



President's Message

"Newly-Elected APFM President's Message"

By Chip Rose

At the Winter Board Retreat Super Bowl weekend, the Board of Directors elected me as your new President, along with the rest of the officers for 2015: Pascal Comvalius from the Netherlands, continuing as Vice-President, Bob Horwitz from Connecticut as Secretary, and Debra Synovec from Washington as Treasurer. We collectively take up the reigns, charged with significant tasks and excited about the future of our organization. I would like to take this opportunity to thank Steve Abel, my immediate predecessor, and Rod Wells, his immediate predecessor, for their leadership of the organization from its birth through its first three years of existence.

Thanks also go out to several other Board members who have passed the baton this year: Bill Eddy, who did a fantastic job as the chair of the Training Committee, Ken Neumann, who as chair of the Conference Committee from APFM's inception gave countless hours, days, and weeks organizing our last three conferences, and Carol Berz, whose knowledge of non-profit organizations, policies, and procedures provided us with the structural backbone of our organization through the drafting of our By-laws and our Policy and Procedures manual.

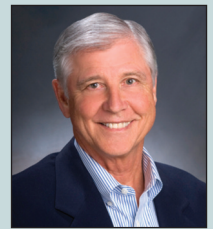
As we replace members who are rotating off the Board and march into the fourth year of our existence, we will continue to grow, evolve, and work on the goals and objectives that brought the founding Board members to the challenge of creating an organization dedicated to establishing a

profession of family mediation. As a measure of the commitment of your Board members, consider the fact that we spent all day Saturday and half of Sunday on a video conference Board retreat to address the needs of the organization and the multiple tasks which lie in front of us. For the past year, your Board has met through regularly scheduled video conference calls every other Monday, attended semi-annual retreats, and in alternate weeks, held meetings of the committees chaired by various Board members.

One of the most important of our committees is the Membership Committee, chaired by Stacey Langenbahn. Her tireless commitment is to define and deliver value to you, our members, and to pay special attention to our website in the coming months to make sure that, as our website is our primary interface with members and for members with the organization, it remains interesting, informative, interactive, and helpful to you, the members. The Training Committee, besides establishing procedures for reviewing private trainings, continues to work towards delivering content in the form of programs, trainings, and webinars, to help our members enhance their skills and expertise as family mediators. It is an understatement to say that each of the

committee chairs, as Board members, is dedicated and committed to growing the organization and serving the needs of its members. The countless numbers of hours the Board dedicates to each aspect of the organization speaks to the truth of that statement.

Chip Rose, J.D., has a private mediation practice in Santa Cruz, CA, and is currently providing training throughout the United States and Canada on the emerging practice of Collaborative Family Law. He is a Founding Board Member of the Academy of Professional Family Mediators.



Our aspirational goal is to hire an Executive Director to run the day-to-day operations of APFM. We need continued membership growth to be able to accomplish that. In the meantime, and ever since our formation, the labor of the organization falls on the individual Board members, who selflessly give of their time, effort and endless energy in the service of APFM. This October 2015, we will be congregating back on the east coast for the first time since our founding conference on Cape Cod in 2012. Our annual conference will be in Washington D.C., where we will renew old friendships, establish new ones, network, teach, learn, and inspire one another. I very much look forward to seeing you there.



The Professional FAMILY MEDIATOR

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The Professional Family Mediator

The Professional Family Mediator is the newsletter of the Academy of Professional Family Mediators, a professional organization dedicated entirely to the practice of Family Mediation as a profession. The newsletter is published quarterly as a member service.

Editorial Policy

In efforts to present a wide range of perspectives on the many issues facing family mediators, the views expressed by each contributing author are intended to encourage consideration and debate but do not necessarily represent the views of the Academy of Professional Family Mediators or its editorial staff.

Legal Disclaimer

The content of this publication is intended to provide its readers with accurate and helpful information for practicing professional family mediators. By publishing it, the Academy of Professional Family Mediators is expressly not engaged in or intending to provide legal, financial, or other professional services. If legal advice or other expert assistance is required, the reader should seek the services of an appropriate competent professional.

**Academy of Professional
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Editor's Notes

WINTER 2015

By Don Saposnek

Dear Readers,

As high conflict rhetoric stirs up more wars around the world, and more posturing and polarizing in the already formulating stump speeches of yet-to-declare-candidacy-candidates for the quickly upcoming U.S. Presidential race, we are reminded of the importance of the core concept of our work—creating peaceful resolutions to conflict. Every once in a while (well, actually every day!), I think about whether the idea of a peaceful world can ever come to fruition, or whether we are simply on a runaway rail to ruin. I do manage to catch myself, though, before going into such cynical downward spirals, and I remember our mission, and our successes—case by case, person by person, from bottom up, to make a better world. While I prefer top-down thinking, since it's a lot more conceptually stimulating for me, the reality seems to be that bottom-up thinking is what is actually needed. We can't wait for our polarizing politicians to set policies for peace, when there is way too much money and power to be gained by tolerating and even promoting conflict. The stark reality is that conflict sells, peace doesn't, and that, in our particular form of capitalism, the Golden Rule truly is—He/she who has the gold, rules.

Nonetheless, on the positive side, this year is a time of renewal for our organization. We have several new Board Members (whose interviews are in this Issue) and we have a newly elected group of Executive Officers (as detailed in the President's Column), elected during our recent on-line APFM Board "retreat."

Our welcome letter to our members, written by our wonderfully energized Membership Chair, Stacey Langenbahn, displays the many reasons that mediators join our vibrant organization. We invite

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you to partake in the plentiful plate of APFM offerings. Then, in this Issue, by way of interviews, we introduce you to our two newest Board members: Hilary Linton, from Toronto, Canada, and Jocie Wurzburg, from Memphis, Tennessee. You will appreciate their rich professional backgrounds that already have been positively infusing our Board with great ideas.

