




the caucus



Winter, 2006

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The advent of a new year gives all of us the facility we exercise most times we mediate, namely, the ability to look back and then look forward. We bring this shortened edition of *The Caucus* to reflect on the past year and contemplate the next but most of all to wish each of you joy and success in this new season.

2005 has been an eventful year. On a personal level health concerns grounded me for much of the year and prevented me from attending my graduation in May as the first ever Doctor of Mediation, something that was a source of great pride to us. Add to that the appointment of my co-founder, Nancy Peterson B.A., as Director of Education and Professional Development of the New York State Dispute Resolution Association, and all in all it has been an exciting year.

Then in November my election to the Council of the Mediator's Institute of Ireland amidst a great flurry of change and determination to make the Institute the foremost representative body of Mediation in Ireland. It has been an interesting year.

There have been downsides as well. I hear a catalogue of moans and groans from former students ploughing very active furrows in the various Court Volunteer schemes across the country. Typical of the stories are the long drives to the courts only to find many no shows and inept administration.

Something needs to be done because the major sufferer is not just the volunteer but mediation itself and those of you who know me well will know that is my number one intolerable outcome.

There have been spectacular successes showing the remarkable versatility of mediation from hoary issues such as pedophilia in the Catholic Church finding a route through mediation to major sporting issues between players in the NBA and the NFL being resolved by mediation.

The development of mediation in the UK and Ireland is encouraging as is the enthusiasm for <http://www.conflictavoidance.com> the vehicle we use for helping organizations to avoid trouble in the first place.

I come from a simplistic base. I don't believe I ever met a mediator who didn't want to mediate yet the opportunities to do so seem to get less and less and the great danger is that the valiant team of aspirant mediators find themselves with little or nothing to do. This newsletter will not change anything but maybe someone will read these words and agree that mediation programs should be run by people who know what they are doing and direct their efforts to the good of mediation and not constantly think of their own self importance. I see a few people angry at those words but many more nodding their agreement.

Be under no illusion the future of the great profession which is Mediation is at a critical point. You will note that I used the word Profession because I believe it to be so. Lord Goddard defines profession as "a body of people in a learned occupation" and it is true. It is a subject where education represents the start of the learning

New Year, New Beginnings by Nancy Peterson, B.A.



Winter 2006 Troy, NY

In October of 2005 a phone call awakened me and I groggily answered. I recovered quickly when the voice on the other end identified herself as somebody with New York State Dispute Resolution Association (NYSRDRA.) After a brief, and I hoped coherent conversation, I learned they had found my résumé on the VOMA web site, and were interested in talking to me about a new position they were seeking to fill for Director of Education and Professional Development. I was initially taken aback as I was comfortably situated in the very warm state of Arizona and had not thought of moving to the East coast—but things tend to

change. I flew to Albany, New York for an interview in the nearby town of Troy and met with the staff of NYSRDRA. They were as enthusiastic and dedicated to the concepts of mediation as myself and were undertaking exciting steps for the future of mediation in New York State. To make a long story short, I accepted the job and then had the enormous task of moving 2,700 miles within three weeks! The move was made with surprisingly few problems, and I have been happily in place in my new job for about six weeks. Frank and I continue to collaborate on projects for Mediation Agency and are doing our best to acclimate to the new experience of Winter. (I'd forgotten the joys of scraping ice from windshields!) I hope to stay in touch with my Arizona colleagues and friends and look forward to having visitors when the Arizona summer becomes unbearable!

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The Future is this way...(cont.) by Dr. Frank Hanna (continued from pg.1)

learning and then further and continuous education coupled with experience carries on the learning process. I am mindful of the story of Roger Fisher (now into his 80s and the author of *Getting to Yes*), he produces his book at the end of each class asks if everyone is happy with it and amidst great acclamations of its excellence he tears it in two and drops it in a trash can and says, "It's not quite there...Yet." A wonderful metaphor giving clear guidance that the end of your course of study does not make you a mediator rather it is the start of your learning process. I exhort my students to practice humility in the pursuit of excellence. I tell them that the mediator, who knows everything hasn't been born yet, and, by the way, neither has his grandfather!

I have now become more actively involved in the area of on line teaching and that is growing. Our first course, Mediation: Principals and Practice, has been adopted by Cloverdale College as required course work for all students which is very interesting. We continue to work on the minutiae of a full blown degree in Mediation and believe that such will be available within the coming year. Exciting times are ahead.

Strangely it was the online teaching that made me curious about how to improve communications between students located all over the world. In our courses we supply a written manual, give an audio lecture on line and deal with assignments by e-mail and so far so good. But to push the efficiency level higher I set off in search of creating a web conferencing facility of some sort which would enable us to interact on a personal level with our students. The first and most obvious hurdle was the sheer expense of it all. To put that into perspective I was talking to a barrister friend in Belfast in November. He uses a video conferencing facility at a cost of £100 per hour. That is the equivalent of \$174 per hour. Maybe this is possible for big organizations but prohibitive for the sole trader. Add to that the fact that both parties have to be in a certain place to use the equipment. I recently interacted with a New York attorney who had worked in the corporate world for many years. She said, "My sense is that people just don't enjoy the video-conferencing experience. We had the equipment available at our office for many years and almost never used it. People feel self-conscious in front of the camera, which is a negative, and they feel frustrated at not having the actual human contact, which is also a negative." That prompted me to look again at the development of technology. Ironically I agreed with her because then the system was foreboding and uncomfortable. It had a studio like effect and was not at all comfortable. Yet people are changing. Go to any computer store and see the array of web cameras and just try to buy the latest model, chances are it has "flown off the shelf" like the latest play station. Look at how cell phones have changed in a few short years. Many come with built in video cameras and I know that streaming video e-mail delivered straight to your cell phone or I pod is just weeks away.

