



# the caucus



Fall, 2005

*A Tribute to a Great Man of Peace, Gerry Fitt* by Dr. Frank Hanna

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Lord Gerry Fitt  
1926 - 2005

Did you ever wish you were somewhere else yet could not be? I suppose it happens all the time but in my

case never more poignantly than Wednesday August 31st, 2005. I was driving south from Phoenix to Sierra Vista on the Mexican border to give a lecture to the Cochise county mediators but emotionally I was thousands of miles away in London where Lord (Gerry) Fitt was making his last trip from London to Kent to be buried alongside his beloved wife, Ann and his son in law, Vincent, my brother.

There cannot be many people on planet earth who have not heard of Gerry Fitt. Equally there cannot be many who could not tell you their own special "Gerry" story as he was a complete original. From merchant seaman his nationalistic pride and commitment took him into politics when he stood for election in the Dock constituency

of Belfast and delivered a metaphorical slap in the face to Ulster Unionism. In the neighbouring constituency of Central Belfast another nationalist was victorious. He was Frank Hanna, my father. Both men honoured their humble beginnings with life long and powerful associations with the Labour movement.

I knew Gerry from those days and got to know him a lot better in the 70's and 80's as my broadcasting career brought me into contact with him constantly. Add to that my late brother Vincent married Gerry's daughter Joan, one of the five famous "miss-fitts" and the circle was complete.

So these past few days I have read all the on line tributes and spoken at length with Joan as she and the family worked their way through the loss of their greatest strength. The conversations were punctuated with laughter as she told me of story after story that people told her about their special experience with Gerry. She said there were so

many she had never heard before. I suspect there will be many more to come.

She told me of the atmosphere in Westminster Cathedral where the funeral service took place an equal mix of laughter and tears. There was the story from journalist Chris Ryder. Gerry was in London needing to get back to Belfast but, alas, the flight was sold out. Gerry's power of persuasion knew no bounds as he promptly persuaded the airline officials to allow him to travel in the jump seat in the cockpit. Mid-way through the flight a trip to the "loo" was called for and he left his seat to attend to nature. Sitting in the front row of the aircraft was none other than the Rev. Ian Paisley, his ultimate political opponent. Paisley's face was bathed in shock as Gerry proclaimed, *"Its ok Ian, I have left it on auto pilot"* and promptly vanished into the toilet.

*(continued on page 2)*

## *Katrina; The aftermath, recovery and questions* by Nancy Peterson, B.A. Med.



Hurricane Katrina is one of the USA worst natural disasters. The loss of life and destruction seems immeasurable. Today, in the aftermath of Katrina, the focus must be the stabilization of injury and illness and, ultimately, the preservation of life. As mediators, we are trained to help others deal with the emotional shock of loss, confusion of purpose, fear of the unknown and to help people imagine a time ahead where they will be whole again. Although the path of this natural disaster was limited, it has affected people everywhere in the USA and abroad as the world responds with aid.



When I asked my 28 year old daughter how she planned to spend the labor day holiday, she responded, *"I am just thankful that I have a dry bed and food for my children, I don't really feel like celebrating."* The shock for US citizens was evident as we helplessly watched the suffering on live television and realized help was not coming soon enough for many. These were poor people, citizens of the United States of America...it was horrifying to watch, and sickening to realize there was nothing we could do but witness the tragedy. Hopefully answers will be forthcoming from both our state and federal governments. What happened? Why did we watch as people suffered on rooftops waiting for rescue for days? If we could see them, couldn't the National Guard, or someone from our government see them too? *Where were our helicopters?*

Meanwhile, all we can do is comfort each other and reach out where and when we can. If you are able to offer assistance, sadly you must be wary of scams as tragedy brings out the best and the worst in people. Below is a reputable site with many resources that need help;

<http://www.volunteermatch.org/volunteers/resources/hurricane.jsp>



*A Tribute to a Great Man of Peace, Gerry Fitt* by Dr. Frank Hanna (continued from pg.1)

I visited him a number of times in the House of Lords and noticed that his private office was very prominently placed near the main door. Even then there was a story. After he lost his seat in the Westminster parliament to Gerry Adams the then Conservative Government were anxious not to lose his influence and counsel. They persuaded him to take a seat in the House of Lords and Gerry delighted in extracting the last element by getting "one of the best offices in the place".

Don't let the genial and affectionate side of Gerry Fitt obscure the fact that he was a formidable politician who quite simply changed the course of history in Northern Ireland. Images of him being bludgeoned by members of the Royal Ulster Constabulary during the civil rights demonstrations of the late 60s created a political credibility which grew as the years rolled by.

There is little point in me reciting his achievements; just go to Google and type in the words "Gerry Fitt" then take a few days off and read.

For those of the younger generation or people further afield who are not too familiar with the cut and thrust of Irish history, Gerry Fitt was a giant. He is quite properly mentioned in the same sentence as Mandela or Pope John Paul II and his contribution to political developments and change in Northern Ireland will never be understated. Yet to learn of the attendees at Westminster Cathedral was to realize that here was a man who crossed every barrier making friends at every step of the way.

The stories about Gerry Fitt are legend and they are probably all true. I thought that writing a piece like this would be somehow incomplete without adding one of my own.

