

**MAY
2011**

**MESSAGE FROM
TAPM PRESIDENT
RICHAD MURRELL**

Inside this issue:



It is already May. While the April showers seemed to have begotten more showers for May, it is apparent that some intrepid flowers have burst onto the scene as well. The excitement of spring and the anticipation of summer make it difficult to summon enthusiasm for examination of grievance processes and the conduct that triggers complaints. One of the areas of Rule 31 that was amended recently involved the grievance process. A flow chart of that process may be downloaded from this link: <http://www.tennmediators.org/pg80.cfm>

Rule 31 section 10(c)(1) which prohibits a neutral from acting in other capacities for the parties to a mediation in the matter mediated. Consider this scenario - post mediation, the Neutral receives an email from one party complaining about continued contact from the other party.

The Neutral replies to the email saying "ask your attorney to ask for a restraining order or order of protection..." and makes other suggestions to alleviate the alleged situation. That communication may be determined to violate section 10(c)(1), even where the neutral has acted in "good faith."

The lesson for us to learn is to circumscribe our passion and drive to help the people we serve as mediators. We must adhere to the highest standards of professionalism in order to maintain the trust that allows the public to enlist our aid in the resolution of their disputes. Be active in your membership in TAPM. The value of peer to peer communication in attaining and maintaining professionalism cannot be overlooked. Your Board of Directors is presently looking toward creating a listserv feature that will enhance your ability to gather input from other professional mediators on ethical issues as well as other practical advice.

So, enjoy the season! But, stay focused.

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MEET MEDIATOR, TINA RENEE ARIGBE



My name is Tina Renee Arigbe. I am currently completing my Ph.D. in Human Services with specialization in Professional Counseling. My Ph.D. in Human Services will provide me with a stronger theoretical background and extensive practical experience to further enhance my career and assist with Human Services Organizations, Community Services Organizations, and Government Agencies to provide effective services to diverse groups. Along with my Ph.D., my mediator certificate will prepare me to find innovative and effective solutions toward guiding people to make decisions that fit them in the best possible manner, to bring solutions through their conflict resolutions. I bring to the table well developed methods that specialize in family studies and intervention strategies to help families of all types handle their problems and concerns that they are confronted with on a daily base. Overall, my skills as a mediator allows me the opportunity to build an understanding of current issues in public safety, juvenile delinquency, the court system and the impact of demographic shifts, and economic disparity. Finally, I am a Appointed Representative that assist people in getting their social security disability started. My mediator skills are very useful in those areas as well.

What is in your mediator tool kit? What is your favorite or most used tool? (a.) My mediator is a very attentive and listening ear. In order to bring a peaceful solution, you must be attentive to the people concerns, and have a non-judgmental ear. (b.) My most useful tool is the time frame. I want the client to know, their time is very valuable to me, and I am willing to work for them in a timely manner, at their time, and whenever time is available or necessary.

If you were a superhero/mediator what would be your name and slogan? (a.) My name will be Neutraliator; and my slogan will be "A Peaceful Solution through Conflict Resolution." By the way I just register that slogan as my business name for mediator services.

What is your pet peeve? Well, first and foremost, it's not a problem but some attorneys with mediator background speaking in a belittling fashion about non-attorney mediators. The way I look at it, we are all working together to bring some comfort to people lives. In fact, I have sent many people to attorneys for legal help while I mediate.

Are you married/do you have kids/pets etc? I am a recent divorcee, with two young adult daughters. I am also a new grandmother.

What are your hobbies? I love the old black and white movies, listening to old rock music, working with young people, and traveling.

Why did you become a mediator? I became a mediator because so many people I know or came in contact with at work, at church, in my family, even walking through the mall was dealing with issues, I felt didn't need an attorney in most cases. I believe if people sit down and talk and leave emotions outside, they can really solve their own problems. I am not saying they didn't need attorneys but some of the issues required "a good old fashion, sit down and let's talk about this" conversation.

What is your favorite mediation read? TAPM!!!!!!!, Sage Publication on problem solving.

What is your phobia? Facing a judge who's not too familiar with the entire aspect of mediation. I have come across a couple of them, who can give you that look. After a few meetings, I regain my nerves.

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(ARIGBE Continued from page 2)

What is your favorite vacation spot? Key West Florida.

Personal or professional accomplishments you are particularly proud of: Well, first receiving my Associate degree in Early Childhood Development, followed by receiving two Bachelor degrees at the same time a Psychology degree, and a Sociology degree (cum Laude) with a minor in Social Work; followed by a Masters of Science in Criminal Justice (magum cum laude) with specialization in Administration in Justice and Security; and now currently completing my Ph.D. in Human Services with specialization in Professional Counseling. I know all of these degrees will be very useful tools with mediation.

Where are you from and how did you end up in Nashville? I was born and raised in Memphis, Tennessee and moved to Nashville to go to college and decided to stay.

Please complete these sentences:

öI have a burning desire to: öopen up a group home to work with young people that were brought up in the juvenile system. .ö

öPeople tell me I look like: A ray of sunshine, because I am always smiling. I have had people ask me to give them what I am taking because you are always smiling.ö I smile a lot because, I donö see a need to let the world know when I am having a bad day, especially when I am marketing myself as a neutral person in the field of mediation. I have my moments but only my mom, and close friends see it.

