



ADR NEWS

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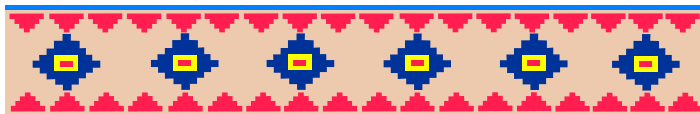
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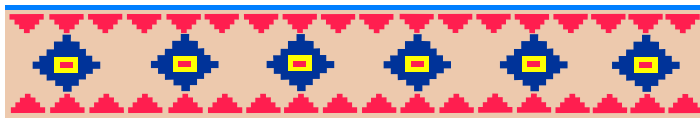
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IMPORTANT NEWS

The deadline for submission of your 2014 Renewal Form is December 31, 2013. If you have not received your 2014 Renewal Form, please contact Claudia Lewis at 615-741-2687 or Claudia.Lewis@tncourts.gov immediately. If you need Continuing Mediation Education hours, please go to: <http://www.tncourts.gov/programs/mediation/resources-mediators/continuing-mediation-education> for a list of approved CME courses. If you were initially listed in an odd year, your CME hours are due December 31, 2013 for the years 2012 and 2013.



The 2013 ADRC Workshop at Lipscomb University was a huge success, with approximately 180 mediators, speakers, and AOC staff in attendance. In addition, approximately 64 mediators attended via live internet feed.



At the October 17, 2013 quarterly meeting of the Alternative Dispute Resolution Commission, the Commission adopted Policy 17 regarding complaints about Rule 31 trainers or training courses and CME course providers or courses. To see all of the ADRC policies, go to <http://www.tncourts.gov/programs/mediation/resources-mediators/policies>.

Community Mediation

By: Tamara A. Losel
Executive Director, Nashville Conflict Resolution Center
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History of Community Mediation in the U.S.

Community Mediation in the United States has evolved along two parallel yet distinct paths:

1. **A court-focused movement** that arose within and outside of government to reform the justice system
2. **A community-focused movement** that evolved out of the social and political activism of the 1960s to create alternative methods for addressing disputes before they entered the formal legal system

HISTORY of the court-focused movement

The court-focused movement was largely a response to the perceived **inefficiency of the court system**. In 1965, a Presidential Commission on Law Enforcement and the Administration of Justice focused national attention on the **overburdened judiciary** in the United States. Its findings helped build consensus around the **need for reform** and experimentation in and around the court system, with particular focus on **minor criminal cases** involving neighbors, relatives and other acquaintances.

Early programs included the Philadelphia Municipal Court Arbitration Tribunal (1969); the Columbus Night Prosecutors Program (1971), which used law students to mediate cases in 30-minute time slots; the Institute for Mediation and Conflict Resolution in Manhattan (1975); and the Miami Citizen Dispute Settlement Program (1975).

HISTORY of the community-focused movement

The community-focused movement was a response to the **civil unrest** of the late 1960s. Proponents of the early community mediation movement expected that the mediation process would have a **positive impact on living conditions** in urban centers by affecting underlying levels of interpersonal and inter-group conflict. Community mediation programs were viewed as an **opportunity** for citizens to participate in the **prevention and early intervention of conflicts** as an **alternative** to institutional mechanisms. At the heart of the early community mediation movement were the principles of **empowerment** and **democratic participation**.

Mediation was a chance "... for individuals as well as communities to take back control over their lives from a governmental institution (the courts) that was perceived not only as inefficient, but also as oppressive and unfair."

Early programs included the Rochester American Arbitration Association Community Dispute Service Project (1973); the Boston/Dorchester Urban Court Program (1975); and the San Francisco Community Board Program (1977).

<u>GOALS of the court-focused movement</u>	<u>GOALS of the community-focused movement</u>
• Court reform • Divert cases from the courts • Provide more efficient and accessible services to citizens • Reduce case processing costs to the justice system • Improve citizen satisfaction with the justice system	• Go beyond court reform • Create a parallel, community-based justice system that addresses disputes well before they enter the formal system • Strengthen the ability of citizens to participate in democracy • Work to reduce community tensions by strengthening the capacity of neighborhood, church, civic, school and social service organizations to address conflict effectively

Community Mediation in the U.S. Today

The Community Mediation field today stands united through a number of shared tenets. These characteristics, originally outlined by The National Association for Community Mediation (NAFCM) over a decade ago, represent the core ideals motivating the field. These shared tenets identify community mediation programs as characterized by and/or committed to:

1. A private non-profit or public agency or program thereof, with mediators, staff and governing/advisory board representative of the diversity of the community served.
2. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.
3. Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.
4. Providing service to clients regardless of their ability to pay.
5. Providing service and hiring without discrimination on the basis of race, color, religion, gender, age, disabilities, national origin, marital status, personal appearance, gender orientation, family responsibilities, matriculation, political affiliation, source of income.
6. Providing a forum for dispute resolution at the earliest stage of conflict.
7. Providing an alternative to the judicial system at any stage of a conflict.
8. Initiating, facilitating and educating for collaborative community relationships to effect positive systemic change.
9. Engaging in public awareness and educational activities about the values and practices of mediation

Statement of the Value of Diversity

NAFCM believes that when any group of persons is treated with less value, dignity or respect than others, there are negative impacts for humanity and society. NAFCM affirms its commitment to honoring, embracing, and encouraging diversity in all aspects of community mediation. It is NAFCM's intention to consciously and assertively remove barriers to participation in all aspects of our work & to honor our distinctive customs, values & traditions.

According to the NAFCM 2011 report on "The State of Community Mediation," there are:

400 U.S.-based programs

1,300 FTE (full-time equivalent) staff members

20,000 active volunteer mediators

400,000 case referrals per year

900,000 service recipients per year

Average key statistics per program:

3 FTE staff members ♦ 50 active volunteer mediators ♦ 35 annual hours of mediation contributed per volunteer ♦ Annual budget of \$150-200,000 ♦ nearly 1,000 case referrals per year ♦ nearly 2,500 service recipients per year

Timeline of Community Mediation in Tennessee

1993 - The Victim Offender Mediation Center Act (VOMCA) passes, providing \$75,000 in funding support to Tennessee's first three Community Mediation Centers (CMCs): **Anderson/Roane (Oak Ridge)**, **Cumberland (Crossville)** and **Davidson County (Nashville)**.

TCA 16-20-101 & 16-20-102

(b) It is the intent of the General Assembly that programs established pursuant to this chapter:

(1) Stimulate the establishment and use of Victim Offender Mediation Centers to help meet the need for alternatives to the courts for the resolution of certain disputes;

TCA 16-20-102 (b) (3)

Provide victim offender mediation in felony, misdemeanor and juvenile delinquent cases without cost to participants.

1996 - State funding increases to \$150,000 to support the first three CMCs in Tennessee along with pilot programs in **Knox County (Knoxville)** and **Putnam County (Crossville)**.

1999 - The "Dollar Bill" amendment passes, giving counties a local option to establish a means of stable support for mediation centers.

TCA 16-20-106

(c)(1) By a two-thirds (2/3) vote of its legislative body, each county and municipality, as provided in this subdivision, is authorized to levy an additional one dollar (\$1) litigation tax per case, to be denominated as a part of the court costs, in matters before the local General Sessions Courts and Juvenile Courts.

2010 - State funding (the Victim Offender Mediation Center Act - \$150,000) has not increased since 1996, yet the number of CMCs has grown from 3 in 1993 to 14 in 2010. Moreover, in 2010, the state Victim Offender Mediation Center grant was cut by 25% due to a shortfall in the state budget. This causes more than one center to cease operations between 2010-2013.

2012 – The Nashville Conflict Resolution Center leads an advocacy campaign to increase state “Dollar Bill” funds for mediation. With the help of many friends and supporters, NCRC succeeds in amending T.C.A. 16-20-106, effectively doubling the local litigation tax (from \$1 to \$2 per case filing in General Sessions and Juvenile Courts) for any community mediation center in Tennessee that receives local “Dollar Bill” funds. NCRC modeled its campaign on a previous successful campaign led by the Community Mediation Center in Knox County.

At present - There are 12 CMCs in Tennessee offering free/low-cost mediation services to residents in 20 counties. Of the 12 CMCs, only 4 receive the stabilizing support of the local "Dollar Bill" legislation. That means that the rest rely on very limited state funding & other small sources of support. Tennessee lags way behind other states like Maryland, Washington, Texas, New York and North Carolina, in funding and supporting pro bono mediation. But YOU can help Tennessee catch up! Get involved with your local mediation center, find out how non-profit mediation works, and urge your local lawmakers and judges to implement a mediation program that benefits low income residents. Wouldn't it be wonderful for Tennessee to develop a robust system of CMCs covering residents in all 95 counties/31 judicial districts? Let's make this dream a reality.