Some years back I was in the House of Lords on business. We were engaged in an appeal on a legal issue which was being hotly contested. The House of Lords is, of course, the last Court of Appeal in the UK. Not surprisingly I took time out to enjoy a drink with Gerry and we

took our seats in the members bar. As usual everyone knew him and stopped by to enjoy a piece of news or a joke and that day I couldn't tell you how many very well known politicians stopped to pay their respects. Sitting close by at the bar was a gentleman who, for the sake of the story, we will call Jim. Jim was Gerry's police minder, a necessary addendum to the lives of Northern Ireland politicians. It was not a relationship that sat easily with Gerry and he would joke constantly about "giving them the slip".

Jim was new to Gerry. He had been assigned a few days before and prided himself on his professionalism. As he sat at the bar he regaled the barman with the sort of skills that he had and how he was at all times on "top of the job". He explained how he had been told that Gerry Fitt was one of the harder jobs on the force but that he was a few steps ahead at all times. The barman was impressed as he listened to Jim's impressive resume of his work. This went on for a few minutes till the barman with a cheeky grin leaned across the bar and said, "Oh yeah? Where is he now then?" Gerry had vanished.

Those of us who work within the world of conflict resolution can only reflect with admiration on the life of Gerry Fitt. He endured conflict at the sharp end never losing his vision of a more peaceful life for all without prejudice.

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Dr. Frank Hanna

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*"The pain passes, but the beauty remains." ~ Pierre Auguste Renoir*

*World Mediation News & Important Announcements*

**BOUAKE, 1 Sep 2005** (IRIN) <http://www.irinnews.org/> - The New Forces rebels categorically rejected South Africa as mediator in the Cote d'Ivoire crisis on Thursday... [http://www.irinnews.org/report.asp?ReportID=48870&SelectRegion=West\\_Africa&SelectCountry=COTE\\_D\\_IVOIRE](http://www.irinnews.org/report.asp?ReportID=48870&SelectRegion=West_Africa&SelectCountry=COTE_D_IVOIRE)

**Mediation. A New Culture Of Change**, 5th International Conference of the World Mediation Forum, September 9-11, 2005, Crans Montana, Switzerland (CH)... <http://www.partizipation.at/english/news.html>

**France is ready to mobilize manpower and equipment to help US victims of Hurricane Katrina...** [http://www.ambafrance-us.org/news/briefing/daily\\_pb.asp](http://www.ambafrance-us.org/news/briefing/daily_pb.asp)

**On October 20, 2005, the Association of the Bar of the City of New York presents the 5th annual Mediation Settlement Day...** <http://www.nyls.edu/pages/411.asp?issue=85&dept=18>

**EEOC AND HALLIBURTON PARTNER TO RESOLVE EMPLOYMENT DISPUTES...** <http://www.eeoc.gov/press/8-31-05.html>

**EEOC AND MCDONALD'S USA, LLC SIGN REGIONAL UNIVERSAL MEDIATION AGREEMENT...** <http://www.eeoc.gov/press/8-17-05.html>

**UNITED NATIONS** - South African Defence Minister Mosiuoa Lekota has assured the UN Security Council that his country's mediation in strife-torn Ivory Coast would continue to push for free and fair elections... <http://www.suntimes.co.za/zones/sundaytimesNEW/basket6st/basket6st1125558365.aspx>



## Choosing Mediation Over Employment Discrimination Lawsuits *by Alona M. Gottfried, Esq.*

Picture this scenario: An employee receives her first disciplinary write up. She is upset and concerned about what this means for her job stability. Then, she gets angry -- she can think of two other employees who did what she did without being disciplined. She wonders why she is being treated differently. Is it because of her race? Is it because she is a woman? She remembers that one manager who told the joke about women being less intelligent than men. She goes to the human resources department to complain.

*...She wonders why she is being treated differently. Is it because of her race? Is it because she is a woman?*

human resources department, the employer asks the employee if she would be willing to address this issue in a neutral environment with the aid of an outside mediator. The employee is pleased that the employer is taking her concern seriously. The employee feels that the mediation will be fair because the mediator is not part of the company.

Employers do not have to sit passively by waiting for the first, or next, lawsuit. Employers can avoid lawsuits by dealing with the conflict at its onset and by showing its employees that it cares about their concerns. Mediation offers that option.

At the initial stages of conflict, the employer can use a mediator to address the problem. Mediators, trained in conflict resolution and bound to neutrality, assist both the employee and the company to resolve conflict. Mediation is immeasurably less expensive and intrusive than litigation. Further, most mediations are successful.

What is the employer's next step?

**Option 1:** The human resource director takes down the complaint. A few weeks later, the director reports that she found no evidence of discrimination. The employee feels slighted and files a charge with the Equal Employment Opportunity Commission (EEOC). The EEOC investigates, disrupting the business. The charge is followed by a discrimination lawsuit. The company must use its employees to provide testimony, answer discovery requests and compile documents.

*Mediation is immeasurably less expensive and intrusive than litigation. Further, most mediations are successful.*

The employer sets up confidential mediation and invites the employee's supervisor. At the mediation, the participants communicate. Perhaps the employee comes to understand that the discipline was fair. Or, perhaps the employer determines that it should not have issued the discipline, or even that one of its managers is acting inappropriately.