öIf I could have a 30 minute conversation with anyone (alive or otherwise, famous or not), I would want to speak with: öJean Jacque Rousseau, one of the worldö leading psychologists of the past era.ö His quote caught my attention years ago. öIf children was left untainted by the evil and corruption of the world, they will most definite grow up and be decent human beings.ö In a sense this quote öto meö answers the age old question of öare children born into this world, evil, good, or with a blank slate?ö

What is your favorite TV show? Disappeared, Forensic Files.

What is your favorite food/restaurant? Roast and potatoes/carrots. Monell

What is your favorite flavor of ice cream? Butter Pecans

Knowing what you now know about life etc., would you choose the same career path? If not, what would you like to do? I will continue on the same career path. As a 13 year old, I knew I wanted to work with people society consider to be a menace, and people who need guidance and a little help along the way.

The Language of a Leader by Michael E. Hackett

During my 40 years as a human resource executive I encountered and managed some pretty wild people problems and some of the craziest out of control egos imaginable. It is from this perspective that I offer my best advice. I call it **The Language of a Leader**.

I would like to begin with a few quick examples of “**softening statements**” you may use that will help make anyone more cooperative and productive:

I appreciate your thoughts. When you say ...

I am not sure I understand. Can you say that in another way?

Thanks for bringing that up. Could I ask you ...

I haven't even thought of that. If I could, let me ask you ...

I'd like to answer that. Can you help me out by further explaining ...

Good point. Do you mind me asking ...

What planet are you from? (Just wanted to seeing if you are paying attention)

But when emotions run high, as they often do when opinions come in conflict , I suggest trusting basic active listening techniques are the most effective method for facilitating discussions until things return to a more manageable level.

First

Repeat verbatim and/or rephrase the content of what was said.

“Mike what I hear you saying is ... contrary to your manager’s opinion you feel our base material contracts should all be rebid even though our raw material cost has only increased 1.65% over the past two years. Am I correct in my understanding? When in conflict people want to talk about what they want to talk about. During the active listening process don’t lead the witness away from what they want to talk about by asking questions other than those questions that are required to clarify your understanding “Am I correct in my understanding when I say”, “Can you back up a moment and again describe ...”, “I am not sure I am following you tell me again who ___ is”. Remain nonjudgmental throughout the entire process.

Second

Identify the feelings the person is expressing.

*“Mike as our assistant buyer I can see how (upset, **or** confused, **or** angry, **or** disappointed, **or** hurt, **or** deserted, etc.) you must feel by not having been included in our decision to renew our vender contracts. To build immediate credibility you must be perfect in identifying the feelings the person is experiencing. If you are not sure of the emotions being expressed, continue rephrasing and clarifying until you are secure in your observation. To be wrong may indicate to the person you are not paying attention.*

(THE LANGUAGE OF A LEADER Continued on page 5)

(THE LANGUAGE OF A LEADER Continued from page 4)

Third

With minimal interruption repeat steps one and two until the person has had an opportunity to fully express their thoughts and feelings. You will know when you have reached this critical point in the conversation when the person settles down. From my experience this is likely a signal the person has fully vented.

At no time during the reflective listening process are you agreeing or disagreeing with the person, you are only feeding back to the person what they have said and are describing how they feel. It is through this process the person gains a sense that you understand them and their situation. You will also see the level of stress and tension in the person begin to fade. It is at this point after the person has fully vented that you may begin exploring alternative solutions. In the case Mike may be more upset about being left out of the meeting than any decisions that were made.

Four

With the person's emotions and complaint fully expressed, it is time to talk about and begin helping develop solutions. The manager should now feel comfortable in asking the question: *"Mike you did a great job describing the situation. What are some of your thoughts and ideas as to what we should do?"* With a reasonable response the manager may return to their normal communication style and assist the person in creating alternative solutions.

The best expert on a problem is the person(s) closest to the problem. It is the manager's job to tap into this valuable human potential for the best solutions to some of management's toughest people problems. Through the process of active listening you earn the trust and support necessary to more effectively facilitate discussions and reach a good and lasting solution.

About the author:



Michael E. Hackett is a Rule 31 Listed General Civil Mediator based in Brentwood, Tennessee. He received his mediation training at Lipscomb University and is a member of the Tennessee Association of Professional Mediators. Michael is a retired human resource executive with more than 40 years HR experience in manufacturing, government, telecommunications, security and the health care industries. Michael holds BS and MS degrees from The University of Memphis and specializes in employment, general business, and faith based mediation. Michael has served as an adjunct professor of business for several universities, where he has taught a variety of human resource, management, leadership and strategic planning courses. Michael has authored numerous management and leadership articles for trade and professional journals. As conference leader, Michael has conducted training programs for industry, government, hospitals, universities, and professional associations.

