

## MESSAGE FROM TAPM PRESIDENT RICHAD MURRELL

November 2011

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We are headed into "The Holiday Season" at full throttle. Maybe so fast that we miss some of the stirring calls to remember heroic sacrifices made on our behalf by members of our Military Branches. November 11, 2011, Veterans Day, is set aside as an opportunity to recall and honor the service of brave men and women who have accepted the call to stand in harm's way to make our life more secure.

The rest of the holidays focus on family and community, on faith and fidelity, and on thankfulness and hope. A great part of the groundwork for these celebrations is tied to what was done by our Veterans to secure and protect our way of life. The message I want to bring at this time is a challenge. The unique skills that we have developed are often needed by people who may not even know they exist or how to ask for the assistance. The challenge then is for us to find ways to make ourselves available. There are organizations with well developed outreach programs that would welcome anything from monetary donations to skill donations, either by direct delivery or from resource connections. Such actions not only improve life for a deserving individual or family, it also makes fulfilling our pro bono obligation fulfilling.

This month, the spot for my picture as President of TAPM features Spc. Andrew Wilson, US Army. In the picture with Andrew are Cliff and Kim Wilson, parents. They are all from the Nashville area. The picture was taken at Walter Reed National Military Medical Center in Bethesda, MD, where Andrew is recovering after an IED in Afghanistan discharged on October 19, 2011, causing injuries that required the amputation of both legs, one above and the other below the knee. To give you an idea of what kind of soldier you are seeing, the photograph above was taken 6 days after the explosion. Andrew is one of the heroes we should take time to remember and one of the heroes we should take time to support. His contact information is listed below. Andrew is making a remarkable recovery, under all

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the circumstances. Even so, he has needs that we can help address. He would very much like to be home for Christmas, a home that needs retro-fitting for accessibility issues. Cliff is a member of the law firm Howard, Tate, Sowell, Wilson, Leathers and Johnson located in Nashville. Another member of the firm, Raymond Leathers, is serving as the point of contact for trying to make Andrew's Christmas wish a reality. If you would like to help, call or write Raymond. (615) 256-1125 / [rsleathers@howardtatelaw.com](mailto:rsleathers@howardtatelaw.com). If you are inclined to send a personal note directly to this hero, I am sure he would love to hear from you!

Andrew Wilson  
Walter Reed National Military Medical Center  
8901 Wisconsin Avenue  
Bldg 10, 4 center, room 425  
Bethesda, MD 20814

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## MEET THE MEDIATOR MICHAEL GARDNER

Gardner currently serves as the Vice President of Operations for MissionPoint Health Care where he provides leadership and support for the effective operation of the company by developing and maintaining systems and processes that support the highest quality patient care, fiscal performance, and medical staff relationships. Prior to his current role, Gardner served as Division Director of Business Operations at Baptist Hospital. In addition to his role at MissionPoint Gardner is a Rule 31 Listed General Civil Mediator and serves as a volunteer mediator for the Nashville Conflict Resolution Center.

Gardner received his MBA, with a concentration in Business Negotiation and Mediation, from Belmont University.

### **What is in your mediator tool kit? What is your favorite or most used tool?**

A ladder ó that quickly takes me to the balcony and helps me accomplish several things: among them: it helps me maintain unbiased attitudes, keeps my emotions at bay and allows for a very neutral attitude, and a easy way to see more of the dynamics playing out in a mediation, which can often prompt me to ask better questions of both sides.

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

The Transformer: assuring all mediations are *transformational!* (Reason ó early on in my mediation experiences I often left mediations somewhat deflated because I could see the potential for much more to have come out of a mediation session if the parties had just been open to it)

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**What is your pet peeve?**

Negative Attitudes!! I don't mind people having a bad day now and then, I have them, but when every day is bad something is wrong with your attitude most likely. There is so much beauty in the world if you take pause to stop and look at you will smile.

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

Single.

**What are your hobbies?**

Collecting Vinyl Records! I love to go to old record stores and just browse for records. I also enjoy reading and exercising especially yoga.

**Why did you become a mediator?**

When I was working on my Masters of Business Administration, I had planned on obtaining a concentration in Finance. Then, one of my early electives was a Negotiation class and I loved the subject matter, and I loved using these new found skills to help resolve disputes at work. I learned that Belmont offered a concentration in Business Negotiations and Meditations and knew immediately that is what I needed to get my concentration in. I had two wonderful teachers, Susan Williams and Leigh Ann Roberts, who were so encouraging and wonderful teachers. Their enthusiasm as teachers and supporters encouraged me along the way, and still do, to use these skills to make better work environments, relationships, and communities.

**What is your favorite mediation read?**

Making Money Talk by J. Anderson Little

**What is your favorite vacation spot?**

I love to travel. I go to Chicago several times a year so based on frequency of visits; I'd have to go with that. However, what I enjoy beyond words is travel to any new country.

**Personal or professional accomplishments you are particularly proud of:**

Obtaining my MBA from Belmont University while working full-time.

**Where are you from and how did you end up in Nashville?**

I grew up in Elkton, KY. Just across the state line near Clarksville, TN. I graduated from Western Kentucky University with a degree in Healthcare Administration in 1993. I had planned on moving off to some new location to explore some other part of the US - I sent resumes from Maine to Texas in search of a job. My first job offer was in Nashville, so I thought, OK I'd take this job and stay here for 9 months

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or so, get some experience and then move on. That was 18 years ago!! And I couldn't be happier being in Nashville.

