

PRESIDENT'S MESSAGE
STEPHEN SHIELDS
TAPM President 2012-2013

January 2013



Annual Seminar ô It is time again for our Annual Seminar, which is scheduled for February 21, 2013. This year Nina Meierding will be our featured speaker. She is incredibly experienced as a mediator and trainer and will provide us with many practical tools to apply in our practice. Trust me when I say that you will want to make *every* effort to attend her presentation!

New Year's Resolutions ô New Year's resolutions bring positive change in our lives, such as making more time for our families, losing weight, quitting smoking, etc. Obviously, the key to an effective resolution is sticking to it. Here are some of my resolutions this year:

- 1) **Mentor a new mediator.** Mentoring others does not require much time. Nevertheless, the few times I have helped a new mediator, it has been extremely rewarding both personally and professionally.
- 2) **Get involved.** As I indicated in one of my earlier newsletter articles, getting involved is one of the key ways to get all you can out of an organization such as TAPM. In fact, if you are interested in producing a program or speaking, please let us know. Put yourself out there.
- 3) **Pro Bono work.** This past year, I did several pro bono mediations. To be sure, each was quite *different*, yet extraordinarily gratifying. Helping unrepresented parties resolve what they view as intractable conflicts is truly one of the more rewarding aspects of being a mediator.

Let us know what you've resolved to tackle this year. Happy New Year!

President's Message 1

Mediator Cindy Ensminger 2

Returning Veterans 4

By Joe Jarret

Community Mediation 7

By Mary Ellen Bowen

TAPM Public Notice 11

TAPM Annual Meeting & CLE/CME 12

MEET THE MEDIATOR CINDY ENSMINGER



Cindy Ensminger is a licensed Marriage and Family Therapist and Rule 31 Mediator. For her graduate work she attended Seton Hall University in New Jersey. She worked in private practice for 12 years providing therapy and mediation services. Cindy is now providing counseling services for Holston Home for Children.

Once you have been selected as the mediator, what do you do to prepare the attorneys and their clients for the mediation?

Contact them and mail them the paperwork we will be completing and information to help them understand the process. If we do not understand where we are trying to go, we tend to wonder more. I schedule an appointment with the clients and then notify the attorney of the date and time. While speaking with the attorney I also try and gather all information that they believe is important to the mediation.

If you were a superhero/mediator what would be your name and slogan?

Manivelant, god send, miracle worker,
Guiding those when they are at their lowest and most emotional to find a resolution that benefits all in the family.

What is your pet peeve in mediation?

Respecting and consideration. Even if you disagree keep your mouth shut when others are speaking.

Are you married/do you have kids/pets etc?

I have been married 16 years. We have a dog and a cat.

Why did you become a mediator?

I studied and was trained to help conflictual families work through their issues to increase family cohesion and happiness. Mediation interested me because of what we are trying to achieve for the family as a whole and how we take on a role of a neutral to achieve that.

What are you most afraid of in mediation?

Domestic violence occurring after the meeting.

How do you debrief yourself after a mediation?

Writing out my thoughts regarding the mediation, pros and cons. What I can do to improve in my next mediation. Confer with colleagues.

(*Ensminger* Continued on page 3)

(Ensminger Continued from page 2)

What do you see for the future of mediation?

A more cohesive group of professionals who do not define our abilities by our professional background but by our abilities and competencies.

Knowing what you now know about life etc., would you choose the same career path? If not, what would you like to do?

Definitely. I love what I do.

Is there anything else that you want to tell TAPM members about yourself?

I look forward to the day when attorneys and therapist work in the same office providing mediation. Where we utilize each others strengths for the good of the family.

Returning Veterans and Posttraumatic Stress Disorder: Challenges for Today's Mediator

By:
Joe Jarret*

Introduction:

Please allow me to preface this piece by assuring the reader that my intent is not to make junior psychiatrists out of those of us (me included) untrained in the medical arts. However, one doesn't have to be a member of the medical community to recognize the fact that posttraumatic stress disorder (PTSD) is one of the most common psychiatric disorders among veterans returning from Iraq and Afghanistan. This fact presents unique challenges for today's mediator as more and more veterans avail themselves of the mediation process.