So why don't more employers use mediation? It may be because not all companies embrace change. Some companies only know how to respond to threats of litigation with a team of attorneys. However, statistics demonstrate that lawsuits are only increasing. Changing times require changing strategies.

At the end of the litigation, the employer loses and is subject to a money judgment and negative publicity. Or, the employer wins, but only after spending many tens of thousands of dollars on attorneys' and experts' fees and lost revenue.

*...there was a 300 percent increase in the amount of employment discrimination cases filed in Federal Court between 1990 and 1998.*

Where some action has to be taken, the participants, with the help of the mediator, consider creative solutions and enter into a binding and confidential agreement. The employee feels respected. As a result, the employee returns to being a productive team member, the employer experiences less job turnover and averts a lawsuit.

Some companies appear fearful that using mediation demonstrates weakness and other employees will then lodge complaints. In fact, mediation is a confidential process, so other employees will not know about any agreements reached in mediation. Employees will likely see an employer's mediation policy as its effort to provide its employees with a safe and comfortable environment.

**Option 2:** After the employee complains, the employer wants to get rid of the troublemaker. The employer finds some basis upon which to terminate the employee, or simply makes the environment so uncomfortable for the employee that she has to leave. Now, the employee also has a cause of action for retaliation, which is often easier to prove than discrimination. The employer faces even more liability and more disruption to its business.

Employment discrimination lawsuits are a big problem for employers.

Employers have a choice in this new era of increased lawsuits: it can be controlled by conflict or it can control conflict. Mediation offers businesses an alternative to litigation.

**Option 3:** After the employee complains to the

The Bureau of Justice Statistics reports that there was a 300 percent increase in the amount of employment discrimination cases filed in Federal Court between 1990 and 1998. HR Watch, D'Ancona & Pflaum, LLC, February 14, 2000. The Society of Human Resources Management found that, out of 616 businesses polled, 57 percent had faced at least one employment related lawsuit in the previous five years.

Alona M. Gottfried is a mediator who practiced employment discrimination law for approximately ten years.

[New Developments In employee Lawsuits, The Labor Research Association, January 4, 1999.]

Visit her mediation web site: [www.azmediator.com](http://www.azmediator.com) or contact her via email, [alona@azmediator.com](mailto:alona@azmediator.com)

## EEOC Revises guidance on timeliness for filing charges of employment discrimination

July 2005 WASHINGTON - In accordance with the Supreme Court's decision in National Railroad Passenger Corp. v. Morgan, 536 U.S. 101 (2002), the U.S. Equal Employment Opportunity Commission (EEOC) today issued a revision to its Compliance Manual section on "Threshold Issues" addressing time limitations on filing charges of employment discrimination with the agency. The revised Compliance Manual Chapter and questions and answers about the revision are available online at;

<http://www.eeoc.gov/policy/compliance.html>





The [H]ART of the mediator by Joseph Grynbaum, PE



What is it that keeps mediators on their toes and working boldly toward the settlement of a complex dispute?

What is it that differentiates the good mediator from the ordinary mediator, and increases the odds in favor of a settlement among the parties?

Is it dispute resolution training? Is it legal background? Is it technical knowledge and experience? Is it mediator style or technique? Is it mediator reputation and track record? Is it a combination of these attributes?

The answer is yes-maybe. Which isn't really a very satisfying answer is it? It certainly doesn't leave you, as the potential party in mediation, much wiser. Here is where it may help to have another more encompassing criterion that is more likely to lead you to the most qualified person for your dispute resolution needs.

The quality that best describes the best mediator for your dispute lies in the "ART" of the mediator.

The quality that best describes the best mediator for your dispute lies in the "ART" of the mediator. Let me explain. In western societies, arts and sci-

ences have always been accepted as opposites. Practitioners and trainers of mediation often describe the process of mediation as an art form rather than a science. However, that is not what I am referring to. The "ART" I am referring to is something altogether different. It resides inside the heart and mind of the mediator and represents a philosophy of thought and action. It cannot be learned, and it certainly cannot be faked.

The "ART" I speak of is an acronym for Attitude-Respect-Trust. All of these human traits must be in play, during the mediation, to underscore the opportunity for a successful outcome. Early in the engagement, the mediator as neutral facilitator must establish the correct tone, in order for these elements to catalyze the proceedings. The mediator must embrace these qualities sincerely and enthusiastically, so that each party can participate openly in a safe and impartial environment to explore as many negotiated opportunities for resolution as possible.

Let me begin with "attitude." All involved parties must be convinced that the mediator's attitude toward the process is positive and unconditional. Each party must be willing to suppose that the mediation process is the best way to settle their differences. Even during those inevitable times when discussions break down and everyone is ready to toss in the towel, it is the mediator's positive attitude that guides everybody back onto the path to continue to the next stage of the resolution process.

Next is the mediator's "respect" toward the disputants themselves. This essential element will encourage the mediator to listen to each party's

viewpoint and strive to understand the roots from where their positions emanate. The successful mediator subscribes to the standard that all parties are entitled to the full and unconditional respect of the mediator. That is, all parties are "created equal." Once this principle has been established, it becomes much easier for the mediator to insist that the disputants adhere to a higher level of courtesy toward one another during the proceeding. This positive "tone" often leads to a better standard of communication and reinforces tolerance throughout the mediation.