You'll have a real treat and educational experience when reading this Issue's abundantly informative Column by our newest columnist, Larry Gaughan, titled "The Subtle Contours of Spousal Support." This particular Column is rich with stimulating detail. It provides a unique view of the history and context of spousal support and an overview of how the concept is implemented in various states' jurisdictional policies. Following this Column is our Mojo Marketing entry, written by our Marketing guru, Ada Hasloeher. Her Column, titled, "Networking 101-6—The Dreaded Elevator Speech," shows us how to actually give our professional pitch to sell our service wares to audiences anywhere and everywhere. This article will be really useful to those wishing to expand their practices. Bill Eddy's "Ethical Edge" Column then presents the tricky, ethical question of whether or not mediators should actually make proposals to their clients, and whether this contradicts our core premise of mediator neutrality. Bill invites you to respond to this practice of many mediators.

While Chip Rose is our new APFM president, he has graciously agreed (well, maybe not that graciously!) to also continue his very popular Column, "The Creative Solution." In this edition, Chip discusses his controversial use of caucusing during one phase of his mediation process model, a position that will surely elicit many reactions, and hopefully, many

responses from you.

As the introduction to a new and anticipated regular Column, we showcase the first update of the work of the Professional Mediator Board of Standards (PBMS), which is the parallel organization affiliated with, but independent from, APFM that was set up to develop and implement a certification process for professional mediators. We will be hearing more details about these developments in the Issues of TPFM to come.

Last, I offer a review of Jay Bultz's new book, *The Master Agreement for Separation and Divorce*, which offers mediators all the forms and language options needed to create and draft comprehensive client agreements in mediation.

I leave you with this thought:

"If you think that you are too small to make a difference, try sleeping with a mosquito."

- Dalai Lama



Enjoy.
Don Saposnek
Editor

The Professional Family Mediator

tpFM

Welcome to the Academy of Professional Family Mediators as a New or Renewing Member!

By Stacey Langenbahn
Membership Committee Chair

We're glad you're here. Did you know APFM is the only international membership organization dedicated exclusively to Family Mediation for resolving family conflicts? APFM is a vibrant, young organization with an incredibly bright future that centers on you! The APFM Board concentrates its efforts to support the most collegial, professional, skilled membership possible, serving as a draw for others to join our organization.

Don't miss out on any of the exciting benefits you receive as an APFM member, which include:

- Your own professional profile on APFM's website directory (searchable by the public and other members).*
- Referrals to prospective clients looking for a mediator in your area.
- Membership in APFM's dynamic LinkedIn groups, including one forum for mentorship and another to post articles, learn, share, and grow your internet presence.**
- Private mediator mentoring (for a fee as determined by the individual mentor).
- Webinars on hot topics in mediation.
- Exclusive access to the current issue of APFM's emerging trends newsletter, The Professional Family Mediator, and access to all archived issues.
- Opportunity to publish articles in APFM's newsletter.
- Availability to advertise your services and trainings in APFM's newsletter, website, and conference brochure.
- Opportunity for giving service on the APFM Board of Directors and committees.
- Opportunities to be a presenter at and/or

Stacey Langenbahn, J. D. is a member of the Board of Directors of APFM. She developed interdisciplinary collaborative mediation that combines the best of mediation and collaborative law into a cost effective, cutting edge consensual conflict resolution process.



be a sponsor of APFM's outstanding annual conferences.

- Access to obtain Diversity Scholarships to attend APFM conferences and trainings.
- Access to mediator liability insurance.
- Advanced invitations to APFM trainings.
- Approval of 40-hour basic mediation trainings.
- Access to APFM social media and marketing information, materials, and assistance.

Your membership benefits do not stop there! Stay tuned, because APFM is also working on the following proactive new initiatives:

- Prepared public awareness presentations and public service announcements available to members to educate the public about mediation.
- Certification program for Professional Family Mediators.

- Development of a scholarly journal.
- Initiation of a speaker's bureau.
- Interactive online case studies.

• Member participation in APFM's blog.
* To create or edit your member profile, click "Member Log in/Edit" on the home page. Create or enter your user name and password. Then click "Edit Your Profile." Don't forget to save your changes!

** To join APFM's LinkedIn groups go to: <http://www.linkedin.com/groups/APFM-5062612>

The APFM LinkedIn group manager will approve the request to join from any fully-paid, current member of APFM. Please allow a few days for this to happen.

Once again, welcome to APFM, the leader in serving its members and the public in the development of Professional Family Mediation! The Board of Directors encourages your comments, questions, feedback, and active participation!

tpFM

A Call for Submissions to

The Professional Family Mediator

We invite you to submit previously unpublished articles related to family mediation, including clinical insights, innovative programs, research studies, practice ideas, news updates, and letters to the editor with your responses to any of our published articles or columns. The editor will review submissions as they come in and will consider for publication those submissions that offer unique and innovative ideas for practicing family mediators. Please send your materials by email to the Editor, Don Saposnek, at: dsaposnek@mediate.com. Authors should include name, city and state/province, and other materials as requested by the Editor. If an article is selected for publication, the author will be requested to sign a Permission to Publish agreement and submit a photo and a brief Bio.

New Board Member

Interviews

HILARY LINTON:

Who are you? Where do you come from? What is your background?

I am a family lawyer, mediator, arbitrator, adjunct law professor, and trainer. I practiced law in Toronto for 15 years and have been managing a growing Family DR practice for another 15 years.



What do your current professional practice and activities look like?

I have three associates in my private practice, Riverdale Mediation Ltd., who provide mediation, arbitration, parenting coordination and training with me. One is a family lawyer, and the other two are skilled social workers. We train more than 250 professionals and organizations each year.

I also provide family mediation and information services in Toronto's courts pursuant to funding received from the Ministry of the Attorney General. In that company, Mediate393 Inc., there are about 30 mediators and information officers whom I supervise.