The Dilemma:

During my years of active duty military service back in the seventies and eighties, we were advised that combat soldiers are often susceptible to battle fatigue, a syndrome that was never fully explained to us let alone treated. During WWI and WWII, soldiers were often diagnosed with shell shock. Going back even further, when people were observing that many veterans returning from Civil War combat had dramatically changed, they gave those soldiers the moniker "Soldier's Heart." This was one way of trying to understand changes in the veterans' personality and social skills. Fortunately, we have gained a bit more sophistication in this arena over the last decade.

Signs & Symptoms:

Melinda Smith, M.A., and Jeanne Segal, Ph.D. offer a straight-forward analysis of PTSD, noting that the traumatic events that lead to post-traumatic stress disorder are usually so overwhelming and frightening that they would upset anyone. They suggest, following a traumatic event, almost everyone experiences at least some of the symptoms of PTSD. When your sense of safety and trust are shattered, it's normal to feel crazy, disconnected, or numb. It's very common to have bad dreams, feel fearful, and find it difficult to stop thinking about what happened. These are normal reactions to abnormal events. For most people, however, these symptoms are short-lived. They may last for several days or even weeks, but they gradually lift. But if you have post-traumatic stress disorder (PTSD), the symptoms don't decrease. You don't feel a little better each day. In fact, you may start to feel worse.¹

A recent study conducted by the Veterans Administration revealed that veterans who suffered from PTSD reported greater difficulties in their relationships with romantic partners, less cohesion in their families, less social support, poorer social functioning, and lower life satisfaction compared to veterans who did not so suffer. Other common signs and symptoms include:

- Re-experiencing the traumatic event

(Returning Veterans Continued on page 5)

(Returning Veterans *Continued from page 4)*

Avoiding reminders of the trauma
 Increased anxiety and emotional arousal
 Difficulty falling or staying asleep
 Irritability or outbursts of anger
 Difficulty concentrating

The Mediation Challenge:

The primary challenge for the mediator comes in the form of having one or more mediating parties who suffer from a disorder that is not always obvious or easily recognized. As in decades past, there is a strong tendency amongst veterans to keep PTSD a secret, to deny and minimize their combat experience, or to simply accept their behavior as a "normal" way of adjusting to, and functioning in, civilian life. Consequently, the veteran may mask his or her emotions as a way of defending themselves from vulnerability. Michelle Maiese, an Associate Professor of Philosophy at Emmanuel College, noted that "When emotions are mentioned, they are something to be managed or suppressed or vented at the beginning and then ignored. When they are considered, the discussion about emotions is often limited to an emphasis on how anger causes conflict escalation and how to control it. Many disputants believe that by relying solely on logic, they can mask their emotions and defend themselves from vulnerability."²

Because common symptoms of post-traumatic stress disorder (PTSD) include emotional numbness and anger, it is very difficult for people with PTSD to admit they have a problem, let alone talk about their traumatic experiences. Although the mediator must not try to force a party to open up, the mediator should let the person know that they are in an environment where he or she can safely talk. This is often best accomplished in caucus.

Much of the training literature for negotiation and mediation suggests that emotions should be simply ignored. The prevailing idea seems to be that mediating parties should try to set their feelings aside and mediators should try to steer disputants towards "rational" behavior. However, it seems obvious that strong emotions, in particular, the parties' fear and anger, are typically part of the negotiation process. Emotions often cause disputes to escalate and sometimes even cause negotiations to break down. When people feel that their interests are threatened, they often become agitated, angry, and fearful. Ignoring such emotions is likely to harm the negotiation process, not help it.

3

What's a Mediator to Do?:

Roger Fisher and William Ury suggest that the first step in dealing with strong emotions is to acknowledge them, and to try to understand their source. In many cases, these emotions should be dealt with before addressing the substance of the dispute. They argue that a refusal to deal with emotional and relational issues may make it impossible to address substantive issues. Parties must acknowledge the fact that certain emotions are present and allow the other side to express their feelings. They must also be careful not to dismiss others' feelings or lash out in response to emotional outbursts, as this is likely to provoke an even more intense emotional response from the other side.

