

Mediation Training Program

Welcome!



Welcome / Introduction of Trainers

- Timothy M. Linnehan, Esq.
 - ADR Coordinator for the Trial Court
 - Executive Office of the Trial Court
- Michael Roche, Asst Chief Housing Specialist, Western Division
- Nnena Odim, Esq., Mediator, Trainer
- Josh Hoch, Mediator, Trainer



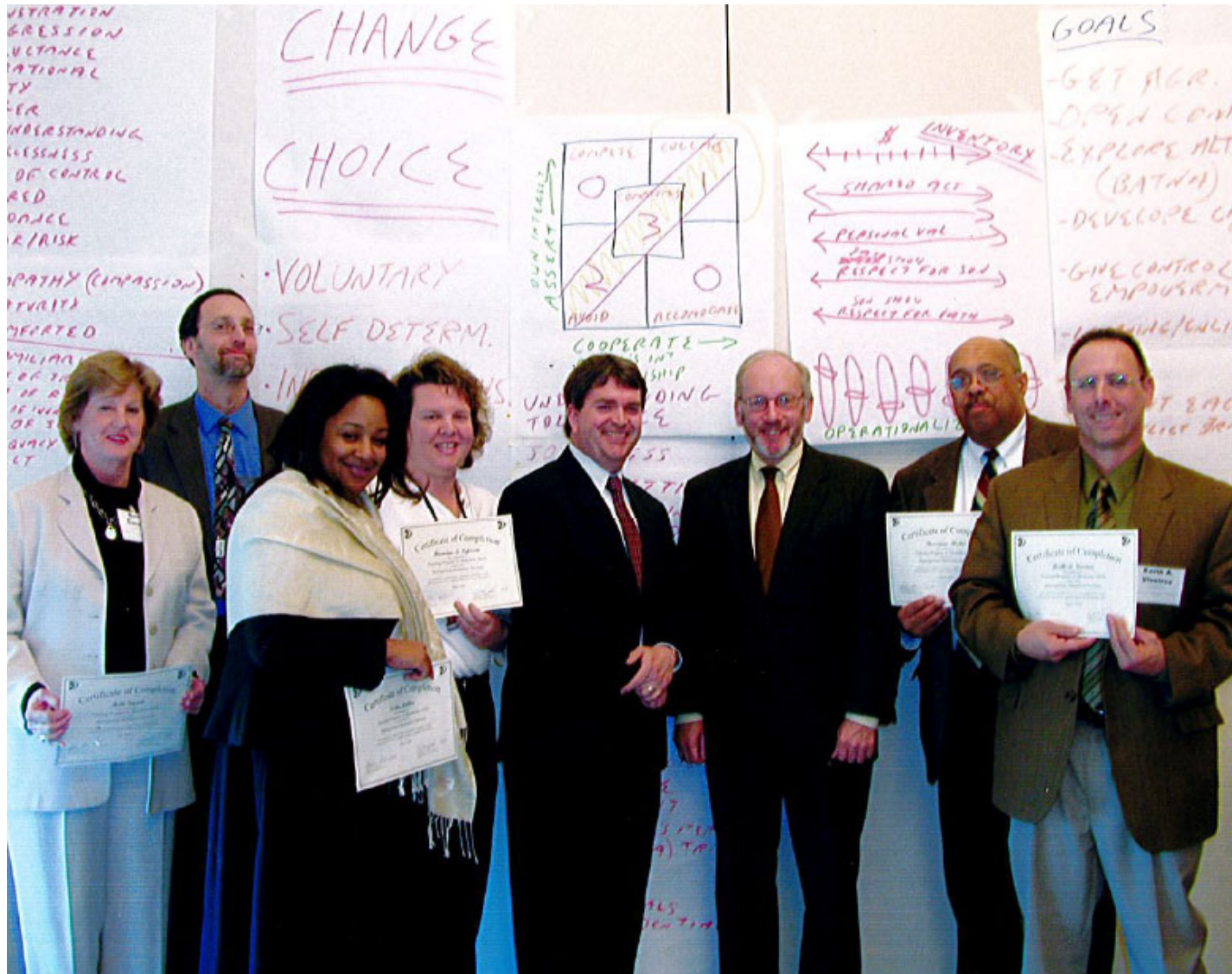
Photos from Past Trainings



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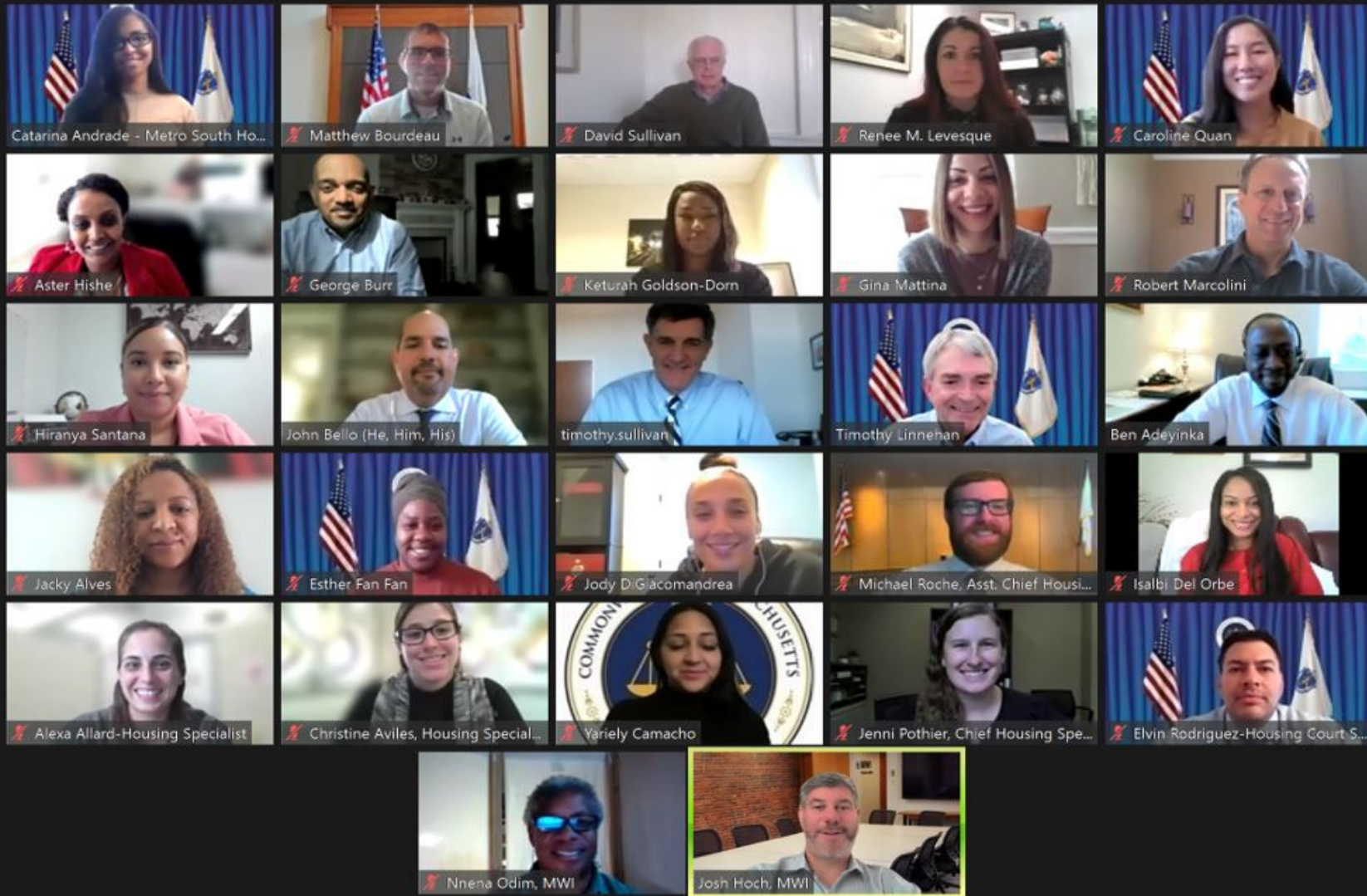
Photos from Past Trainings



