


Enhancing Mediation Services through Court-Community Mediation Center Collaborations

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About the Dayton Mediation Center

- Premier provider of conflict interventions services in the Miami Valley since 1987.
- 80 community volunteers who act as mediators, community impact panelists, reception volunteers, and Advisory Board members.
- Managed 1,825 referrals for service and conducted 1,083 mediation and other conflict intervention processes in 2016.
- International headquarters for the *Institute for the Study of Conflict Transformation (ISCT)*, Inc.
- Member and serve on the Board of Directors for the *National Association for Community Mediation (NAFCM)*



Learning objectives

- Understand the benefits of community-court collaboration
- Explore creative and innovative ways that community mediation and courts can work together
- Consider the challenges of these collaborations and ways to address them



Why have a Court - Community Mediation Collaboration?



Mediation Goals


Judicial System	Community
<ul style="list-style-type: none"> • Improved Case Management • Serve users/community well • Conserve court and user resources • Offer an alternative to court processes 	<ul style="list-style-type: none"> • Opportunities for parties to hear and understand each other • Opportunities for people to resolve their own disputes • Operate program efficiently • An alternative to court processes

Della Noce et al (2001)



Value of Community Mediation

- Uses trained community volunteers as the primary providers of mediation services to the community
- Have mediators, staff and advisory board members who represent the diversity of the community
- Operate as a public agency with an advisory board
- Physically located outside of the courthouse
- Value self- determination and a model that truly is an alternative to court processes



Community Mediation Core Commitments

- Provide a "bottom-up" approach to conflict intervention work that preserves party self-determination over both the process of mediation and the content in mediation
- Value the positive power of human dialogue and conversation
- Emphasize that mediators play an important role, supporting parties' decision-making and expression of their views.
- Reduce barriers to service including physical, linguistic, cultural, programmatic, and economic
- Provide an alternative to the judicial system at any stage of a conflict
- Initiate and facilitate collaborative community relationships



Striving for Synergy When the whole is greater than the sum of the parts

- A Synergistic approach to collaboration includes:
- Strong leadership that is true to the core historical values of mediation while responding in a sensitive way to the demands of the court context
 - Partnering in various ways with members of the community, and to bring community voices and perspectives into the program
 - Practices that showed an emphasis on the mediation process itself: on preserving party voice and choice within the constraints of a court-connected program

Della Noce et al (2001)



Beyond a Reduced Docket

What if there is no agreement? The mediation can still have value.

Mediation is an opportunity for parties to:

- Clarify their own issues
- Better understand the issues of the other
- Present a more coherent account of their own story

Barton, A. (2005)




Successful Collaborations

Built on three key principles

- Quality - High quality mediation offered by a diverse group of community members
- Respect – Mutual respect for each organizations' purpose, goals, and values
- Communication – Open communication regarding cases, policy and evaluation

Adapted from Kent (2005)




Examples of Innovative Connections



Small Claims Court Mediation

- Day of court mediation option for all parties to small claims cases
- If the parties reach an agreement, it becomes an official court document.
- As long as the agreement is followed, a judgment does not appear on the defendant's credit.



Eviction and Landlord/Tenant Mediation

- Offered before court as well as day of court to all parties to Eviction cases
- Landlords and tenants can discuss the terms of the tenant staying on the premises, move out dates, financial matters, or anything else.
- If the parties reach an agreement, it is read into record and becomes an official court document.
- As long as the agreement is followed the eviction does not go on the tenant's credit report.



Community Impact Panel

- Service to both Municipal Court and Juvenile Court for first time offenses
- Involve citizens who have received tickets for quality of life issues such as loud noise, jaywalking, disorderly conduct, and littering.
- Ticketed person come before a panel of volunteer citizens who care about the quality of life in Dayton neighborhoods.
- The panel provides participants an opportunity to talk about their offense and better understand the impact of their behaviors on the community.




Parenting Mediation

- Collaboration with the Montgomery County Juvenile Court, the Montgomery County Child Support Enforcement Agency, and the Center
- Mediation services offered to non-married parties who want to work out visitation and custody issues in terms that are acceptable to the parties.
- Any agreements that are made can be submitted to the Montgomery County Juvenile Court, or the Montgomery County Child Support Enforcement Agency for consideration in the official order.



