



# ADR NEWS

A publication of the Tennessee Alternative Dispute Resolution Commission

Summer 2017 Volume 17, Issue 3

Conflict  
Agreement  
Solutions  
Resolution  
General Civil  
Negotiation  
Mediation  
Tennessee  
Mediator  
Dispute Rule 31

## TENNESSEE ALTERNATIVE DISPUTE RESOLUTION COMMISSION

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- Patricia Mills

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- Caitlin E. Vasser

Send questions and comments to:

**Tennessee ADR Commission**  
Administrative Office of the Courts  
Nashville City Center, Suite 600  
511 Union Street  
Nashville, TN 37219-1768  
Phone: 615-741-2687  
Fax: 615-741-6285  
Email: [Patricia.Mills@tncourts.gov](mailto:Patricia.Mills@tncourts.gov)  
Web: [www.tncourts.gov](http://www.tncourts.gov)

## IMPORTANT NEWS

The deadline for submission of your 2018 Renewal Form is December 31, 2017. ADRC Policies 19 and 20, which set out the renewal fee structure, can be found on the AOC website.

<http://www.tncourts.gov/programs/mediation/resources-mediators/policies>

For a list of approved Continuing Mediation Education courses, please see page 3 or go to:

<http://www.tncourts.gov/programs/mediation/resources-mediators/continuing-meditation-education>.

To file online mediation reports, go to: <http://www.tncourts.gov/programs/mediation/resources-mediators>. If you have forgotten your username and password needed to submit an online mediation report, please contact Caitlin Vasser, Programs Assistant, at (615) 741-2687 or by email at [caitlin.vasser@tncourts.gov](mailto:caitlin.vasser@tncourts.gov).

## IMPORTANT ADR DATES

**August 17, 2017**-Rule 31 Mediator Applications Deadline for ADRC review on October 12, 2017

**October 12, 2017**-ADR Commission Meeting, Nashville

**October 13, 2017**- The 15th Annual ADRC Advanced Mediation Techniques Workshop, Nashville

## FAST STATS:

Did you know that the ADRC received mediation reports from 88 of Tennessee's 95 counties during the 2<sup>nd</sup> Quarter of 2017 (April 1 – June 30, 2017)? However, the total number of mediations reported in the 2<sup>nd</sup> Quarter of 2017 was only 1,662 for the entire State. The ADRC encourages Rule 31 Listed Mediators to submit reports in order to help the Commission and court system have accurate data regarding mediations in Tennessee.

These mediation statistics were compiled from online mediation reports submitted by Rule 31 listed mediators per ADRC Policies 10 and 22. Quarterly statistics can be found on the AOC website at: <http://www.tncourts.gov/programs/mediation/resources-mediators> in the "Submit Rule 31 Report" section.

## SUMMARY OF ADR COMMISSION MEETING

The ADR Commission held its Quarterly Meeting and on July 25, 2017. The Commission considered 44 new mediator applications and reviewed Committee reports. The July meeting focused on a comprehensive review of Rule 31 to determine proposed revisions.

## THE 15TH ANNUAL ADRC ADVANCED MEDIATION TECHNIQUES WORKSHOP

The 15th Annual ADRC Advanced Mediation Techniques Workshop will take place on October 13, 2017. You may attend in person at Lipscomb University in Nashville or participate online via live-stream video on October 13. For more information and registration please visit

<http://www.event.com/d/r5qsqb> or contact our office.

## **We Would Like to Hear From You!**

In an effort to encourage education and communication between and for Rule 31 listed mediators, the ADRC accepts proposed article submissions from Rule 31 listed mediators and others in the *ADR News*. All submissions may or may not be published and are subject to editing according to the Program Manager's discretion. If you are interested in submitting an article for possible publication in the *ADR News*, please contact the AOC Programs Manager at (615) 741-2687.

# NEWS AND EVENTS

## UPDATED AOC RESOURCES

### Parenting Plan Forms

Pursuant to TCA §36-6-404(d) and TCA §36-6-101(a)(3)(C), the AOC has amended the Permanent Parenting Plan and Temporary Parenting Plan Forms. The revised Forms are available at <http://www.tncourts.gov/programs/parenting-plan/forms>.