(Returning Veterans *continued on page 6)*

(Returning Veterans *Continued from page 5)***4**

Schreider suggests that various tools are available to deal with strong emotions that surface during intervention processes. For instance, mediators should try to validate and/or soothe parties' emotions and attempt to set a constructive tone for mediation. Some methods of emotional management and communication include empathic listening (also called "active listening"), perspective taking, apology, symbolic gestures, and trust building. In addition, the mediator may allow the parties to vent their emotions in a caucus or joint session, or by taking a cooling-off break. **5**

Summary:

In summary, a party who feels unfairly attacked, misunderstood, wronged, or righteously indignant may just be suffering from PTSD. Consequently, mediators should take the time to review some of the present and emerging literature on PTSD. The mediator who recognizes or is made aware of the fact that a party is suffering from PTSD can greatly assist all concerned work through a successful session by adjusting the process to accommodate this disability. In so doing, the parties will walk away with a positive mediation experience.

End Notes:

1. Improving Emotional Health: STRATEGIES AND TIPS FOR GOOD MENTAL HEALTH, Melinda Smith, M.A., and Jeanne Segal, Ph.D.
2. Maiese, Michelle. "Emotions." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder.
3. *Id.*
4. Roger Fisher and William Ury *Getting to Yes: Negotiating Agreement Without Giving In*
5. Schreider, Lori S. "Emotional Intelligence and Mediation Training." *Conflict Resolution Quarterly*

**Joe Jarret is a Federal and Rule 31 listed general civil mediator and an attorney. He has lectured across the country on various mediation issues and is the 2009 President of the Tennessee Valley Mediation Association, and a member of the Tennessee Association of Professional Mediators, the Tennessee Bar Association, and the ADR Section of the Knoxville Bar Association. Joe is also an award-winning writer who has published over 85 articles in various mediation and other professional journals and is a former active duty United States Army Combat Arms Officer and Air Force Special Agent with service overseas. He holds the juris doctorate degree, the masters in public administration degree, a bachelors degree, and a post-graduate certificate in public management. Joe Jarret can be reached at jjlaw1@gmail.com*

The Value of COMMUNITY MEDIATION in Tennessee

By

Mary Ellen Bowen
Executive Director
Mid South Mediation Services
P. O. Box 13
Hohenwald, TN 38462
931-796-0487
vorp7@hotmail.com

Thank you to Jackie Kittrell, Executive Director, Community Mediation Center, Knoxville, TN jkittrell@2mediate.org for the history segment of her recent article:

In recent years, the Tennessee legal community has recognized the serious, ongoing need to create ways for self-represented people in conflict to access the justice system in such a way that they don't need to come back so often, that they are compliant with the judge's order, and that they understand what just happened to them. One answer to the problem can be found in the growing field of mediation, which provides a safe, efficient and empowering process to resolve disputants. Because mediation is becoming increasingly popular, it is more important than ever to ensure that folk of all income levels can access mediation services. We must ask questions: **Is mediation available to those who need it? How can mediators donate their services efficiently and in a way that leaves the mediator wanting to do more? These seemingly simple questions have no simple answers. To begin exploring solutions, we must look at the history of mediation here in Tennessee and begin to creatively brainstorm options for how we might use a resource we already have in hand.**

In Tennessee, volunteer mediation began as an activity supported by a legislative grant. Back in the 1980s, the only programs existing to deliver free mediation were community-based victim-offender reconciliation programs (VORP). These programs were initiated by community leaders and lawmakers who were aware of how well alternative dispute resolution works in the juvenile court setting, and who were sensitive (politically or otherwise) to crime victims' rights. The oldest such programs in Tennessee were up and running by 1987 (Community Mediation Services in Anderson County, and Cumberland County VORP in Crossville). By 1990, Nashville had a VORP, handling juvenile and adult warrant or pre-warrant referrals. In 1994, Knoxville's Community Mediation Center joined in, dealing with juvenile and adult court VORP referrals, as well as divorce and Civil Sessions court small claims matters.