Juvenile Diversion Mediation

- First time criminal offenders have an opportunity to divert their criminal situation out of court.
- The goal of this program is to expose youth to alternative forms of conflict resolution in order that they may learn from their situation
- Victims have a voice in the process and any agreements must be agreeable to all
- Youth avoid developing a criminal record.




Challenges and Pitfalls



Potential Pitfalls


- Mediation Center dependence for funding support of the justice system
- Loss of case autonomy to turn back inappropriate court referrals
- Coerced participation in mediation
- Misunderstanding of the legal status or basis of mediation processes and outcomes
- Loss of focus on "community" in community mediation

(Hedden and Coy, 2000)




Challenges

- Time constraints
- Engaging the legal community
- Staying connected – staff changes and keeping supporting ongoing working relationships




Questions?



Resources

- Dayton Mediation Center
www.daytonmediationcenter.org
- Dayton Municipal Court
www.daytonmunicipalcourt.org
- NAFCM National Association of Community Mediation
www.nafcm.org
- Institute for the Study of Conflict Transformation
www.transformativemediation.org



References

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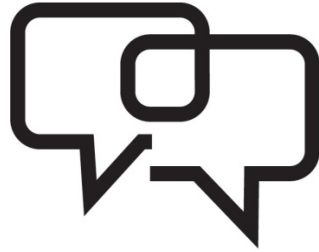
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DAYTON MEDIATION CENTER
from conflict to conversation

History, Services and Practice

Dayton Mediation Center History: *Modest Beginnings to Present-Day Success*

The *Dayton Mediation Center (Center)*, a community mediation center, began in January of 1987 as a city service designed to help people transform the way they interact so they could solve their own conflicts. It was sponsored by the Division of Neighborhood Affairs with assistance from Wright State University's Center for Urban and Public affairs.

For the past 30 years, the Center has provided mediation and other conflict management services for and beyond the city of Dayton, Ohio. With its modest beginnings, the Center has become one of the premier community mediation centers in the nation with the support of City of Dayton, the Montgomery County Juvenile Court, and other key funders and supporters. The Center currently is managed by three (3) full-time conflict management professionals with more than 45 years of professional and academic experience in the field of conflict management. Additionally, the Center's success is also attributed to the talents of 4 contractors, 1 international intern, and 80 active volunteer mediators and advisory board members. Annually, the Center staff and volunteers conduct more than 700 mediations, trains 50 new volunteer mediators, and provides other conflict management services to more than 3,000 community members and organizations.

Impressive Growth

In 1987, the Center had a small service base with the Montgomery County Juvenile Court and City of Dayton neighborhoods. With hard work and passion, the Center staff built a solid reputation as the local primary provider of high quality professional conflict management services. Since 2009, the Dayton Mediation Center's reputation throughout the state of Ohio has grown with expanded marketing and educational outreach throughout the region. These efforts have resulted in increased financial support and have allowed the creation and administration of new services and programming areas.

Starting In 2012, the number of referred cases to mediation doubled, the number of mediation conducted by staff and volunteers doubled, and the number of volunteers applying to volunteer has increased. In addition to this impressive growth in services and staffing, the Center was fortunate to be able to renovate its office space with the help of the Montgomery County Probation Department. With this renovation, the Center also was provided with additional space in its office to conduct conflict management trainings to generate new revenue, office space for new staff, and more space to conduct mediations. The new training space will help to support the Center's long-term financial stability.

Present-Day Successes and Continued Growth

In 2014, the Center assumed management of the international organization, *The Institute for the Study of Conflict Transformation, Inc.* (The Institute) led by the creators of the Transformative Approach to Mediation, Robert A. Baruch Bush, JD and Dr. Joe Folger. The Institute supports the development and growth of “Transformative Approach” to conflict management through research, conferences, and other activities.

