

## PRESIDENT'S MESSAGE

Dear OMA Members,

The 32<sup>nd</sup> annual OMA Fall Conference is quickly approaching! The Fall Conference is the biggest conflict resolution conference in Oregon and OMA's biggest event of the year. This year's theme, Navigating Conflict – Theory, Tools & Tips, aims to offer a broad scope of conflict resolution related workshops. New this year, OMA is offering different workshop tracks. This will make the conference easier than ever to navigate and find workshops that you are most interested in. Tracks include community mediation, public policy, self-care, and professional development, to name a few.

One of OMA's important goals is to expand geographical reach and be mindful that OMA supports members all over Oregon, and a way to do this is to hold the Fall Conference in a different part of Oregon. This year, it's being held in Eugene, and we are thrilled to have the University of Oregon host. The space is large, easy to maneuver, and will provide many opportunities to interact, network with fellow conflict resolution professionals, and learn from one-another.

While the conference is the highlight of OMA's year, there are many OMA volunteers doing important work with other committees all year round. In addition to workshops and presentations, there will be awards and

the opportunity to remember and reflect on people who have contributed to the field of mediation in Oregon. Also, join us on Saturday morning, November 10<sup>th</sup>, for the Annual Meeting to hear more about what work and other committees are doing as well as plans for the future.

As we gather together to learn and build community, I want to say thank you to all the board members, committee volunteers, and members for their service and dedication to OMA and their work to transform the ways in which Oregonians resolve conflict. We look forward to seeing you in Eugene.

~Tera Cleland, OMA President



**OMA FALL CONFERENCE ISSUE**  
(DETAILS START ON PAGE 5)

**NOVEMBER 9<sup>TH</sup> & 10<sup>TH</sup>**  
AT UNIVERSITY OF OREGON LAW SCHOOL  
EUGENE, OREGON



  
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The OMA Newsletter is the official newsletter of the Oregon Mediation Association (OMA) and a product of the Communications Committee.

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Donna Silverberg  
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Billy Pronovost

### OMA MEMBERSHIP INFORMATION

To learn more about OMA membership, to join OMA, or to renew your membership, visit [www.ormediation.org](http://www.ormediation.org). If you have any questions about your membership status or renewal date, please contact [oma@ormediation.org](mailto:oma@ormediation.org).

# ADVANCING COLLABORATIVE SOLUTIONS: LESSONS FROM THE OREGON SAGE-GROUSE CONSERVATION PARTNERSHIP

Dr. Jennifer Allen, Turner Odell, JD, and Julia Babcock, MA - National Policy Consensus Center, Portland State University



GREATER SAGE-GROUSE ON SEEDSKADEE NATIONAL WILDLIFE REFUGE  
PHOTO: TOM KOERNER/USFWS

The Sage-Grouse Conservation Partnership, also known as SageCon, represents a collaborative effort of unprecedented scale among regulators, environmental interests, and local landowners. The partnership effort produced a statewide action plan to address threats to the greater sage-grouse and its habitat, preventing the need to list the bird as an endangered species. What made the SageCon collaboration effective, and what lessons does it provide about environmental conflict resolution and public policy collaboration in general?

The National Policy Consensus Center at Portland State University, which served as a facilitator for the SageCon process, explored those questions through a case study of the partnership. Researchers interviewed SageCon participants to identify elements that may contribute to the success or setbacks of collaborative approaches and provide insights for other conservation and public policy efforts. This article briefly highlights some of the critical themes that surfaced as participants reflected on their motivation for engaging in the process, the strengths and challenges of the design of the collaborative process, and other aspects of their experience.

## Background on SageCon

The greater sage-grouse is native to the sagebrush steppe of the western United States. Due to fragmentation of its habitat as a result of agricultural development, wildfire, invasive grasses, energy development, and recreation, the bird has vanished from most of its range. In 2015, the US Fish and Wildlife Service issued a preliminary finding that the bird warranted listing as an endangered species, an outcome that would have had severe ramifications for ranching-based communities and economies in eastern Oregon.

SageCon brought together government, ranchers, and conservation interests to proactively address landscape-scale threats to the greater sage-grouse, while also working to find common ground with the rural economic and community interests across the sagebrush range. As part of what the US Department of the Interior described as a historic outcome, SageCon produced the 2015 Oregon Sage-Grouse Action Plan, which details voluntary and state-regulated conservation measures to preserve habitat and protect Oregon's sage-grouse population from threats on public and

private land. SageCon—as one part of a broader multi-state collaborative effort—led to a subsequent US Fish and Wildlife Service finding that the sage-grouse no longer warranted listing as endangered.

## Key Findings

The case study revealed that the context, role of neutral facilitators, group structure, and high-level leadership all contributed to a successful collaborative process. A stronger communication strategy would also have benefited the effort.

**Context: the right time for SageCon.** The regulatory context at the inception of SageCon made the issues both essential and urgent. Many participants reported being motivated to engage in the process with a sense of urgency to avoid having the sage-grouse listed as endangered. In addition, the work came on the heels of other related collaborative efforts that provided many SageCon participants with collaborative experience and well-established relationships for working together. These contextual factors created a meaningful but time-limited opportunity for stakeholders to

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develop an alternative outcome better suited to their interests.

### **Neutral process and structure.**

Participants reported that the use of a neutral facilitator to balance power and facilitate engagement created an environment of mutual respect, fostered trust, mitigated power differentials, and helped convey a commitment to timely results. Having a dedicated project manager, in addition to the facilitator, moved the process forward by providing someone to conduct shuttle diplomacy, monitor group work on a timeline, and help subgroups negotiate components of the overall outcome. Participants also saw value in the use of a core planning team, representative of the group, to assist the project manager and the facilitator design meetings. Subgroups were especially useful due to the geographic diversity of the group, and played a helpful role by, for example, doing a deep dive into technical issues or science and reporting back to the group.