In 1993, the state legislature enacted a statute, TCA 16-20-101, et seq., called the Victim Offender Mediation Center Act, and allowed for a legislatively appropriated grant to fund the few centers in existence. That original grant amount was \$75,000, which was to be split between the four centers. Over the next 20+ years, the grant increased to a high of \$150,000 and was then decreased to \$112,000 to be divided among more than a dozen programs, the award based in part on numbers of VORP referrals and in part on need. The programs that received the grants must be nonprofit organizations and use the grant for no more than 50% of their total budget. All such programs must conduct mediation for free in VORP cases referred to them. In 1999, the law was amended to allow counties to impose a litigation tax of one dollar (now two from 2012

(Value of COMMUNITY MEDIATION Continued on page 8)

(Value of COMMUNITY MEDIATION Continued from page 7)

legislation) on all cases filed in county courts (in Tennessee, county courts are the General Sessions and Juvenile Courts. Twelve years later, we can say definitively that the counties with the Dollar Bill+ tax are the counties with thriving community-based mediation, supported by: staff (albeit underpaid, and often struggling to keep up with the demand for services); governing boards of directors to help with fundraising, training, and recruiting mediators; and a group of dedicated, well-trained, mentored, supervised volunteers.

Community mediation centers provide much-needed avenues of access to the justice system, especially for people who cannot afford market rate legal services. The vast majority of those who use CMC services are struggling and unable to pay the amount charged by private mediators, which averages \$200-\$300 an hour for family mediation, and even more for civil mediation. CMCs specialize in helping those of low and modest income create their own agreements. When they know about their options, people can, when appropriate, access mediation before going to court. Most of the community mediation programs charge a nominal administrative fee or sliding scale fee, which takes into account family size and income.

People in disputes who experience the option of mediation are often surprised by how much they benefit from the experience; more often than not, parties are able to reach a resolution while also gaining conflict resolution skills. Rita Young says: "The reason they're so happy is that we can take the time to actually listen to them, and we teach them to listen to each other." Mediation can save disputants from the trauma of a costly, messy legal dispute. Mediation can help prevent children from being used as pawns in a knock-down, drag-out "War of the Roses" battle. Mediation can help families and neighbors resolve issues that could otherwise turn into a serious feud. Workplaces can utilize mediation so that small offices do not come to a standstill because of tension and discord. Mediation can balance power and facilitate a perspective shift in ongoing situations with bullies and victims. For these people, as well as for the court system that would likely have to intervene as their conflicts escalated, the benefits are powerful.

In conclusion, there is no such thing as a truly free mediation. Providing no-cost or reduced-fee mediation to people who cannot afford private services is a key priority for CMCs, but the money to support these programs must come from somewhere. CMCs need public monies to survive and thrive. If properly supported, CMCs can empower individuals across the state to access the justice system in a meaningful and satisfying way, while also saving individuals, courts, and agencies throughout Tennessee a substantial amount of money and time.

VICTIM OFFENDER MEDIATION

Thanks to the efforts of **Mid South Mediation Services**, thousands of middle Tennesseans have experienced the benefits of peaceful, lasting resolutions to their cases. Mid South works with local courts, community and education organizations, along with law enforcement to provide face-to-face mediation between victims and offenders at no charge. The nonviolent manner in which the cases are resolved usually results in the parties signing a contract for restitution or resolution that all can agree is fair. **Mid South Mediation Services** operates in Lewis, Perry, Hickman, Williamson, Lawrence, Wayne and Giles Counties, spanning all of the 21st and most of the 22nd Judicial District. Since its inception in 2000, the program has processed over 8,000 referrals of which approximately 90% have come to mediation and resolution. The organization conducts vol-

(Value of COMMUNITY MEDIATION Continued on page 9)

(Value of COMMUNITY MEDIATION from page 8)

unteer mediation trainings in each district where community members are instructed in the basics of effective communication skills and conflict resolution techniques. **Mid South Mediation Services** also conducts many types of conflict management classes that are helpful especially after the mediation. Mediation follow up feedback supports the meaningfulness of the process in the participants own words.