### Parent Education and Mediation Fund Grant Recipients

The AOC has announced the following recipients of the State-Funded Parent Education and Mediation Fund (PEMF) Grant for FY 2017-2018 (July 1, 2017 – June 30, 2018).

#### *West TN:*

- The Exchange Club Family Center of the Mid-South
- Le Dujour H.E.R.O. Village of the Mid-South, Inc.
- Madison County Juvenile Court
- Tomorrow's Hope PMC
- Training Resolved, LLC

#### *Middle TN:*

- The Family Center
- Kymari House
- Legal Aid Society of Middle Tennessee and the Cumberlands
- The Mediation Center
- Medi8Resolution Center
- Mid South Mediation Services
- Nashville Conflict Resolution Center
- Williamson County Juvenile Court

#### *East TN:*

- Community Mediation Center - Knoxville
- Legal Aid of East Tennessee
- Private Dispute Resolution Services, LLC
- Solomon Family Solutions

### Victim Offender Reconciliation Program (VORP) Grant Recipients

The AOC has announced the following recipients of the State-Funded Victim Offender Reconciliation Program Grant for FY 2017-2018 (July 1, 2017 – June 30, 2018).

#### *Middle TN:*

- The Mediation Center - Columbia
- Medi8Resolution Center - Clarksville
- Mid South Mediation Services – Hohenwald
- Nashville Conflict Resolution Center - Nashville

#### *East TN:*

- Community Mediation Center – Crossville
- Community Mediation Center – Knoxville
- Community Mediation Services – Clinton
- Community Reconciliation, Inc. – Chattanooga
- Neighborhood Reconciliation Services – Johnson City

For information about each PEMF and VORP program including service area and contact information, please visit

<https://www.tncourts.gov/programs/mediation/resources-public> and click on the links under State Funded Mediation Programs.

## CONGRATULATIONS TO THE FOLLOWING NEWLY LISTED RULE 31 MEDIATORS!

THESE MEDIATORS WERE APPROVED FOR LISTING  
AT THE ADRC QUARTERLY MEETING ON  
JULY 25, 2017.

### Family

Ms. Alexandra R. Baker  
Ms. Elaine A. Heard  
Mrs. Meredith Parker  
Ms. Shantell S. Suttle  
Mr. Robert F. Taylor  
Ms. Brooke A. Usher

### General Civil/Family

Mrs. Denise Jackson Ford\*  
Mr. Jeffrey L. Peach  
Athena T. Pendergrass

### General Civil

Mrs. Amy S. Allison  
Mr. Andre J. Bahou  
Ms. Shelley P. Baur  
Mr. Matthew H. Daugherty  
Ms. Donna Jo Davis  
Mr. Winston S. Evans  
Mr. Daniel M. Gass  
Ms. Autumn L. Gentry  
Mr. Carl D. Goins Jr.  
Mr. Douglas F. Halijan  
Ms. Florence M. Johnson  
Mr. Kelsie E. Jones Jr.  
Mr. Robert W. Knolton  
Mrs. Stephanie S. Maxwell  
Ms. Wendy R. Oliver  
Ms. Diana C. Onyejiaka  
Mr. George E. Penn II  
Ms. Lauren V. Plunk  
Mr. Wesley J. Riddle  
Mr. Dante A. Rogers  
Mr. Glen B. Rutherford  
Mr. Daniel N. Thomas  
Mr. James E. Thompson  
Mrs. Linda W. Thompson  
Mr. Virgil W. Thompson  
Mr. Bowman Townsend  
Ms. Elizabeth Townsend  
Mr. Richard D. Underwood