2021 Training Photo

Zoom Meeting

View



Additional Housing Specialists

- Suzette Fagan Clarke, Chief Housing Specialist, Southeast Division
- Yariely Camacho, Asst. Chief Housing Specialist, Eastern Division
- Catarina Andrade, Chief Housing Specialist, Metro South Division
- Joseph Lepore, Asst. Chief Housing Specialist, Central Division
- Elizabeth Delacruz, Chief Housing Specialist, Northeast Division



Trainers, Coaches & Guest Speaker



Elise Ramos



Alnoor Maherali



Diana Chiang



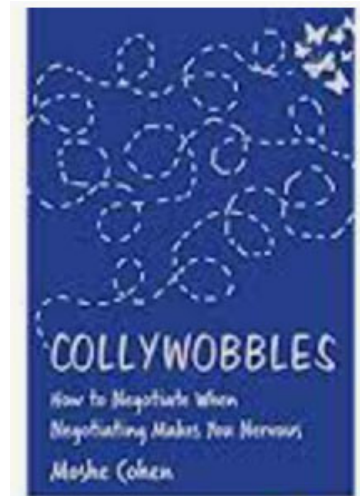
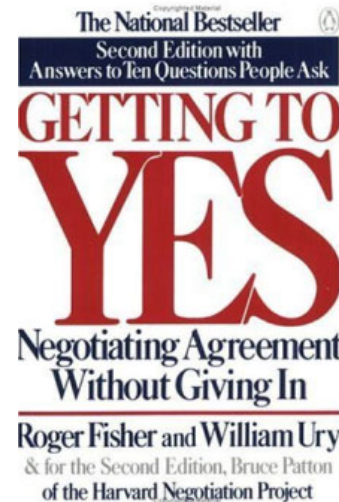
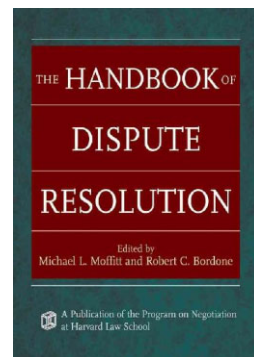
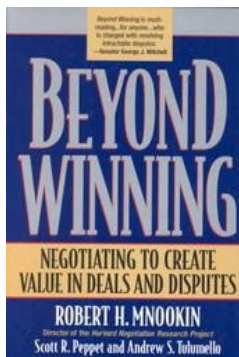
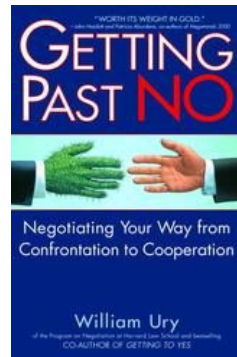
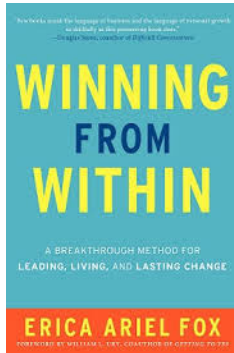
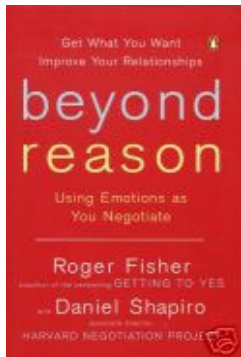
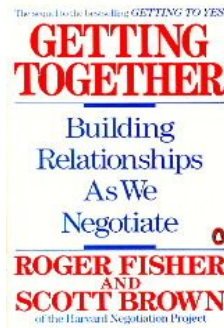
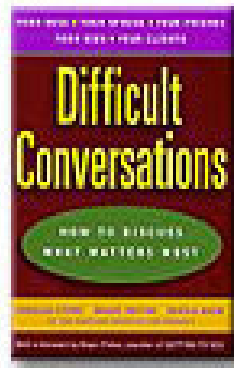
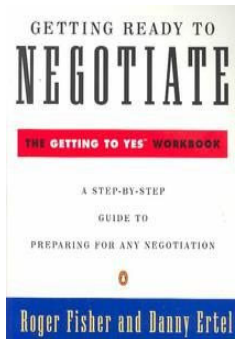
Robin DiGiammarino