Also in 2014, the Center began providing expanded eviction mediation services for the Dayton Municipal Court through a partnership with Community Mediation Services of Central Ohio based in Columbus, Ohio. The program is funded by a grant from the Ohio Housing Finance Agency to provide mediation as an additional service to stem the tide of homelessness. As of July 2014, Center staff and volunteers have supported more than 900 families.

In September 2013, the Center began administering state-wide mediation and conflict management services for the State of Ohio’s Department of Administrative Services for the Ohio Employee Assistance Program (OEAP) for employee conflicts. In March 2014, Center staff interviewed thirty (30) prospective state employees interested in becoming mediators for the program. Center staff was central in selecting state employees for the new program and in May 2014, Center staff trained twenty-five (25) state employees who will provide mediation services for workplace conflicts in various state agencies throughout the State of Ohio. Center staff is providing on-going consultation for the program and skills building sessions.

In October 2014, Center staff will be conducting numerous workshops during the 3-day annual national conference of the *Association for Conflict Resolution* held this year in Cincinnati, Ohio. Center workshops include: “Passing the Practical Exam: How to Tap into Your Conflict Resolution Skills in the Heat of the Moment,” “Building Strong and Lasting Community Collaborations,” and “Community Negotiation: A Relational-Transformative Approach to Negotiation.”

The Center’s long-time volunteer of 20 years, June Zeis, was selected as the National Association for Community Mediation (NAFCM) “Outstanding Volunteer Award” in May 2014. And the Center’s Director, Michelle Zaremba, was awarded the Joseph T. Cline Award sponsored by the Dayton Foundation in June 2014. The Cline award is based on peer-nominations for City of Dayton employees who have demonstrated excellence in public and community service.

The Center’s success over the past 30 years would not have been possible without the commitment of the City of Dayton leadership, the Center’s community partners of agencies, organizations, and individual citizens, and the amazing and committed support the Center’s volunteers. The Center will continue its efforts to increase awareness and use of its services throughout the greater Dayton area and beyond to help more people, when needed, turn conflict o conversation.

Dayton Mediation Center Services

Community Mediation:

People who encounter problems or conflicts with their neighbors, landlords, tenants, and businesses have an opportunity for an alternative to litigation which is community mediation. Participants voluntarily agree to work out their concerns and problems with the assistance of a trained mediator while developing a better understanding of their situation and the people involved as well as the ability to explore options for possible resolution. Community mediation services are free to those who live, work, or go to school in the City of Dayton, and a small fee those outside of the City.

Small Claims Court Mediation :

Since 1991, the Dayton Municipal Court, Small Claims Division and the Dayton Mediation Center have collaborated to offer mediation services to people who file small claims suits with the Court. The Small Claims Court Mediation Program allows participants to engage in constructive conversation with the assistance of a mediator on the day of their court case. If the parties reach an agreement, it becomes an official court document. As long as the agreement is followed, a judgment does not appear on the defendant's credit.

Visitation/Custody Mediation :

In collaboration with the Montgomery County Juvenile Court, the Dayton Mediation Center provides mediation services to non-married parties who want to work out visitation and custody issues in terms that are acceptable to the parties. Any agreements that are made can be submitted to the Montgomery County Juvenile Court for consideration.

Elder Mediation :

As the population ages there are a myriad of issues that arise. The Elder Mediation Program offers assistance to those who are 60 years and older and on a limited income to address issues over health care, financial issues, living arrangements, and other needs with the assistance of a mediator who will assist parties in their decision-making process.

Juvenile Diversion Mediation:

Since 1991, the Montgomery County Juvenile Court and the Dayton Mediation Center have collaborated to provide 1st time criminal offenders have an opportunity to divert their criminal situation out of court. The goal of this program is to expose youth to alternative forms of conflict resolution in order that they may learn from their situation and avoid developing a criminal record.

Adult Prosecutor Mediation :

Since 1999 the City of Dayton Prosecutor's Office has referred complainants and defendants to mediation as a diversion from the court process. The mediation process allows for the complainant and defendant to have a conversation and make decisions about their situation. Cases from the Prosecutor include criminal charges like, criminal damaging, telephone harassment, assault and petty theft.