The area in which we are best known is in designing mediation processes that pay careful attention to the identification, assessment and management of power imbalances and family violence, and designing training to support skills in that work. We have trained professionals across Canada, the U.S., and in several European cities. I, therefore, do a lot of speaking, training, writing, mentoring, and travelling. But, I love the grassroots work of mediating or arbitrating day-to-day issues for parents, especially working with people who are in court, as that helps me stay grounded in everything else that I do.

How did you first learn about mediation?

I took a mediation course in the 1990s with the Law Society. Then, I went and got a Master's Degree in law, specializing in ADR. I liked what I learned and never looked back.

What do you hope to accomplish as a Board Member of APFM?

I think that Canada has some expertise in developing standards for accreditation, particularly in processes for screening power imbalances and family violence. I think I can

contribute some experience with this. I have also served on many boards and am currently a founding director of a new, not-for-profit, the Family Dispute Resolution Institute of Ontario. So I can bring some organizational experience to APFM.

Where do you see the field of Family Mediation going?

I think family dispute resolution as a field is exploding. We are lucky in Ontario, because the government funds extensive free/subsidized mediation and information services. And, private services are booming here, as well, even with this "competition." The reason? People can't afford traditional lawyer-driven dispute resolution, so they are seeking alternative processes that are more affordable, responsive, creative and fair. The family dispute resolution field can respond to that demand, and it is doing so.

We are seeing rapid growth in the demand for parenting coordinators, who are highly skilled hybrid mediators-arbitrators. Mediation is becoming more complex, more tailored to the diverse needs of its users. Mediators are becoming more specialized, which makes sense as demand grows and mediators increasingly come from all walks of life. Mediators who speak other languages, understand different cultures, and who can be directive or non-directive as appropriate, who can effectively assess the procedural and safety needs of each client and deliver a process that meets those needs—these mediators will be successful. Mediators who are also lawyers have many opportunities, as they can help the parties negotiate deals that fall within the parameters of the law; because so many parties are unrepresented, this is a valuable service. Mediation-arbitration is a very potent process if the up-front screening is done well; and collaborative practitioners are increasingly looking to partner with mediators who are flexible in what they do and how they do it. It is no longer true that one must be a senior member of a profession in order to be a wise and effective mediator; some of the most dynamic mediators I know are very young people. Can you tell that I'm an optimist?

What do you like to do when you are not mediating?

Aside from the other professional stuff I do, I love to read novels and non-fiction; I am an avid cross-country skier and am about to become a certified ski instructor. I have a great husky-cross dog who keeps me busy. I

love to play Bach and Chopin on the piano; and I am a small-time garlic farmer. And, of course, I cherish every minute with my kids.

JOCEYLN DAN WURZBURG

Who are you? Where do you come from? What is your background?

Dr. Martin Luther King's assassination in 1968 was a transformative event for this fifth generation Memphian. I came to understand racism, systemic and individual prejudice, and all its community dynamics; I felt a call to action. In my interesting and complicated journey, I found myself in a situation that led me to draft Tennessee's first anti-discrimination law.



That project led me to law school to become a Title VII plaintiff's lawyer. So, at the age of 41 and on course for a divorce, I passed the bar and sought my first job in 22 years. I couldn't find one in Labor Law (it appears my authorship of the law wasn't helpful), and I couldn't afford to open a practice in that area. But, I got a job doing a small firm's "other problems" – collections and divorces. After my first four divorce trials, which my bosses said in glee I had won, I was sick. Nobody won, least of all the children. So, in 1982 I hung out a shingle to do uncontested divorces. I would help folks who had to get a divorce get it in a civilized way.

What do your current professional practice and activities look like?

I retired from law in 2005, just to mediate, mostly family law but also employment and work place problems. I do a lot of work for the Postal Service. I practice party-empowering, facilitative mediation, mostly pre-law suit. I try not to be evaluative, but I am directive as to the process. I also train family law mediators a few times a year.

How did you first learn about mediation?

In 1984, a pamphlet came across my desk from Marilyn McKnight for a 40-hour mediation course in New Orleans. O.K, a tax deductible excuse to visit my brother for a week in NOLA! It changed my life. It was exactly what I was looking for. It had a name and techniques for what I was sorta doing half-ass.

(Continued on Page 10)

The Legal Stuff Matters

The Subtle Contours of Spousal Support

By Larry Gaughan

When spousal support comes up in settlement negotiations, it frequently becomes the most difficult issue. It is not unusual for it to be a matter of strong emotions, as well as one of finances. Often, it also is the most contextual issue in marital settlements.

Historically, “spousal support” did not necessarily mean the same thing as “alimony.” This distinction was made in American law with the decision of the United States Supreme Court in *Orr v. Orr*, 440 U.S. 268 (1979). An Alabama appellate court upheld a contempt order against an ex-husband who had failed to pay court-ordered alimony to his ex-wife. In a 6-3 decision, the Supreme Court reversed, holding that the Alabama statute in question violated the equal protection clause of the 14th Amendment, because it was gender discriminatory. Alimony was conventionally defined as an award of support from a husband to a wife, but the reverse was not true. Alabama was told to either eliminate alimony or authorize it in both directions (which it then did). Although the term “alimony” is still found in some family law statutes, since *Orr*, it must carry a gender-neutral meaning and is now legally synonymous with spousal support.

Spousal support can be viewed from a number of different perspectives. At the most basic level, it is a program for state-mandated private welfare. This is not meant to be taken in a pejorative sense. Government welfare programs are based upon a combination of entitlement and need, and so is spousal support. The most typical case for spousal support is where one spouse has become wholly or partially dependent financially upon the other, and the circumstances make it inappropriate for that support to stop when the parties separate.