Carol Kamm



History of MWI



- Since 1994, MWI has provided dispute resolution training and services to a range of clients worldwide including:
 - Coca-Cola Enterprises
 - General Motors
 - MassHousing
 - Massachusetts Trial Court



Workshop Purposes

- Increase Awareness
- Provide Analytical Frameworks
- Enhance Skills
- Provide a Low-Risk Learning Environment



Program Topics

- An overview of mediation and other ADR (Alternative Dispute Resolution) methods
- Mediation styles
- Understanding conflict
- The role and skills of a mediator
- Introduction to co-mediation
- Principles of mediation
- The art of effective questioning, open-ended questions, listening, summarizing, re-framing, paraphrasing, and parroting
- Identifying interests
- Role Play - 3 times. Small Group and Fishbowl



Program Topics

- Effective strategies for notetaking
- Empathy and the mediation process
- Dealing with challenging personalities, mediator bias, and challenges to neutrality
- Dealing with power differentials
- Agreement writing
- Introduction to and practice with Uniform Dispute Resolution Rule 9: Ethical Standards
- Ethical duties and dilemmas facing mediators
- Mediator confidentiality and dovetailing mediation and the law, sanitary code, and statutes



Zoom Basics

- Update Name
- Chat
- Raise Hand
- Breakout Rooms
- Keep Zoom on all day. Turn off video and mute during breaks and lunch.
- Problems? Text Josh at 857-719-6642
- Doomsday, 712-775-8962, Conference Code: 681708

www.mwi.org/housing-resources



Housekeeping

- Start at 9:00 AM, end at 4:00 PM (days 3-6, 3:00 PM end time)
- Stay hydrated and comfortable
- Breaks at 10:45 AM and 2:45 PM
- Lunch at 12:30 PM
- BIN
- Training Manuals
- Evaluations – Mid and Final
- Certificate
- Class Photo
- Check for Zoom updates (5.15.12)
 - Zoom App, photo, check for updates



Day 1: Mediation Training

- Group Norms
- Introductions
- Conflict Styles
- Dispute Resolution Process Options
- Mediation Overview
- Principles of Mediation
- Mediation Skills Checklist
- Mediation Demonstration
- Mediator's Introduction
- Goals and skills of an initial joint session
- Remarks - Michael Roach, Asst Chief Housing Specialist, Western Division
- Lessons Learned
- Wrap-Up Day 1



Group Norms

- Confidentiality
- Nonjudgmental
- Participate
- Patience
- Try new (different) things
- Take risks
- Keep an open mind
- Learn from others
- Stay present
- Encourage others



Introduction of Participants

- Name
- What are you hoping to get out of 6 days of mediation training?
- Less than one minute please.

