

Mediator

NEWS & NOTES

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"I'm not there
taking charge,
but I'm listening,
and I am paying
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them."



IN-SERVICE SCHEDULE FOR 2019

MARCH: Mediator Check-Ins :

- Ithaca Office-Wednesday, March 20th 12:00-1:00 pm
- Elmira Office-Monday, March 25th 12:00-1:00 pm
- Schuyler County Human Services Complex-Room 115-Thursday, March 28th 12:00-1:00 pm

APRIL: NYS Child Abuse Guidelines:

Friday, April 12th 9:00 am-3:30 pm, Elmira Office location,
2nd floor conference room

MAY: Mediating With Attorneys

Date, time, and location TBD

JUNE: TRANSFORMATIVE REFRESHER

Saturday, June 22nd 9:00 am-3:00 pm, Schuyler County Human
Services Complex, Large Meeting Room

JULY/AUGUST: Summer Reading In-Service

SEPTEMBER: Fall Mediator Check-Ins-Led by Coaches

Dates and times TBD

OCTOBER: Alzheimer's Disease/Dementia, and Effective Communication Strategies

- Elmira Office-2nd floor conference room-Thursday, October 17th
10:00am-12:00 pm with Ken Dorner from Alzheimer's
Association
- Ithaca-Date, time and location TBD



UPDATES



MEDIATOR CHECK-INS

CDRC is bringing back the Mediator Check-Ins. Many of you know and have enjoyed the mediator check-ins in the past. Mediator Check-Ins are scheduled for 1 hour. Throughout the year, we will offer them at varied times. We will be scheduling check-ins for mornings, at lunch time, evenings. We will always offer a check in at all three of our counties. At times, there is a special topic for you to discuss, other times it is open for you to bring up your own topics, challenges, or even things that happened in a particular mediation that you would like to talk about. You do not use specific names of parties from your cases, but describe it in a general way so as to maintain the party's confidentiality. It is a great opportunity to ask questions, and get new ideas and approaches from other mediators.

For the month of March, there will be a topic for the Check-Ins: We will talk about cell phones in mediation. Other centers across the U.S. have been talking about it and we would like to hear your thoughts. Do you ask party's to place their phones on vibrate? Are there resources, depending on the type of mediation you mediate, that may need to be looked up on the internet on a phone or on a calendar on a phone? Could someone secretly have it on speaker phone so that someone else can listen in on the mediation?

I will be looking forward to some great discussions.



Ray Gozzi

Mediator in Tompkins County,

Associate Professor, Media Arts, Sciences and Studies Ithaca College

I do remember one case. A landlord from Ithaca and the father of a student that had rented from him. There was a back and forth about problems with the windows, walls ect., so, "No, we can't come to an agreement." Back in the court room, one of them leans over and then the guy says, "Alright". Then they come over to me and say, "We've agreed on \$ 1,800." Each side probably felt that their case wasn't as strong as they had hoped, so they were willing to compromise. So, the guy had to go out to his car, to get his check.



And the other guy said to me, "I don't know I feel about this. How do people feel with settlement like this in mediation?" And I said, "Well, you got two sides. On the one hand, you settled something. It's settled, you're done with it, so that's good. But on the other hand, you didn't get as much as you wanted, so that's bad." Then he said, "Yeah, that's exactly how I feel! I'm glad it's over, but I deserved more."

Mediation lets me see different aspects of life in Tompkins county. I had a mediation with boat owners, for instance. Well, it's a big deal. You have to put your boat up for the winter, because of the long time you can't use it. It's a whole world of boating. I see it when they come and try to mediate.

In general, we tend to think in the abstract about people. But when we come in to an actual face-to-face mediation, all these abstractions don't necessarily fit. You have to be sensitive to what people are actually willing to agree to. Or how they are approaching the situation. So, I personally try and look for what I think is good in everybody. And I try and step back from, "oh, this person is a narrow, prejudiced person" and just try and see what's

good in there. It's funny, because sometimes I don't really have to say much. I'm not there taking charge, but I'm listening, and I am paying attention to them. And I do say, "Well, I can see how this is a difficult situation. I see your position and I see your position". It's very useful. People often will kinda loosen up after that, when they are actually being heard and not being stereotyped. They will negotiate more, after they feel they had been

recognized.

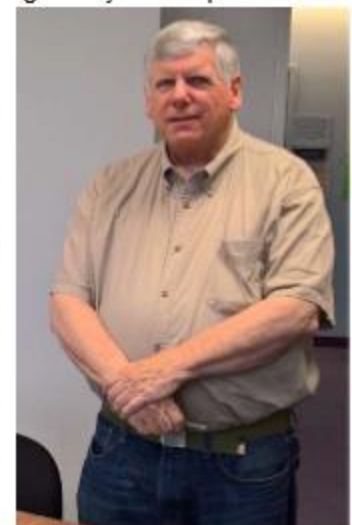
So, I haven't necessarily said a lot, but I feel like I have changed the dynamic of what's going on.

Ray's advice for Julia the cdrc intern and law student

Attorneys tend to want to fight and if you get into that fighting approach then it's not good for mediation. Attorneys can mediate. It does happen, but you have to remember, that that's different from being a lawyer as representative on one side.

A mediation shouldn't be a fight.

So, if you can get into that mindset and then get into the lawyer mindset or the mediator mindset when you need to, that would be useful.





SPECIAL EDUCATION MEDIATION

Special Education Mediation is a program through NYSDRA (New York State Dispute Resolution Association). CDRC is a member of this association. We currently have 3 special education trained mediators.

Special Education Mediation is a process by which parents of children with disabilities and school districts meet with a mediator to work out their differences. Mediation is often chosen instead of an impartial hearing as a way of resolving disagreements about a student's special education placement, services, evaluation, or classification.

This type of mediation can be requested by either the parent or the school. The mediation only takes place if both parties agree to the process. Federal law requires school districts offer mediation as an alternative to an impartial hearing when disagreements arise.

Mediators take special training to gain an understanding of special education law, and the school systems in NYS. Special education mediators are not employed by either school districts or the NYS Education Department.

Through mediation the parents and schools can communicate about the issues in dispute in a way that allows all concerns to be heard, and gives everyone a chance to have an equal say in all decisions. Mediation builds trust and improves communication. The mediator does not make decisions, but rather helps parents and schools to explore creative solutions and reach their own agreeable solutions.

CDRC mediators who want to become special education mediators **MUST** be available in the daytime and available to travel to all three counties (Chemung, Schuyler and Tompkins).

Contact Gina if interested in learning more about how to become a special education mediator.



New York State Dispute Resolution Association, Inc.

<https://www.nysdra.org/page/SpecialEd>