Since the mid-1980s, federal law requires every state to have a set of child support guidelines. This makes child support the single area of family law that may most accurately be described as a set of rules, even though there are also discretionary provisions to vary the guideline figures in appropriate cases. Although some states

Larry Gaughan, was admitted to practice law in Montana in 1957 and in Virginia in 1967. He was a tenured full professor at Washington & Lee and George Mason Law Schools. As an attorney he is rated by Martindale-Hubbell, the national rating service for lawyers, as “AV® Preeminent™.” Larry has been a family mediator since 1980 and is a Founding Member of APFM. He is a member of APFM’s Professional Mediator Board of Standards.



also have spousal support formulas, they are much less common and much more limited in their scope. So, when one finds a spousal support formula, it may derive from a local rule of court rather than a state statute and may apply only to interim (as distinguished from longer term) support situations. This also makes it easier to justify variances for any appropriate reasons, and to ignore the formula in non-interim situations. A sample formula might be 30% of the payer’s gross monthly income from all sources (except reasonable self-employment expenses) less 50% of the payee’s.

When marital property is divided, it is most commonly divided equally even in the 40 or so states that are not community property jurisdictions. But there has never been any tradition to use spousal support to equalize the incomes of the parties. One principle that does seem to be embodied in state spousal support statutes is that every adult has a responsibility to do what she or he reasonably can to provide for her or his own support. So, a stay-at-home parent (especially one who has a marketable degree and/or valuable work experience) may be expected to obtain commensurate employment once the children are in school. If this is not done, income may be imputed to her or him for purposes of deciding the amount and term of spousal support, or even whether such support should be payable. An example of a case where imputed employment income may not apply might be that of a 60-year old spouse who has never had a career, due to the division of responsibilities in a long-term marriage, and who has little marketable employment experience.

Spousal support ends at the death of either party or the remarriage of the recipient, unless the parties agree otherwise. Some states also have statutes that treat non-marital cohabitation as the equivalent of remarriage. Spousal support is generally modifiable for material changes in the financial circumstances of the parties, such as a

loss of employment by the payer, or an increase in the income of the recipient. Spousal support may be made non-modifiable by agreement of the parties, and courts at times may award lump-sum spousal support, in addition to or in lieu of periodic support. A lump-sum award of support that is payable in installments will almost certainly be non-modifiable.

A decrease in income due to a voluntary change in employment by the payer is generally not deemed to constitute a material change in circumstances. However, by statute or court practice in a number of states, the payer’s retirement at a reasonable retirement age (such as the age at which one’s Social Security benefits are not reduced for early retirement) may allow modification. Often, this is addressed in agreements. The parties may also establish a formula for reduction of, or a plan for scaling down of the initial amount of spousal support over time, even though courts generally refuse to do so in advance of the future circumstances, because it would be speculative to do so. If there is no reservation of a future right to spousal support, it may not be revived when the time runs out, or if it was not awarded in the first place, no matter what circumstances might otherwise make it appropriate.

Every state’s spousal support statutes give courts the power to time-limit spousal support in appropriate cases. The statute may or may not create a presumption as to the length of time based upon the length of the marriage. In practice, it is likely that support will be time-limited in a marriage of 10 years or less, and likely that only the death or remarriage rule will apply in a marriage of over 20 years. There is ample scope for discretion (based upon the particular circumstances) as to whether spousal support is to be time-limited and, if so, for what period of time.

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Mojo Marketing and Management

Networking 101-6

The Dreaded Elevator Speech: The How - Part 2

By Ada Hasloecheer

When last we left off on this topic, I promised to "...explore the HOW to prepare the pitch: What to say, how to say it, what not to say, how not to say it—all the details you need to know to give that winning spiel." I'm going to get to some of it in this article and then expand on it in the next. So much to say... so little time!

I also promised you from the very beginning that I would get underneath the "what" of everything we do in promoting our practices to get to the essence of what motivates us, moves us, impels us, propels us, and inspires us to do the things that we do in the ways that we do them. Tall order, I know. But until we get to that soft underbelly and really examine it, we're not going to get very far. To take this a step further, I would suggest that, until we identify and truly get in touch with the truth of why we became mediators in the first place, we'll never really be able to express it in a way that resonates with the people we want to influence.

It doesn't make sense to embark on an endeavor unless we have an idea of why we want to do it in the first place. We start with an idea, a dream, a goal, a desire, if you will, that prompts us to move forward to the point that we can't imagine NOT doing this thing. Out of that genuine impulse and the need to fulfill this desire, comes a natural and real expression of that which you want the world to know.

I always say (yes, I really do say this): If necessity is the mother of invention, then desperation is the mother of motivation! When I started mediating, I so desperately wanted to make mediation my life's work, that I did things and put myself out there in ways I never thought I was capable of.

Back to thinking through and crafting the elevator speech; if you check back with the APFM Summer 2014 Issue of The Professional Family Mediator, you can reacquaint yourself with the whole concept of the "elevator"

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tor" speech and the idea behind giving it. To reiterate the salient points from page 12 of that issue:

"...an elevator pitch... is a short summary, used to quickly and simply define a person, profession, product, service, organization or event and its value proposition."

Additionally: "The idea is to get your point across quickly, concisely, and in such an interesting way, that it invites the listener to want to know more about you, the work you do, and thereby illicit curiosity and a desire to continue the conversation."

So, let's pull this apart, step-by-step. It will be helpful, before you put pen to paper or fingers to keyboard, to start thinking about what you want people to know about you and the work you do. This is what is going to translate for others. The words will come naturally, as a result of who you "are" regarding mediation. I'm very serious about this. Don't worry so much now about the time when you will be looking out over a sea of faces and have to talk to them. Think instead about how much you love the work that you do and why.

Start with a simple outline. In the next article, I'm going to give you a really great way to not only outline, but enable you to flesh out the outline so you can tell a long story or a short one. But for now, let's start with five sentences that you can easily say that will satisfy the 10-30 second rule. On a lined sheet of paper, write the numbers 1 to 5. Then write in any order of importance to you, the five things you want to say about yourself and about the work you do. So, for example:

1. My name is Jackie Jones.
2. I am a divorce and family mediator.

3. I worked in the court system and saw the effects that a litigated divorce had on families.

4. I have a private practice in Billings, Montana.

5. I help couples separate amicably, cost effectively, and with the best interests of the entire family in the forefront.