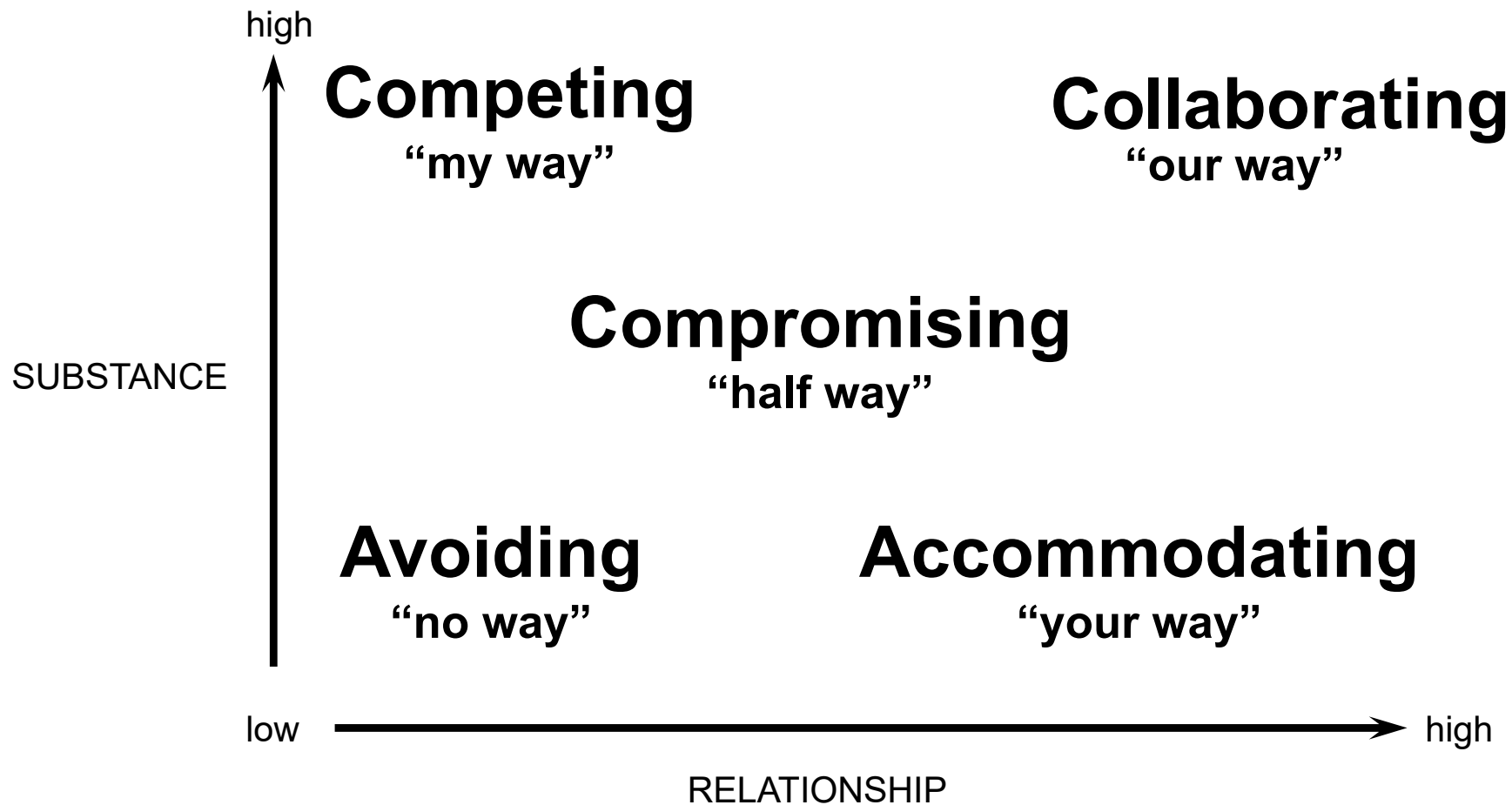


Zoom Poll

- Division
- Years with the Trial Court
- Mediation Experience
- Average Length of Each Mediation



Conflict Styles



Conflict Styles Test

What is your Conflict Style?

Let's find out!

<https://www.mwi.org/wp-content/uploads/2021/03/Conflict-Styles-Worksheet.pdf>

Take the test - 10 minutes

Are you surprised with the results?