**Leadership.** Participants reported being motivated to engage in the

process by the involvement of committed high-level leaders, including conveners who were well-connected inside and outside their agencies. They reported that the leaders brought resources to the table, helped with problem-solving, enhanced visibility and transparency, made decision makers more accessible, and connected project members and project issues to broader constituencies, broader issues, and extended geographic regions.

**Communication strategy.** Some participants felt that a more robust and deliberate communication effort could have helped keep participants informed and brought newcomers up to speed more quickly. Strategic communication might also have engaged affected communities more effectively and strengthened their commitment to SageCon outcomes; holding more meetings in affected communities could also have assisted in this effort. Participants felt that effective communication encourages confidence and investment of resources from leaders and decision makers, gives the project an identity or brand that is easy to communicate to outsiders, and

fosters confidence that the groups' work product will have visibility after the project ends.

### **Conclusion**

The SageCon process offers some lessons for successfully addressing complex issues across a broad landscape. Overall, SageCon participants shared a sense of accomplishment in their ability to agree on sage-grouse conservation actions based on the best available science while also considering the needs of rural eastern Oregon communities. The agreements were sufficient to avoid an endangered species listing and have shown signs of durability in Oregon even in the face of shifting federal policy.

For more information about SageCon and to read the full research report, see the Oregon Consensus website at

[www.oregonconsensus.org/projects/sage\\_grouse\\_conservation\\_partnership/](http://www.oregonconsensus.org/projects/sage_grouse_conservation_partnership/)



## OMA' R ASKS: WHAT WOULD YOU DO?

*(Originally Published in the Spring 2003 OMA Newsletter)*

You are a mediator with a family law mediation practice and see a couple to mediate the dissolution of their marriage. Joan (age 49) and Frank (age 53) have been married for 25 years. Joan is an administrative assistant and earns \$18,000 per year. Frank is an architect and earns approximately \$82,000 per year. Two of their three

children are grown, and the third, Tony, is a 15-year-old freshman in high school. Joan and Frank are anxious to get this divorce behind them.

Joan and Frank state that they are very concerned about incurring costs. They have worked out most of their financial matters, but want help mediating a parenting plan for Tony and spousal support for Joan. During your first mediation session you meet in separate caucuses and learn that, unbeknownst

to the other, each of them has had a consultation with an attorney. Joan tells you in confidence that she will marry a wealthy businessman as soon as the divorce is final, but that Frank doesn't know that she has been seeing someone and plans to marry. She doesn't want to hurt his feelings or make him angry.

Joan and Frank have agreed to joint custody but have some conflict about a

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parenting schedule; however, with your assistance, they reach an agreement regarding decision making and time with Tony. During the mediation, Frank spontaneously offers Joan a lump sum payment of \$50,000 in lieu of monthly spousal support payments, and she immediately accepts his offer. You are somewhat surprised at the lack of discussion around spousal support and this quick settlement, but they have no concerns or questions.

Frank and Joan ask you to draft a comprehensive Marital Settlement Agreement for them and tell you they will file their own divorce and don't intend to see their attorneys again. The drafting of a Marital Settlement Agreement is within your scope of services.

You are pleased that Joan and Frank have worked things out. But you wonder whether it makes a difference that Frank doesn't know that Joan is getting married. So you ask OMA'R.

## Standard I: Self-Determination

A mediator shall respect and encourage the self-determination of participants in decisions regarding what process to use and regarding whether, and on what terms, to resolve their dispute or issues.

Joan and Frank have been willing to mediate and are clear that they don't want any further attorney involvement. You know that somewhere it says that you should advise and encourage them to seek independent counsel before they sign any legal agreements, and

you'll do that, but they have the right to ignore you and continue without further representation.

## What about Standard II: Informed Consent?

The mediator should make the participants aware of the importance of consulting other professionals to help them make informed decisions.



## And what about Standard VI: Encourage Good Faith Disclosure?

The mediator shall encourage participants to participate in good faith and to make full and honest disclosures of all matters material to any agreement reached. The mediator shall discontinue the mediation if, in his/her reasonable judgment, a participant's bad faith, dishonesty, or nondisclosure is so significant that the fairness and integrity of mediation cannot be maintained.

## Discussion

The first issue for the mediator to decide is whether Joan's reluctance to tell Frank that she is getting married is "material" to their agreement. Would Frank still be willing to pay Joan \$50,000 for spousal support if he knew she was getting married right away? Is Joan's remarriage relevant to the custody and parenting time arrangement Joan and Frank negotiated? Joan's motive for keeping this information from Frank appears to be well-intentioned – not to hurt his feelings. She may not be acting in bad faith, but if this information is material, the mediator must encourage her to make a full and honest disclosure.

You decide you need to talk to Joan, and you encourage her to tell Frank. Joan is adamant. She is not going to tell Frank because then he'll know that she was unfaithful and all hell will break loose. You talk to Joan about your concerns that the agreement may be in jeopardy because Frank reached an

agreement without knowledge of a fact that he may consider material. Nonetheless, Joan refuses to change her stance. You learn that Joan has disclosed her pending marriage to her attorney who advised her not to tell Frank, settle all issues, and accept a reasonable offer of a lump sum payment in lieu of monthly spousal support payments.

You have told Joan and Frank that discussions in caucus are confidential so you cannot disclose the information

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to Frank. In fact, the comments to *Standard VI* explicitly prohibit disclosure of confidential information regardless of whether the mediator elects to withdraw or continue the mediation.