Web page www.hackettmediator.com

ABA ANNOUNCES 2011 WINNERS OF MEDIATION VIDEO CONTEST ON YOUTUBE®

The ABA is pleased to announce the 2011 winners of its Second Annual Mediation Video Contest on YOUTUBE®. The competition sought original three minute videos which helped further public understanding of mediation and promoted the use of mediation as a way to resolve disputes. The videos were judged for effectiveness, quality appeal to a diverse audience, originality and creativity. The First Prize Winner will receive a \$1,000.00 cash prize. The Second Prize Winner will receive a \$500.00 cash prize. This year we added a student category, with the First Prize Student Winner will receive a \$500.00 cash prize and the Second Prize Student Winner will receive a \$250.00 cash prize. The winning videos will be featured at the ABA Section of Dispute Resolution Spring Conference in Denver , April 13-16, 2011 with over 1,000 expected attendees. The videos of the First and Second prize winners in both categories will be linked from the ABA Section website. The winners are:

FIRST PRIZE WINNER**The Power of Mediation**

<http://www.youtube.com/watch?v=StnxzksON78>

Submitted by: The Minneapolis Conflict Resolution Center

SECOND PRIZE WINNER**Pigs, Pistols, and a Hanging; Mediation Meets the Hatfields and the McCoys**

<http://www.youtube.com/watch?v=R9rUHweAwI8>

Submitted by: Marietta Shipley, Casy Culver, Larry Bridgesmith , Kenneth Jackson, Siew-Ling Shea, Dr. David McMillan, Douglas Berry, Kenny Garner, Davis Jackson

STUDENT FIRST PRIZE WINNER**Why Mediate?**

<http://www.youtube.com/watch?v=8CyLN3FEGY8>

Submitted by: Karina Sargsian and Zaven Sargsian

STUDENT SECOND PRIZE WINNER**Mediation: Explanation & Dramatization**

<http://www.youtube.com/watch?v=rDqSFeJSGjY>

Submitted by: Jasper Lown, Laura Sobocienski, Laura Corcoran, Brandon Lown

The Section of Dispute Resolution would like to congratulate the winners of this year's contest and to thank all of the contestants for submitting the numerous excellent and thought provoking video entries received in the contest this year.

The deadline for submission of entries for the Third Annual Mediation Video Contest on YOUTUBE® will be January 15, 2012. For more information visit the ABA Section of Dispute Resolution website at www.americanbar.org/groups/dispute_resolution

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COPARENTING SOLUTIONS, INC

Serves the 9th Judicial District
includes Kingston, Wartburg & Lenoir City
by James Karney

CoParenting Solutions, Inc is a non-profit corporation dedicated to helping low-income parents who are raising children in separate households work together effectively and with minimum conflict.

The core of all our programs is mediation. When possible we team a Rule 31 Family Mediator with a trained volunteer co-mediator mediators (one male and one female) keeping the participants focused on finding new solutions and gently steering the conversation away from rehashing old hurts and familiar arguments. We realize that many clients may be unfamiliar with mediation, and in a high-conflict situation that limits the ability to communicate with the other parties. We offer pre-mediation education seminars and can refer clients to other professionals as part of the coparenting program. This type of support is often needed when cases involve violence and/or abuse.

Our fees are offered pro-bono or on a sliding scale, based on income and need. The objective is to help those who would be unable to obtain services due to cost, or have special needs due to military service. Those with adequate financial resources, and those requiring additional help, are referred to qualified professionals and other agencies.

We also offer training and continuing education programs to both our own staff and other professionals interesting in improving their skills and learning more about the services we provide.

We currently serve low-income clients in the Ninth Judicial District, which includes Kingston, Wartburg and Lenoir City. Parents involved in custody disputes related over military deployment are assisted pro-bono by specially trained mediators.

Executive Director and Founder James Karney, MS is a Tennessee Rule 31 Family Mediator with Special Training in Domestic Violence, and qualified in Family Mediation before the Kentucky Court of Justice. He is an active family mediator, a trained family life and parenting educator, and serves as a member of the Tennessee Veterans Task Force. An experienced college educator, he holds dual Bachelor of Science degrees in Sociology and Political Science, and a Masters in Learning Systems. He has served as a trainer and consultant to the Oak Ridge National Laboratory, the US Department of Defense, Microsoft Corporation, and the Palo Alto Research Center. His six years service in law enforcement gives him an interesting window into the world of families in conflict and the courts. Mr. Karney is the President of the Tennessee Valley Mediation Association and a member of the Association of Family and Conciliatory Courts.

We welcome volunteers. If you are interested in volunteering with CoParenting Solutions, please contact James Karney, (865) 535-0037 or by e-mail at jkarney@gainagreement.com www. gainagreement.com.

Join us on

**Thursday June 30 2011
11:30 A.M. – 1:00 P.M.**

to Meet and Greet, Lunch and Learn

**"HOT FAMILY LAW CASES"
Approved for 1 Hr. CLE – General Credit
1 Hr. CME Family Law**

Helen Rogers will present the “hot cases” in family law 2010-2011

Steve Cobb, Legislative Counsel to TBA, will present summaries of legislation relevant to attorneys and mediators during the 2010-2011 legislative session.

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