Dispute Resolution

- Alternative Dispute Resolution (ADR), or
- Appropriate Dispute Resolution (ADR), or
- Dispute Resolution (DR)

- Mediation and Dispute Intervention

- 1976: Frank Sander, concept of a multi-door courthouse

- 1994: Court-Connected ADR programs
 - Housing – Mediation and DI

- SJC Uniform Rules on Dispute Resolution Define
 - Dispute Intervention and Mediation
 - Updated January 2020



SJC Uniform Rules on Dispute Resolution

- Rule 1. Court-connected dispute resolution
- **Rule 2. Definitions**
- Rule 3. Administrative structure
- Rule 4. Implementation
- Rule 5. Early notice of court-connected dispute resolution services
- Rule 6. Duties of courts
- Rule 7. Duties of approved programs
- Rule 8. Qualification standards for neutrals
- **Rule 9. Ethical standards**

<https://www.mass.gov/doc/supreme-judicial-court-rule-118-the-uniform-rules-on-dispute-resolution-including-explanatory/download>



Uniform Rules on Dispute Resolution

- Rule 2 – Definition of Mediation
- What words do you use to describe mediation?
- **“Mediation”** means a voluntary, confidential process in which a neutral is invited or accepted by disputing parties to assist them in identifying and discussing issues of mutual concern, exploring various solutions, and developing a settlement mutually acceptable to the disputing parties
- **Styles of Mediation**
 - Facilitative
 - Transformative
 - Evaluative / Directive

