



WORKING WITH INDIVIDUALS, COMMUNITIES, COURTS & INSTITUTIONS TO MANAGE AND RESOLVE CONFLICT

Welcome to the 2005 Model Standards of Conduct for Mediators

by Marilyn J. Smith
CCR Executive Director

In September 2005, the revised Model Standards of Conduct for Mediators were finalized, after being adopted by the ABA House of Delegates, the American Arbitration Association (AAA) and the Association for Conflict Resolution (ACR). This achievement built on the original model standards that were developed in 1994. The revised standards are intended to clarify mediation practices for mediators, court programs and mediation centers such as CCR; and to help parties who may be considering mediation to better understand the process.

Gaining consensus among three large bodies such as the ABA, the AAA and ACR was no small feat, and we are proud to say that Susan Yates, the Executive Director of the Center for the Analysis of Alternative Dispute Resolution (CAADR), which is housed at CCR) was at the forefront of drafting and facilitating the discussions that resulted in the passage of this important foundational document for mediators throughout the country. Susan was a member of

the Joint Committee formed by all three organizations to review and revise the Standards and has been working on this project for over three years.

The 2005 Model Standards of Conduct for Mediators maintain and restate the core concepts of mediator ethics that appeared in the 1994 Standards, and are comprised of nine Standards, preceded by a Preamble and a Note on Construction. The Reporter's Notes explain in detail much of the Joint Committee's analysis in preparing the Standards and can be found at <http://moritzlaw.osu.edu/dr/msoc/index.html>.

The nine standards cover: Self-Determination; Impartiality; Conflicts of Interest; Competence; Confidentiality; Quality of Process; Advertising and Solicitation; Fees and Other Charges; and Advancement of Mediation Practice. There is a great deal for us to learn here - both as individual mediators and as an organization dedicated to providing mediation services through the courts and the community.

(Continued on Page 5)

CENTER FOR CONFLICT RESOLUTION

11 E. ADAMS, SUITE 500 · CHICAGO, IL 60603
TEL (312) 922.6464 · FAX (312) 922.6463
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A Celebration of Timeless Treasures: Wine, Chocolate, and Mediation
March 9, 2006

On March 9, approximately 250 CCR volunteers, attorneys, judges, and community members joined CCR staff and Board of Directors in celebration of CCR's 27 years of services to the Chicagoland community.

CCR's 5th annual fundraising gala was held at the Chicago Cultural Center's G.A.R. Hall and Rotunda and was a great success.



Julie Knudson, Alan Peterson, and



Cook County State's Attorney Richard A. Devine and Domenica Stevenson



CCR's 2005-2006 Board of Directors



Volunteer Appreciation Party

by Andrew Starr
CCR Director of Volunteer Development

Very soon, CCR will be having its annual Volunteer Appreciation Party where CCR salutes the people who provide the mediation services that make such a difference to the entire Chicagoland area. At this event, we'll be honoring the dedication and contributions of our **2006 Peacemaker of the Year, Rick Berman**, and our **2006 Trainer of the Year, Lynn Murphy**. In addition to these two awards, we'll be recognizing our annual "Elite Eight" award winners as well as a huge group of people who have reached significant milestones with CCR. This year, we have a stellar cast of people with anniversaries to announce and celebrate including eight volunteers who are reaching the five year mark with CCR, four who have been with us for ten years, three who have been mediating for fifteen years and one outstanding individual who has been with CCR for a remarkable 25 years.

We hope that you'll join us for food, drinks and celebration in honor of the terrific body of volunteers who make CCR a wonderful organization.

Thursday, May 11

5:30 to 7:30 PM

Elephant & Castle

111 W. Adams (Adams & Clark)
downstairs party room

RSVP at astarr@ccrchicago.org or

312-922-6464 x 21

Case Management Update

by Neil Alper
CCR Director of Mediation Services

Case Management would like to introduce the newest member of our team - **Chez Rumpf**. With a strong background in social services, particularly Domestic Violence, Chez is poised to bring her wealth of experience in working with a diverse range of clients to CCR. With Chez on our team, we are happy to state that we are back to our full capacity of case managers. More case managers=more coverage=more referrals=more cases for volunteers!

Our core programs continue to go strong and I am happy to report that the numbers of cases mediated at our outlying programs has grown since the New Year.

As always, if anyone is interested in signing up to mediate, for either the long models in the office or at one of our court programs, please contact case management at:

312-922-6464x22 or via email at cm@ccrchicago.org

New Administrative Assistant

Ericka Jackson is CCR's new Administrative Assistant. A singer, actor, and all-around fun lady, Ericka brings a strong administrative background to CCR.

Welcome, Ericka!



Volunteer Spotlight

by John Jerger
CCR Director of Finance & Administration

Harvey Nathan

Volunteering since: April 2000
Profession: Professional arbitrator and mediator, specializing in labor relations.

Harvey had worked for 20 years as an arbitrator and mediator before his wife's positive experiences with CCR encouraged him to take our training. He was skeptical at first: "I came out of more of a consulting type of mediation- more of a participatory style. I didn't really think that the CCR style would work." Harvey continued: "(CCR)'s training really opened up my eyes to the ability to mediate without participating at all in the resolution process. Coming from an arbitration background, I was very experienced in giving people advice, and I had to learn to suppress that practice.... It's a skill that has to be maintained."

