



PROFESSIONALS COMMITTED TO COOPERATIVE CONFLICT RESOLUTION

In This Issue:

President's Message	Page 1
Conversation with Elaine Bourne	Page 2
Sidebar: CARM School for Mediators	Page 5
What's Ahead Mam?	Page 6

Our Mission

The Maine Association of Mediators is a nonprofit organization of diverse professional interests seeking to broaden public understanding and acceptance of alternative forms of dispute resolution. The Association strives to enhance professional skills and qualifications of mediators, arbitrators, and other neutrals through training, educational development and promotion of standards of professional conduct.

Submission deadline

for September issue:

August 19, 2013

FMI: MAMBulletin@aol.com

mainemediators.org**The President's Message**

By Peter J. Malia, Jr.

As summer heats up in Maine, you will be happy to know that your Board of Governors has been busy on a number of different fronts. As most of you know, paragraph seventeen of the Maine Association of Realtors Purchase and Sales Agreement requires parties to engage in mediation to resolve disputes arising from the Purchase and Sales Agreement. **Eliza Nichols** does a great job administering that program for us, and she schedules those mediations with our roster of specially trained real estate mediators. Each mediation costs \$800 (\$400 per party), making it an affordable way to resolve a potentially expensive and protracted real estate dispute. The Board recently dedicated an entire meeting to the Maine Residential Real Estate Mediation Program to discuss and improve the process, the distribution of mediators throughout the state, and opportunities to promote this excellent program.

The MAM Meetings and Events Committee continues to provide excellent programs and training opportunities. I know that many of you attended, and hopefully enjoyed, the May 16 program in Augusta entitled "Mediation Humor: the Fun and the Flops." Many thanks to the panel for organizing a fun and informative program: **Deb Belanger** (former MAM BOG member), **Durward Parkinson** (a lawyer/mediator with Bergen & Parkinson located in Kennebunk), and **David Webb** (another former MAM BOG member). If you attended the program and want to provide any feedback, positive or negative, to the Meetings and Events Committee Chair, please email your comments to **Maria Fox** at mariafox@mfoxlawoffice.com.

Also, we are pleased to announce that we have teamed up with Sweetser to bring **Cinny Noble** from Toronto to Maine on November 7 for our annual meeting/conference. Ms. Noble will be presenting a daylong conference on conflict management. Ms. Noble is a lawyer, mediator, certified coach and former social worker who has studied and practiced a range of conflict management services for over twenty years. You can learn more about Cinny by visiting her website: www.cinergycoaching.com. This program will undoubtedly benefit not only mediators

(CONTINUED ON NEXT PAGE)

(CONTINUED FROM PREVIOUS PAGE)

but other conflict management practitioners, HR professionals, lawyers, psychologists, social workers and all others who work with people in conflict. We are looking forward to Cinny's Maine appearance in November.

The Meetings and Events Committee is also contemplating additional seminars/training opportunities. Stay tuned for more details. Have a great summer – and please pencil in November 7 for the MAM Annual Meeting/Conference featuring Cinny Noble. In the meantime, feel free to reach out to me if you have any questions or concerns.

A Conversation with Elaine Bourne, New VOANNE Mediation Program Manager

By Paula Craighead

Elaine Bourne, a member of the MAM's Board of Governors, directs the Community Mediation Services for Volunteers of America–Northern New England (VOANNE), one of thirty eight national affiliates of Volunteers of America (VOA), a major national private nonprofit social service charity. Based in Brunswick, the VOANNE's mediation program in Maine is only one of two such programs in the country sponsored by VOA. Elaine assumed leadership duties for the program from **Nancy Markowitz** who retired from her position in late March. Elaine has a long-time association with the state, summering in Maine as a child and then, later in her career working in law schools, becoming the first fulltime Director of Admissions at the University of Maine School of Law in Portland. She began her career with a firm in Pittsburgh, PA then worked as policy analyst in Washington DC before beginning a career in law school student services in the New England region.

