



# RESOLVING ISSUES

Maryland Council for  
Dispute Resolution

Volume 5 Issue 2  
Resolving Issues

Editors:  
Roslyn Zinner  
and Ramona Buck

April 2004

## Ellen Kandel

### How did you get started in ADR?

Alternative dispute resolution work is a natural outgrowth of 25 years of diverse legal experience in the public and private sectors. I graduated with a degree in consumer economics at the height of the consumer movement when Ralph Nader was as well known as Martha Stewart. After college I volunteered to lead the Maryland Citizens Consumer Council. We trained public members of Maryland's occupational and professional licensing boards to be consumer advocates. "I think it's the consumer activist spirit that ultimately led me to this field." So after law school I continued as an advocate working for a small litigation firm in Philadelphia. "Litigation is like basic training. It's a very valuable foundation for conflict resolution work".

But my passion was public sector work, not litigation. I specialized in environmental law as chief assistant city solicitor in Philadelphia and later moved to Washington and worked for the U.S. Environmental Protection Agency. Federal sector alternative dispute resolution was in its infancy in the early 1990s. At EPA mediation started in the Superfund hazardous waste program where I worked. I initially got involved in ADR from a policy perspective, in

*(Continued on page 7)*

## Arnold Sampson

Arnold Sampson credits his daughter, Lisa Johnson Peet, a community mediator, with encouraging him to get involved in the mediation field. With experience in the military, management, and as a real estate broker, he enrolled in a community mediation training program at the Safe and Smart Center in East Baltimore in 1996. As a volunteer mediator for Safe and Smart, he started out helping neighbors settle disputes about issues such as noise and dogs. As his mediation skills increased, he was given cases referred by the court involving assault and battery, vendors and customers, and family disputes.

When an opportunity arose to mediate custody issues of divorcing couples for the Circuit Court of Baltimore, Arnold jumped at it. The program, administered by Sheppard Pratt, uses a co-mediation model with a culturally diverse pool of trained, experienced mediators. He has found it gratifying to "reduce the number of walking wounded children" by helping parents work out their parenting

*(Continued on page 8)*

## Danette Ross

Talking to Danette Ross about conflict resolution is like going to a pep rally for your favorite team! You come away bursting with enthusiasm, as well as certainty your team will win.

Danette believes that alternative dispute resolution can win in many different communities and venues. Yet there was a time, as for most of us, when she had no familiarity with the process. Her journey from legal secretary to founder and chief executive officer of a community mediation center is a fascinating one.

Working for large DC law firms in the late 80's she began studying and understanding the legal process. As she studied to receive her certificate in legal assistance, she started doing paralegal work. She realized that the corporate practice was not of interest to her and struck out on her own as a freelance paralegal. She worked in a suite with 21 attorneys and assisted many of them with billing, process service and various tasks in the practice areas of family, domestic and criminal law. She also provided investigative work through the attorneys with the D.C. Coun-

*(Continued on page 9)*

### ISSUE THEME: 3 MEDIATOR JOURNEYS

- This issue focuses on 3 amazing MCDR members. We asked them how they became involved in ADR, what they have learned, and advice for other up and coming practitioners.
- We hope their stories will provide inspiration and direction for you in your own journey.

<i>Interviews with Ellen Kandel, Danette Ross, and Arnold Sampson</i>	1
<i>President's Message</i>	2
<i>Announcements</i>	3
<i>Mediator Excellence</i>	4
<i>MD Mediator Convention</i>	5
<i>MCDR Board Roster</i>	6
<i>www.MCDR.org</i>	8
<i>Certification Letter</i>	11
<i>Membership Application</i>	13



# MCDR

## President's message

These are exciting times for MCDR! As many of you have heard, MCDR recently received a substantial grant from MACRO and the Administrative Office of the Courts to provide a pilot program of mediator training and evaluation for the Circuit Court for Anne Arundel County. This pilot program builds on MCDR's nationally-recognized, performance-based mediator certification program. I want to express special appreciation to Rob Ketchum and Carl Schneider, the co-chairs of our Mediator Certification Committee, for their hard work and thoughtful leadership on this project. In a related matter, in December MCDR sent a letter to the Association for Conflict Resolution urging ACR's certification task force to include a performance-based process in their soon-to-be-released mediator certification proposal. I hope you will read the letter, which is included in this newsletter, and let me know your thinking on this vital issue..