Last but certainly not least, is the mediator's "trust" in the soundness of the mediation process. This key element must be seen as unwavering throughout the proceeding. For without it, a mediator's actions and utterances will quickly be perceived as hollow and without resolve. This weakness will soon be exploited by the parties, to the detriment of the mediation, thereby reducing the likelihood of arriving at a satisfactory settlement.

...mediation is certainly an art and not a science. The highest potential of mediation is rooted in its ability to bring divergent positions to mutual closure.

To summarize, mediation is certainly an art and not a science. The highest potential of mediation is rooted in its ability to bring divergent positions to mutual closure. This can be

accomplished with the help of the mediator with an inherent positive attitude, showing respect of the parties and maintaining trust in the process. These three human ingredients are imbedded in the heart and mind of a mediator. If you want to find the best mediator, when interviewing for your mediation, be sure to inquire of these attributes.

Joseph Grynbaum is a practicing mediator and professional engineer. In 1999, he founded his consulting firm - Mediation Resolution, Int'l - to offer innovative construction industry dispute resolution services based on over 30-years of engineering experience in the power generation field in Australia and the U.S.



Mr. Grynbaum publishes a bi-monthly newsletter "Grynbaum's Dispute Prevention Update" click below

http://www.mediationagency.com/pdf/grynbaumaugust2005.pdf

The focus of his newsletter is to disseminate informative news and views to the alternative dispute resolution community with a focus on the construction industry.

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"It doesn't work to leap a twenty-foot chasm in two ten-foot jumps." ~ American proverb



# The Effect of Biases on the Mediation Process *by Terry Sutter, M.A.*

*...mental shortcuts is usually a cost-effective strategy for processing information...can also lead to systematic biases and errors in judgment.*

Cognitive heuristics are mental shortcuts – rules of thumb we use to simplify decision-making. We humans have a strong tendency to depend on these shortcuts. We are essentially trying to conserve mental effort, as it would be overwhelming if we analyzed every piece of information and decision we encountered throughout the day. While using mental shortcuts is usually a cost-effective strategy for processing information and often leads to satisfactory results, it can also lead to systematic biases and errors in judgment.

In the mediation process it is essential that the mediator remains neutral and is able to guide the disputants toward cooperative negotiation. This includes helping disputants understand the other party’s perspective and move on to creatively exploring possible solutions for their dispute. As you read about how our thinking is heavily influenced by cognitive heuristics and biases, I think you will realize the benefit of continually and carefully examining your own thinking processes so that you are able to recognize when biases are creeping in. In addition, you will undoubtedly observe disputants using heuristics, which may result in biased thinking, and interference with their ability to negotiate cooperatively. Perhaps, as a result of heightened awareness, the mediation process can improve.

*“We humans are constantly trying to understand and make sense of our world, and to do so in an efficient manner we try to conserve mental effort by categorizing people and events.”*

There are three classic decision-making heuristics and several related biases. I’ll start with the representativeness heuristic, which is the rule of thumb people use when they classify something as belonging to a particular category to the extent that it is similar to a typical case from that category. This often leads to stereotyping. The propensity for using this heuristic is so strong that we often ignore other important available information such as sample size. Problems arise when we draw incorrect conclusions about a particular group of people on the basis of a small number of people we have met from that particular group.

Researchers conducted a study whereby people were given a personality description of an imaginary person named John. They were then asked to guess John’s occupation from a list of possibilities. The description went like this: John is very shy and withdrawn, invariably helpful, but with little interest in people, or in the world of reality. A meek and tidy soul, he has a need for order and structure, and a passion for detail. The list of occupations included farmer, salesperson, airline pilot, librarian, and physician. People should have selected a profession that has a high base rate in the population, which would be salesperson. However, most people ignored that information and guessed that John was a librarian. That is an example of the representativeness heuristic. We humans are constantly trying to understand and make sense of our world, and to do so in an efficient manner we try to conserve mental effort by categorizing people and events.

The availability heuristic is the rule of thumb we use when we estimate the frequency and likelihood of something occurring based on how easily we think of similar examples. This can sometimes lead to biased thinking because our memory is influenced by recency (recalling more recent examples more accurately) and familiarity (familiarity with the example you are recalling). In other words, we will be more likely to think something is going to occur if that something has happened recently and/or is something that we are very familiar with.

There was an article in the New England Journal of Medicine pointing out how physicians can be affected by the availability heuristic. The author was describing a physician who was hesitant to recommend a particular medical procedure because one of his patients had recently developed a serious neurological disorder following the procedure. In addition, the

author reported that physicians were more likely to select a particular diagnosis if they had recently diagnosed a similar case. It is interesting that this esteemed medical journal included an article on the availability heuristic and it certainly points to the prevalence of its influence.

The availability heuristic can have a positive effect on mediation when the mediator encourages disputants to recall a time when things were better – when they weren’t entrenched in the dispute. If the parties had a friendly relationship prior to the dispute, it can be helpful to ask them to recall times when they got along well, and how pleasant it was. This exercise can help the disputants envision a more hopeful future.

