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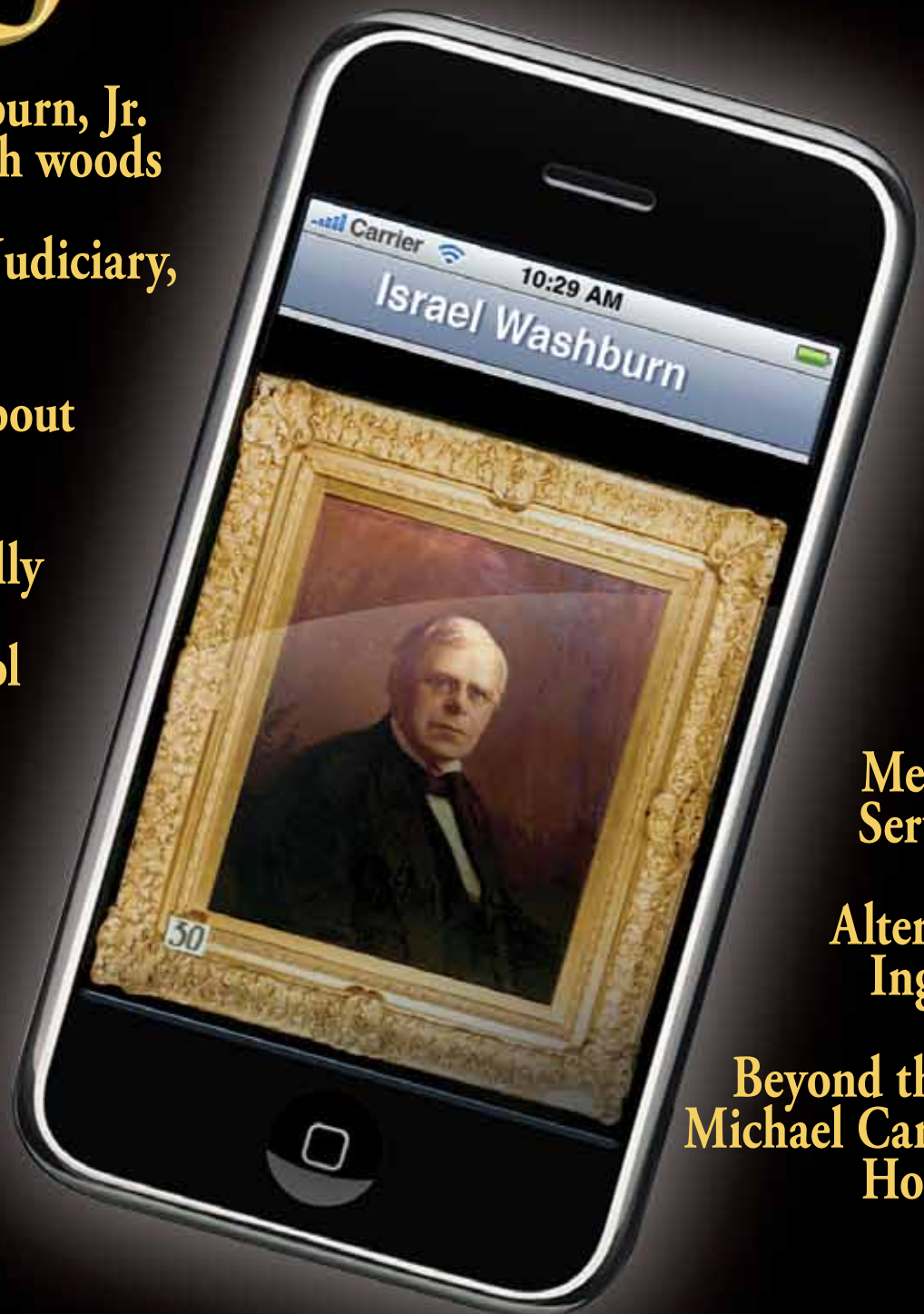
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Mediation Services at Youth Alternatives Ingraham: Beyond the Transformative Model

by James J. Gemmell

Brought up in the strict Roman Catholic family traditions and culture of Central America, William never dreamed that one day his own child might run away from home. In William's native culture, where children unquestionably obey their parents in any circumstance, it is unheard of for a child, even a teenager, to leave his home. But William's son Raymond had been pushed to his limit. He felt unsafe in his own home—and worse, he felt that his father was placing his safety at risk.