Landlord-Tenant Eviction Mediation:

Eviction Mediation is a diversion program offered by the Dayton Municipal Court that began in 2010. Landlords and tenants can discuss either the terms of the tenant staying on the premises, move out dates, financial matters, or anything else. If the parties reach an agreement, it is read into record and becomes an official court document. As long as the agreement is followed the eviction does not go on the tenant's credit report.

Restorative Justice Services:

The Center is working closely with the Prosecutor's Office, the Probation Department and Victim Services to develop a post-adjudication Victim Offender Dialogue process. The process will be a restorative conflict engagement dialogue which actively involves victim and offender by offering an opportunity to have a conversation together about the crime. The Center also offers "Community Impact Panels" as part of its restorative justice services for adults and youth.

Community Impact Panel (Restorative Justice):

Adult and Juvenile community impact panels involve citizens who have received quality of life tickets such as loud noise, jaywalking, disorderly conduct, and littering. They come before a panel of volunteer citizens who care about the quality of life in Dayton neighborhoods. The panel provides participants an opportunity to talk about their offense and better understand the impact of their behaviors on the community by hearing from panel members who attempt to help the participant understand their actions. These programs are geared toward 1st time offenses.

Training:

Responding Effectively to Conflict: The Center’s staff of conflict management professionals provides conflict management training to organizations, citizen groups, businesses, and schools. The goal of conflict management training is to assist participants understand the nature of conflict and how to successfully and effectively deal with conflict when it arises. The Center offers a one day training, *Responding Effectively to Conflict*, that supports individuals developing their own interpersonal skills to improve their confidence in handling challenging and difficult situations at home, work, school, and in the community. The Center also conducts youth and adult peer mediation training.

Conflict Coaching:

Managing personal and organizational conflicts can be challenging. Conflict Coaching provides individualized, private and confidential, one- on-one sessions. Conflict coaching is designed to provide short-term conflict intervention support so that an individual can explore to their experience of conflict situation and develop options for a pathway forward to productively engage their conflict situation.

Facilitation & Dialogue Support:

The Center works with organizations, citizens groups, communities and businesses, and other interested parties, who are faced with making major decisions or need assistance exploring ideas and options in order to address complex problems. The Center’s facilitators support small and large group discussions that seek to support the development of humanizing, empathetic understanding through facilitated conversations. Facilitators work with parties to help explore, brainstorm, clarify their concerns, build understanding and connection, in order to support greater clarity and understanding that supports and enhances both short- and long-term decision-making.

Community Presentations:

To further the Center’s mission to provide conflict management services through education and empowerment of citizens to create their own solutions, the Center staff and volunteers are available to speak to organization, community groups, agencies or businesses on the Center’s services.

Volunteer Opportunities at the Center:

Since 1987, the Center has been providing conflict management services to the citizens of Dayton and surrounding communities. The Center trains citizens from the community to mediate conflict situations through an extensive training program and apprenticeship. There are a variety of other volunteer opportunities including becoming a panelist or facilitator for the Community Impact Panels, assisting with projects, and learning to do presentations to increase awareness about the Dayton Mediation Center.

Our Practice: The Transformative Mediation Framework

The Dayton Mediation Center practices from the Transformative Mediation Framework.

This framework's defines conflict as a **crisis in human interaction**; the mediator's interventions are expected to provide help in overcoming this crisis and restoring constructive interaction.

Conflict often causes people to feel:

- a.) Weak, unsettled, confused, fearful, unsure
- b.) Self-absorbed, self protective, defensive, suspicious, incapable of stepping outside of their own patterns

When conflict is productive, it has the potential for:

Empowerment: People grow calmer, clearer, more confident, more decisive, and regain a sense of strength.

Recognition: People voluntarily become more open, attentive, and responsive to the situation of another, thereby expanding their perspective to include an appreciation for the other person's situation.

Relational Worldview

When a mediator holds a *relational worldview*, people are viewed as having individual identities yet existing in relation to others.

A relational worldview entails balancing the inevitable tension that exists between advancing one's own needs and allowing or assisting others to meet their needs.

In the Transformative Mediation Framework, *purpose drives practice*.