Lastly, the anchoring and adjustment heuristic is the rule of thumb we use when we start with a rough estimation as a starting point and then adjust this estimate based on distinctive characteristics of the current situation. Even an arbitrary number mentioned in a negotiation can act as an anchor, and people will use that number as a starting point. The problem arises when the starting number has no real basis and/or the subsequent adjustments are inadequate.

Research has found that people have a strong tendency to use this heuristic and that they typically fail to make large enough adjustments.

The anchoring and adjustment heuristic is not only used when estimating figures, it can also operate when we make judgments about people. For example, perhaps you hold a stereotype about people who belong to a particular group, such as people in a particular occupation. When you meet someone from that group, you are apt to rely on your stereotype to create a preliminary anchor. Then you will take into consideration unique characteristics about that person and make adjustments. Again, problems arise when the adjustments are insufficient.

*“...can have a positive effect on mediation when the mediator encourages disputants to recall a time when things were better – when they weren’t entrenched in the dispute.”*

So, what do we do to overcome the potential biases that result from our reliance on heuristics? Several researchers have offered suggestions. These include: (a) do not rely too heavily on one source of information, (b) evaluate the credibility of the source of information (c) ask disconfirming questions – not only about your own ideas, but also about the source of the information you are relying on, and (d) be aware that people in general tend to be overconfident in decision-making situations.

Regarding the representativeness heuristic we are advised to remember that: (a) likelihood is not self-correcting (i.e., past occurrences have no influence on future outcomes), (b) pay attention to base-rates (i.e., how often something occurs in the general population), and (c) become acquainted with a large number of people from a group that you tend to hold stereotypes about. When it comes to the availability heuristic, it is suggested that we remember that the most available information is not necessarily the most relevant information. Regarding the anchor and adjustment heuristic, researchers suggest that we: (a) think carefully before providing an initial estimate (use a recognized standard), and (b) ask yourself whether you are paying sufficient attention to the distinct features of the current situation, which may suggest making larger adjustments away from your initial anchor.

Hopefully, thinking about this research and its implications for mediation will somehow be helpful.

Reference: Matlin, M. W. (2002). Cognition (5th Edition). Orlando: Harcourt College Publishers

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Workplace relationships, Part 2: Conflict Across Age Groups by Kelly Walsh, M.Ed.

I think age is a very high price to pay for maturity.- Tom Stoppard

...in the workplace, we are from a variety of age groups with different life experiences.

A young co-worker in her late twenties I know has never used a typewriter in her life. She said they had computers in her kindergarten class. I was shocked, and I reacted by telling her a fascinating story about how I used to type my college term papers, with the magic of correct-o-type, while walking up hills in the snow to get to school. I'm sure she glazed over around my description of the use of carbon paper.

The fact is that in the workplace, we are from a variety of age groups with different life experiences. Typing versus computing being just one of them. Almost every work environment employs people of different generations, but often the subject of age is taboo and the focus is on the prohibition of discrimination based on age. What is lost, is the opportunity to learn about the attributes of different age groups.

There are many interesting monikers applied to the generations. A common one is "Baby Boomer" describing those born post WWII during 1946 - 1964. Then there is "Generation X", a.k.a. "Gen X", "Busters", and "Xers" (born between 1965 - 1980); and Generation Y, a.k.a. "Nexters", "Generation Why", and "Millennials" (born between 1981-2000). Then there are also "tweeners" whose age falls near one of the cutoff years and they share characteristics from both groups.

Different generations working together can be a recipe for conflict.

Different generations working together can be a recipe for conflict. Example: Phil, 59, is a long time manager of an accounting department for a large corporation. He supervises four mid-level supervisors including Mitch, 29. Phil thought Mitch was going to be a star when he hired him 4 years ago. He was promoted to supervisor after only a year. Lately though, Phil is disappointed with the "attitude problem" he sees in Mitch. After the promotion, Mitch got married and has since had a child. Now Mitch seems to be a "clock watcher" who darts out the door at 5:00 PM sharp to pick up the kid from day-care. In his day, Phil worked late every night in order to get ahead. Mitch even seems to resent Phil's suggestion that he and his team have working dinners (at company expense) to delve into new projects after hours. Mitch claims that the day

care fines parents who arrive late. These two people are from different eras with different values and circumstances of family life. This disharmony can lead to a difficult work environment.

Among the problems that can arise in this example are Phil overlooking Mitch for special projects or other promotions as he is skeptical of his commitment; Mitch leaving the company seeking an environment with a more flexible and family friendly boss; or a strained relationship that impacts other employees and productivity.

In the myriad of diversity issues we must be mindful of, age can sometimes fall through the cracks of training curriculum, and awareness updates that companies focus on. We are all impacted by the happenings in our world during our upbringing, the family life we had, and the era in which we were raised. Supervisors, employees, and mediators should be mindful of our own generational attributes and other groups in order to facilitate better understanding among employees in the workplace.

...educating employees and creating an atmosphere where future conflict can be avoided.