In January, I had the honor of hosting a second annual dinner of the MCDR Past Presidents. One organizational goal that came out of this meeting was a determination to do more energetic outreach to the Maryland community mediation community. At our March 24<sup>th</sup> Quarterly Meeting, Lorig Charkoudian, MACMC's training director, did an inspiring presentation on Strategic Listening before an audience that included community mediators from around the state.

On behalf of MCDR I invite all interested ADR practitioners and students to join MCDR and participate in our programs, networking, committees, and other activities!

Sincerely,

John Spiegel J.D.

MACRO's Family ADR Initiative proudly presents:

The 2nd MACRO Family ADR Initiative Conference:  
A Bridge Over Troubled Waters - Meeting Challenges in Court-  
Related Family Mediation.



**May 4, 2004**

9:00 a.m. to 4:00 p.m.

at

The Universities at Shady Grove, Rockville, Maryland

MACRO's Family ADR Initiative, in conjunction with MICPEL and the Administrative Office of the Courts' Department of Family Administration, is sponsoring the 2nd MACRO Family ADR Initiative Conference: "A Bridge Over Troubled Waters - - Meeting Challenges in Court-Related Family Mediation."

Family conflict poses challenges and opportunities for growth. The Courts have long sought better ways to help families manage the stresses that come with conflict. This conference will explore the evolution of the Court's ability to provide and use "appropriate dispute resolution" for families in conflict. Presentors and attendees will include professionals from the courts, family services, lawyers, and mediators.

The cost for the conference is \$60.00 through April 15th, and \$70.00 after April 15th.

Registration forms can be downloaded and printed from [MICPEL's web site](#) with Acrobat Reader, or you can call MICPEL at 410-659-6730.

### Annapolis Mediators Guild

If you have an office in Annapolis, join a monthly gathering of mediators in downtown Annapolis to discuss trends in mediation --- national, statewide and local, to share mediation strategies, to offer mentoring, to share case experiences, to offer peer review, to offer co-mediation opportunities and generally, to enhance and improve individual practice. Meetings are the 3rd Friday of each month at 49 West Street Coffeehouse (back room), Annapolis, Maryland. For more information contact Dave Simison at 410.268.7787 -- [das@daslaw.com](mailto:das@daslaw.com) or go to Yahoo Groups -- Annapolis Mediators Guild.

### *Mediation Matters*

**40 Hour Basic  
Mediation Workshop  
April 22-26, 2004**

**40 hour Divorce  
Mediation Workshop  
March 4-8, 2004**

**301-581-0330  
[www.mediationmatters.com](http://www.mediationmatters.com)**



## Maryland Program for Mediator Excellence (MPME)

By Stanley Rodbell

As many of you already know, the Maryland Mediator Excellence Program is ready to implement a mediator quality assurance plan. The Mediator Quality Assurance (MQA) Committee has met for almost four years under the guiding hand of the Maryland Mediation and Conflict Resolution Office (MACRO), which was staffed by Ramona Buck. Louise Phipps Senft and I have been the two representatives to that committee from MCDR. MCDR's Roger Wolf has also been a member of that committee in his capacity as Chair of MACRO's Professional Responsibilities Committee. Other members were two representatives from the Maryland Chapter of the Association for Conflict Resolution (ACR), one from the ADR Section of the Bar, and two from the Maryland Association of Community Mediation Centers (MACMC) as well as MACRO staff. Many of you reading this article participated in one of the statewide forums over the past two years or in the two Future Search meetings in Easton, the first last summer, the more recent one on January 30, 2004.

It is a relief to those of us who have worked so long on this project to know that we are finally at the stage of implementing our plan. While the work has been challenging and intellectually stimulating, and the committee congenial, I believe all of us are delighted finally to be leaving the planning stage. Our opportunity to proceed has been made possible, in no small measure, by the comprehensive report produced by Charlie Pou ("Meeting the Challenge of Mediator Excellence: Final Report of the Maryland Mediator Quality Assurance Committee" November 2003). A copy of this report is available through MACRO (410-841-2260).