MAM: How did you become a mediator trainer?

EB: I am a lawyer by training who had a career in legal education for nearly twenty years, mostly working with counseling law students. I began formal mediation training only two and a half years ago. Once I took the training myself, I started mediating almost immediately as a member of the roster at Volunteers of America-Northern New England (VOANNE). Nancy Markowitz was looking for someone to put together the training program together for the agriculture mediator roster. Within two months of helping to do that, the project coordinator position for VOANNE became available and I joined the staff, becoming program manager.

MAM: We have talked with several Maine lawyers who segued from law into mediation— yet they tend to keep their bar registration current! Is your license to practice law still current?

EB: I'm still admitted in Pennsylvania. It's funny you ask that because I just had that conversation with someone in the office who has decided to stop practicing but was torn about letting her license lapse. We both decided we worked too hard for it to let it go!

(CONTINUED ON NEXT PAGE)

(CONTINUED FROM PREVIOUS PAGE)

MAM: As I understand it, what you do at VOANNE is mostly train volunteer mediators?

EB: Training mediators is something that is one of Nancy's great achievements. I'm hoping to expand on that by offering, in addition to our 40 hour programs, some shorter, one-hour webinar programs.

MAM: What is the history of VOANNE's involvement in mediation training in Maine?

EB: VOANNE got involved in mediation because it merged in 2009 with the mediation training program started at the University of Maine in Augusta in 1993 (incorporated in 1994). In 2009, that community mediation program was facing financial challenges and began to explore options to merge with another organization. **June Koegel**, president and CEO of VOANNE, had recently happened to meet **Matt Philips**, the director of a Washington state mediation program and the only other mediation program sponsored by Volunteers of America in the country. After speaking with Matt, she saw possibilities that were very much within the mission of the organization.

MAM: Many readers may not realize the genesis of the VOANNE mediation program.

EB: Yes, we are an outgrowth of that Augusta program.

MAM: How does VOANNE and the University of Southern Maine (USM) mediation training program align?

EB: We do training like USM, yes, but we have active rosters. They only train, but VOANNE provides mediation services.

MAM: How does one get on a VOANNE roster?

EB: Similar to the roster at Opportunity Alliance (in South Portland), one has to complete a 40-hour basic mediation course and then complete an application. If they take a VOANNE 40-hour course, we waive the personal interview component. We otherwise do a brief interview and then make an acceptance decision to place their name on the roster. If there are specialty rosters, like the USDA roster, special training in addition to the 40 hour training is required to be eligible for that.

MAM: Once VOANNE took on mediation programming, how much did that become a part of VOANNE's programming overall?

EB: The mediation program is a separate program at VOANNE. Nancy was the first director of this program. We provide services internally to the organization but are very much also a mediator services provider.

MAM: Is that mostly in Maine or New England wide?

EB: Primarily concentrated in Maine. VOANNE has one senior housing facility in New Hampshire so some services are provided there but only at that site for New Hampshire. VOANNE has programs in Vermont but the mediation program has not provided mediation services in Vermont so far.

MAM: Do you still mediate yourself?

EB: When I first started, I did more volunteer management and Nancy conducted trainings. In May, we coordinated with Opportunities Alliance to offer our first joint training. We are looking to do that again in the fall. So, I haven't had the time to actually participate in mediations, but I do a lot of intake. For every referral for a mediation, probably only 30 percent go to mediation because we do a lot of conflict counseling over the phone. I am also available to fill-in if a volunteer mediator is unable to do it.

(CONTINUED ON NEXT PAGE)

(CONTINUED FROM PREVIOUS PAGE)

MAM: What is the focus for mediation programming now?