Purpose 1: When conflict is viewed as a crisis in human interaction, people in conflict need help in restoring constructive interaction.

Purpose 2: When one has a relational worldview, beliefs about people include:

- a.) People have the need to connect; the conflict has caused the disconnection.
- b.) People are capable of looking beyond themselves

Purpose 3: When a person is viewed as capable, the mediator (intervener) supports the person's thinking and decision making and does not supplant the individual's own authority to think and make decisions.

When the above three purposes clearly influence how mediation is practiced, mediation demonstrates its unique role in society- a role that cannot be confused with any other roles. This uniqueness is evidenced by the mediator's commitment and ability to:

- ❖ Act without judgment of others
- ❖ Accept others' unique reality
- ❖ Be patient with the way others interact
- ❖ Be respectful and even comfortable with the way others interact
- ❖ Relinquish control
- ❖ Respect others' choices
- ❖ Strive to be supportive
- ❖ Be optimistic about others' capabilities

The above described mediator role is the role that all mediators at the Dayton Mediation Center are striving to fill.

For more information on the Transformative Framework:

Visit: www.transformativemediation.com

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Dayton Mediation Center Core Commitments

We are guided by core commitments to:

- ❖ Provide a “bottom-up” approach to conflict intervention work that preserves party self-determination over both the process of mediation and the content in mediation
- ❖ Value the positive power of human dialogue and conversation
- ❖ Emphasize that mediators play an important role, supporting parties’ decision-making and expression of their views.
- ❖ Provide the public direct access to mediation through self-referral
- ❖ Provide a forum for conflict management at the earliest stage of a conflict
- ❖ Provide service to clients regardless of their ability to pay
- ❖ Reduce barriers to service including physical, linguistic, cultural, programmatic, and economic
- ❖ Provide an alternative to the judicial system at any stage of a conflict
- ❖ Initiate and facilitate collaborative community relationships
- ❖ Create public awareness and providing educational activities about the values and practices of mediation and conflict management

As a community mediation center, we:

- ❖ Use trained community volunteers as the primary providers of mediation services to the community
- ❖ Have mediators, staff and advisory board members who represent the diversity of the community
- ❖ Operate as a public agency with an advisory board

The Center demonstrates the City of Dayton government’s commitment to peaceful co-existence and the constructive engagement of conflict and differences. We value the access to clients, status, and credibility that comes with being part of City government and thus are better able to provide for all residents including neighborhoods, families, troubled juveniles, the underserved, and those with nowhere else to turn.

“What makes a city great is not its wealth and not its physical properties, but the quality of the interaction between its people.” --James T. Dinneen, former City Manager

Volunteers: The Foundation of Community Mediation

The Dayton Mediation Center is committed to training a diverse group of community members who desire to give back to their community through skill-based service by becoming a volunteer mediator. Those who decide to fulfill this unique role in society consciously value supporting people by providing a constructive conflict intervention process that:

1. Supports and provide the opportunity for mediation participants to communicate about their conflict/problem in a positive and constructive manner.
2. Provides all participants in the mediation process with the opportunity to express themselves around their concerns and the opportunity to listen to the other participants as they express themselves and their concerns.
3. Supports participants in strengthening their own self-understanding through talking about the issues that concern them while also increasing their recognition and understanding of the concerns of the other participants.
4. Supports participants understand that the mediation process provides an opportunity to discuss any issues they desire and that it is more than just a process to reach agreement.
5. Supports participants develop their own unique process to manage their situation, explore the situation with each other, understand what the situation means to them, explore possible actions and reactions to the situation, and determine if and what decisions need to be made about their situation.