Although age difference can be the root of a conflict, the good news is that the diverse experiences of differently aged employees can be leveraged, that is, used for everyone's benefit. Using a "Gen X" employee for a solo project may make best use of his/her self-reliant nature and free up other team members for different tasks. These tactics can be used in building a win-win mediation agreement and go a long way toward educating employees and creating an atmosphere where future conflict can be avoided.



There is an "Older Worker Protection Act", and Title VII of the Civil Rights Act addresses age discrimination. But understanding that each generation has distinct attitudes, behaviors, expectations, values, motivations and communication styles can eliminate many major confrontations and misunderstandings in the workplace and the world of business. A skillful mediator with the ability to intervene early can eliminate the necessity to ever refer to these protective acts. (View part one of this series, <http://www.mediationagency.com/pdf/SUMMER2005.pdf>)

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Characteristics of Employees by Generation

Table with 4 columns: Core Values, Families, Education, Communication, Interactive Style, Work & Family, Feedback/Rewards, Life Paradigm. Rows describe characteristics for Boomers, Generation X, and Generation Y.



*Watching the Birth of a Mediator's Career* by Nancy Peterson, B.A. Med.

Of all the advantages and privileges teaching mediation affords its instructors, one of the most profound is witnessing the growth of new career mediators. As teachers of mediation, we are constantly "thinking" about our craft. The love we have for using talk to help others to repair their lives is profound, and it is always with great joy that we [hopefully] impart our passion for mediation during instruction to our students. *"One of the hallmarks of our teaching is awarding respect to the lives and ability of students as each comes with a profound history of using mediation-type skills from childhood onwards, and we ask 'hands up everyone who has done okay in life so far...' that is our way of saying we know you have gifts in dealing with people in conflict, or love, anger, jealousy—every human emotion and have used those skills all of your life. What we endeavor to do is to add to your unique tool-box of problem solving skills with refined mediation technique."* Explains Dr. Frank Hanna, co-founder of The Mediation Agency.

During our classes we have the privilege of meeting, and learning from incredible people. Each class comes with its own special "personality" of spirit, all sharing the same passion for the principles of mediation as a form of dispute resolution. Many students go on to use their training in new business, while some use it to reinforce their current occupation.

On occasion we are blessed with special students who prove to us we are on the right track.

In June of this year we had as good a class as we have ever had. The students were from diverse backgrounds and came with the en-

thusiasm that accompanies most when embarking on our course. However, one young man, only 22 years of age, stood out as a gift and made both myself, and partner Dr. Frank Hanna take closer notice. His name was Rob Andrew.

Rob came to our class with his Mother, Suzy Piazza. They came from Kettering, England as Suzy had contacted us when we were in Belfast to enquire about our mediation training. Her background was in the housing authority and she'd dealt with conflict on a community level for many years. Upon learning more, she determined that her best plan of action was to travel to the USA to take our training. When she started making plans she told her son Rob what she intended doing. To her pleasant surprise he began to express his own interest in the course and the possibilities it would open up for him. He had recently graduated university with a degree in history and was finding that the world was not exactly his oyster. So with a few phone calls, a quick study of the finances, he had booked to join his mother in the trip to Arizona. Needless to say his mother was delighted.

Frank and I met Rob and were pleased that one so young would be interested in considering mediation as a career. Although he was not the youngest student we have enjoyed training, he was close, as the usual age for aspiring mediators is, shall we say, somewhat older and often is chosen as a retiree career.

The surprise that we had in store was profound. Rob not only participated with enthusiasm, he brought a perspective and maturity that was truly unexpected. The other students, some already professional mediators, such as Beverly Owen, Ph.D., were in attendance, but Rob held his own participating and adding to the experience for everyone. We all learned from him as he learned from us. It was both humbling and inspiring.



Since that class, Rob returned to England with Suzy on fire with ideas and plans for a future that included mediation as a career.

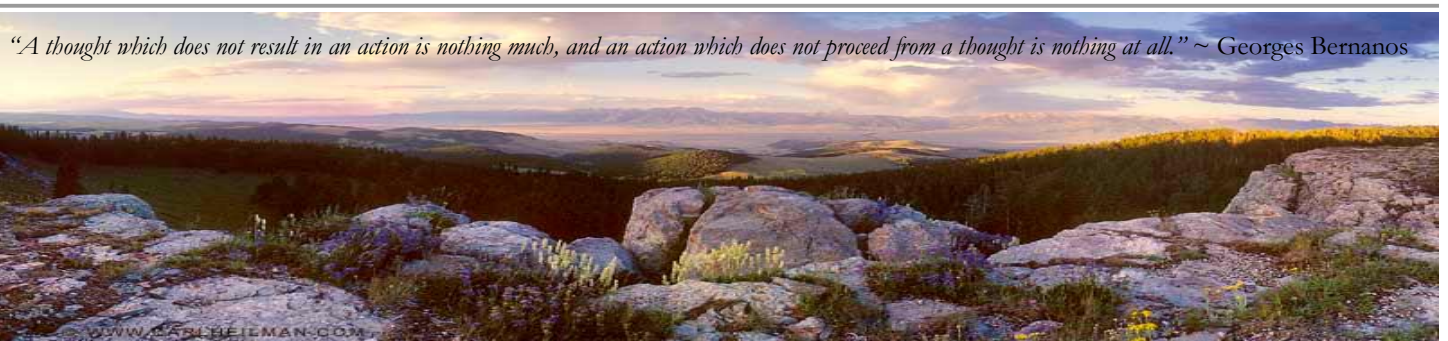
Plans were made for Suzy and Rob to begin a UK business with an emphasis on community issues. Shortly after their return to the UK, Frank and Rob began

discussion on how we could help him with his burgeoning career. It was decided that Rob would return to us in the USA and take our course a second time in September, and gain hands on experience by working with the Justice Court Program in Maricopa County.