In order to bring order out of what might otherwise be chaos, those who have been working on the questions - including some of you now reading this piece - have been divided into ten task groups." Some of the goals (not intended to be a complete description) of each of these task groups are as follows. They are largely taken from "Lou's (Gieszl's) Bar," a feedback

(Continued on page 13)

## Mediator Peer Consultation Group Forming

**You are invited** to join in the re-formation of a Mediator Peer Consultation Group in the Howard County area. The organizational meeting will be on Friday, May 21st at 9 am in Ellicott City. Please call Roz Zinner, LCSW-C at 410-599-4412 or e-mail [roz\\_zinner@comcast.net](mailto:roz_zinner@comcast.net) or Bev Hovmand at 410.465.7473 & cell: 410.262.6350 for the address and directions. We welcome new and experienced mediators from all fields to meet monthly to share cases, network, and discuss ethical issues and practice/business concerns. A small, consistent group is an ideal environment for professional growth, since it allows comfortable sharing of the challenges of one's ADR practice. The group is free of charge and succeeds based on the skill-sharing of its members.



This new group is an outgrowth of a successful Peer Consultation Group in Howard County for family mediators that met monthly for several years. It has been composed of a balance of attorneys, psychologists, and social workers. The mix has helped those from a mental health background learn more about what happens in the court system, and provided attorneys with a better understanding of the relationship dynamics and emotional factors involved. Mutual referral and networking have also developed from this group.

## Feedback from the Maryland Mediators Convention

The first Maryland Mediators Convention, sponsored by the Maryland Mediation and Conflict Resolution Office (**MACRO**) with ten co-sponsoring organizations, including MCDR, was held December 12, 2003 at the Columbia Hilton in Columbia, MD. Registration was limited to 300 people; and some who wished to attend could not be accommodated because of the space limitations. Mediators came from around the state, including those from various ADR fields: environmental, family, workplace, community, court, academic, etc. Participants were asked to evaluate their experience in order to assist planners for future conventions. From hundreds of responses, we've culled a few that are representative of the comments of what people liked most and least about the convention.

To the question, **"What did you like best about the convention?"** some of the verbatim written answers were:

- The fact that the convention was taking place.
- The fact that it created a Maryland mediator forum
- Knowledgeable facilitators that kept the interaction going. No "talking heads"!
- The diversity of mediators/types, etc. The knowledge of participants – The role play!
- The interaction with more experienced mediators
- Energy and excitement regarding progress in the field
- The ability to ask questions and have a discussion, as compared to listening strictly to a lecture.
- Meeting new people; seeing old friends; noticing how vibrant our Maryland Mediation Community is
- The great debates were fantastic!
- The combined experience of so many terrific mediators, as elicited skillfully by the facilitators..
- A well organized plan where maximum information and exchange of ideas was easily accomplished.



To the question, **"What did you like least about the convention?"** some of the verbatim written answers were:

- We are such a touchy feely group. After a full day of this, I crave conflict. I want to go and hit someone...I won't...I am a mediator.
- I personally want to hear "talking heads," providing expert information
- Sessions too large – not enough interaction due to size in my morning session
- Wanted more concrete marketing skills
- Too much discussion and not enough instruction classes. Would have liked a little more information from presenter, rather than so much participant information and opinion.
- The facility was too small and made it crowded and hard to get through the crowd.
- Lunch meat – otherwise it was a wonderful day! Thank you.

*Planning is underway for the Maryland Mediators Convention II to be held in December 2004. The next two meetings will be Tuesday, April 27th 9:30 to 11:30 AM and Wednesday, May 26th 3 to 5 PM at Howard Community College in Columbia, courtesy of the Mediation and Conflict Resolution Center at HCC, Room 330. To get involved, call 410-841-2260.*