This could actually be your 15-second elevator speech, in a nutshell. That wasn't so bad was it? Even if you're an incorrigible introvert and a nervous wreck speaking in front of people, you could do this, yes? Let's hear an Amen!!

When you're ready to deliver these lines, start practicing them well in advance of the event so they flow easily and naturally for you. That will be the key. You don't want to sound like you're reading from a paper, or sound rote and stiff. There has to be life in them thar words! There are a number of ways to practice:

1. You can ask someone you know to pretend to be your audience. This can be a good way to go about it since you are already comfortable with that person and won't feel so intimidated. You will get immediate feedback, too. They can offer suggestions about your posture, your stance, your voice intonation, your overall delivery, etc. Always helpful to get an outside, objective opinion.
2. You can stand in front of a mirror and deliver it to yourself. I've tried this a number of times and always crack myself up, defeating the purpose of the exercise. I don't know why, but I feel ridiculous talking to myself in this way. But, I know some people who really prefer this method (it's really private), so, if this works for you, go for it.

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The Ethical Edge: Should Mediators Make Proposals?

By Bill Eddy

Whether or not mediators should make proposals is a common dilemma. As more difficult families and more challenging issues increasingly come to mediation, with the clients having fewer skills than mediation clients did in the past, it's tempting for the mediator to suggest a solution to their unresolved issues, to put them out of their misery, and possibly to get them out of your office. Is this ethical? Let's look at some of our APFM Standards of Practice. (You can find these on the APFM website at APFMnet.org, and then click on Standards.)

Standard I: Self-Determination

Sometimes the parties give up quickly (or even slowly) at coming up with their own solutions, and ask the Mediator: "Will you just tell us what to do?" If you tell them what you think they should do, are you respecting self-determination, or taking away self-determination. After all, they asked you, didn't they?

I believe that we are taking away self-determination if we have not helped them exhaust their efforts at coming up with proposals and discussing them thoroughly, to gather information that might help them resolve each issue. In other words, they have more self-determination if we persist in "guiding" or "facilitating" them in reaching their own solutions, rather than agreeing to quickly stepping in and giving them our solutions. However, if you do get to such a point of exhaustion, later in this article I have a few suggestions for how to respond in a way that still reinforces self-determination.

Standard IV: Impartiality

When a mediator steps in and suggests a solution, it usually favors one "side" or the other. It's hard to consider this as impartiality. This is more like an evaluator or a judge, who starts out impartial, but then is expected to render an opinion in favor of one side or the other. In mediation, we're not supposed to just start out impartial, but there is a general expectation of neutrality from start to finish. There is no point at which we are allowed to "take sides." Many mediation clients today do not understand this, and it is surprising

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to them if a mediator resists taking sides on an issue. We need to educate the public more about this. Offering a suggestion appears to escalate conflict in many families, as it feels like it favors one party over the other. Furthermore, when high-conflict families are involved (which occurs more often these days), giving a suggestion may feel like it creates a winner and a loser. This feeling can stymie the case.

Standard VI: Sufficient Information

"A professional family mediator shall structure the mediation process so that the participants make decisions based on sufficient information." This standard provides another reason for resisting the urge to just give them an answer. When clients are at an impasse, it is often because they don't have enough awareness about their alternatives. Encouraging them to seek more information and providing them with more information often helps them resolve their issues themselves. This standard may point towards a possible solution to the dilemma of the mediator making a proposal, as I shall suggest below. Take an educational approach.

Suggest Sources of More Information

If the parties appear to be (or report that they are) at an impasse, ask them where they might find more information with which to make more proposals, or with whom they might consult, individually or jointly. You can suggest possible sources they could consider, as they may be unfamiliar with resources that you might know well. Encourage them to consult with a lawyer who will respect their efforts and not take away their self-determination.

If another mediation session is scheduled, encourage them to consider doing some research and then preparing two proposals for the remaining issues, so that they have a back-up plan if their first one is not readily accepted by the other person.

Suggest Three Options That Others Have Done

Once the parties have exhausted their efforts to make proposals, the mediator might offer three alternatives that others have done. The benefit of offering "what others have done," is that there is less appearance that you are actually taking over responsibility for resolving the dispute by saying what you propose that they do. If you do that with high-conflict parties, you are guaranteed to do it "wrong"; they will blame you for it and resist it anyway.

If you only provide one option, there is a great risk that one party will like it and the other party will dislike it – and you will appear to have taken sides with the party who likes it. This is especially a risk when one or both parties have high-conflict personalities.

Avoid offering just two scenarios, as you will risk that one party likes one and the other party likes the other. Therefore, it's best to offer three options, which usually gets them to really think about the pros and cons of each and consider whether there is something in these three options that might help them resolve their dispute. These options could be very specific, based on your experience, or they could be very general.

Suggest General Approaches to Consider

The following are other general ways the mediator can avoid resolving the dispute for the disputants, while giving the parties more guidance for their proposals. One or more of these approaches can be suggested, without specifying how it should be used in the case at hand. "Does this approach sound like it would be helpful to you? Why don't you picture what some of your proposals might be using this approach, then decide if it's helpful or not."

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THE CREATIVE SOLUTION

“We Can’t Go On Meeting Like This”

By Chip Rose, J.D.

In a couple of conversations I have had with colleagues this past year, it was clear that my approach to the negotiation phase of the process was distinctly different than theirs. The first conversation was with Steve Abel, our immediate past president and a most experienced mediator, and the other was with Michael Aurit, who is just embarking on what will no doubt be a very successful mediation career. In each conversation, it was suggested that I write up an article about it and since the latter of the two was just a week ago, I thought I would make it the focus of this column.