You then speak with Frank and learn that his attorney encouraged him to offer Joan a lump sum payment in order to avoid the probability of years of spousal support payments that could well amount to \$300,000 over his lifetime. Frank doesn't want Joan to get further legal advice that could cost him substantially more and thinks that \$50,000 is a great deal.

The comments to the *standard* require the mediator to inform participants that they must participate in good faith. You have done that. The commentary continues that "the mediator must also inform the participants of the need to be realistic in protecting themselves against possible abuse of the mediation process since the mediator cannot guarantee that any participant will not abuse the mediation process."

In retrospect, it would have been wise to have this discussion during the mediation orientation, but you did not reach that level of detail. Can you now discuss with Joan and Frank jointly, or raise the issue with Frank in caucus, "of the need to be realistic in protecting themselves against possible abuse of the mediation process." If you do so, are you risking a breach of confidentiality by arousing Frank's suspicion that there may be more information he should know? Can you take an issue that Joan and Frank have agreed to – the amount of the lump sum payment in lieu of ongoing monthly spousal support – and challenge their assumptions in reaching that agree-

ment? Must the mediator terminate the mediation?

The *standard* requires that the mediator make a "reasonable judgment" whether Joan's nondisclosure "is so significant that the fairness and integrity of the mediation cannot be maintained." If the mediator does, then the mediator must discontinue the mediation, and without violating Joan's – or Frank's confidentiality.

This is a highly subjective decision about which mediators may differ. What if the mediator's judgment differs from that of the participants? Some mediators avoid the difficulty of hearing confidences in the first place by making it a policy never to caucus. But this approach has its problems. Others, particularly where participants are represented by counsel in the mediation, assume it is the attorneys' responsibility to determine how much information is enough upon which to base a settlement. In this instance, both Joan and Frank have had some legal advice, and each of them thinks that the agreement is a good resolution from their own perspective. Frank is paying to avoid a potentially lengthy and costly monthly spousal support obligation; Joan is accepting funds knowing that monthly spousal support payments may well terminate upon her remarriage. If the mediator discontinues the mediation, the mediator will have discharged her duty under the standards. But has the mediator served the mediation process and the participants? If the mediation is discontinued, how does the mediator explain his/her decision to terminate to the participants? If the mediator states: something has come to my attention that requires me to stop the mediation," does the mediator come close to violating confidentiality by implying

that there is confidential information or that the mediator thinks that a participant is acting in bad faith?

Assume that Joan does not share the news of her impending marriage with Frank despite the mediator's encouragement to do so, and the mediator decides to continue the mediation. The *standards* are clear that: "If the mediator continues the mediation under these circumstances, the mediator is not obligated to reveal the conduct to the other participant, and may not do so if this would violate the obligation of confidentiality."

### Conclusion

A participant's nondisclosure of information, or a failure to participate in good faith, can be ethically challenging for a mediator. There are no clear answers to be found in *Standard VI*, but the *standard* provides the following guidance for analyzing good faith participation and issues of nondisclosure. The mediator must encourage good faith participation and full disclosure of "material" matters. The decision to terminate or continue the mediation is the fork in the road. The mediator must terminate the mediation without disclosing any confidential information if the mediator determines that "the fairness and integrity of the mediation cannot be maintained." If the mediator determines that the mediation can continue, the mediator is under no obligation to divulge the conduct, and may not disclose confidential information. The issues raise fundamental questions regarding the mediator's purpose and role in mediating, and ultimately rely on a mediator's reasonable judgment for resolution.

# OMA

## 2018 Fall Conference

*Navigating Conflict*  
**THEORY, TOOLS & TIPS**  
 —  
**NOVEMBER**  
**9<sup>TH</sup>–10<sup>TH</sup>**

Join us for the 32nd Annual Fall Conference in Eugene, Oregon! This year's conference offers a broad scope of relevant, professional-level conflict resolution presentations and workshops in different field-oriented tracks, as well as the opportunity to meet, engage, and learn with a people from a variety of mediation and conflict-resolution fields.

The 2018 OMA Conference will include:

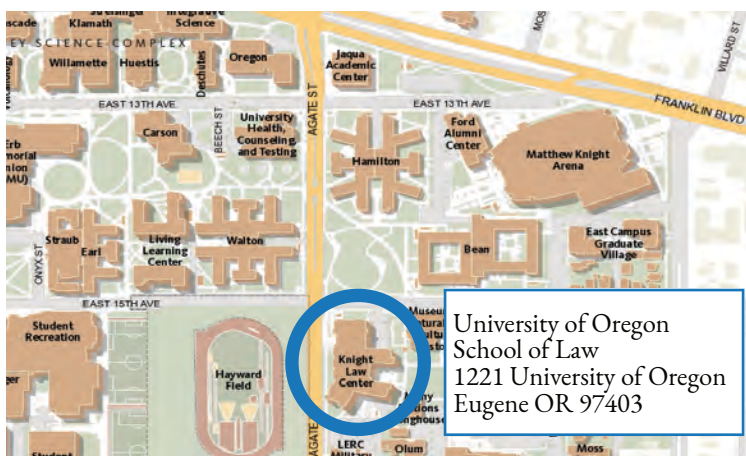
- 45- 90- and 180-minute professional-level workshops
- Graduate research panel
- Plenary luncheons with Cheryl Jamison and Donna Silverberg
- Networking reception and happy hour, complete with a live band!
- Raffle baskets and Silent Auction
- Vendor and informational space
- Annual OMA membership meeting and awards

### GENERAL INFORMATION

Dates: 11/9 -- 11/10, 2018

### LOCATION:

University of Oregon School of Law  
 Eugene, OR



University of Oregon  
 School of Law  
 1221 University of Oregon  
 Eugene OR 97403