## MCDR 2004 BOARD OF DIRECTORS AND COMMITTEE CHAIRS



<b>President/Program Co-Chair</b>	John Spiegel	301-340-1811	<a href="mailto:mediator@verizon.com">mediator@verizon.com</a>
<b>Vice President</b>	Stanley Rodbell	410-730-2211	<a href="mailto:srodbell@aol.com">srodbell@aol.com</a>
<b>Past President</b>	Louise Phipps Senft	443-524-0833	<a href="mailto:mediate@erols.com">mediate@erols.com</a>
<b>Assistant Secretary/ Newsletter Editor</b>	Ramona Buck	410-321-2398	<a href="mailto:ramona.buck@courts.state.md.us">ramona.buck@courts.state.md.us</a>
<b>Secretary</b>	Danette Ross	301-925-9880	<a href="mailto:dross@solomonsway.org">dross@solomonsway.org</a>
<b>Treasurer</b>	Tim Titus	202-624-3686	<a href="mailto:ttitus@sso.org">ttitus@sso.org</a>
<b>Member-at-Large/ Newsletter Editor</b>	Roz Zinner	410-799-8070	<a href="mailto:rozzinner@comcast.net">rozzinner@comcast.net</a>
<b>Member-at-Large</b>	Betty Sconion		<a href="mailto:bstemleysconion@yahoo.com">bstemleysconion@yahoo.com</a>
<b>Member-at-Large</b>	David Simison	410-268-7787	<a href="mailto:das@daslaw.com">das@daslaw.com</a>
<b>Member at Large/ Liaison to Bar</b>	Roger Wolf	410-706-3836	<a href="mailto:rwolf@law.umaryland.edu">rwolf@law.umaryland.edu</a>
<b>Marketing Chair</b>	Mae Whitehead	202-261-8368	<a href="mailto:maemae10@hotmail.com">maemae10@hotmail.com</a>
<b>Mediator Certification Co-Chair</b>	Robert Ketcham	410-820-0323	<a href="mailto:rcketcham@goeaston.net">rcketcham@goeaston.net</a>
<b>Mediator Certification Co-Chair</b>	Carl Schneider	301-565-8284	<a href="mailto:cdschneider@igc.org">cdschneider@igc.org</a>
<b>Program Co-Chair</b>	Martin Kranitz	410-974-8888	<a href="mailto:makranitz@aol.com">makranitz@aol.com</a>
<b>Nominating and Organizational</b>	Doug Brookman	410-719-0580	<a href="mailto:publicsolutions@earthlink.net">publicsolutions@earthlink.net</a>
<b>Membership Chair</b>	Nancy Hirshman	410-260-1870	<a href="mailto:sahirs36@mail.aacounty.org">sahirs36@mail.aacounty.org</a>



(Continued from page 1) **Ellen Kandel**

an effort to change the traditional administrative dispute resolution process. “Parties who wanted an opportunity to amend a clean up plan had no chance. And environmental enforcement litigation was cumbersome and costly. ADR made so much sense to me.” So I attended Harvard Law School’s mediation program and found as many opportunities as I could to use these new skills. I designed and implemented pilot programs to increase the use of ADR in EPA’s regional offices and helped manage EPA’s dispute resolution program.

Armed with litigation and mediation skills and that activist spirit I founded Alternative Resolutions in 1999. I provide conflict resolution services, training and meeting facilitation to public, private and non-profit clients. For one client I serve as a part time ombudsman.

## **What advice would you give to others in the field?**

### **1. Analyze your abilities**

Know your strengths and weaknesses. What do you enjoy doing and what are you good at? [What Color is Your Parachute](#) contains some exercises to help you answer these questions. Develop your skills through advanced training and pro bono work. I took a leave of absence from my federal job and mediated cases for the Montgomery County Human Rights Commission and the State’s Attorneys Office as well as the District of Columbia Superior Court. Another important ingredient to business success is your drive and motivation. You need to be a self starter.



### **2. Assess your market**

Who else is in the particular niche or specialty area that interests you? Find out who your competitors would be and try to arrange an informational interview. With the web you will be able to do a lot of research but personal contacts provide vital information. Determine if you can realistically compete with the dispute resolution practitioners in that specialty area. You may try to establish a teaming arrangement. If that is the case figure out what you bring to the table. If you are new to the field consider getting some experience that compliments dispute resolution work.

### **3. Networking**

Relationships are the key to developing any business, especially professional consulting services like mediation. Networking is hard to do and it’s a skill that is essential. A majority of my business is from people I met through networking events or PTA involvement at my children’s school. Follow up on contacts, even if they seem remote. Go to venues such as chambers of commerce or conferences of potential clients such as the Society of Human Resource professionals. Take advantage of the plethora of conferences that take place in the Washington DC and Baltimore metropolitan areas. You’ll learn about the market and the individuals who may need your services.

### **4. Develop your business savvy**

Before opening my practice I enrolled in a class for new business owners sponsored by the Women’s Business Center in Washington. I developed a business plan, an elevator speech and a presentation. County economic development offices may provide a similar programs. Read business publications. Check out Golden-Media.com, a marketing firm that provides advice to the conflict resolution industry. I write a strategic plan at the beginning of each year, set target goals and evaluate my progress against those goals.