In my conversation with Michael, the discussion turned from the comparative differences between the process approach of my model and that of all the training he had experienced, to the ethical considerations that underpin the process. I stated that the threshold ethical consideration in any mediation begins with client capacity. Does the client have the capacity to reason, learn, and fully participate in the process, or is there some impairment, or lack of capacity, that would be a barrier to that level of participation? For the sake of the focus of this column, we shall assume client capacity. It is also important to note that my practice is almost exclusively with unrepresented clients, and it always has been.

For me, the next level of ethical responsibility in facilitating the client’s process is to ensure that, prior to negotiating an agreement, the client has been provided all relevant information affecting their choices or decisions, that all options for resolving the issues have been presented, that the consequences of each option have been analyzed and are understood by the client, and that in choosing one option over another, the client has the capacity to consider the value of one outcome over another, by assessing the value of what was gained measured against the value of what may have been given up.

I have anchored my process with a two-phase framework, consisting of an exploratory or preparation phase, followed by a negotiation phase. The distinction between the two is to avoid the Achilles heel of most “kitchen table” conversations, which involve the clients failing to distinguish between exploratory conversations and the

actual making of a deal. Typically, one of the parties will throw out his or her idea relative to a major issue and the other party enthusiastically rejects it because it threatens that person’s idea of a successful outcome. Then the conversation goes downhill from there.

What distinguished the approach I use from that used by my two colleagues is the fact that I give the clients the option to work on their individual proposals for a comprehensive settlement in a caucus session with me. I do not mandate that they use this approach. On the contrary, I remind clients that they have the choice of working together on their own, working with me in joint session, or working with me in caucus. That said, it is also true that most clients do not know how to create a comprehensive settlement proposal. I have observed that the process of making this kind of settlement proposal is as much a journey of discovery through competing values and outcome objectives for the client making the proposal as it is for the client responding to the proposal. The experience is fundamentally a subjective one for each client, and the caucus format creates the space for each of them to “talk out loud, think out loud, muse out loud,” without interference from the person who is on the other end of those same interests.

For example, imagine a case with a wife who has stayed at home raising three children and is now having to consider the financial aspects of the settlement, including the amount of support on which she will be dependent, pending her return to the employment workforce. Given the choice, in excess of 90% of my clients choose to work in caucus to consider these types of negotiating possibilities:

- A wife wanting to assess what she might have that she could trade to secure sole ownership of the family residence (assuming that such an outcome is possible);
- The contemplation of her need for support and/or the possibility that she may offer some limits on future support in trade for her husband’s willingness to stay on the loan (without such co-

operation, the house will have to be sold);

- Assessing whether she should consider trading any of her equity in his 401(k) (a pre-tax asset) for any of his equity in the house (a post-tax asset);
- A husband considering deferring the reduction in his support obligation that would come with his wife re-entering the work force (e.g. under the rules of the Family Code) for a set period of time in trade for her reducing any entitlement she would have on his annual bonus income.

The experience that clients have in contemplat-

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ing the trades that have to be considered in almost every case is personal and subjective to each client. Before they can consider the role that the other client’s interests play in their formulation of an offer, they must first consider the competition among the client’s own interests. Having a safe, contemplative, constructive, and responsive environment within which to do this work gives clients the opportunity to produce thoughtful, creative and targeted proposals. The more thorough the proposal, the greater the likelihood that the most important interests of the proponent are being revealed. This, in turn, gives the person making the counterproposal the ability to make a more targeted response. The typical outcome is that the clients achieve a settlement that maximizes the division of their resources efficiently and cost-effectively.

By way of a kind of disclaimer, I should note that mediator “neutrality” is maintained by my commitment to assist them in their negotiation. I do not recommend what I think should be their outcome. I do help remind them of what the other party has shown their interests to be as disclosed in the conversations that took place in the first phase of the process. Said differently, I don’t manage their settlement. I manage their process of achieving a settlement.

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“New Board Member Interviews” Cont. from Pg. 5

What do you hope to accomplish as a Board Member of APFM?

Reclaim mediation from the clutches of “lawyerized” mediation. The original model taught from AFM-approved trainers works and is being eroded by a “close the file” mentality. While traditionally resistant to credentialing mediators, I do acknowledge that we need to promote standards of good practices.

Where do you see the field of Family Mediation going?

As the first process in family law/divorce conflicts. I am distressed that, while some courts require an attempt at mediation prior to court action, I see it happening only after all discovery is done and emotions are hardened. It needs to be a first step, not a few weeks before trial.

What do you like to do when you are not mediating?

I love music, travel, reading, and art. I am a novice musician and painter. My honey of 32

years and I enjoy entertaining with small dinner parties. So, let me know when you are coming to town.

For more information, see: www.wurzburgmediation.com and click on Energized By Issues, an article written for my college alumni magazine.

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“The Legal Stuff Matters” Cont. from Pg. 6

The most frequent period where support is time-limited is one year for every two years of the marriage. Provisions in pre-marital agreements that preclude or limit spousal support are almost always considered to be binding.

Spousal support is deductible by the payer on the front page of his or her Form 1040, which means that it may be fully deducted without itemizing deductions. The same amount is taxable to the recipient, whose Social Security number must be furnished to the IRS by the payer so that it may be cross-checked. This means that the recipient, often, must file quarterly estimated tax payments with the IRS. It is possible by agreement to reverse this situation and make such support non-deductible by the payer and non-taxable to the recipient, but this is rarely done. There are some technical rules on the taxation of spousal support that are set forth in IRS Publication 504, Divorced or Separated Individuals. Every mediator should download a copy of this publication, which is both authoritative and well-written.