Consider this. There are estimated to be between 20 and 30 billion e-mails floating around the Internet every day. Forrester Research is an independent technology and market research company that provides pragmatic and forward-thinking advice about technology's impact on business and consumers. Their view is that regular e-mail as we know it will become as relevant as black and white televisions with the advent of streaming video. They state, "Many have said that "business depends on technology," but we're past that. The reality of the digital age is that your business is embodied in your technology, and your business can change only as fast as your technology can. Business executives who embrace this reality and actively design for digital business will increase the speed of

business change, lower the cost of change, and, as a result, increase competitiveness for their companies. The alternative is to stay tangled in inflexible technology silos that slow your ability to lower costs, capture new markets, and improve productivity."

Then quite by accident I stumbled across a new program launched within the last year in Europe. It is an American product and I got an early opportunity to try it out. I was amazed at its performance but more particularly at how affordable it is. It comes in two halves, video email and web conferencing. I am thoroughly enjoying the experience of trying it out and have started to explore the potential for mediation.

I remember many times when mediating workplace discrimination cases for the EEOC there was a need to use telephone mediation. Maybe one party was with you in the office while the other was, perhaps, thousands of miles away in another state or country. There were obvious disadvantages but some unusual advantages which are interesting to reflect on. Firstly, the parties knew that the telephone was an additional expense so for some strange reason they seemed to focus on getting through the process a lot more efficiently. Anger was less likely to feature as the psychological impact of it is diluted long range and by the impersonal nature of the telephone. There were other aspects and, on scratching my head, I cannot recall a telephone mediation that did not actually get resolved.

So how then would it be if mediation were possible by using affordable web conferencing? Imagine this. Party one lives in one part of the country while the other lives thousands of miles away. Each has an internet connection (doesn't everyone these days?) as does the mediator. A simple web camera approximate cost \$60 completes the equipment. The mediator invites them to join him/her in his/her private and secure web meeting suite and the three people are effectively in the same room. Each can see and hear the other and the mediator has the facility to see each party close up and thus observe the nuances of body language and reaction. For added sophistication the ability of the mediator to caucus exists as he/she can exclude any participant from the room for whatever period he/she needs.

I think anyone would agree that such a scenario would be preferable to simple telephone mediation and would provide a viable alternative for people who have to look at traveling great distances to resolve some issue that may not be worth the expense of travel.

I recall once being asked to mediate a case in Northern Arizona. It was a 3 hour drive for me but I had not realized that it was an even longer drive for the defendant and the plaintiff had to fly from Europe. The case got resolved but ironically not before the defendant had to make a long distance phone call to get the requisite authority. How much easier would it have been if none of us actually had to leave home?

All of this is now possible and the day is close when the successful mediator will be offering such a facility to potential clients. The technology is here now and it is affordable. Personally, I find the prospects very exciting.



Will those who guide the fortunes of mediation in the court services realize that they can enhance their service by looking broadly to the future and that it can be done right now? One thing is for certain this will happen in the future so why not now?

If you are interested to know more please feel free to contact me at frankhanna@frankhanna.com



Information & Credits

Editorial Comment:

2005 was a year of tragedy, conflict and change. As a result, we are experiencing the personal and communal effects of stress due to war, natural disaster, potential pandemics and economic decline. Each one of us can make a personal connection in some way with one or more of these issues. How does such stress effect people? Disputes resulting from latent tension or direct crisis abound—conflict increases and the methods of dealing with unresolved conflict can be deadly. Mediation could resolve most disputes, but finding availability is often more problematic than the obvious prerequisite of parties coming together in good faith to begin healthy dialog. As Dr. Hanna explains, *“There is no doubt that talk works, but all the parties have to want to—and very often the inconvenience of getting together becomes an easy option for saying no. Anything that makes communication easier needs to be fully explored.”*

As Dr. Hanna wrote in this issue, 2006 technology allows us to *“...improve communications between students located all over the world.”* Taking his concept one step further, 2006 brings us the gift of advancements that will enable mediators to practice from the comfort of a home office and assist parties in remote locations. Although I will always believe there is no substitute for a face-to-face mediation, we all know there are occasions where that is just not a possibility. Mediation teaches us to embrace all possibilities, with that in mind consider web based mediations as one more tool to add to your “tool-kit.”

The dedication that Dr. Hanna has for promoting only highest standards in mediation is well known. In the last months of 2005 Frank diligently researched web based technology and found a program that exceeded his wildest expectations...perhaps it would be better if you heard it directly from Dr. Hanna. **Click here:** <http://video.myvideotalk.com/view/?id=TJKVY6EKVOYJ1U2Q1MQGFMP7N6XG65>

To have a closer look at the program Frank used to create the above video, Click here: <http://www.myvideotalk.com/hanna>

In closing, let me wish our friends and colleagues a safe and happy 2006—from my perspective, it is all about new beginnings and finding snippets of happiness where ever you happen to be.

Best wishes,

Nancy Peterson

Our Academic Registry



<http://www.mediationireland.com/>



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



<http://www.gtfeducation.org/>



<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 <http://www.conflictavoidance.com>

Thank you,

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Nancy Peterson, B.A. Med.

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