Qualities of a Mediator:

- ❖ Be committed to helping the greater community find safe and constructive alternatives to violence and destructive conflict.
- ❖ Be able to hold a very optimistic view of people while they manage their conflict when people are not at their best.
- ❖ Be able to hold a strong value and belief that people capable of resolving their own conflicts.
- ❖ Support parties' unique and individualized thinking and decision-making processes recognizing that parties have a unique experience of reality that shapes how their interactions during conflict.
- ❖ Be sensitive and mindful of people's different and unique realities and levels of literacy.
- ❖ Be able to create a supportive, safe environment when faced with people in conflict (the mediation process helps support this).
- ❖ Be self-aware, able to reflect on one's own personal biases, needs, and interests, and be able to suppress those when working with parties as to not interfere with their process.
- ❖ Recognize that learning to act as a mediator requires the practitioner to be in a process of continual learning involving critical and reflective thinking, and engaging in regular, on-going skill-based mediation practice. Have strong communication skills including written and oral language skills.

Dayton Mediation Center Staff

Michelle L. Zaremba, MPA, Director: Michelle has been with the Center since 1999 and is the Center *Director*. Michelle is a “*Certified Transformative Mediator*” ©, *Fellow*, and *Management Team* member with the *Institute for the Study of Conflict Transformation, Inc.* In addition to 19 years of professional and academic conflict engagement experience, Michelle earned a Master of Arts in Public Administration from the Department of Urban Affairs and Geography at Wright State University, Fairborn, OH, and a Bachelor of Arts in Applied Conflict Management from Kent State University, Kent, OH.

Cheryl Alderman: Cheryl Alderman has been with the Center since 2011 as a *Volunteer Mediator* and is currently the *Administrator* for *The Institute for the Study of Conflict Transformation, Inc.* In addition to 4 years of mediation experience, Cheryl has more than 20 years of professional experience in property management.

Jessica Best, BS: Jessica has been with the Center since 2012 as an undergraduate intern and is currently a *Mediation Specialist Contractor*. In addition to 3 years of mediation experience, Jessica earned a Bachelor of Science in Urban Affairs with a specialization in Criminal Justice from Wright State University, Fairborn, OH.

Cherise D. Hairston, MA/ABD: Cherise has been with the Dayton Mediation Center since 1999 is the *Volunteer and Community Education Coordinator*. She is a “*Certified Transformative Mediator*” © with *Institute for the Study of Conflict Transformation, Inc.* In addition to 19 years of professional and academic conflict engagement experience, Cherise completed doctoral level studies (all but dissertation) at Nova Southeastern University, Ft. Lauderdale, FL, in the Department of Conflict Analysis and Resolution, earning honors as an *Advanced Practitioner in Conflict Analysis and Resolution*, a Master of Arts in Conflict Resolution from the Department of Conflict Resolution at Antioch University McGregor, Yellow Springs, OH, and a Bachelor of Arts in Political Science with a Minor in Women’s Studies from Miami University, Oxford, OH. She is an adjunct faculty member with Antioch University Midwest (Yellow Springs, OH) in the graduate departments of Conflict Analysis and Resolution and Management and Leading Change.

Janet Mueller, MS: Janet has been with the Center since 1995 as a *Mediation Specialist Contractor*. She is a *Fellow* and *Certified Transformative Mediator* © with *Institute for the Study of Conflict Transformation, Inc.* In addition to 20 years of professional conflict engagement experience, Janet earned a Master of Science degree in Conflict Analysis and Resolution from the Department of Conflict Analysis and Resolution at Nova Southeastern University, Ft. Lauderdale, FL, and a Bachelor of Arts in Applied Conflict Management from Kent State University, Kent, OH.

Aaron Primm, BS: Aaron has been with the Center since 2013 as a *Volunteer Mediator* and is currently a *Mediation Specialist Contractor*. In addition to his experience as a volunteer mediator and mediation case manager, Aaron has 12 years of professional experience in math education at the elementary, high school, and college level. Aaron earned a Bachelor of Science in Biology from Fisk University, Nashville, TN.

Trisha B. Werts, BA: Trisha has been with the Center since 2001 as a *Mediation Specialist Contractors* and one of the Center’s lead trainers. She is *Certified Transformative Mediator* © with *Institute for the Study of Conflict Transformation, Inc.* In addition to 14 years of professional conflict engagement experience, and 2 years of professional experience in the social work field, Trisha earned a Bachelor’s of Science in Psychology from Indiana University East, Richmond, IN.

Dayton Mediation Center
City of Dayton
Department of Planning and Community Development