Whenever spousal support is an issue, it is important to look at the context of the particular case. Here are some of the relevant questions to explore: How much is the difference in incomes between the parties? How does this relate to the earning history of the parties during the entire marriage? Has the marriage had the effect of promoting or setting back the ability of each party to be self-supporting? What decisions were made during the marriage that had the effect of enhancing or curtailing the career and earning plans of each party? If a

party has suspended a career to be a stay-at-home parent, does it make a difference whether all the children are now in school, and if so, at what grade level?

How old is each of the parties? How long was the marriage? Does either party have a disability or a serious health problem? Do any of the children have special needs? How much formal education does each party have, including graduate and post-graduate degrees? What is the work experience of each party? Does either or both of the parties possess a professional license or similar credential? Has either party had recurring employment problems? What marketable skills does each party possess? Could these be enhanced by a further degree, or some other credentialing or educational program? What computer skills does each party possess?

What has been the standard of living of the parties during the marriage? What assets will each party receive in the financial settlement? Does the marital home have a substantial equity, or is the equity relatively inconsequential, or do the loans on the property even make the equity “under water”? Does either party have substantial separate assets (including money from her or his extended family)? To what extent have a party’s separate assets been used by the parties to maintain or enhance their standard of living during the marriage? Have the parties used credit cards and other loans (such as refinancing the home) to maintain their standard of living? Has a party customarily run up unnecessary bills during the marriage? What do the income and expense worksheets of each party tell you about his or

her needs and the ability to meet them?

Is a party unemployed due to situations beyond his or her control, such as a corporate takeover of a former employer? Is a party underemployed because he or she has too narrowly defined career goals? Does either party have a sense of entitlement based upon the history of the marriage, and if so, to what extent may that sense of entitlement be justified? Does either party have a mental condition that may pose employment problems, such as a history of depression?

To what extent, if any, is it relevant to understand why and how the marriage ended? Is one party’s sense of entitlement based mainly on the fact that the other party decided to end the marriage? Have the parties contributed relatively equally to the marriage, or has one party been responsible for a clear majority of both the monetary and nonmonetary contributions? Has either party had a serious substance abuse problem, and if so, is it still ongoing? Has either party been guilty of something reprehensible, such as documented violent acts causing injury to others or serious financial fraud? Has either party been involved in one or more affairs, and if so, what has been the effect of those affairs on the family or the marriage? Has a party dissipated marital assets?

The focus of mediating spousal support is often on comparing the monthly income and expense worksheets of each party.

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“The Legal Stuff Matters” Cont. from Pg. 10

Every mediator should have a standard spreadsheet form for these. Since a separation almost always increases the collective expenses of the parties, it is not unusual for the two forms, side by side, to show a collective deficit. Some mediation clients treat these forms like a Christmas list for Santa Claus, while others leave out important items (such as when the recipient of spousal support leaves out estimated tax payments on the support or the costs of future medical insurance). Again, it is seldom the goal of spousal support to equalize the income and expenses of the parties. The forms are more useful when done frugally (but without leaving out anything important).

The forms themselves raise a series of questions: To what extent do you base the figures on the existing situation, and when is it more important for longer term support issues to focus on prospective figures? If a party has a 15-year old vehicle with 125,000 miles, is it legitimate to put in the monthly amount of a

loan to buy a new one? Is it fair to consider voluntary assistance to an adult child as a valid expense? Should the monthly payment to a backed-up credit card be limited to the minimum payment until the finances get straightened out? If finances are tight, should the parties suspend their contributions to retirement accounts? What do the parties do when the costs of private school for a minor child are no longer affordable due to their separation? When are the expenses of counseling for a party or for a minor child still a necessity, and when do they become a luxury?

All of the above questions and comments are designed to show just how contextual spousal support determinations may be, regardless of whether they arise in mediation or come up in some other settlement context, including litigation. Many of the above questions reflect criteria set forth in the state support statutes, while others reflect issues that are often raised by the parties as relevant. The ultimate result is either a decision that there is no spousal

support, or that such support is or is not time-limited, and if limited, for a defined period. Almost always, when there is spousal support, it is for a fixed amount. Modifications for future changes are usually left to the circumstances at such a future time, although it is possible in an agreement to make more specific provisions.

Since spousal support raises basic issues of entitlement vs. personal responsibility, every mediator must reflect on how his or her philosophical attitudes toward this fundamental human debate may affect his or her impartiality. The changing financial contours of the American family may make spousal support less of an issue than it used to be in many cases. It is also less unusual to see a case involving support from the wife to the husband. Finally, it is important to remember that an agreement on spousal support need not, and often does not, simply track what state law might provide.

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“Mojo Marketing and Management” Cont. from Pg. 7

3. My preferred method is practicing my recitations in the car while I’m driving. Everyone’s talking on their phones (hopefully hands free) these days anyway, so I don’t worry about looking silly talking to noone. I can practice over and over again, as I hear the words, hear my voice inflection, and build the muscle memory by repetition.

Whatever method works for you, remember to practice, practice, practice! After a while, it will become so automatic (in a good way) that you can relax and actually enjoy yourself. I promise!

So what is holding you back? We all know that diet we started in the New Year. Something always comes up to stymie us, stop us in our tracks, and try to derail our best laid plans. Unless our motivation is SO strong that we can ignore these distractions and derailments, and get ourselves back on track, the usual modus operandi is to allow ourselves to get off course, rarely if ever to return again. And so, we say:

“See? I tried and it didn’t work.”

This idea of trying to hold our own feet to the fire to get things done will be a subject for another article. Suffice it to say for now, one of my favorite quotes (and I don’t know who coined it) is: “When you make a promise to yourself, you hold a fool accountable.” I rest my case.

Recently, I attended a new mediation peer group with about 15 people to kick it off. A number of us already knew each other, but there were some new faces who did not know anyone. And, kudos to the latter group for braving the meeting by walking into a room full of strangers!

We started the meeting by going around the table introducing ourselves. As this was our first meeting, the inherent goal was to get to know each other and be comfortable in that knowledge. This is critical in a peer group, since the purpose of our gatherings is to share

issues and challenges, ask for help, and be a resource for each other.

