Federal Aviation Administration, the Nuclear Regulatory Commission, and the IRS. A former Executive Director of the National Conference on Peacemaking and Conflict Resolution, she also served on the Advisory Board of the Institute for Conflict Analysis and Resolution at George Mason University. She lives in Vienna, Virginia.



Author Susan H. Shearouse

Submitted by Kathleen Burns. After completing training at the Northern Virginia Mediation Service, Kathleen has worked in small claims and general district courts in Arlington, Fairfax and Alexandria, as well as with Restorative Justice projects in the Fairfax County schools. She is currently working on certification in the District of Columbia with its Multi-Door Program.

Anita Bruzzese, in her **USA Today** column, [On The Job](#), writes about Shearouse’s book. There are also several helpful reviews on the [amazon.com website](#) that may help you in deciding whether to order the book, including one written by Mark Hopson, JD, of the Northern Virginia Mediation Service. More information about Susan and her company, [Framesworks for Agreement](#), can be found on the website.

The Future of Court ADR: Mediation and Beyond Free Webcast Recordings Available



On September 23, 2011, a small, national symposium brought together practitioners, policy-makers and academics with backgrounds in family and civil ADR in Wilwaukee, Wisconsin. The purpose was to learn, to discuss potential cross-pollination and collaboration between these traditionally disconnected groups, and to develop recommendations for moving forward.

The Association for Family and Conciliation Courts (AFCC), the Marquette University Law School, and Resolution Systems Institute (RSI) organized the symposium. Most of the sessions were available via free webcast during the symposium. The DRS office sent all certified mediators a link to the webcast, and we hope some were able to take advantage of this opportunity. If you missed the webcast, it is available now on the [Marquette University Law School](#) website. Click on the [agenda](#) link to see a list of the panelists and moderators for each session.

There is also a link on the page banner to an extensive Recommended Reading List.

Peter Salem made opening remarks to frame the discussion of the plenary session, Core Values of Dispute Resolution – Is Neutrality Necessary? On the website banner, you can find a link to articles by Susskind, Stulberg and Salem that frame the core values discussion. You may find it helpful to peruse these articles before listening to the session.

A distinguished panel, including Bernie Mayer, Josh Stulberg, and Larry Susskind (all professors at various law schools and long-time ADR professionals) articulated their views on the neutrality subject. It was moderated by John Lande, Director of the LLM Program in Dispute Resolution at the University of Missouri School of Law. Mr. Lande recommended Ellen Waldman's new book, *Mediation Ethics: Cases & Commentaries*, from which he read a summary of the debate on this issue. What followed was a thought-provoking, spirited discussion on neutrality that clearly revealed that there are widely differing views on the subject.

Three sessions followed the plenary, with panels speaking on these subjects:

Session 1 – What Do Stakeholders Want & Need – Courts & Neutrals?

Session 2 – What Do Stakeholders Want & Need – Parties & Lawyers?

Session 3 – Contemporary Practices Meeting These Needs

The symposium concluded with a small groups session, Where Do We Go From Here? Due to the nature of the session, it was not recorded. According to the website, a summary of the discussion outcome will be posted.

Community Mediation Center News

The Virginia Association of Community Conflict Resolution

extended an invitation to the staff of Dispute Resolution Services to attend their meeting in Charlottesville on September 21, 2011 for the purpose of exploring more ways that VACCR and DRS might collaborate and support one another.

Sally, Mandy and Melanie thoroughly enjoyed the great hospitality extended to them and the valuable interaction with the center directors in attendance. Discussion topics included current areas of focus, mediation training, VACCR and DRS projects, and promotion of ADR, VACCR and mediation centers. Each center represented at the meeting briefly shared its recent challenges and successes.



One very exciting piece of news is that the DMV sale of peace license plates generated \$33,375 for VACCR in 2010! To date, **\$72,660** in revenue has been realized and has been spent on VACCR staff and administration, grants to member centers, and public education. **If you have not yet ordered your peace plates, please consider supporting Virginia's non-profit community mediation centers in this way.** It's also a dynamite

way to promote peace to other citizens on our streets and highways. Details regarding how to order are found on the [DMV](#) website.