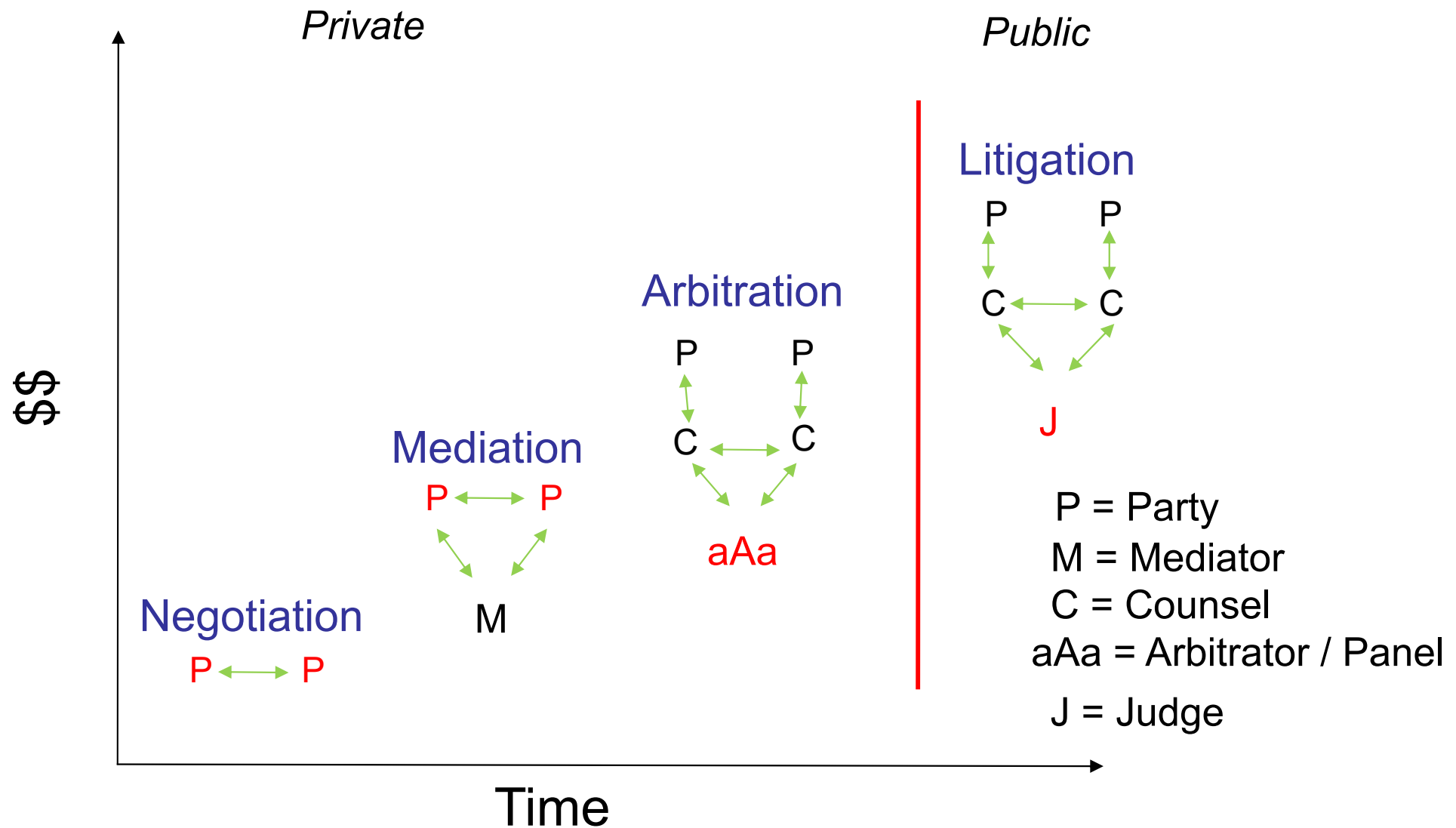


Uniform Rules on Dispute Resolution

- Rule 2 – Definition of Dispute Intervention
- "**Dispute intervention**" is a process approved in the Housing Court in which a neutral identifies the areas of dispute between the parties, and assists in the resolution of differences.
- A court employee trained in dispute intervention meets with parties and their attorneys to identify the issues in dispute to explore resolution. Provides information and recommendations to court as requested by the court.
- Have you conducted a Dispute Intervention?



Dispute Resolution Processes



Mediation Overview

- Definition – “Assisted Negotiation”



- Goals of Mediator:

- Manage process effectively
- Facilitate communication
- Focus on interests
- Help parties define and meet goals



Principles of Mediation

- Voluntary
- Impartiality / Neutrality
- Confidentiality
- Informed Consent
- Self-Determination



Mediation Skills Checklist

1. Managing the Process
2. Managing the Interactions
3. Managing the Information
4. *Managing the Technology*



Mediation Demo

- Mediator: Josh Hoch
- Party: Elise Ramos
- Attorney: Timothy Linnehan
- Party: Nnena Odim
- Facilitator: Nnena Odim
- What did the mediator do? What skills did you notice?
<https://www.mwi.org/wp-content/uploads/2021/09/Questions-for-Observers.pdf>



Mediators' Introduction

1. Welcome / Names
2. Explain process and roles
3. Voluntary
4. Confidentiality
5. Neutrality
6. Structure of mediation
7. Agreements
8. Confirm participation / questions



Structure and Stages of Mediation

Pre-Mediation - Screening and intake / Preparation

- Mediator Introduction
- Initial Joint Session (public)
 - Defining an agenda / Identifying interests
- Individual Sessions (private)
 - Generating options / Analyzing alternatives / Making decisions
- Later Private Sessions or Final Joint Session (public)
 - Reaching closure / Agreement Writing

Post-Mediation - Evaluation / Follow-Up



Initial Joint Session

- Mediator 1 and 2 split the Mediators' Opening
- Mediator 1
 - Asks - who would like to begin? Or say, let's start with the Plaintiff. (Party A)
 - Informs Party B about next steps and lets them know they will have the same opportunity / Asks Party A – why here and what are you looking for
- Party A speaks
 - Mediator 1 thanks Party B for waiting and summarizes Party A's perspective to confirm understanding / Mediator 2 summarizes any additional points (if needed)
 - Mediator 2 invites Party B to speak – why here and what are you looking for
- Party B speaks
 - Mediator 2 thanks Party A for waiting and summarizes Party B's perspective to confirm understanding
 - Mediator 1 summarizes any additional points if needed
- Mediator 2
 - Asks both parties - Is there anything either of you wish to add? Summarizes
 - Asks each party to define what a successful mediation looks like for them | Listen and summarize



Expert Remarks

Michael Roche, Asst Chief Housing Specialist, Western Division



REMARKS

Lessons Learned – Day 1



LEARNING

Wrap Up

- Day 2
- Wednesday, September 13, 2023, from 9:00 AM to 4:00 PM
- Same Zoom Link
- Suzette Fagan Clarke, Chief Housing Specialist, Southeast Division