Purpose of Program:

The main purpose of the Victim Offender Mediation Program is to personalize and increase accountability in the justice system by bringing offenders together with their victims of their crimes. It is hoped that this experience will impart a feeling of the seriousness of their crimes and the impact on the victims and increase their desire to make restitution to the person(s) they have hurt. The victims will have an opportunity to learn why they were victimized and express their feelings directly to their offenders. The process is voluntary and confidential and of benefit to both parties.

VORP (Victim Offender Reconciliation Program) creates:

- ❑ Peaceful resolution of conflicts in our community
- ❑ Voice for victims
- ❑ Accountability for offenders
- ❑ Contract and restitution fulfillment
- ❑ Participant satisfaction

Mediation is voluntary for victims and offenders and provides:

- ❑ A negotiated contract for restitution
- ❑ A fast confidential resolution
- ❑ A cost effective solution
- ❑ A reduced burden on the court (both time-wise & financial)

Types of situations for mediation:

- ❑ Harassment
- ❑ Assault with or without injury

(Value of COMMUNITY MEDIATION Continued on page 10)

(Value of COMMUNITY MEDIATION Continued from page 9)

- Theft and/or burglary
- Vandalism/trespassing
- Disorderly conduct
- Neighbor disputes

One Judge's comment: %support mediation and VORP (Victim Offender Reconciliation Program) and would like to see it expanded. A very basic element of justice is making up for the wrong you've done.+

Vignettes are required for the quarterly grant reports to the Tennessee Bar Foundation for IOLTA funding.

Recently, the Youth Services Officer of one of our County Courts called with a referral. She expressed exasperation with the case, explaining that a conflict between two middle school girls had grown to include their mothers, their friends, and their mother's friends. The officer didn't have much hope for resolution, saying "see what you can do." In the beginning of the mediation, both mothers and the girls were strongly attached to their positions, and the body language revealed hostility and defensiveness. However the magic that can happen simply by going through the normal process of fact-finding revealed that a third girl had apparently been making an effort to stir up animosity and distrust between the two girls. Before long, the mothers and their daughters began speaking to each other and comparing notes. Soon they jointly concluded there was little or no basis for conflict between them, and all parties relaxed and appeared relieved. Fortunately, they avoided turning their anger toward the third girl as she recently had lost a parent and the mothers guessed that she was worried about losing a friendship with one of the daughters. A contract was easily reached which included a provision for the two mothers to communicate in the event of any future friction. The four parties left the office together, carrying on a friendly conversation as they walked out of view. **Without the effective resolution that mediation provided, this case could have easily turned into a bullying opportunity that could have had dire consequences!**

***BENEFITS OF MEDIATING DISPUTES**

1. The people decide the dispute for themselves.
2. The people can resolve the dispute in almost any way they want, but the courts generally resolve the dispute by dismissing it or awarding money damages.

(Value of COMMUNITY MEDIATION Continued on page 11)

(Value of COMMUNITY MEDIATION Continued from page 10)

- 3. There is evidence that people fulfill mediated agreements more willingly and promptly than they do when ordered by the court.
- 4. Mediation protects relationships between the parties while they resolve their disputes.
- 5. Mediation is private and what is said in mediation is confidential. If a case is decided in court, what is said is public.
- 6. Mediation is informal and simple and so it is easy for most people to use.
- 7. The people may be able to resolve the issue more quickly with the help of a fair witness (mediator), than if they have to wait for a court hearing.
- 8. Mediation helps people with dispute resolution who cannot afford a lawyer.

**From the Knoxville Bar Association—this document is a good tool for opening a VORP mediation meeting.*

PUBLIC NOTICE

The Tennessee Association of Professional Mediators will have its annual business meeting at the TAPM Annual Conference on February 21, 2013 at the Ezell Center-Lipscomb University immediately following the Grayfred Gray Award at the luncheon. If you want to address the TAPM membership at the business meeting, please contact President Stephen Shields at 901-754-8001 or email sshields@jsyc.com to be put on the agenda.