Fairfield Center – Harrisonburg

Harvest Celebration, a fundraising event for the Center, is planned for November 5th at Cross Keys Vineyards in Mt. Crawford, Virginia. Invitations have been extended to the community to join Fairfield Center in celebrating its work with families in the Central Shenandoah Valley. Guests will be treated to gourmet cuisine, music by Kenny Vance and the Dancing Dogz, and the excitement of a live auction.

Virginia Conflict Resolution Center – Norfolk

An Evening for Peace is being held in Norfolk on November 9, 2011, in honor of Cathy Lewis, the 2011 recipient of the Harry L. Carrico Peace Maker Award. Congratulations are in order to three VCRC volunteer mediators who are being recognized at this event. The Advancing the Profession of Mediation Award will be presented to Karen Richards, Martha Sorensen and Judy Rubin. Building Capacity for Peace Scholarships will also be awarded to Jaymee Coffey from Norview High School and Jose Diaz from Granby High School, two seniors who have served as peer mediators in their respective schools.

Northern Virginia Mediation Service – Fairfax

Jim Pope and Ann Warshauer, two veteran NVMS volunteer mediators, recently spoke with Paula Bisacre of Remarriage Works Radio Show on the topic, **How Mediation Can Help in Divorce and Remarriage**. Jim and Ann shared how mediation can help these couples move forward and manage remarriage and stepfamily living conflict. The [radio interview](#) is available online.

Virginia Association of Community Conflict Resolution

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T'aiya Shiner, Executive Director
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Conflict Resolution Center

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Fairfield Center

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Mediation Center of Charlottesville

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Northern Virginia Mediation Service

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Peaceful Alternatives Community Mediation Services

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Piedmont Dispute Resolution Center

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Virginia Conflict Resolution Center

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Wendi Lucas, Executive Director
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KEEPING YOU INFORMED

~ A DRS Update ~

**Greetings from the Staff at
Dispute Resolution Services**

**Happy Thanksgiving
May You Enjoy the Colorful
Beauty of Autumn!**



DRS Highlights

- Sally and Mandy facilitated a breakout session on child dependency mediation at the Statewide Best Practice Courts Conference on September 8th in Williamsburg. The conference is held by the OES's Court Improvement Program, directed by Lelia Hopper. Virginia Department of Social Services Commissioner, Martin D. Brown, attended the breakout session.
- As a follow up to DRS's workshop on General District Court Mediation at the Spring 2011 Virginia Mediation Network Conference, DRS staff has begun to compile statistics to match agreement rates with methods of referral. The goal is to identify best practice standards for General District Court mediation programs.
- DRS has developed a mediation training module for online training that will be available to substitute judges.
- Sally and Mandy attended the Virginia Bar's Fee Dispute Resolution Training and have been added to the roster of volunteer mediators for the program.
- DRS continues to conduct mediation trainings around the state, including mediator ethics, child support, and agreement writing. If you wish to sponsor trainings on these or similar topics, contact the DRS office.
- Recertification is due on October 31, 2011 for approximately half of Virginia's certified mediators. Please be reminded that you should contact the DRS office if you will need an extension of time in order to complete your training and case requirements. Keep in mind that while under a recertification extension, your certification is lapsed, so you should co-mediate any court-referred cases with a mediator whose certification is current.

DRS Welcomes New Judicial Settlement Conference Judges

We are pleased to welcome four new retired circuit court judges to our roster of trained Judicial Settlement Conference Judges. One of the greatest reasons this program continues to grow in popularity and success is the wealth of wisdom and experience these judges bring to the table when assisting parties in reaching resolution to their conflicts. Welcome aboard to:

- ✦ Honorable Richard S. Blanton – Retired from the 10th Judicial Circuit
- ✦ Honorable John C. Morrison, Jr. – Retired from the 4th Judicial Circuit
- ✦ Honorable Joseph E. Spruill, Jr. – Retired from the 15th Judicial Circuit
- ✦ Honorable Kenneth N. Whitehurst, Jr. – Retired from the 2nd Judicial Circuit