(Continued from page 1) *Arnold Sampson*



plans. He believes that giving couples a chance to work out their differences in a safe, organized manner enables parents to “honor the sense of connectedness that originally brought them together.” Some of the most challenging cases have involved the possibility or presence of substance abuse in one of the parents, as the fitness of that parent becomes an additional issue to resolve.

Arnold Sampson was certified by MCDR, and found the certification process “very valuable” in developing his skills. He feels it is important to maintain reasonable standards of performance and ethics in the field of dispute resolution.

Concurrent with his mediation practice, Arnold works as a real estate broker, as a life-long skills teacher with the University of Phoenix, and performs as a “standardized patient” (actor) for the training of health care professionals learning how to do physical exams of medical and nursing school students. He is also a Teaching Associate for Johns Hopkins who helps medical students learn how to perform neurology examinations on patients. Arnold has been a Court Commissioner for the District Court of Baltimore City and even taught briefly at the Baltimore City Police Academy. He has also been a member of the Mental Health Players, a group dedicated to broadening the understand and tolerance for mental health issues in our society.

Continued on Page 10

***www.mcdr.org***

## **What do you know about know about www.MCDR.org?**

By Mae Whitehead

*Resolve to answer cyber questions. Anyone who submits 20 correct answers to the Webmaster [mae-mae10@hotmail.com](mailto:mae-mae10@hotmail.com) prior to the next quarterly MCDR meeting will be given a seat in the front row and a standing ovation at the next meeting!*

1. When did MCDR launch the website?
2. Who was the president at the time of the launch?
3. Who was the president-elect at the time of the launch?
4. How many links are on the website?
5. Who is the webmaster?
6. Who is the marketing chair?
7. "What's New" on the site now?
8. How many officers are listed?
9. How often do you visit the site?
10. Name three features of the site.
11. Name three things that you remember about the website.
12. Name two things that you like about the website.
13. Name two things that you don't like about the website.
14. Name three ADR related words on the website.
15. Do we have pictures on the website?
16. Name at least one at-large-member that is listed.
17. Name two of the mediation training vendors listed.
18. Name the person we honor on the Home Page.
19. Have you viewed the MCDR history page?
20. Is there an MCDR alternative dispute resolution chat room?

(Continued from page 1) **Ross**

cil for Child Abuse and Neglect. During her freelance efforts, she became familiar with settlement negotiations and various aspects of family law. One of her clients recognized her talents and encouraged her to pursue more formal mediation training. Danette began researching the field of mediation and found that alternative dispute resolution piqued her interest. Most importantly, in 1997 the pastor of her church, From the Heart Church Ministries (FTH) in Temple Hills, MD, spoke about using mediation within the congregation, and a spark inside Danette was lit. The pastor raised his idea of training mediators and offering alternative dispute resolution services to members, and Danette dove in headfirst.



### **Learning Stage**

At that time Danette was working for MCI. MCI saw value in Danette acquiring alternative dispute resolution skills for her job in mergers and acquisitions, and sponsored her alternative dispute resolution training at the National Center for Conflict Resolution Education with Martin Kranitz and Patricia Miller, Esq. She used the training in her job, and also started the Christian Conciliation Program at FTH. Danette has since trained many of their volunteer mediators, who handle a range of neighborhood, family, and business dispute cases. In a church with over 24,000 members, there is plenty of work to do.

### **Getting Experience**

In 2000 Danette served as Staff Mediator/Case Manager for the Prince George's County Circuit Court Family Mediation Program. This position allowed her to hone her mediation skills and learn about the court system from the inside out. In 2001 she moved from the county level to the national level, becoming the Membership Development Associate for the Family Section and Chapters for a newly merged organization, The Association for Conflict Resolution (ACR). In that capacity she worked to merge policies and procedures of the three merging partners, The Conflict Resolution Education Network, Academy of Family Mediators and the Society of Professionals in Dispute Resolution, promote national sponsorships and fundraising, assist members with resources and professional development, represent ACR at meetings and conferences and coordinate the chapter network. During her 2-year tenure there, she brought in approximately 14 new chapters and often acted as an ambassador for ACR to spread awareness of alternative dispute resolution.

Danette is an energy powerhouse. During these same years, Danette continued to raise her son and daughter as a single parent, pursued and obtained a Bachelor's degree in Business Administration and a Master's degree in Conflict Resolution through a distance-learning program at Concordia College and University.