During the Board meeting, we will also be electing board members and officers.



February 21, 2013

Annual Meeting CLE/CME

Featuring

Nina Meierding

Presenting

**Advanced Methods for Identifying
and Moving Beyond Obstacles to Settlement**

**Full Day of Advanced Skills Training Workshop
Approved 6 Hours General CLE/CME**

Ezell Center - Lipscomb University Room 301
3901 Granny White Pike
Nashville, TN 37204-3951

[Directions to Campus and Campus Map 6 Click Here](#)

**PARKING INFORMATION:
PARK AT THE LIPSCOMB FOOTBALL FIELD
1013 Caldwell Lane, Nashville, TN 37204
(Caldwell Lane is off of Granny White)
Shuttle service will run every 15 minutes**

(Continued from page 12)

About This Workshop

This interactive, one-day training moves beyond the fundamental 10 Techniques for Breaking Impasse workshop to explore complex obstacles and mindsets that can generate resistance to settlement, including strategies for effectively avoiding, conquering, or resolving such impediments. This pioneering training will include a modern take on traditional concepts, such as Boulewarism and mismanagement of expectations, as well as a discussion of innovative approaches derived from the latest research in the field of psychology, ranging from topics such as high emotionality and the endowment effect to confirmation bias and cognitive dissonance. The training will also challenge attendees to consider how gender and cultural issues might foster miscommunications, creating resistance and reactive devaluation.

The training will focus on proactive techniques, such as setting the stage and accurately assessing a client's readiness for negotiation, as well as responsive techniques customized to target a client's specific reasons for resistance. For example, the training will cover when and how to apply anchoring, reframing, or incubation to effectively overcome a client's resistance to settling. Other advanced techniques discussed will include reality testing and the use of timing to the art of engagement through sensory modality, matching and mirroring, unilateral concessions, and much, much more.



Featured Speaker

Nina Meierding has assisted in the resolution of thousands of disputes and has conducted training throughout the world, including Canada, Sweden, Ireland, England, Scotland, the Netherlands, and India. She has consulted and trained many groups, including court systems, corporations, medical agencies, governmental agencies, small and large business entities, and individuals in the areas of conflict resolution, cross cultural issues, management skills, and negotiation skills.

Nina is an Adjunct Professor at Pepperdine University School of Law in Malibu, California (courses in Negotiation, Domestic Relations Dispute Resolution, Advanced Mediation, and Cross Cultural Issues in Dispute Resolution), in both Southern Methodist University's Dispute Resolution program in Dallas, Texas (courses in Gender and Culture, Mediation, Advanced Negotiation, Advanced Family Mediation, Divorce Mediation) as well as SMU's Counseling program (Counseling Diverse Communities), and at Lipscomb University in Nashville, Tennessee (Cross Cultural Issues in Dispute Resolution). She has been a guest instructor at many other universities and law schools. Nina has also been an instructor at the National Judicial College in Reno, Nevada and the California Judicial College, and has been a plenary speaker and presented workshops at judicial and state bar conferences. She is a Past President of the Academy of Family Mediators, has served on the Executive Committee and Board of Directors of the Association for Conflict Resolution, and has also served on the boards of the Southern California Mediation Association, the Ventura County Bar Association, and the California Dispute Resolution Institute. She was awarded the Peacemaker Award in 1992 by the Southern California Mediation Association for her outstanding work in the conflict resolution field. In 2005 she was awarded the John Haynes Distinguished Mediator Award, which is an international award given annually by the Association for Conflict Resolution.

(Continued on page 14)

From 1985 to 2007, Nina was the Director and Senior Mediator at the Mediation Center in Ventura where she handled over 4,000 disputes. In the 1990s, Nina also served as a mediator for the California Department of Education's special education mediation program. She is now the mediation consultant and mediation partner for the Wisconsin Special Education Mediation System (WSEMS).