### WEBSITE AND REGISTRATION:

[www.ormediation.org/news-and-events/fall-conference/](http://www.ormediation.org/news-and-events/fall-conference/)

32ND ANNUAL OMA FALL CONFERENCE RATES				
MEMBERSHIP CATEGORY	BEFORE OCTOBER 12TH		AFTER OCTOBER 12TH	
	ONE DAY	BOTH DAYS	ONE DAY	BOTH DAYS
Non-Member	\$230	\$360	\$250	\$400
Individual Member	\$160	\$275	\$180	\$315
Unpaid Practitioner	\$130	\$215	\$150	\$255
Student Member	\$75	\$120	\$95	\$160
Presenter	FREE	\$80	FREE	\$100

Register Before October 12, 2018 For Early Bird Rate - Scholarships Are Available

### CONTINUING EDUCATION:

OMA is applying for continuing education credits with the OR Bar, National Association of Social Workers (NASW), and HR Certification Institute (HRCI).

### SCHOLARSHIPS:

Scholarships are available for students in high school, undergraduate, and graduate programs, as well as volunteer community and court mediators.

### WORKSHOP MATERIALS:

Workshop materials will be available online for all participants. Access information will be provided via email and in conference materials.

### HOW YOU CAN HELP:

The Fall Conference would not be possible without our generous sponsors, auction donors, and scholarship donors. Want to help?

Visit: [www.ormediation.org/news-and-events/fall-conference/conference-sponsors/](http://www.ormediation.org/news-and-events/fall-conference/conference-sponsors/)

Email: [jamie@ormediation.org](mailto:jamie@ormediation.org)

# 32<sup>ND</sup> ANNUAL OMA FALL CONFERENCE



Cheryl L. Jamison, J.D.

## Keynote Speaker - Cheryl Jamison:

Cheryl has a long and varied experience in mediation and conflict resolution. She is a past president of the Association for Conflict Resolution (ACR) and currently serves as its Executive Director. In addition to being a skilled and reflective conflict resolution practitioner, Cheryl is an impactful trainer and educator in diversity and inclusion. Cheryl has also developed and conducted workshops on a variety of issues including mediation skills, ethics, team building, negotiations, and how to transform difficult conversations into productive ones.

## CONFERENCE SCHEDULE

### FRIDAY, NOVEMBER 9

### SATURDAY, NOVEMBER 10

7:30 AM	Registration Opens	7:30 AM	Registration Opens
8:30 AM – 10:00 AM	Welcome Plenary Breakfast w/Sam Imperati & Devin Howington	8:00 AM – 9:00 AM	Breakfast & OMA Annual Meeting
10:20 AM – 11:50 AM	Workshop Session 1	9:15 AM – 10:45 AM	Workshop Session 5
12:00 PM – 1:30 PM	Keynote Address w/Cheryl Jamison	11:00 AM – 12:30 PM	Workshop Session 4
1:45 PM – 3:15 PM	Workshop Session 2	12:30 PM – 1:30 PM	Plenary Luncheon w/Donna Silverberg
3:35 PM – 5:00 PM	Workshop Session 3	1:45 PM – 3:15 PM	Workshop Session 6
5:00 PM	Reception, Networking Happy Hour, & Silent Auction	3:30 PM – 5:00 PM	Workshop Session 7

This year, the conference workshop team arranged workshops into six “tracks” that share a common theme to help participants find the most useful presentations. Pick a track to go in-depth on a topic, or sample from multiples to get a broad view of the field of mediation.

*\*Schedule is subject to change. For most recent schedule and full descriptions, see the website.*

### **Conflict In The Workplace:**

This track focuses on theory and strategies for engaging with conflict in the workplace. Topics include managing conflict in teams, building resilience into business structure, and creative processing, among others.

### **Diversity & Inclusion:**

This track focuses on strategies for including marginalized groups by addressing power imbalance, bias, and cultural difference.

### **Self-Care & Professional Development:**

A combination of workshops focused on self-care with other professional development topics. Topics include mindfulness and meditation as mediation tools, service animals and conflict, and a research panel where rising conflict resolution scholars and practitioners will share their research projects in a “3-Minute Thesis” format, followed by a guided discussion.

### **Multi-Party, Public Policy, & Peacemaking:**

This track focuses on mediating, facilitating, and peacemaking with larger groups in a variety of contexts. Topics include environmental disputes, family service conflicts, and restorative justice processes.

### **Practice Theory & Skills:**

This track provides theory and skills for mediation practice. Topics include the neural basis of conflict, intake processes, shuttle diplomacy, outward mindset, and mentoring from the masters.

### **The Business of Mediation:**

A focus on theory, tools, and tips for building and enhancing a mediation practice. Topics include branding and marketing, mentoring, and mediator certification. This track provides theory and skills for mediation practice. Topics include the neural basis of conflict, intake processes, shuttle diplomacy, outward mindset, and mentoring from the masters.

## 32<sup>ND</sup> ANNUAL OMA FALL CONFERENCE SESSIONS AND WORKSHOP DETAILS

*Conflict In The Workplace*

*Multi-Party, Public Policy, & Peacemaking*

*Diversity & Inclusion*

*Practice Theory & Skills*

*Self-Care & Professional Development*

*The Business of Mediation*

### **Friday - Plenary Breakfast - 8:30 AM – 10:00 AM**

#### **Truth Decay ... OK?**

*with Sam Imperati and Devin Howington*

Do mediators have an obligation to help parties find the “truth” or should we only help them discover their “truths?” Some of us nudge them toward “facts,” while others facilitate toward a shared understanding, which may or may not be based on “facts.” What should we do?