"I broke a trust," says William. "I was trying to help out Raymond's mom, who has a drug addiction. I didn't realize that Raymond was scared for his safety." William and Raymond's mother, Mary, had been together, off and on, for more than sixteen years. William has sole custody of Raymond, but he wasn't thinking of their son when he offered Mary a place to stay. "I didn't think of what it would be like for Raymond to not see or hear from his mom in six months and then suddenly have her back in his life." Then, after what William describes as an "episode" that involved a drug dealer, Raymond packed his bags, left home, and moved into his best friend's house.

To William, Raymond's leaving was a devastating loss. He struggled with the impulse to force his son to return home. "I knew that forcing him home would just cause more problems down the road," he explains. He tried text messaging for the first time in his life, in an effort to reach his son. But communication through short mobile phone text messages seemed fruitless. Raymond would not come home.

A family friend suggested mediation

at Youth Alternatives Ingraham (YI)—a free, voluntary, service available to residents of Cumberland, York, and Sagadahoc counties. William and his son sat down together for two sessions, and mediation helped them to resolve their immediate conflict. Both father and son reached an agreement that enabled Raymond to voluntarily move back home. They identified supports that would help in this process. William also agreed to attend parenting classes and Al-Anon meetings and set clearer boundaries around Raymond's mother's visitation. These were all solutions that helped to resolve the immediate problem and get Raymond back home with his dad.

The Mediation Services at Youth Alternatives Ingraham

Since 1990, Mediation Services at YI has used trained volunteer mediators to help people defuse potentially destructive conflicts. The program was initially funded through a state grant that was recently cut. It is now run entirely on private donations through grants and fundraising efforts. The YI mediation program helps families resolve a range of conflicts. Some are multi-generational; others involve disputes arising from co-parenting, blended families, and divorce. Various groups and organizations other than families have also sought help in resolving difficult conflicts. "We've shifted from exclusive emphasis on family mediation to include mediation of a broad array of disputes in the community," explains Karen Groat, the program's

director. One such dispute, she recalls, involved a high school girls' basketball team whose members and parents were so at odds that graffiti was sprayed on the home of one of the girls. In another case, the residents of an affordable housing community where neighbor-to-neighbor conflicts became so numerous that the police stopped responding to non-emergency calls, sought help in having more constructive communication within their neighborhood.

Although YI Mediation Services are available to the entire community to assist in supporting constructive conversations, family mediation is where the program has the most influence. "The state's trend now is to go to extraordinary measures to keep kids with their families, with their extended family members, in their own homes, in their own communities and out of group homes or even foster care," explains Groat. This means a great deal of inter-family conflict that can take up a lot of a court's, an attorney's, or a guardian ad litem's time. In addition, the longer a family languishes in the system, the more complex the conflict becomes.

Two such cases exemplify the helpful role mediation can play in situations such as these. In one, the Department of Health and Human Services wanted to help a homeless teenage boy move out of a shelter and found that the child's step-grandparents were willing to take him in. But the grandparents almost immediately entered into a dispute with their own children and biological grandchildren, who wanted nothing to do with this teenage boy. The other case involved a grandmother who had taken custody of her teenage

granddaughter because the child's parents were addicted to drugs. The granddaughter lived with the grandmother for nearly three years before the child's father became sober and wanted her back. In both of these cases, the YI mediation program was able to successfully facilitate workable solutions to these difficult family conflicts.

The Value of Co-Mediation

In the YI program, each mediation involves co-mediators. Generally, an advanced mediator is coupled with a less experienced one. This allows new mediators to be effectively trained through practical experience and mentoring. The two mediators are able to debrief one another after sessions, further developing their skills. The co-mediator training model of the YI program, along with regular study groups, promotes the ongoing development of mediation skills.