*\*Designation as "Specially Trained in Domestic Violence Issues"*

**CONTINUING MEDIATION EDUCATION OPPORTUNITES**

<u>DATE</u>	<u>Course Name</u>	<u>Type of Credit</u>
<b><u>13th Judicial District Child Support Office</u></b>		
9/5/2017	<u>Upper Cumberland Family Law Seminar</u>	3.5 Hours Family Law; 1 Hour Mediation Issues & Ethics
<b><u>AENZI</u></b>		
Ongoing	<u>Effectively Mediate with Motivational Interviewing</u>	1 Hour Continuing General Education OR Family Law OR Mediation Ethics
	<u>Effectively Mediate Post-Adoption Disputes</u>	1 Hour Cont. Education OR General Mediation Issues OR Family Law
	<u>Effectively Mediate with Motivational Interviewing</u>	2 Hours Continuing General Education OR Mediation Issues
	<u>Mediate with Emotional Intelligence</u>	2 Hours Mediation Ethics
	<u>What Shape is Your Triangle?</u>	2 Hours Mediation Issues
	<u>Ethical Mediation Course</u>	1 Hour Mediation Ethics
<b><u>ASSOCIATION OF ATTORNEY -MEDIATORS</u></b>		
9/15/2017	<u>The Good, The Bad, and The Uninformed</u>	2 hours Mediation Ethics & 5.5 hours Mediation Issues
<b><u>CONSENSUS PROFESSIONAL DEVELOPMENT - LAW &amp; MEDIATION PRACTICE PROFESSIONALISM</u></b>		
10/13/16 - 10/12/17	<u>Leading with Influence and Persuasion</u>	.75 Hour Mediation Ethics; 1.25 Hours Mediation Issues
	<u>Strategic Communication</u>	1.25 Hours Mediation Issues & .75 Hours General Education
	<u>Anger Management</u>	2 Hours Mediation Issues
	<u>Co-Worker Conflict Resolution</u>	
	<u>Employee Peer Mediation</u>	
	<u>Ethics for the Office Environment</u>	
	<u>Meaningful Listening</u>	
	<u>Mindfulness 1: EIEQ</u>	
	<u>Mindfulness 2: A1</u>	
	<u>Negotiating for Resolution</u>	
	<u>Problem-Solving &amp; Decision Making</u>	
	<u>Resolving Conflict with Difficult People</u>	
	<u>Critical Thought &amp; Practice</u>	2 Hours Continuing General Education
	<u>Diversity in the Workplace</u>	
	<u>Stress Management</u>	
	<u>Time Management for Peak Performance</u>	
	<u>Workplace Bullying</u>	
	<u>Workplace Etiquette</u>	
<u>Workplace Etiquette</u>		
<u>Workplace Safety</u>		
<u>Workplace Violence &amp; Prevention</u>		
<b><u>KNOXVILLE BAR ASSOCIATION</u></b>		
9/22/17	<u>ADR Update and Review of Mediation Best Practices</u>	2 hours General Mediation Issues and 1 hour Mediation Ethics
11/8/16 - 11/7/17	<u>Mediating a Family Law Case: The Good, The Bad &amp; The Ugly</u>	1 Hour Mediation Ethics
11/16/16 - 11/15/17	<u>Techniques to Avoid Impasse</u>	
12/20/16 - 12/19/17	<u>Tax Issues In Divorce</u>	
4/17/17 – 4/16/18	<u>Mediation – Practice &amp; Ethics Update 2016</u>	
<b><u>MEMPHIS BAR ASSOCIATION</u></b>		
9/26/2017	<u>Persuasive Strategies for Trial &amp; Mediation: A Quick Compendium</u>	3.25 hours General Continuing Education
<b><u>NASHVILLE BAR ASSOCIATION</u></b>		
5/19/17 - 5/18/18	<u>ADR Building Consensus &amp; Managing Emotions at Mediation</u>	1 Hour General Mediation Issues
5/22/17 – 5/21/18	<u>ADR Ethical Concerns in Family Mediation Cases</u>	1 Hour General Mediation Issues or 1 Hour Family Law
	<u>ADR How to Divide Assets &amp; Could Collaborative Divorce Work for You &amp; Your Clients</u>	1 Hour Mediation Ethics
<b><u>PRIVATE DISPUTE RESOLUTION SYSTEMS</u></b>		
10/17/2017	<u>Family Mediation Law, Ethics and More</u>	1.0 hour General Mediation Issues, 1.5 hours Mediation Ethics, and 3.0 hours Family Law [Max of 5.5 hrs for attendance at all sessions]
	<u>General Civil Mediation Law, Ethics and More</u>	2.5 hours General Mediation Issues, 2.75 hours Mediation Ethics, & .25 of an hour Cont. Education [Max of 5.5 hrs for attending all sessions]
<b><u>ROSEMARY FRANK FINANCIAL</u></b>		
11/14/16 - 11/13/17	<u>Avoid Financial Pitfalls in Divorce Cases</u>	2 Hours Mediation Issues or Family Law
<b><u>TENNESSEE ASSOCIATION OF PROFESSIONAL MEDIATORS</u></b>		
9/12/2017	<u>TAPM - Hot Family Law Cases 2017</u>	1 hour Family Law OR 1 hour General Continuing Education
On Demand	<u>Mock Mediation of an Employment Dispute</u>	1.33 Hours Mediation Issues
<b><u>TENNESSEE BAR ASSOCIATION</u></b>		
11/29/16 - 11/28/17	<u>Mediation in Juvenile Court</u>	2 Hours Mediation Ethics or 2 Hours Family Law
11/2/16 - 11/1/17	<u>Creating and Managing Productive Relationships in Mediation</u>	1 Hour Mediation Ethics
<b><u>TENNESSEE VALLEY MEDIATION ASSOCIATION</u></b>		
9/19/2017	<u>The Judge's Role in Mediation and Advice to Mediators</u>	1 hour General Mediation Issues



