



# MADRP Bulletin

## April 2005



Maine Association of Dispute Resolution Professionals

Volume X, Issue IV

April 2005

### Legal Implications of Credentialing ADR Professionals *Submitted by Tracy Quadro*

The question of credentialing raises a series of issues about the legal implications and liabilities that may arise from certifying mediators.

For example, the credentialing body will, through the act of certifying mediators, have some form of control, discipline and responsibility over those accredited. In this regard, the credentialing body will have to put into place a system for review of the accredited mediators, along with a grievance and sanctioning process for those who do not adhere to standards of professional conduct. Of course, it follows that standards of professional conduct would need to be developed and put into place by the credentialing body.

Another consideration is that, arguably, the accrediting body would be held responsible for the quality of those they certify. The certification of mediators may imply that the body assumes a duty of care toward the public to provide a selection of competent mediators, especially when mediation is mandatory.

For individual practitioners, along with the obligation to adhere to the qualifying conditions of the certification, such as education, training and experience, there will be a responsibility to follow the standards of professional conduct or face the loss of their accreditation. More practitioners may feel the need to purchase liability insurance in anticipation of the possibility that they may be sued for "malpractice." Conceivably, longstanding mediators who do not have the requisite qualifications may face a choice between engaging in "remedial" activities or the possibility of losing their livelihood.

These and other issues are ripe for discussion as the decision to credential ADR professionals, or not, travels further toward resolution.

If these recent articles on credentialing generate any questions or concern, please send your thoughts to Paul Charbonneau at [pgcharbo@midcoast.com](mailto:pgcharbo@midcoast.com). If you're asking, perhaps others are too! We'll try to get answers for you.

### MADRP Spring Conference *Appreciative Approaches to Human Conflict*

On Tuesday, May 17th from 9AM until 4PM, MADRP will be holding its spring conference at the Mariner's Church Banquet Center located at the corner of Fore and Market Streets in the Old Port District of Portland.

The theme of the conference is *Appreciative Approaches to Human Conflict*.

What if the very questions we ask create our futures? Could it be that resolving disputes might be ALL about inquiry into strengths? Why would strength connected to strength

create innovative solutions? What if we rethought our basic assumptions about conflict? These questions and more will be explored. Come experience an Appreciate Inquiry summit facilitated by pioneers in the field!

To receive the early registration discount, the enclosed registration form is due May 1 and can be sent to Jeff Croft c/o Solid Decisions, Inc. 81 W. Commercial St., Portland, ME 04101. Registrations will be accepted later if space is available—reply early!

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**Looking  
for more  
information  
about the  
Spring  
Conference?**

**Go to  
[madrp.org](http://madrp.org)**





Photos from MADRP's Cocktail Party to celebrate the 15th Anniversary



**Service is the rent we pay for living. It is the very purpose of life and not something you do in your spare time.**

**-- Marian Wright Edelman**



Another photo from the MADRP cocktail party at the home of Anne Underwood and Peter Fessenden.

Have an opinion you want to express? An insight? A musing?

Share your perspective and inspiration with everyone in MADRP.

Send your work to [tobey@bartongingold.com](mailto:tobey@bartongingold.com)

## Message from the President

The Androscoggin River was raging the day of our cocktail party and it was viewed with perfection from the living room of Anne Underwood and Peter Fessenden's home. The "flood" waters didn't keep about 30 people from attending this function and the consensus of the group was that it was a great time.

What I heard from attendees is that it was good to get together without an agenda, with nothing to do but talk to each other and eat. And the food, all prepared by Anne and Peter was delicious. The cake, honoring MADRP's 15 years was especially good and ceremoniously cut by Shari Broder and Paul Charbonneau, judged to be the oldest MADRP members there. Wait, make that the

people with the longest MADRP history!

Thanks to Anne, Peter, Nancy Markowitz and Anita Jones for providing us with such a great event.

We will do more of these non-agenda gatherings. We never seem to have enough time to just talk to each other. In fact, look for a change in format for our Annual Meeting in November. It will be focused on conversation, socializing, food and recognition. Training opportunities will still happen, but not necessarily attached to the Annual Meeting.

A special ad-hoc committee has been formed by the BOG to come up with a recommendation on how to make MADRP more

relevant to its members. They will be looking at how we're organized; the nature, location and time of our meetings; our conferences - actually, they'll be looking at everything.

Now that MADRP is 15 years old it makes sense that what served us during our early stages may no longer serve us. As always, we're looking for your input. One of our members has suggested we become a chapter of ACR, the national Association for Conflict Resolution. What do you think of that idea? We'd like to hear your reactions. You can call me at 774-2458, ext 112 or email me at [susanna@bartongingold.com](mailto:susanna@bartongingold.com).

See you at our Spring Conference on May 17 in Portland.

## Calendar of Events

Membership meetings are 9:30 to 10:00 for coffee and networking followed by a program from 10:00 to 12:00. The MADRP Board meets for a mini meeting 8:30 to 9:30 before the membership meeting.