This model provides advantages for the participants as well. The YI co-mediator program attempts to achieve a balance in mediation sessions by, for example, pairing both a male and female, or younger and older mediator, which results in a better chance that the parties in conflict will feel that they are being heard and understood.

The quality of the mediation in the YI program is carefully controlled. Volunteer mediators go through a 40-hour certificate training that includes practice mediation scenarios, training in conflict management skills, training in the standards of practice and ethical issues, and other essential mediation skills. The training includes the principles of the transformative theory of conflict.

The Transformative Mediation Model

Transformative mediation attempts to promote responses to conflict that help transform that conflict from a negative and destructive force to a positive and constructive one. As described in the seminal 2005 book by Robert A. Baruch Bush and Joseph P.

Folger, *The Promise of Mediation: The Transformative Approach to Conflict*, "According to transformative theory, what people find most significant about conflict is not that it frustrates their satisfaction of some right, interest, or pursuit, no matter how important, but that it leads and even forces them to behave toward themselves and others in ways that they find uncomfortable and even repellent. More specifically, it alienates them from their sense of their own strength and their sense of connection to others, and thus it disrupts and undermines the interaction between them as human beings. This crisis of deterioration in human interaction is what parties find most affecting, significant — and disturbing — about the experience of conflict."

Mediation can enable the parties to move beyond the conflict at hand and focus on long-term solutions that work for everyone. More importantly, transformative mediation presents an opportunity for family members or any member of a conflicted group to better understand themselves, each other, and the interpersonal dynamics they are experiencing. This type of mediation can provide the conflicted parties with ideas and techniques for constructive problem-solving at home and in their own communities, so that when all the professionals are gone from their lives, they can better handle on their own any difficulties that arise.

Mediation Services at Youth Alternatives Ingraham and Family Court Mediation

While resolutions to immediate disputes can be achieved in a different type of mediation context, such as family court mediation, the transformative mediation model encourages participants such as William and Raymond to gain a deeper understanding of each other and themselves. They rebuild a trust in each other. They gain skills that help them well into the future as they navigate the family disputes and

conflicts that arise. "I never thought I'd be in mediation trying to get my son back," says William. "But I could see that Raymond started to understand where I was coming from. He began to understand my own strict upbringing and that I was just trying to help." And William gained a clearer understanding of how to look after Raymond's best interests. "Most of all, I learned to be patient with my son," he says.

Doug Lotane, a Biddeford attorney and volunteer mediator for eight years with the YI program, points out the significant differences between family court mediation and the YI program. The YI program, he believes, has distinct advantages for families going through a divorce. "The transformative model is the best way to go whenever the parties involved need to maintain an ongoing relationship," he says. "This is especially advantageous when children are involved. We see little value in resolving one immediate dispute unless the parties gain skills that will help them to work out conflicts that will inevitably arise in the future." One of the largest single advantages to the YI program is that it is free and accessible to any family regardless of financial resources.

Chris Causey, a Portland attorney and mediator, practices mediation in the courts and, like Lotane, is a trained volunteer mediator in the YI program. He believes that the YI program and family court mediation are different and complimentary. "Family court mediation allows couples to negotiate the legal issues of divorce," he says. "By nature, it's a problem-solving model that operates within a time limit." Because of this structure, he believes that court mediation can feel rushed and impersonal. By contrast, he says, the YI program aims to build recognition and empowerment, both individually and between the participants, helping them to learn non-destructive ways to speak and listen. "The YI program uses a relational approach, focusing the mediation on the participants and the ways they communicate." In divorce and post-divorce cases, he says, the model works especially well where the participants have children and must continue

to communicate as co-parents. This model allows parties to gain the flexibility in thinking, emoting, and communicating necessary to address and solve their own problems. “In this way,” he says, “it’s a true compliment to court mediation and could be used more often in conjunction with family law cases, especially where children are involved.”