# Reflections On: Standards of Mediator Conduct – Six Important Principles!

## Rule 31 Appendix A.1-C

By Mary Ann Zaha

This begins a series of columns in this newsletter that will focus, one by one, on the six general principles found in Appendix A.1-C of Rule 31. To present this column ADRC commission members have volunteered to choose one of the six principles and share their reflections over the next six newsletters. Our intent is to continue with readers contributing in future newsletters.

These articles are shared as personal reflections of the writers' own experiences and observations with the principle being addressed. Neither right nor wrong, each is simply considerations the writer is willing to share.

Most states in our nation give specific yet differing rules pertaining to Mediation. These rules differ from one state to another. However, the General Principles of Standards of Mediator Conduct are remarkably congruent across the nation. We celebrate these core principles that give foundation and structure to the amazing ADR process called Mediation:

1. Needs and Interests of the participants
2. Fairness
3. Procedural Flexibility
4. Privacy/Confidentiality
5. Full Disclosure
6. Self-Determination

I will begin the column out of order with my reflection on the principle of Procedural Flexibility.

### Procedural Flexibility

In my years of practice, I have seldom focused on Procedural Flexibility. I considered that my willingness to offer scheduling flexibility, as well as by providing breaks in sessions for information gathering or emotional catch up, was enough to meet this principle. My focus was on the other five principles, especially Confidentiality and Self-Determination. It took a confrontation from an attending attorney in one of my mediation sessions for me to gain a fuller understanding of the value of Procedural Flexibility.

My default procedure in mediation was to have all parties in the same room, except for those cases in which safety was a concern. I was trained that what the parties say to the mediator is usually what they really need to say to each other, so why become a third party in the chain of communication? However, in one case, an attorney vehemently stated that he and his client refused to be in the same room with the other party. My reaction was defensive, insisting that they needed to Trust the Process. Internally I was reluctant to let what I perceived as his attempt to take control. The mediation continued under my direction, but no agreements were made.

I blamed failure on the confrontation with the attorney. Over time, I received similar messages from other attendees and attorneys, delivered with respect and assertiveness, which caused me to question my practice:

“Is my conducting a mediation process, one that I am comfortable with, really just meeting my needs, or is it best meeting the needs of my clients?”

I began to take a deeper look at the standards for mediator conduct. Procedural Flexibility stood out.

What I have learned is that it doesn't matter what label I put on my style of mediation. A label of “Therapeutic,” “Settlement,” or other may have become only an excuse not to have Procedural Flexibility. More important, Self-Determination and Procedural Flexibility go hand in hand. If I insist on one way of practicing then I am not honoring other important General Principles. If a case requires use of a mediation type or style or procedure with which I am uncomfortable, then it is my responsibility to learn to be comfortable with it, or at least to minimize my resistance and to stay out of the way.

Some aspects of the process cannot be flexible, they must reside within firm boundaries. My guide to these boundaries is Rule 31 and the six Principles of Mediator Conduct. I do not want my lack of flexibility to be a product of label bias or my personal lack of comfort in a type of process.

Flexibility of Process is now a part of my Mediation Introduction Statement, expressed as an expectation my clients can believe of me.