April 6, 2005	MADRP Board of Governors	Augusta
May 4, 2005	MADRP Board of Governors	Augusta
May 17, 2005	<b>Spring Conference</b> 9AM-4PM	Portland
June 1, 2005	MADRP Board of Governors	Augusta
July 6, 2005	Membership Meeting	TBA
August 3, 2005	MADRP Board of Governors	Augusta
September 7, 2005	Membership Meeting	TBA
October 5, 2005	MADRP Board of Governors	Augusta

## Book Group: *Beyond Neutrality*

The Book Group will be held on Wednesday the 20th of April, at 222 St. John Street, Suite 326, Portland at noon. The group has been discussing Bernard Mayer's *Beyond Neutrality*. This book challenges us to examine in depth why there seems to be a limited market for mediation services. What could we change about the way we approach our practice that might improve our situation? It's gutsy and real stuff – critical to our future. Join us to talk it over! Bring your lunch; tea and coffee will be served. Respond to: Anita B. Jones (207) 772-0868

### Advanced Mediation Courses USM Continuing Education

#### Mediation and Domestic Abuse

This eight-hour workshop addresses the significant issues related to mediating in the context of domestic abuse. The workshop meets the requirements of the Maine Court Alternative Dispute Resolution Service for training in mediation and domestic abuse.

This interactive program will provide you with an understanding of how domestic abuse impacts on the practice of mediation. You will acquire the skills needed to respond safely and knowledgeably to the issues it raises. DETAILS: Tues-

day, May 3<sup>rd</sup>, 8:30am-5:00pm \$185 (8 contact hours/ 0.8 CEU's)

#### Working with Advocates and Attorneys in the Mediation Room

This one-day workshop will offer helpful insights and tips for dealing with the special challenges mediators face when lawyers or advocates attend mediation and vigorously represent their client's best interests. Prerequisite: Previous forty-hour training in mediation. DETAILS: Wednesday, May 18<sup>th</sup>, 8:30am- 4:30pm \$165 (7 contact hours/ 0.7 CEU's)

#### Instructor

**Paul Charbonneau**, has been a mediator and trainer in private practice for 18 years. He is an adjunct faculty member at the University of Southern Maine, the University of Maine, and Woodbury College in Vermont. Paul served as director of the Maine Court Mediation Service for nearly six years and has a wide range of experiences working with lawyers in court-connected mediation programs. Paul is nationally known for his work on mediation and domestic abuse and is co-author of the American Bar Association's training curricula for domestic abuse and mediation.

### Jack Hunt

#### *April's Bulletin Sponsor*

Jack Hunt is a lawyer and mediator with an office in Kennebunk, Maine. His neutral practice concentrates on mediation, arbitration, and early neutral evaluation in the labor, employment and commercial fields. He is a mediator with the Maine Labor Relations Board. His law practice concentrates on family matters.

Jack sees strong commonalities between family law and labor mediation. "The workplace is our other family," he remarked. "The parties know each other and the

dynamics better than does the outsider. The neutral's job is to help people step back and deal with their relationships on a more satisfying basis."

Jack also partners with John Alfano through *Hunt Alfano Mediators, P.A.* They do intensive interventions with workplaces which have ceased to function because of employee disputes, and related services.

Jack can be reached at [jackhunt@gwi.net](mailto:jackhunt@gwi.net).

## Book Group Notice

If you are interested in the book group, but not able to attend because of timing or some other reason, please Contact Anita Jones, Diane Kenty, or Nolan Thompson  
[abjones@maine.rr.com](mailto:abjones@maine.rr.com)  
[diane.kenty@maine.gov](mailto:diane.kenty@maine.gov),  
[nthompson@maine.usm.edu](mailto:nthompson@maine.usm.edu) to discuss options for making the group more user friendly.

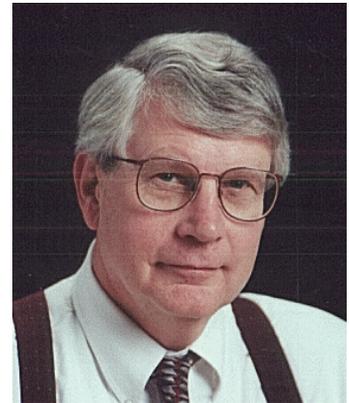
### ADVANCED

### MEDIATION COURSES

#### AT USM

May 3: Mediation and Domestic Abuse

May 18: Working with Advocates and Attorneys in the Mediation Room



**Jack Hunt,**  
Lawyer, Mediator, Arbitrator,  
Early Neutral Evaluator

Contact John Alfano  
at [jalfano1@maine.rr.com](mailto:jalfano1@maine.rr.com)  
if you would you like  
to sponsor an issue  
of the Bulletin.



**MAINE ASSOCIATION OF DISPUTE RESOLUTION  
PROFESSIONALS (MADRP)**

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**2005 MADRP Officers**

Susanna Liller, President  
Marc Sevigny, Vice President  
Carol Corwin, Treasurer  
Tracy Quadro, Secretary

**2005 Committee Chairs**

Expansion: Bambi Magaw/ Marc Sevigny  
Events: Jeff Croft  
Practice Quality: Paul Charbonneau  
Public Policy: Doug Lotane  
Public Info: John Alfano  
Meetings: OPEN  
ME Residential Real Estate Mediation Program  
(MRREMP): Sharon McHold  
Membership: Lisa Levinson

Professional Development: Kathy Leen  
Advertising: John Alfano  
Facilitator Section: Paul Boticello  
Bulletin: Tobey Williamson  
Nominating Committee: Nancy Markowitz  
Program Liaison: Karen Tucker, Diane Kenty  
At-large Board members: Sheila Mayberry,  
Kathleen Roberts

**MADRP MISSION**

MADRP is a non-profit organization of diverse professional interests seeking to broaden public understanding and acceptance of alternative forms of dispute resolution. MADRP strives to enhance professional skills and qualifications of mediators, arbitrators, and other neutrals through training, educational development and promotion of standards of professional conduct.