Our September class, the last instructed by Dr. Frank Hanna in Arizona, will be bittersweet. But made all the more special by the presence of our friend and colleague, Rob Andrew who's age group represents the future of mediation. And knowing our craft will be in such caring hands as Rob's is comforting indeed.

Nancy Peterson, B.A. Med.

Contact Rob via e-mail, [rob@mediationagency.com](mailto:rob@mediationagency.com)



*"A thought which does not result in an action is nothing much, and an action which does not proceed from a thought is nothing at all."* ~ Georges Bernanos



## Calendar of World-wide Training Events

### The Mediation Agency and ConflictAvoidance.com

**offer training and services that are available world-wide!**

Our curriculum of training programs, seminars, and workshops provide for a wide variety of educational levels with pertinent skills training and techniques that enhance any occupation or profession. The instructors Dr. Frank Hanna, Esq., and Nancy Peterson, B.A. Med. are highly trained, well educated and have years of field experience.

***We urge you to investigate our training;***

<http://www.mediationagency.com>

<http://www.conflictavoidance.com>

***You will not find a more credible or information rich source for staff training anywhere in the world!***

Below us publicly offered 40-Hour Mediation Training Classes scheduled in Belfast. Our training, seminars, workshops, speakers, and mediators are prepared to design programs or events that meet any criteria or situation.

Please contact Dr. Frank Hanna, Esq. for details: [frank@conflictavoidance.com](mailto:frank@conflictavoidance.com)

**SEPTEMBER 28th- OCTOBER 3rd, 2005**

**Read or print schedule (PDF):**

<http://www.mediationagency.com/pdf/belfastschedule.pdf>

**Belfast , Northern Ireland**

**Register for this class:**

<http://www.formdesk.com/frankhanna/nextclass>







## New Mediation Web Sites

Launching a new web site is a serious step for anyone, and it is of particular excitement for professional mediators. As the developer of such web sites, I can say without reservation that it is an exhausting process as owners of mediation web sites tend to be very exacting in the layout and content. Understandably so as this is the vehicle to launch their career and it needs to represent them well.

As the developer of this newsletter I am afforded the privilege of content, and as I sat wondering what news in the world of mediation would have special merit to our readers, it dawned on me—three new web sites and three pieces of good news for our industry. As I write this, all the highlighted sites are still under construction, so make a note of their locations and watch as they develop.



The first, in order of which they were created, is <http://www.azmediator.com> This is the on-line presence for Alona M. Gottfried, Esq. and carries

with it a special place in our hearts as she is both our friend and was the teaching partner for Dr. Frank Hanna for two years. She is a highly skilled attorney with profound talent and experience as a mediator. Her business will doubtless make an impact in Arizona benefiting her legal colleagues and clients alike. [see also her article in this edition entitled *Employment Discrimination Lawsuits: Litigate or Mediate?*]



Better conflict solutions is the brain child of experienced mediator Terry Sutter, M.A. <http://www.betterconflictsolutions.com> Her background is strong as a professional mediator who specializes in workplace, community, family services and conflict resolution coaching. Terry created the apropos motto of “Building a bridge between conflict and resolution” Which is a perfect representation of her approach to helping people in dispute. [see also her article in this edition entitled *The Effect of Bias on the Mediation Process.*]



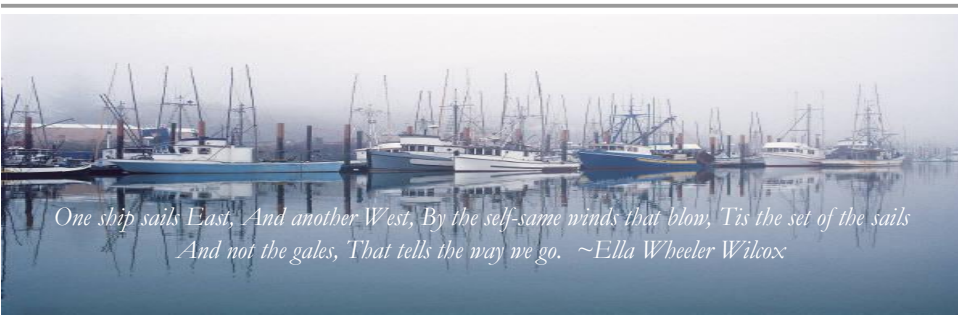
The third web site belongs to Dr. Frank Hanna and myself, <http://www.simplymediation.com> It was created to address a need for mediation services in Frank’s homeland of Ireland and throughout the UK. It is unique in the element that it will be exactly what the name implies, “Simply Mediation.”

Please take note of the addresses of all of these sites and let us know what you think. We appreciate the feedback from our colleagues and look for your support!