### **Independent Practice**

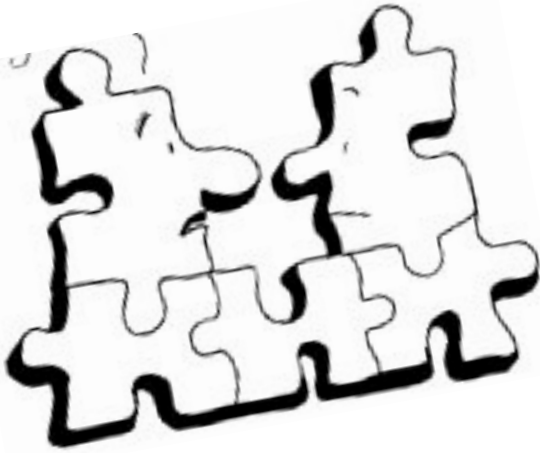
In 2002, Danette decided she was ready to strike out on her own. She channeled her passion and talent into the formation of Solomon's Way, a non-profit training and development center which offers community mediation services in the Capitol Heights, Maryland area. She is also working hard on a national mental health initiative to reduce or eliminate seclusion and restraint in state mental health facilities. In addition to these endeavors, Danette mediates custody and property issues for the family division of various counties in Maryland, works with the child welfare programs of the Prince George's County Department of Social Services, and with the Montgomery County Children in Need of Assistance (CINA) program. She continues to work with the Christian Conciliation Team for FTH.

### **Philosophy**

Danette views conflict resolution as a ministry of reconciliation that promotes harmony and fellowship among people. Drawing on her spiritual orientation, she asks, "Isn't the commandment to love each another the greatest one?" Danette bubbles with enthusiasm when she talks about mediation. She often feels humbled and invigorated

Continued on page 12

Ever get the feeling something's missing?



Hmm, Maybe it's your article...

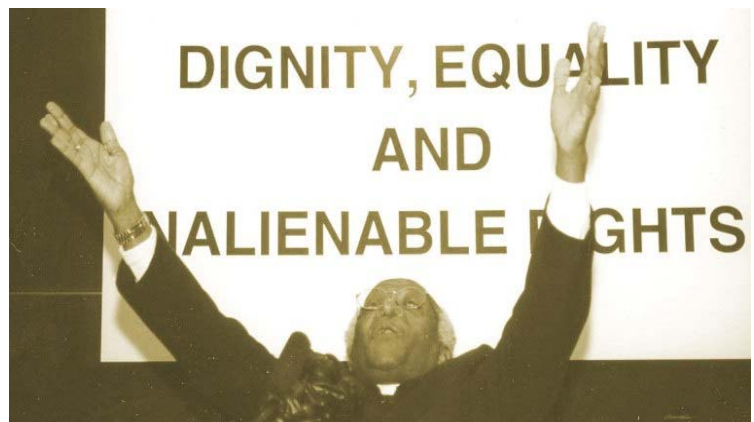
*Resolving Issues would love to receive your articles and comments. Writing is a great way to share your experiences, spread the word about your practice, and mentor less experienced mediators. Send articles to Roz Zinner, [info@mediate-divorce.com](mailto:info@mediate-divorce.com) (410-799-8070) or Ramona Buck at [ramona.buck@courts.state.md.us](mailto:ramona.buck@courts.state.md.us).*

*Tell us about :*

- *An ADR session that moved you deeply*
- *A mentor who shaped your philosophy*
- *How ADR practice shifted your world view*
- *How you would design the peace process for the Middle East or Iraq if you had the chance*

Continued from Page 8 **Sampson**

Arnold feels that his involvement in dispute resolution has pointed him towards other opportunities to do fascinating and worthwhile work. Years ago, he became involved in Faith and Politics, an organization that promoted an infusion of spirituality into political work. The group brought speakers to Capital Hill for audiences largely made up of congressmen. He was thrilled to personally meet Reverend Desmond Tutu and Colin Powell when they came to speak at different times. Another door that opened up led him to co-lead a well-received workshop on cultural diversity in Southern Maryland. For Arnold Sampson, the values underlying dispute resolution fit well with his own beliefs, and seeing the positive results of his work as a mediator contributes to his own spiritual growth.



Reverend Desmond Tutu in Belfast 2001

## Certification of Mediators

The following letter was sent in December 2003 by MCDR's president John Spiegel to David A. Hart, CEO of the Association for Conflict Resolution:

I am sending these comments on behalf of the Maryland Council for Dispute Resolution (MCDR), which is a Maryland ADR practitioner organization founded in the early 1980's. I hope that you will share these comments with the members of your Task Force on Mediator Certification.