### **Friday - Session 1 - 10:20 AM – 11:50 AM**

#### ■ **Accountability: Why it Matters and How to Get There**

*with Katherine Anne Stansbury*

Accountability is a transformative process: 1) Be honest, 2) Let go of justification, 3) Take responsibility for choices, 4) Move from shame to remorse, 5) Change thinking and behavior going forward. Use it to craft strong, durable agreements.

#### ■ **The Three Models of Mediation: Interest-Based, Transformative, & Narrative (2 parts)**

*with Tsipora Dimant*

What has developed in the field of mediation is a diversity of models, each offering its own approach to conflict and conflict resolution. This workshop will give mediators an opportunity to become familiar with the different models.

#### ■ **Mediation: Enhancing the Image**

*with Nancy Neal Yeend*

What is the public perception of mediation? How can it be enhanced? Professions insure competency of the practitioner, enhance the image of those providing professional services, promote trust in the process, and help protect the public. How can we improve the image?

#### ■ **Restorative Justice 101**

*with Carley Adams*

This introductory workshop will explore the basic philosophy of the field, and examine the application of RJ in schools, criminal justice systems, and community-building organi-

zations. We will also discuss practices in conflict resolution and restorative justice.

#### ■ **The Outward Mindset to Resolve Conflict**

*with Doug Lundrigan*

Conflict is most often characterized by the parties focusing on self-interest. Helping conflicting parties come to an outward mindset can work wonders in conflict resolution.

#### ■ **Mindfulness & Mediation**

*with Barry Nobel*

Meet-up to practice mindfulness and talk together about how and why we do it, and how mindfulness impacts mediation.

### **Friday - Session 2 - 1:45 PM – 3:15 PM**

#### ■ **Equity-Informed Mediation**

*with Nyanga Uuka, Stephen Fowler, and Stuart Watson*

At Resolutions Northwest, we have been integrating equity and justice principles into the mediation process for several years. In this workshop we will overview essential tools we use to train our mediators and explore how that might differ from traditional mediation practices.

#### ■ **The Three Models of Mediation: Interest-Based, Transformative, & Narrative, Part 2**

#### ■ **Getting Back to Basics**

*with Meg Goldberg*

Remember how exciting it was to first learn about the mediation process? Now that you are a seasoned practitioner, are you feeling stuck in a rut? This interactive workshop will bring us back to the basics of mediation practice to help us refocus and maybe even some new tips and tricks!

#### ■ **Learning to Crawl: and the Problem of Over-reaching in a Distrustful Environment**

*with Steve Greenwood*

When there is a history of conflict and distrust, there can often be a tendency to over-reach and show meaningful results in public policy mediation. We’ll show you why this can be self-defeating and offer ways to avoid this trap.



## ■ Learning from the Masters

*with Julie Gentili Armbrust, J.D.*

Julie Gentili Armbrust will facilitate a question and answer session with masters of mediation. This session is designed for the participants to be a fly on the wall and hear what mediation masters really think.

## ■ Empowered Self-Care for Busy Professionals

*with Kirstin Pinit*

Do you invest in self-care to sustain you in your work? Learn self-care habits that fit your personality and lifestyle. Develop skills that help you work with deeper compassion and a calm and clear mind.

## Friday - Session 3 - 3:35 PM – 5:00 PM

### ■ What to Say when We Don't Know What to Say

*with Cheryl Jamison*

Have you ever been in a situation in which an issue regarding diversity came up and you wanted to say something, but you did not know the “right” thing to say? This interactive session will examine those types of situations.

### ■ Serious Gaming

*with Todd Jarvis*

Serious games are useful because they provide an opportunity to make friends out of enemies through casual conversation and to learn about negotiating.

### ■ Making Peace With Your Practice

*with Dona Cullen*

Find and sustain the energy from within to make your passion your profession. So many of us are inspired by peacemaking trainings and then begin to doubt our ability to make a living at it. My thesis is that if we do the inner work, the clients will come.

### ■ Student Research Panel

Students will present on recent research projects.

### ■ Singing the Shuttle Blues

*with Pete Johnson*

When is shuttle mediation helpful? What should be considered when determining whether to meet separately or jointly? When using shuttle, what are some tools for reducing the risk of misunderstandings?

## Saturday - Session 4 - 9:15 AM – 10:45 AM

### ■ Navigating Values-based Bias

*with Louise Neilson*

We all have values-based biases. Are you able to maintain your perceived impartiality when the issues presented come against your deeply held beliefs? You'll gain new insights about issues that push your “intuitive ethics,” challenge your morals, and threaten your impartiality.

### ■ Successfully Navigating Conflict in Teams

*with Megan G. Johnston*

Conflict in teams is natural and may be productive when navigated effectively. The presenter will provide a map to understanding, preventing, addressing and recovering from challenges.

### ■ Building A Mediation Practice - Lawyer and Non-Lawyer

### ■ Oregon Mediator Certification: Update and Information

*with Tera Cleland and Sam Imperati*

There has been movement around mediator certification in Oregon for years. Join us to learn more about the multi-stakeholder effort to develop a robust and meaningful certification program to propel the field into the 21st century.

### ■ Embodied Conflict: Understanding the Neural Basis of Conflict

*with Tim Hicks*

The neural function of encoding perceptual experience is the basis of learning, memory, cognition, identity. Knowledge of the embodied underpinnings of behavior helps us understand dynamics of communication and relationship and provides guidance for our practice interventions.

### ■ Meditation as a Mediation Tool (2 parts)

*with Diana Nadeau*

Curious about viewing conflict resolution through the scope of meditation? Want to know how to use meditation in your practice? We will learn and practice key points of meditation to better understand its beneficial effects on conflict resolution.