Harvey explains that his continuing work with alternative dispute resolution is selfish: "I think that there's a great deal of intellectual as well as emotional gratification in helping parties that have not been able to help themselves. In effect, to open doors for them, or at least show them the doors to be opened. I don't want to suggest that every case is an emotional high-some cases are strictly business-but there are other cases where parties come to the table with a great deal of emotional baggage, and to help them work through that is a

rewarding experience. It's a feel-good experience for me-I do it not because it's a public service, but because I get gratification from it." Harvey continued: "I consider mediation a continuing education process. Every case I mediate teaches me a little more. Regular mediation with CCR is a very positive thing for me. If CCR also benefits, so much the better."

Harvey offers the following advice to new mediators:

- #1: Be patient
- #2: Learn to listen, and I mean REALLY listen. Don't just hear the words, but hear what is behind the words.
- Finally: Be empathetic, but in a self-assured way. Acknowledge parties' negative feelings, but don't just join them in hand-wringing.

Thank you, Harvey!

(Model Standards, Continued from front page)

In particular, we are struck by the last standard (Advancement of Mediation Practice) which emphasizes that each one of us has a professional responsibility to the advancement of the practice itself, by providing services in a pro bono capacity, educating the public on the value of mediation, mentoring those entering the field, and respecting a variety of points of view and approaches to mediation.

The full text of the 2005 Standards is at http://acrnet.org/acrlibrary/more.php?id=39_0_1_0_M. We will more fully analyze how these standards affect the ways that CCR provides mediation services and training in the community.



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Juvenile Mediation: Connections, and . .

by Diane Grigg
CCR Volunteer

Guidance from a CCR staff member alleviated some of the apprehension I felt as I faced my first juvenile mediation. Her single-sentence recommendation? "Be certain you relate to the juvenile."

That reminder was with me as I opened the mediation-and it guided me throughout the process. I greeted each party-including the teen-as I always greet each party: with eye contact, a warm greeting, and a firm handshake. I opened the mediation with a clear and concise opening statement-and then, looking around the table, asked "What questions do you have about how we are going to proceed?"

After the initiator-a school security guard-told his version of the hallway fight and the disciplinary office event, I turned to the teenage respondent so that she could tell her story. Using some humor, I suggested to her that I was old (as she could likely tell) . . . and that although I had attended a Chicago Public High School (as she now does), I was unfamiliar with today's school environment. Before requesting her version of the events, I asked her to describe-in general terms-what happens anytime a fight occurs at school. This exchange initiated the rapport building. This conversation let her know that I wanted to understand her point of view, and seemed a perfect lead-in to the incident we were there to address.

Following her description of what happens when a fight occurs, I asked her to describe the events that brought her to CCR. She was fairly shy; she spoke quietly and often backtracked. Despite summarizing and verifying, I was still unsure about the order of events she described. Suddenly it dawned on me that I had a tool that I had not previously thought to bring to the mediation table.

In my work and personal life I have often used diagrams, role-plays, and demonstrations to learn-and to help others learn. Pictures, drawings, and action can powerfully convey and organize information-sometimes in ways that words cannot. So I asked the teen to demonstrate what had happened in the hallway.

I invited her to the open part of the mediation room, and asked her to show me where the crowd was and where the lockers were. I asked her to assume I was the security guard-and position me where he was when the hallway incident occurred. I asked her to show me where she was, and describe what had transpired. As a result, her story became clearer, I was confident that she felt "heard," and, despite the fact that she was the youngest one in the room, I suspect she felt on more equal footing in the mediation.

Her reenactment made the hallway incident clearer-and that was good-yet understanding what happened in the hallway was only a first step.

(Continued on Next Page)



Court ADR: An Overview of the Federal Courts in Illinois

by Susan M. Yates & Jennifer Shack
Susan M. Yates is CAADRS Executive Director and a CCR Volunteer. Jennifer Shack is CAADRS Director of Research and a CCR Volunteer.

The Northern District of Illinois - Federal District Court

ADR programs in the federal courts in the Northern District of Illinois fall into two categories: settlement conference and mediation. While settlement conferences are widely used in the state courts, they are more fully treated as an alternative method of dispute resolution in the federal courts in Illinois. Most conferences in the Northern District of Illinois are held either by the assigned district court judge or the assigned magistrate.

The District Court for the Northern District has established four mediation programs for the Chicago area. In one program in the Northern District, cases are referred to the Litigation Settlement Task Force, which is made up of judges from the Bankruptcy Court. There have been other mediation efforts for specific types of cases in the Northern District of Illinois. These programs, which have been designed for trademark, employ-

ment discrimination and police excessive force cases, have met with varying levels of acceptance.

The U.S. Bankruptcy Court for the Northern District has a voluntary mediation program wherein the parties select a mediator from a court-approved roster. The parties pay the mediators for their time.

U.S. Court of Appeals for the Seventh Circuit

The Seventh Circuit United States Court of Appeals has also implemented a settlement conference program, although with a twist: conferences are conducted by three full-time settlement conference attorneys and the process used is a hybrid between settlement conference and mediation. Cases are either selected by the Court for the program upon review of the record prior to filing an appellate brief, or any party may request transfer into it.

For more information on these programs, visit www.caadrs.org/adr/court-IL.htm, the website for the Center for Analysis of Alternative Dispute Resolution Systems (CAADRS.) CAADRS is affiliated with CCR and its mission is to assist courts in Illinois in making more effective use of ADR.

(Juvenile Mediation, Continued)

There was more work to be done-and another tool that proved useful . . . which I'll describe in the next issue of Caucus.

Mediation must create a level of apprehension for juveniles. Juveniles may think they will not be given equal attention or equal acknowledgement by adult medi-

ators; they may worry that they will not be able to adequately explain their version of events. Creating an environment conducive to juvenile mediation, I learned, means treating young people in adult style, using appropriate humor, and encouraging the use of reenactments in addition to words.