Background: MCDR began a mediator certification process in 1996, so on a smaller scale we have struggled with many of the same issues discussed in the Task Force Report. Currently, MCDR operates a voluntary performance-based mediator certification process, which we regard as a model for assessing competency. It involves both an hour-long videotaped role-play by candidates and a self-statement by candidates of their orientation. We administer this certification process using credentialed MCDR mediators who do this work without pay, out of a sense of commitment to the field and to the performance-based process.

Appreciations for the Task Force: We applaud a number of things about the Report and the efforts of the Task Force, including your decision to make the process voluntary; the consideration you have given to working out an appeals process as well as a de-certification process; and your emphasis on the important guiding principles as described. We particularly felt resonance with your fourth reason for doing a certification process: to influence the future direction of the field, particularly regarding the key issues of party self-determination, impartiality, diversity, and without regard to the mediators' profession of origin. We know that what you are attempting to do takes time and attention, and we appreciate all your efforts.

MCDR's Concerns Regarding the Task Force Report: There is one area of your work that does give us great concern, however, and that is highlighted by the following paragraph from Section A of the Report:

We also considered the possibility of including a skills-measurement component by personal or videotaped observation of applicants conducting mediations. Due to considerations of cost, volunteer time commitments and possible unreliability of the measure, a skills-rating or "performance" component was eventually rejected.

We understand that providing for a skills-measurement component is very difficult, but the fact that it is difficult should not deter ACR from the task, if it is the right thing to do. We believe that mediators' skills and their ability to use those skills appropriately are what really matters – not degrees, prestige, or the number of cases settled.

We are convinced that a written test (like a performance-based process) will require time and skill to design, to test for reliability, to refine and re-design, to score, and to make the determinations in each case. However, at the end of all these efforts, a written test will still measure only knowledge, and not skills. Why go to so much effort for such limited benefit?

The Task Force's approach also risks creating confusion among potential users of mediation services. In a significant passage, the Report acknowledges (at pages 5-6) that "[w]hile carefully avoiding the projection that certification is a warranty of competency, it remains a useful factor to be considered in choosing a mediator.." In the light of this disclaimer, we think it misleading for the Report to use the terms "certification" and "certified mediator," because it does not appear that your process measures competency.

As you know, there already exist rosters that varyingly require credentials, training and some experience. But no one, to our knowledge, has correlated credentials, training or written exams with competency to mediate. If ACR plans to certify mediators, the only criteria that correlate with competency are performance-based measures.

For this reason, we urge that you either put a performance-based assessment at the heart of your certification

*(Continued on page 12)*

proposal, or (if you decide not to measure skills and competency) that you drop the language of “certification.”

**Unintended Consequences.** We are also concerned that your proposal may lead to unintended negative consequences. In particular, if the present proposal is approved, and people will be able to say they are “certified mediators” by a national professional body, it will undercut projects already in place around North America. (These projects include not only the MCDR certification program in Maryland, but also the process used by the State O.D.R. in Colorado, the San Diego Community Mediation Center, the Institute for the Study of Conflict Transformation’s summative assessment process, and most notably, the national certification program of Family Mediation Canada. We fear that mediators will have less incentive to undergo the rigors of these performance-based programs if they can become nationally-certified mediators just by meeting a credentials/training/knowledge requirement.

**Conclusion:** We at MCDR recognize the difficulties and risks involved in designing a performance-based assessment piece for ACR’s certification process. However, we know from our own experience with MCDR’s performance-based assessment over the past seven years, that the task is doable. Admittedly, it does take time and energy, but we believe that it is the right thing to do and that it needs to be done.

Therefore, we ask that you consider additional ways for performance-based assessment to be included in ACR’s program. Perhaps, for example, with training from ACR, the state chapters could offer performance-based assessments in each state. Or, possibly, advanced mediators could be certified to do performance-based assessments in each state, and mediators could pay for the assessments to be done. These are just two ideas, and we are sure there are many others. MCDR would be glad to send representatives to meet with the Task Force, to “brainstorm” with you, and to assist you in any way that might be helpful.

Thank you for reading this letter and for considering our point of view. We feel deeply about this issue just as you do, and we unite with you in wanting to support and strengthen the field of mediation. Please let us know how we can assist you in this important project.