Sources:

The Mediation Network of North Carolina, <http://www.mnnc.org/>

The National Association for Community Mediation's "2011 State of Community Mediation" Report, <http://www.nafcm.org/Resources/state>

Nashville Conflict Resolution Center (NCRC) mediation training manual, 2013

About the Author:

Tamara A. Losel is the Executive Director of the Nashville Conflict Resolution Center (NCRC), a premier community mediation agency that provides access to high-quality and affordable mediation services and conflict resolution education in the greater Nashville area. Tamara was hired in March of 2008. Tamara oversees NCRC's operations, finance/budget, training and partnership development activities. Under her leadership, the NCRC staff has expanded to 6 full and part-time employees who manage an ever-growing caseload in 7 program areas: Civil Mediation, Victim Offender Mediation for Adults, Victim Offender Mediation for Juveniles, Family Mediation in Juvenile Court, Community-based Mediation (referrals from outside the court system), Bilingual Mediation (for the Hispanic community) and Peer Mediation training in local public schools. Tamara has been working in the mediation field since 2004. She earned her BA from Earlham College and two MA degrees from Brandeis University, one in international conflict resolution. Prior to her position at NCRC, Tamara lived in Jerusalem and worked to support peace and human rights for Jews, Muslims and Christians (both secular and religious) in Israel and Palestine. Tamara is a Rule 31 listed General Civil and Family mediator. She received advanced training at Mediation Works Inc. in Boston and Community Mediation Maryland in Takoma Park, Maryland. Tamara is an active participant in conversations and committees addressing conflict, conflict prevention, access to justice and peace. Email: tamara@nashvilleconflict.org

COMMUNITY MEDIATION CENTERS IN TENNESSEE

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~ Roll Call ~

Congratulations to the following Newly Listed Rule 31 Mediators!
These mediators were approved for listing at the ADRC Quarterly Meeting on October 17, 2013.

Mr. D'Army Bailey - General Civil
Mr. Charles Hill Beaty - Family
Mrs. Esther L. Bell - General Civil
Dr. Stephanie A. Bellard Chase - General Civil
Ms. Ashley E. Bentley - General Civil
Ms. Polly B. Berry - Family
Dr. Teresa A. Bicknell - Family
Mr. John D. Burleson - General Civil
Ms. Lee Ann Campbell - General Civil
Mr. Kenneth L. Campbell - General Civil
Mr. Trajan H. Carney - General Civil
Mrs. Nancy R. Carter - General Civil
Ms. Dana T. Cary - General Civil/Family
Dr. James M. Clyburn - Family
Mr. John A. Donovan - General Civil
Ms. Tremecca D. Doss - General Civil
Mr. James W. Fisher, Jr. - General Civil
Ms. Carmen A. Gentry - Family
Ms. Gaydell M. Gould - General Civil
Mrs. Lyndy M. Greenway Sellers - General Civil
Mr. William L. Gribble - Family
Mr. Dan J. Groover - Family
Mr. Joseph (Jason) Grubbs - Family
Mr. Wendell R. Guffey - Family
Mrs. Patricia W. Hallworth - Family
Mrs. Rochelle V. Haskins - General Civil

Mr. Michael B. Hensley - Family
Ms. Jennifer L. Honeycutt - Family
Ms. Mary P. Huddleston - Family
Ms. Kara L. Jackson - Family
Mrs. Lisa K. Jones-Johnson - General Civil
Ms. Kathleen M. Keith - Family
Mr. Steven W. Keyt - General Civil
Mr. Casey A. Long - Family
Mrs. Cheryl P. Long - General Civil/Family
Mr. Thomas D. MacNamara - Family
Ms. Corletra F. Mance - Family
Ms. Elizabeth A. McKinley - General Civil
Mrs. Kathryn A. Neal - General Civil
Mr. Timothy G. Niarhos - General Civil
Mr. Joel E. Pearman - Family
Ms. Jennifer K. Peck - Family
Mrs. Stephanie R. Piper - Family
Mr. Thomas M. Price - Family
Mr. Andrew C. Rambo - General Civil
Mr. John T. Spragens - General Civil
Mr. Jonathan R. Stephens - General Civil
Dr. Robert K. Walker, Jr. - General Civil
Mrs. Olivia M. Wann - Family
Mr. Jeffrey M. Ward - General Civil
Mr. Lawrence W. White - General Civil
Ms. Marcella D. Wilhoite - Family

Important ADRC Dates

January 28, 2014.....ADR Commission Meeting, Administrative Office of the Courts, Nashville
March 4, 2014.....Rule 31 Mediator Application Deadline for ADRC review on April 22, 2014
April 22, 2014.....ADR Commission Meeting, Administrative Office of the Courts, Nashville
June 3, 2014.....Rule 31 Mediator Application Deadline for ADRC review on July 29, 2014
July 29, 2014.....ADR Commission Meeting, Administrative Office of the Courts, Nashville

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 for publication 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 publication in the *ADR News*, please contact Claudia Lewis, AOC Programs Manager, at Claudia.Lewis@tncourts.gov.