**Please complete these sentences:**

I have a burning desire: \_\_to one day be an International Consultant so that my two favorite things of teaching and traveling would both be combined into one.

People tell me I look like: \_a few people have told me I remind them of Joel McHale of Comedian and Host of *The Soup*.

If I could have a 30 minute conversation with anyone (alive or otherwise, famous or not), I would want to speak with having recently read the Autobiography of Benjamin Franklin of I have some questions I would love to have answered, so I have to say Benjamin Franklin.

**What is your favorite TV show?**

Modern Family

**What is your favorite food/restaurant?**

Woodlands Indian Vegetarian Cuisine

**What is your favorite flavor of ice cream?**

I live in East Nashville and we have a new ice cream place of Jeni's. They serve this goat cheese and cherry flavor that is my absolute new favorite flavor!!

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

I have had a wonderful career in healthcare. I would not change a thing. I look forward to being able to use my mediation skills to improve the health of communities and enhance my effectiveness as a leader in the Nashville Community.

Michael Gardner

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**'TIMES HAVE CHANGED'**

by  
Regina B. Newson

Over the last thirty years, mediation has grown around the country. In some places you must go to mediation before you can actually go to Court. However, it has only been in the last twenty years that Mediation began to catch on and grow in Tennessee. In many instances it has been treated more like a hobby than a profession. There were a few people who admitted that they were trying to be professional mediators. Not all of them were attorneys. Around 2000 that began to change. I saw a lot of new faces coming into mediation. In fact many newly minted attorneys were taking one or two classes in mediation. They were beginning to understand that mediation was designed to help those facing court in the Family Courts and in the Civil Courts resolve their disputes; and reduce the cost of their legal fees. The Criminal Justice system had finally begun to see that it needed mediators to help resolve disputes. Mediation would only enhance the legal experience. It should have been a win for all parties.

There has been a shift in the economy in Tennessee as with the rest of the country. At the last seminar put on by the Office of the Court Alternative Dispute Resolution Commission, I saw a lot of new faces. Some of these people ten years ago would not allow me to mediate a case for them. They did not believe in mediation. But times are a changing. Work has decreased for attorneys. Many of them who did not believe in mediation are now trying to become certified as mediators. They are trying to find new streams of revenue. Also they have seen the benefits of mediation. They have participated in mediations.

As I reflected on this article, I thought about the new mediators coming to mediation fresh from law schools and other disciplines. How would they perceive mediation? Would they have the same passion that we had for mediation? Would they want to change the world by empowering people to take control of their own situations? Jackie Kittrell, mediator-Knoxville sent me to John Evans, a newly minted attorney and Rule 31 listed general civil mediator beginning his practice in Springfield.

My first question to him was ó What made you want to be a mediator?

John: UT College of Law has a great advocacy program with a mediation clinic under the direction of Professor Becky Jacobs. Jackie Kittrell and the Community Mediation Center provided training and gave us the opportunity to observe and participate in mediations. I had an opportunity to see the process in action and how it worked. I loved it.

What did you like about the process?

John: I tend to be a risk adverse person, and mediation gives power to the parties to decide their own fates instead of leaving that decision to a court. They can work out an agreement they can live with. There is also value in allowing people to come to a safe, controlled atmosphere and have an independent third party hear their issues. People often just need a chance to be heard and to let the other side know how a situation has affected them. Mediation is often the first time to have these honest and open conversations.

Have you ever been in mediation where the parties did not resolve their differences?

John: Yes, but even when they did not resolve their differences, I hope that they realized that I heard them, and they are better for going through the process. Maybe the process will help them come to a point where they can resolve their differences.

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What is the biggest issue you see facing mediation today?

John: We need to educate the public more regarding mediation. I did not know about mediation until I started a class with the clinic. Many others (students) are just like me. They do not know about mediation. I think people will appreciate mediation once they understand how it can benefit them, their families and their friends.

How do we educate the public? There has been a concentrated effort to educate the attorneys and the public to the benefits of mediation.

John: From my Christian heritage ó live by example; be involved in your community ó organizations (Rotary Clubs, Lions and such), schools; talk to people in the system ó judges and attorneys, teachers, counselors and anyone who is connected with the Justice system. Finally, the best advertisement is word of mouth by people that have experienced effective mediation.

In the past there has been some reluctance and fear to embrace mediation by attorneys. Admittedly it does take some of the work away from attorneys. What are your thoughts on that?

John: I see the attorneys and mediators complimenting each other in a type of symbiotic relationship. It is like the right hand and the left hand. Every case will not settle in mediation nor should it; however, every case should not go to court either. I cannot imagine a court system that would not want a strong mediation component to help alleviate their caseload and provide another efficient and fair way for parties to come to an agreement. Also, I cannot imagine a mediation program that would not want a judicial system ready for situations where mediations break down.

Is there a final note on this as you begin your career in mediation and law?

John: Yes, I certainly have a lot to learn, but I love the law and mediation. They really excite me. I look forward to seeing how both systems work together to help people.

Times are indeed changing. A new generation of mediators is coming out of law school and other disciplines. They are eager and excited to begin. The old adversarial approach to law is changing with this new generation. There is more collaboration. We who have been at this for a while are just as eager and excited to have you join us.



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**ALL ABOUT ETHICS**

**Presented by**

**Richard Murrell, Stephen Shields  
 &  
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**December 8, 2011  
 11:30 a.m.**

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