## Saturday - Session 5 - 11:00 AM – 12:30 PM

### ■ Meditation as a Mediation Tool, Part 2 of 2

## 32<sup>ND</sup> ANNUAL OMA FALL CONFERENCE SESSIONS AND WORKSHOP DETAILS

*Conflict In The Workplace*

*Multi-Party, Public Policy, & Peacemaking*

*Diversity & Inclusion*

*Practice Theory & Skills*

*Self-Care & Professional Development*

*The Business of Mediation*

### ■ Building Conflict Resilience into Business Structure

*with Madeline Kane, Abby Chroman, and Amanda Lawson*

This training will help business owners who are re-structuring, re-organizing, or just beginning to build conflict resilience into their business structures by using interest-based negotiation and core concerns.

### ■ Value Added Intake

*with Marti Kantola Dane and Andrea Pacheco*

A method of conflict analysis conducted during intake allows the parties to experience sophisticated listening skills by evaluating client conflict styles and helping to shift their mindset. Understand the rationale, watch a demonstration, and practice with scenarios.

### **Saturday - Session 6 - 1:45 PM – 3:15 PM**

#### ■ Mediating in the Me Too Era (2 parts)

*with Kimberly Koch-Hult*

**Section A:** Explores the personal power dynamics and somatic responses involved in awkward comments that leave listeners in stunned silence. We'll identify rhetorical maneuvers to successfully navigate responses to clumsy or inappropriate questions and comments.

#### ■ Conflict as one Timeless Pattern: Art and Creative Processing Methods

*with Suzette Payne, and Kara Wilde*

In this workshop, we will define and explore Arnold Mindell's (founder of Process Oriented Psychology) Four Phases for processing conflict using simple art making tools. This method can be applied to inner conflicts, relationship or couple conflicts and group issues.

#### ■ Extreme Facilitation: Helping people have the best conversation on the worst day of their lives

*with Rob Bearden, Sandra Jackson, and Jack Bevilacqua*

An interactive and entertaining workshop demonstrating how mediation skills underpin the most challenging facilitations. Actual cases will be used to design role-playing exercises.

### ■ GPS for Smooth Sailing

*with Sam Imperati*

Before setting sail on the stormy seas of mediation, join the Standards and Practice Board for an exciting and stimulating break out session. This session is a fast-paced gameshow format to improve GPS (general practice standards).

### ■ Getting them Through, or Giving them Skills?

*with Stuart Watson and Abbey Bowman, Mediator*

Clients select mediation in part because they want to be more empowered in the process and to manage conflict within ongoing relationships. Both goals require they develop new skills, which will support their longer-term success. We will explore opportunities, examples, and tools for client skill-building.

### ■ Service Animals, Disability, and Conflict

*with Heidi von Ravensberg*

Conflicts can be centered at the intersection of disability and dogs. Learn the fundamental differences between a service animal, emotional support dog, and pet, and the best practices and regulations for each situation.

### **Saturday - Session 7 - 3:30 PM – 5:00 PM**

#### ■ Mediating in the Me Too Era, Part 2 of 2

*with Kimberly Koch-Hult*

**Section B:** Join a panel of Oregon Federal Executive Board Shared Neutrals to identify and explore questions that organizations might consider when designing ADR for (sexual) harassment cases in the Me Too era.

#### ■ What is Restorative Justice and How to Implement a Program

*with Nicholas Bradford*

Are you implementing a Restorative Program in schools or the community? Have you been curious about what other schools and communities are doing? Are you looking for support? We'll cover some of the broad strokes of Restorative Justice and what it looks like in a diversity of programs and settings.

## THE ROLE OF ALTRUISM IN COLLABORATION

By Steve Greenwood - Director, Training and Academic Services National Policy Consensus Center, Portland State University

In my role as a trainer or facilitator of community and public policy collaboration, I often start a process or a training with the following statement:

*“Collaboration requires a certain amount of altruism, i.e. rising to a higher level of consciousness, to seek the common good rather than enhancing your own interest.”*

I then engage the group in a discussion about their reactions to this statement, and what it means to them before revealing that I don't think very highly of this sentiment at all. To the contrary, I have found that altruism, and the idea that it is somehow required, sometimes *gets* in the way of successful collaboration.

Why do I feel this way?

Aside from the fact that any human interaction requiring the parties to rise to a “higher level of consciousness” has a slim chance of success, altruism is simply not a good basis for sustained and long-term community collaboration. There are a number of reasons for this:

- When you act out of altruism, some people will take advantage of you.
- Giving from an altruistic standpoint is therefore often asymmetrical, which is seldom good for a long-term relationship and eventually leads to resentment.
- Sublimating your own (or your organization's) interests is hardly a way to popularity with your boss or constituency, who might rightly feel betrayed or abandoned.
- Finally, and perhaps most importantly, acting from altruism often leads to *less* optimum societal outcomes, because it avoids the sometimes difficult dynamics that lead to more creative win-win solutions.

So if altruism is not the guiding principle and foundational basis for successful collaboration, what is?

The best foundation for successful collaboration, I have come to believe, is the *interdependence* among the parties. The



clearer and more pronounced the interdependence, the stronger the collaboration. It is why, when disaster strikes, we see communities come together in ways they haven't before. They *need* each other.

Interdependence is simply that: mutual need. I need you in some way to get a better outcome for myself. I need your support or political agreement; your expertise; or your resources. I may need you to take, or agree not to take, certain actions. We may have similar or highly conflicting goals, but what you do can affect *my* outcome. And you need *me* in some way to get a better outcome for you or your organization.