Beyond the Transformative Model

Typically, in a mediation session at YI, there are three stages that conflicted parties will go through. The first is a combative stage. “If you can imagine a couple divorcing, deeply conflicted, sitting before two mediators. They begin by presenting their separate cases to the mediators,” explains Causey. There is little, if any, direct communication between the two participants at this stage. Gradually, however, as the process continues, the couple enters the second stage where, although they may still be fighting, they begin to address each other knowing that there is a safety net — the observations and interpretations of two objective points of view in the mediators. Finally, in the third stage, the two parties begin looking at “the thing” that brought them to mediation in the first place. They become more flexible, start looking at the situation together, and begin envisioning a future where they are able to solve conflicts on their own. It is at this point, says Causey, that you begin to see a shift in how the two are communicating. “You can feel their energy shift,” he says. “You can even see it in their body language.”

Although mediation sessions rarely adhere so strictly to this linear depiction, the description of a three stage journey that conflicted parties embark upon is helpful in that it illustrates the shift, or transformation, that the parties typically undergo. It also corresponds to the Bush-Folger observation that the “deterioration in human interaction is what parties find most affecting, significant — and disturbing — about the experience of conflict.”

Although the YI mediation program

is based on the transformative model, mediation sessions at YI go beyond what the transformative model offers. There is an element of coaching that takes place in addition to the mediation, and during mediation the parties are encouraged to enhance their skills in real life problem solving and communication. The result is that two conflicted parties find the tools with which to repair the deterioration that has occurred in their abilities to relate to one another. It is this coaching element of the program that distinguishes it from strict adherence to the transformative model.

The story of a family in the midst of a bitter divorce illustrates the program’s effectiveness in building long-term relational success. This divorce greatly impacted one of the children. The son sided with his father and refused to see or even speak to his mother. The divorce was typical of many acrimonious cases where many professionals, such as counselors, a guardian ad litem, attorneys and case workers are involved. After a year of this, the parents were told by the guardian ad litem that they needed to try mediation at YI.

“The first session was very intense,” according to Groat. “The family members presented their cases and rehashed every tiny aspect of their individual disputes and conflicts with one another.” There was animosity between the parties and name calling. Throughout the session, to help them identify what their expectations and assumptions were of the persons and situations involved, the mediators assisted the parties in self-reflection. Most importantly, the parties were encouraged to define what it is that they really wanted. “When conflicted parties begin to ask these questions of themselves,” she says, “we begin to see a shift away from the negative and destructive consequences of conflict.” Behind these negative feelings are often positive values. Although the session ended without any clear indication of success or resolution, Groat could “see tiny shifts in perception.”

In fact, by the time the family returned for their second session, they had achieved on their own a remarkable

transformation. “The mother seemed delighted with her restored relationship with her son,” says Groat. They joked with one another, recounted the fun they had had together since the last mediation. The son said he had decided to let go of the past. He stated that he realized in the first mediation session how much he meant to his mother, and he was able to articulate through his anger that he still loved his mother very much. The mother had achieved a clarity of purpose and expressed a willingness to do whatever it took to stay connected to her son. “What was truly remarkable,” says Groat, “is that this family came to the realization that all they really wanted was to stay connected as a family even through the divorce.” They achieved this simple yet profound outcome because they felt empowered to move their discussion beyond specific disputes to a level of recognition of their individual motives and those of the other members of their family.

Another significant way in which the mediation services at YI go beyond the transformative model of mediation is that YI is a social services and behavioral health agency that not only offers assistance in mediation, but also offers the family, or any individual involved in conflict, resources to help them achieve lasting success. These resources are especially helpful to children involved in divorce or blended family situations. YI offers family reunification services, parent and family education, connection to case workers, outpatient therapy and counseling, even crisis prevention and resolution. “We help the parties to identify what it is they feel they need to overcome this stressful part of their life. Then we connect them to those services.”

Youth Alternatives Ingraham is offering a 40-hour certificate training in mediation in June. For more information, contact Karen Groat at (207) 874-1175, ext. 6018, or kgroat@yimaine.org. For more information on any of YI’s programs, contact James Gemmell, Director of Communications, at jgemmell@yimaine.org.