EB: We've started more outreach. Last November, the York County State Police Barracks began referring noncriminal matters to us if they think mediation would help. Soon, we will expand to Penobscot and Piscataquis counties (Orono barracks). The JAMS Foundation gave us a grant to develop a two part program within VOA senior houses to help the residents deal better with conflict. A basic mission for VOA is to provide affordable housing to seniors and veterans. We have eight affordable senior housing sites in Maine and the one in New Hampshire. We piloted our seniors mediation program on a two prong approach: A series of conflict management workshops and onsite mediation conflict clinics. The workshops are underway and now we are working to get the onsite clinics up and running.

MAM: This sounds challenging but becoming more necessary as the population ages. What other programs?

EB: VOA also is involved in corrections. We have re-entry centers: one is in Belfast. Released prisoners can go to these centers where they will have a lot of support. For many of them, there are family issues. Studies have shown that the more family support [at release], the less recidivism. For example, one of our mediators is teaching a Communication and Process Management Course [in Belfast]. Other mediators will mediate among the family members. We will start a similar program at Two Bridges Regional Jail [in Wiscasset]. Something that is very new is that active military members can now use our services as they experience re-entry into civilian life. We will provide those services throughout the state. The plan is to recruit some members of the military community to become mediators but also train existing mediators on military-related issues. We will need referrals, so outreach is key. VOA provides housing for homeless veterans (in Saco and Biddeford), for example, and we may build a mediation program at TOGUS as well.

MAM: These grant funded programs, are they sustainable or how grant-dependant are the programs?

EB: The reality is that we are grant dependent. We receive ongoing funding from USDA and [parent organization] VOA to support the mediation program. We are looking at sustainability. We don't want to get funding solely because there is funding. We are strategic. We look for additional funds to keep a project going or make it financially stable or sustainable in other ways. For example, the senior project: In the future we hope to provide services for a fee for other organizations. Financial sustainability is something we always have an eye on.

MAM: Do you currently provide services for a fee for outside organizations?

EB: We do from time to time contract with other organizations to facilitate meetings or provide training for staff. We often do it on a retainer basis.

MAM: Has the organization grown since 2009 or is it still in its infancy?

EB: We are working with VOANNE as its internal ombuds program for the affiliate in Washington. So we can develop this as a HR service program. We are definitely seeing room for growth in a number of areas, but its "money and time!" We have a wonderful roster of volunteers who are essential for the senior mediating program. I'm so grateful for the roster, many of whom are MAM members.

MAM: What about the difference between paid mediators and volunteer mediators? Is there a mix of paid and volunteer positions at VOANNE?

(CONTINUED ON NEXT PAGE)

(CONTINUED FROM PREVIOUS PAGE)

EB: We can sometimes offer stipends. One grant-funded roster allows us to offer a small, and I mean small, stipend and mileage reimbursement. The other programs are volunteer. I hope we can offer mileage reimbursement to our volunteers in the future. We aren't yet ready to do that, but we hope to. One of things we did this past year was when "**Liz Stokoe**", from the Loughborough University, UK came to speak, we charged reduced rate to those on the VOANNE roster. [See sidebar story on CARM]. We will do more of that this year. It's not much, but it's recognition. Her talk was on the critical topic of how to get the public to use mediation services.

MAM: Interesting to understand entry points into mediation—when folks are in conflict, how to find the point when they are ready to move from talking about conflict into action to resolve it?

EB: This is an issue that's been around for more than twenty years. I remember a conversation with **Doris Luther** years ago: it starts with introducing people to the idea that mediation is even an option to then having people be willing to actually undergo mediation. Once they do, they find it to be so valuable.

MAM: As we end our conversation, can you tell us about any people who have influenced you, either directly or indirectly in this work?

EB: First of all: **Nancy Markowitz**. She has so much experience and knowledge of mediation. Nancy, first and foremost! Also who comes to mind is the late **Peter Kutulakis**, the vice dean at Dickinson School of Law. He was an individual who, early on in legal education, brought alternative dispute resolution into the mainstream of legal education. As a person, he had that ability to be present with you. To make you realize he was listening, focusing. In his negotiation classes, he was teaching things that he lived his life by. When I worked there, he asked me to coach the student negotiation team. I started off coaching with him and then not long after, he turned it over to me. Now, years later, I'm involved in alternative dispute resolution.