Think about it for a moment: if there is no interdependence, there really is no need to collaborate at all. If I can get what I need without working with you, why not, as the Nike ads say, just do it? We collaborate because of the potential for a better outcome that each of us can get by working with the other.

Notice that I use the word “potential.” There are no guarantees that the other parties will cooperate. This is why the corollary principle for successful collaboration is reciprocity. If I *don't* give you something that you want or need, I am far less likely (particularly in the long run) to get what I need from you. And, if you were to offer something I need and I don't reciprocate, you are far less likely to repeat your cooperative behavior in the future.

Because of interdependence, enabling other parties get what *they* need is the best way (indeed, perhaps the only way) to get what *you* need. Yes, it begins to look a lot like altruism. But it is instead what deToqueville called “self-interest rightly understood”: the pursuit of your own interests, broadly examined, but realizing that you need others to get there. When collaboration succeeds, it is these two principles, *interdependence* and *reciprocity*, rather than altruism, which are at the center of things.

### REPORTING CHILD ABUSE

By Rebecca Hiers - Sunrise Mediation

Our brains are the most complex and delicate organs in our bodies. Encased inside our sturdy skulls, more physically safe-guarded than any other organ, our brains seem well-protected. So, it's easy to assume that the brain could be damaged only by a severe head injury.

Not so. Emotional trauma damages the brain in ways that we cannot see.

Now, with brain imaging scans, neuroscientists can see the previously hidden impacts caused by emotional trauma. Some parts of the brain, such as the fear circuits, may get stuck in flight, fight or zombie mode. Other parts of the brain, such as the sensory filter, may shut down, resulting in sensory overload. Parts of the brain that organize and store memories as past experiences may not function properly, leaving traumatic memories scattered and subject to activation in the present.

When a person is physically trapped in a terrifying situation, such as a prisoner of war, the trauma is imprinted even more deeply on the brain. Children trapped in abusive households are especially vulnerable. Dr. Bessel Van der

Kolk, founder of Boston's Trauma Center, says in his book *The Body Keeps Score*, "it is very difficult for growing children to recover when the source of terror and pain is not enemy combatants but their own caretakers."

Children's brains, since they are still in the process of developing, are especially susceptible to the impacts of emotional trauma. Neglect, even though a less obvious form of child abuse, can devastate developing minds, undermine self-worth and the ability to trust others, instill a sense of powerlessness, and lead to self-destructive behavior.

Chronic physical abuse can cause extreme emotional trauma. As Dr. Laurence Heller and Dr. Aline LaPierre say in their book *Healing Developmental Trauma*:

"[W]hen infants cannot run from threat or fight back, [fear] arousal levels can be so dangerously high that they threaten to overload the nervous system, and often do so... [I]ndividuals seek comfort from this unbearable state by detaching their consciousness from the ongoing painful experience. They disconnect from bodily experience and from the threatening environment."

The good news is with the growing understanding of how the human brain works, leading professionals treating trauma survivors, such as Dr. Van der Kolk, Dr. Heller, and Dr. LaPierre among others, are developing promising new approaches. Until recently, treatment methods fell within only two categories: therapy and medication. Now, a new category of treatments, which recognize how both the brain and body respond to emotional trauma, are successfully helping people heal from conditions once thought to be beyond help.

Prevention, of course, is the best solution. So, what do we as mediators do if, during a confidential mediation process, we become aware of possible child abuse?

Confidentiality is the cornerstone of mediation. When we begin a mediation, we reassure the parties that what they say is confidential. By creating a safe space for people to talk openly and honestly with one another about their dispute, we help them feel safe enough to go beyond simply venting anger and toward the expression of more vulnerable emotions that may be at the root of their conflict. More than that, under Oregon law we have a statutory duty to protect the confidentiality of mediation communications. *ORS 36.220(1)*.

Child abuse is such a serious issue that Oregon's mediation statute permits disclosure of otherwise confidential mediation communication to report such abuse. Oregon's child abuse reporting exception is complicated - whether a mediator may report suspected child abuse depends, not on the child's situation, but on who the mediator is.



Prevention is the best hope for reducing child abuse and neglect and improving the lives of children and families. Strengthening families and preventing child abuse requires a shared commitment of individuals and organizations in every community.

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Certain licensed professionals, such as attorneys and therapists, are mandatory child abuse reporters under Oregon law. *ORS 419B.005(5)* and *419B.010*. If the mediator is a mandatory reporter, then that mediator may set aside standard mediation confidentiality and report suspected child abuse. *ORS 36.220(5)* and *36.222(6)*. In fact, that mediator legally may be required to report. *ORS 419B.010*. Other mandatory reporters, present at the mediation, also may be required to report. *Id.* and *ORS 36.220(5)*.

On the other hand, mediators who are not mandatory child abuse reporters apparently *may not* report child abuse if doing so means disclosing confidential mediation communications. This odd situation is the result of statutory language that gives permission to disclose and report only to mediators (and others) who also are mandatory reporters. *ORS 36.220(5)* and *36.222(6)*.

Mediators who are not mandatory child abuse reporters, but who want to report suspected child abuse, may have another option. If the mediator believes that a child is in physical danger, the mediation statute does allow disclosures "necessary to prevent a party from committing a crime that is likely to result in death or substantial bodily injury to a specific person." *ORS 36.220(6)*.

Oregon's mediation statute protects from liability claims those mediators who, in good faith, disclose otherwise confidential mediation communications. *ORS 36.210(2)*. Even so, breaching mediation confidentiality is a very serious issue. It may violate the trust that the parties have placed in their mediator. It also risks undermining the reputation of mediation as a safe place for people to talk freely. While there are no easy answers to this dilemma, expressly stating in your Agreement to Mediate that suspected child abuse may be reported is one option for giving parties notice in order that they might not feel so blind-sided if such a situation were to arise.