Nancy Peterson, B.A. Med.

Contact Nancy via e-mail, [nancy@mediationagency.com](mailto:nancy@mediationagency.com)

Web site design: [www.survivalstylemarketing.com](http://www.survivalstylemarketing.com)



## Looking for a career in mediation?

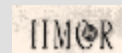
Mediation is more than a job for most devotees—it is our passion. The quest becomes finding a way to combine our love of mediation with our 9 to 5. In other words; how can you do what you love for a living. For people with an entrepreneurial spirit, the creation of their own mediation firm may be the answer. For the less adventurous, the news is good as jobs in mediation are growing throughout the USA and world. By a quick search of Google, using the key words, ‘mediation jobs’, I found several good sources to begin a mediation job search;



The National Association for Community Mediation web site offers a listing of available jobs from member organizations. You do have to become a member of the association, but that should not be a stumbling block as it is a very worthy affiliation for any mediator. Learn more,

<http://www.nafcm.org/index.cfm>

The next good job source came from an American university, Pepperdine in California. Where many of our readers will have attended advanced or specialized mediation courses (*and yes they went because Pepperdine is a world renowned presence for mediation instruction, and not just because it happens to be located on the beach in Malibu!*) The mediation job links, provided by Pepperdine may be found by clicking, <http://law.pepperdine.edu/straus/careers/jobs.jsp>



Finally, The Institute for International Mediation and Conflict Resolution (IIMCR) has a great post for career positions worldwide found at; <http://www.iimcr.org/process.cfm?pageID=6>

Check out these three sites, and keep searching for that job that marries your passion with career—once found, you’ll never have to “work” again.

For additional information on marketing yourself as a mediator, contact Nancy Peterson via email, [nancy@mediationagency.com](mailto:nancy@mediationagency.com)



### Information & Credits

Thank you for taking the time to view the Autumn newsletter of *The Caucus*.

We hope you found it both educational and enjoyable. It was our collective hope to connect with readers and offer ideas for alternative dispute resolution, conflict avoidance principles, workplace mediation and training.

Our team, led by Dr. Frank Hanna, Esq., and Nancy Peterson, B.A. Med; is Alona Gottfried, Esq., Kelly Walsh, M.Ed., and Shirley Kanode, SPHR, MAOM.

Details of each members qualifications and experience may be viewed on our web site, ConflictAvoidance.com <http://www.conflictavoidance.com/team.html>

Please let us know if you found the articles and information helpful to you! The Caucus newsletter was formatted, designed, and is maintained by Nancy Peterson, if you have suggestions for future issues, send email to Nancy; [nancy@conflictavoidance.com](mailto:nancy@conflictavoidance.com)



Also, if you would like to include yourself or a colleague on our mailing list for future newsletters and information regarding our training, please subscribe below:

<http://www.formdesk.com/frankhanna/newsletter>

If you have an interest in our training programs, seminars or speaking engagements, please fill out our short questionnaire so we can better determine your requirements:

<http://www.formdesk.com/frankhanna/intake>

You'll hear from us soon with our Winter edition of *The Caucus*. Meanwhile, keep up the good work making the world a better place with mediation!



Nancy Peterson, B.A. Med.

### Contributing Authors

Many thanks to our colleagues who took the time out of their busy schedules to write for this newsletter. Your words are appreciated!

*Dr. Frank Hanna*

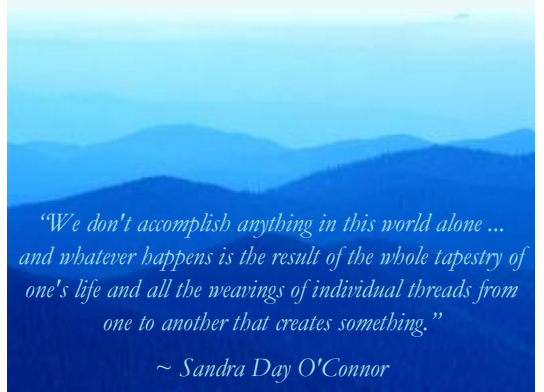
*Alona M. Gottfried, Esq.*

*Joseph Grynbaum, PE*

*Terry Sutter, M.A.*

*Nancy Peterson, B.A. Med.*

*Kelly Walsh, M.Ed.*



### Our Academic Registry

MEDIATORS INSTITUTE IRELAND <http://www.mediationireland.com/>

FICA SICA <http://www.sica-fica.org>

Graduate Theological Foundation <http://www.gtfeducation.org/>

UNIVERSITY OF CLOVERDALE COLLEGE <http://www.cloverdalecollege.org/>

### To our Colleagues;

The adjacent entities represent our academic and training qualifications for both continuing education credits and as advanced credit towards collegiate level coursework.

Please contact them for verification of our standing in regard to programs offered though both our organizations; The Mediation Agency

<http://www.mediationagency.com>

and Conflict Avoidance.com

<https://www.conflictavoidance.com>

Thank you,

Dr. Frank Hanna, Esq.

Nancy Peterson, B.A. Med.

### Contact Us

480 682-9116 (USA) 011 44 28-90-817549 (UK)

[info@conflictavoidance.com](mailto:info@conflictavoidance.com)