To learn more about VOANNE, visit their website at www.voanne.org. The wikipedia page for "Volunteers of America" tells the story of husband and wife Ballington and Maud Booth who left The Salvation Army in 1896 to start one of America's largest nonprofit charities.

CARM School for Mediators

Elizabeth Stokoe is a British social psychologist interested in the issue of conflict resolution—and especially how people choose to access mediation services. As an academic, she has been able to analyze large amounts data and discovered, in the process, important decision triggers.

She and a colleague became interested in the ways people explain their problems over the phone to various mediation services, charitable organizations and environmental health offices, as well as in police interrogations involving neighbor-on-neighbor crimes.

According to Dr. Stokoe, after looking at hundreds and hundreds of transcripts of these calls and interviews, things began to emerge that mediation service providers will find interesting and useful. The problem, she believes, is that mediators try to sell people something they don't want. The aim of CARM [Conversation Analytic Role play Method] is to try to get mediators to understand where in their interaction with potential clients they lose people. She offers workshops to teach mediators who are contacted by potential clients to learn when to use appropriate phrases to engage and interest the person in conflict in the use of mediation.

What's ahead, MAM?

- **JULY 16, Tuesday, in Presque Isle, ME**
"Laws in the Workplace for Employers" workshop
(no charge with advance registration)
 Maine Department of Labor
 FMI: [Julie Rabinowitz, 207-621-5009](#)
- **JULY 24, Wednesday, in Lewiston, ME**
"Is Self-Employment Right For You?" workshop
(no charge)
 Maine Department of Labor and
 Maine Center for Women, Work and Community
 FMI: [Laurie 753-6612](#)
- **AUG 15, Thursday, in Portland, ME**
Board of Governors monthly meeting
 Maine Association of Mediators
 FMI: pmalia@hastings-law.com or administrator@mainemediators.org
- **SEPT 25–27, OCT 4–5, Wednesday start date, in Topsham, ME**
40 hour Mediation Certificate Training cosponsored
 by Opportunity Alliance / VOANNE (fee)
 FMI: elaine.bourne@voanne.org or [207.373.1140](tel:207.373.1140),
ext. 238 at VOANNE
- **SEPT 27, Friday, in Augusta, ME**
Camp Finance for nonprofit board members (fee)
 FMI: MANP@mainenonprofit.org or [\(207\) 871-1885](tel:(207) 871-1885)
- **OCT 23, Wednesday, in Auburn, ME**
Board Bootcamp: Moving the Board from
Good to Great (fee)
 FMI: MANP@mainenonprofit.org or [\(207\) 871-1885](tel:(207) 871-1885)
- **OCT 23–24, begins Wednesday, in Topsham, ME**
Advanced Family Law mediation training
with June Zeller (fee)
 FMI: elaine.bourne@voanne.org or [207.373.1140](tel:207.373.1140),
ext. 238 at VOANNE
- **OCT 25, Thursday, in Topsham, ME**
Advanced Domestic Violence mediation training
with Mary Beth Paquette (fee)
 FMI: elaine.bourne@voanne.org or [207.373.1140](tel:207.373.1140),
ext. 238 at VOANNE

MAM Board of Governors

Officers	Board Members
Peter Malia, President	Diane Edgecomb
Elaine Bourne, Secretary	Matthew Caras
Chris Neagle, Treasurer	Paula Craighead
	Maria Fox
	Karen Groat

Contact MAM

Maine Association of Mediators
 P.O. Box 8187
 Portland, ME 04104
mainemediators.org
 1-877-265-9712
 Liz Andrews, Administrator
administrator@mainemediators.org