If you think someone is being hurt or is in danger, call **911** immediately. Report child abuse to a local office of the Department of Human Services (DHS) or a local police department, county sheriff, county juvenile department, or Oregon State Police. You can also call **1-855-503-SAFE (7233)**. This toll-free number allows you to report abuse or neglect of any child or adult to the Oregon Department of Human Services.

*You can find the Oregon Department of Human Services  
Child Abuse and Neglect online at:  
<https://www.oregon.gov/DHS/CHILDREN/CHILD-ABUSE/Pages/index.aspx>*

## OMA WOULD LIKE TO THANK AND RECOGNIZE OUR LIFETIME MEMBERS

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FULL PAGE = \$250

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# YOU ARE OMA - GET INVOLVED!

The world is not one-size fits all: it is complex, and its conflicts are complex. Mediators, like the conflict that they work with, come from many different backgrounds. They are professional practitioners, volunteers at local CDRs, lawyers, counselors, social workers, HR professionals, educators, policy professionals, conflict resolution students, and more.

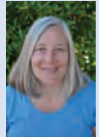
In 2018, the board began the work of carefully examining OMA's core mission of forwarding "the development, support and advocacy of mediation in the State of Oregon" through three major initiatives: expanding diversity and inclusion, supporting professionalization through certification, and improving the representation and value of membership.

## OMA LEADERSHIP TEAM

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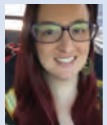
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None of these are easy initiatives to address, but collaboration, reflection, and listening to each other are at the heart of the field. As OMA seeks to grow with the field and we reflect on who we are and who we are serving, we are looking for your input.

As we look forward to 2019, there are lots of ways to get involved and help shape the future of OMA. Be a part of the conversation. Help set the agenda. As a volunteer-run membership organization, the vast majority of work that OMA does to develop, support, and serve the community is done by dozens of dedicated volunteers. From board service to committees to daily administration and special projects, volunteers make it happen. Want to support OMA and its mission? Whether you want to lead, volunteer, or just give your input, we'd love to hear from you! Contact a committee convener or the office at [OMA@ORMediation.org](mailto:OMA@ORMediation.org)

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## IT'S TIME TO RENEW YOUR OMA DUES!

Last year, OMA changed its due cycle. It has gone from a 12-month-cycle, where your membership would expire 12 months after you joined, to a calendar-year-cycle, where everyone's membership ends on December 31st. This means that now everyone renews in the winter, regardless of when you joined.

We recognize that many people renew at the time of the Fall Conference, so while membership expires on December 31st, you can begin to renew for next year now! Renew before the end of the conference (November 10th) for a 5% discount.

### **DUES RATES: (RATES REMAIN THE SAME)**

Full-time Student Membership \$25  
Unpaid Practitioner Membership \$35  
Friend of Mediation Membership \$65  
Paid Practitioner Membership \$85  
Community Dispute Resolution Center (Directory ad FREE!) \$175  
Non-Profit Organization Membership \$175  
For-Profit Organization Membership \$275  
Lifetime OMA Membership \$1500+ (one time)  
Add Directory listing: \$120/Year \*\*

*\*\* If you have a directory ad, you renew the ad at the same time as membership.*

Renew online at [www.ORmediation.org](http://www.ORmediation.org) or  
by check to PO Box 6928 | Portland, OR 97228.

If you don't renew by the conference, look out for a dues mailing in December. We will be working to contact EVERY member in December to make sure that our information is up to date so we can keep you up to date.

### **WHY DID WE MAKE THE SWITCH?**

You'll never have to remember when your membership expires! As dues are a major component of OMA's annual income, the focused-renewal period will help us better manage organizational finances responsibly. It's also more efficient, and thus less expensive, to run a single renewal campaign rather than continuously. This will create a specific time in which OMA can dedicate resources and volunteers to

contacting members, updating records, and ensuring that we stay in touch and provide excellent service.

As mediation and other forms of conflict resolution grow worldwide, OMA is committed more than ever before in our statewide support of mediation and mediators! It is with your support that we can work to provide even more for our members and the public at large. OMA depends on its membership dues and donor gifts to carry on with our work. We need your involvement to continue to make OMA a great organization!

*Please renew today!*

## ABOUT MEMBERSHIP

Being a member of OMA says that you believe in bringing peaceful conflict resolution to all Oregonians and promoting mediation as a tool to that end. You will be joining a community of diverse professionals and volunteers who share many of your same values and interests. Whether you are a paid practitioner, business or community leader, student, or simply a motivated community member, OMA has a place for you.

## BENEFITS OF MEMBERSHIP

- Join a community and network with other professionals, volunteers, and students.
- Receive discounted fees for the Fall Conference and OMA-sponsored training.
- Receive updates on developments in the field, including mediation-related legislation, through emails, newsletters, and a members only web-portal.
- Advance your skills, knowledge, and professional connections through participation in Special Interest Groups (SIGS), committees, and the OMA Board of Directors.
- Be eligible for group rates on professional liability insurance.
- Gain access to our members only email Listserv and connect with other members around the state.
- Use of an OMA member logo to add to your promotional material, business cards, email signatures, etc.
- Join a unified voice in advocacy for the profession in Oregon.



The OMA Navigator \_\_\_\_\_



**OMA**  
2018 Fall Conference

*Navigating Conflict*  
**THEORY, TOOLS & TIPS**

**NOVEMBER**  
**9<sup>TH</sup> - 10<sup>TH</sup>**