Sincerely,

**John Spiegel, J.D.**  
**President, MCDR**

Continued from Page 9 **Ross**

by being allowed to have a role in peacemaking. One of her goals is to encourage greater use of alternative dispute resolution in minority communities. She believes that teaching people to use conflict resolution tools will prevent domestic violence strengthen families and any community.

#### Suggestions for New Mediators

1. Danette encourages new mediators to get more training. She received basic and advanced mediation training, and then was fortunate to receive arbitration training with the National Future Association and the National Association for Securities Dealers. She has received adoption mediation training with two counties and facilitation training through MACRO. She also went through the MCDR Certification program and found it “an incredible learning experience” and is very proud to have received her certification through MCDR.

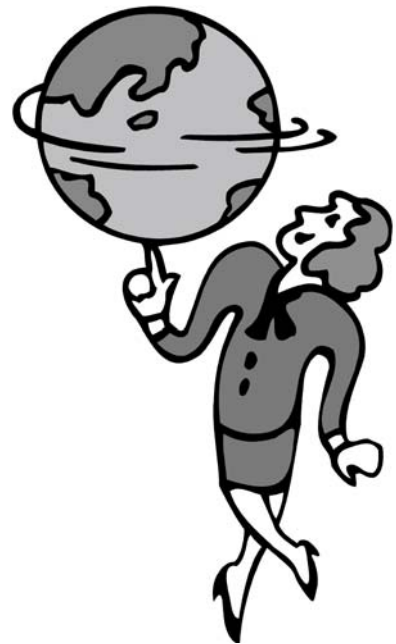
2. Danette found it very valuable to have a mentor. She recommends choosing one (or more) wisely, then observing and talking with that person (them) often.

3. Her philosophy is “Believe in yourself and your purpose, get started, and forge ahead!” She has confidence that any new mediator can succeed if they have adequate training, a mentor, and the determination.

(Continued from page 4) **Mediator Excellence**

session which was part of the January 30<sup>th</sup> meeting.

- 1) The “Definitions Task Group” is charged with such matters as determining the definition of standards for meeting mediator excellence.
- 2) The “Ethics Task Group” is concerned with the ethics training being and answering such questions as how to incorporate various perspectives.
- 3) The “Reflection and Discussion Task Group” is interested in making certain that all parts of the state, and all the mediators throughout the state are included, possibly in regional groups.
- 4) The “Grievance Task Group” is looking into making certain that those who have grievances receive responses that are constructive or restorative and not punitive, consistent with the established standards for mediation, and that communications are appropriately confidential.
- 5) The “Mentoring Task Group” is looking into the possibility of three pilot projects in which mentors would be chosen and trained to work with new mediators.
- 6) The “Training Task Group” is deciding what to recommend regarding the amount and type of training to be required, as well as the qualifications of the trainers. Some consideration is being given to expanding training to more than forty hours.
- 7) The “Consumer Task Group” and the “Web Group” are intent on making certain that consumers and potential consumers are advised as to what they might expect - and not expect - in mediation, informing users of ways to find a mediator - particularly with use of a web site, and instructing users as to questions to ask potential mediators.
- 8) The “Certification Task Group” is reviewing such questions as to whether or not there should be any certification, how high to set the bar, whether to use performance-based testing, and how such certification would be paid for.
- 9) The “Mediator Evaluation Task Group” wants evaluation to be useful, realistic and not overly cumbersome, and is considering exit interviews.
- 10) The “Coordinating Entity Task Group” has proposed a Mediator Excellence Council to include representatives from practitioner organizations. This group would help to oversee the system which is being developed.





**Maryland Council for Dispute Resolution**  
**2004 MEMBERSHIP APPLICATION OR RENEWAL**

We invite you to become a member and benefit from quarterly meetings with great programs and speakers, our ground-breaking certification program, professional development and networking opportunities, and news about ADR events.

**Make \$65.00 check payable to MCDR and mail to: MCDR c/o T. R. Titus, Treasurer/ 5576 Eaglebeak Row/ Columbia, Maryland 21045**

**PLEASE COMPLETE THIS PORTION AND RETURN WITH YOUR CHECK**

**Name:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**Day Phone:** \_\_\_\_\_ **Evening Phone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

The Board is considering sending this newsletter out electronically in the future . Please indicate: Would you prefer to receive future newsletters by e-mail only?