Nina is a Life Member of the Association of Family and Conciliation Courts and was a founding member and President of the Board of Directors of the Ventura Center for Dispute Settlement, the first non-profit community mediation center in Ventura County, California.

Pay Online at www.tennmediators.org or mail a check to:

TAPM, P. O. Box 150626, Nashville, TN 37215

615-383-TAPM (8276)

PAID ON OR BEFORE February 8, 2013	PAID AFTER FEBRUARY 8, 2013
1. TAPM Member Renewing 2013 Dues \$150.00 CLE/CME Fee \$100.00 2012 Dues \$250.00 TOTAL	6. TAPM Member Renewing 2013 Dues \$175.00 CLE/CME Fee \$100.00 2012 Dues \$275.00 TOTAL
2. Previously Renewed TAPM Member \$150.00 CLE/CME Fee	7. Previously Renewed TAPM member \$175.00 CLE/CME Fee
3. Associate (Non Voting) Member 2013 Dues & CLE/CME \$150.00 CLE/CME Fee \$ 50.00 2012 Dues \$200.00 TOTAL	8. Associate (Non Voting) Member 2013 Dues & CLE/CME \$175.00 CLE/CME Fee \$ 50.00 2013 Dues \$225.00 TOTAL
4. NON TAPM MEMBER \$300.00 CLE/CME Fee	9. NON TAPM Member \$325.00 CLE/CME Fee
5. Lunch ONLY \$30.00	10. Lunch ONLY \$35.00

Please register me for Option No. _____ above.

A check in the amount of \$ _____ is enclosed.

NAME _____

ADDRESS: _____

CITY, STATE & ZIP _____

PHONE: _____

EMAIL: _____

SCHEDULE OF THE DAY

8:00 a.m. – 8:30 a.m.	Registration
8:30 a.m.—9:45 a.m.	Diagnosing Sources of Resistance In order to correctly strategize how to move through impasse, one must first identify possible sources of resistance. Our morning session will discuss many sources including mismanagement of expectations, externalities, emotionality, self serving bias, confirmation bias, Boulewarism and the endowment effect and we will explore how to discover these sources through macro and micro focusing, active listening, and strategic questioning.
9:45 a.m.—10:00 a.m.	Morning Break
10:00 a.m.—11:45 a.m.	“Setting the Stage” – The Beginning Impacts the End This section will focus assessing readiness and evaluating client levels of reactive devaluation, commitment, focus and listening abilities. We will then discuss proactive techniques in convening, mediation design, and in the opening statement that will prevent many forms of impasse from developing.
11:45 a.m.—Noon	Pre-Lunch Break
Noon– 1:15 p.m.	TAPM Annual Meeting and Luncheon Program co-sponsored by Coalition for Mediation Awareness in Tennessee (CMAT) presenting Grayfred Gray Public Service in Mediation Award
1:15 p.m.— 3:00 p.m.	Moving Beyond Impasse The entire afternoon will focus on specific techniques to break impasse, including anchoring, reframing, reality testing, engagement, situational rules of fairness, outside opinion, linkage, unilateral concessions, unbundling, temporary agreements, offer matching, and non-specific compensation. We will customize the strategies to the source of resistance.
3:00 p.m. –3:15 p.m.	Afternoon Break
3:15 p.m.– 4:30 p.m.	Moving Beyond Impasse continued See description under 1:15 – 3:00.
4:30 p.m.	Closing Comments



P. O. Box 150626
Nashville, TN 37215
tapm@tennmediators.org
www.tennmediators.org

**TAPM BOARD
2012-2013**

**Stephen Shields
President**

**John Blankenship
President Elect**

**Ruth Hillis
Secretary**

**Jackie Kittrell
Treasurer**

**Regina Newson
Director
Newsletter Editor**

**Linda Warren Seely
West TN
Director**

**Howard Keltner
Middle TN
Director**

**Tommy Lee Hulse
East TN
Director**

**Joe Jarret
Director**

**Lisa W. Smith
TAPM Administrator
615-383-TAPM**