Because we wanted to really get to know each other, there were no restrictions on time per se for the introductions. We had scheduled this first meeting for 2 hours and, if that’s what it took to get to each of us, so be it. However, we knew enough not to ramble and get off topic but to keep our overture on point, succinct, and informative.

The introductions were sort of like an elevator speech, in that we each:

1. Introduced ourselves by name and professional background (therapist, attorney, financial planner, “other” etc.);
2. Told our story about how we came to be mediators in the first place;
3. Explained how what we did in our current or prior professional life informed our desire to turn our eyes to mediation;

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“Mojo Marketing and Management” Cont. from Pg. 11

4. Described where we did our training, and how long ago;
5. Discussed where we interned or worked with an experienced mediator to gain confidence and hone our skills, if applicable;
6. Expressed where we currently are in the development of our mediation practices, and the challenges we faced in getting them off the ground, growing them, maintaining them, etc.;
7. Communicated what our goals/intentions are and what we were looking forward to about participating in the group.

As the introductions moved around the table, there was a natural flow and ease.

Of course, we were sharing our stories with people who were like-minded, so we all listened intently and with great interest. Despite that, with each introduction, I found myself drawn in, intrigued and fascinated by my col-

leagues' stories. I felt myself connecting with them, both professionally and personally.

It didn't matter whether I specifically identified with their particular path or not; what mattered was the passion with which they told their story, and the fact that they were here in this room and lived to tell the tale of their hard won journey, which told me volumes about their commitment to their work.

Stories are powerful. And ultimately, our elevator speech is an extremely succinct story that invites the listener to want to know more.

If you look at the seven items listed above, you can see that it's a lightly defined template/format for a way to start thinking about preparing your elevator speech. It outlines the “who,” “what,” “where,” and “when” – the bones, if you will, of how to craft your presentation. As

discussed in previous articles, each event you attend will offer you any number of opportunities to express yourself – from the typical 10-30 second round robin introduction, to the one-on-one opportunity during the open networking at the beginning and end of an event.

As I said earlier, it's not the “what you say” but the “way” you say it that will have the biggest impact. To quote Maya Angelou: “I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.” Passion! That's what people will remember about you long after you've said what you have to say.

Next up: Expanding your speech/presentation/pitch. AND, the nuts and bolts of delivering it.

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“The Ethical Edge: Should Mediators Make Proposals” Cont. from Pg. 8

This helps focus the parties more narrowly, without taking over their role in resolving the dispute.

- 1) Phased-in plan. Starting with what one proposes now and ending up with what the other proposes over time. This can help with finding compromises regarding payment plans, pay raises, child support, transferring job responsibilities, a timeline for a big project, and so forth.
- 2) Splitting the difference. This simple approach has resolved millions of financial disputes over the years. It is very common knowledge that financial settlements end up approximately in the middle of the parties' first proposals. Of course, some people make extreme proposals based on this idea, which alienates the other person, who then refuses to negotiate further. So, keep original proposals within the “ballpark” of what is reasonable under the circumstances. You can suggest this approach, without saying “where” in the middle they might end up.
- 3) Refining their proposals and then flipping a coin. While this is not elegant, it is quick and simple. This is the “Last Best Offer” approach, and, sometimes, a third party (but not the mediator) picks the one that seems the most rea-

sonable. It is also similar to what may happen in court in those cases where the outcome is quite unpredictable.

4) Getting an outside recommendation. With some issues, there are experts who could be consulted who will make a recommendation, which the parties can then bring back to mediation. Such a recommendation can be a reality check, which often puts the parties into the same “ballpark,” within which they can negotiate more realistically. The mediator can then help them “tinker” with the recommendation to make it their own agreement.

5) How far will you go? One method occasionally used is to have each party write down on a separate piece of paper (so the other party can't see it) how far they are willing to go to resolve their dispute (dollar amount, parenting percentage, etc.). Then they fold these up and hand them to the mediator, who looks at them under the table and out of sight of the parties. The mediator then announces that it looks likely they will reach an agreement (if these “bottom lines” overlap), and then asks for new proposals; or announces that it looks unlikely they will reach an agreement, but asks whether either party wants to make a last effort to bridge the gap. Sometimes, people are still able to make new proposals and reach agree-

ments, even when their “bottom lines” didn't overlap. Of course, try to avoid using the term “bottom line” out loud, because it risks locking the parties into what they wrote down— when, in fact, most parties are still willing to go a little farther, if it will help settle their dispute.

By suggesting one or more of these approaches, the mediator gives the parties more guidance, without directing or proposing the outcome. However, sometimes with high-conflict parties, it is necessary to spell it out for them in greater detail. For example, saying: “What would it look like if child support started out at the level that Mary has proposed and then, after some period of time— that you two agree on— it ends up at the level that John is proposing? Could that approach help?”

On rare occasions, usually in a separate caucus, a mediator might say: “Some people split the difference, which in your case would be around \$1000. If the other party were to agree to that number (and I don't know if he/she will), would that be something that could work for you?”

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“The Ethical Edge: Should Mediators Make Proposals” Cont. from Pg. 12

Don't tell me now; just think about it while I speak to the other party.” Then, the mediator asks the other party the same question. Coming from the mediator, the other party will usually say it could work. I only use that in extreme cases, because they are usually able to reach agreement using the three options approach, or the general approaches I have described above.

Conclusions

Mediation is based on principles of self-determination, impartiality, and sufficient information— as well as voluntary consent to

specific terms and client empowerment. When parties in mediation ask the mediator to make a proposal or recommendation, it is important to show empathy and understanding for their request while, at the same time, resisting the urge to simply tell them what to do.

This is especially important when one or more of the parties has a high-conflict personality. Such people tend to get angry when told what to do, even when they ask for it. To them, relationships are inherently adversarial, and they feel compelled to resist direction from others, sooner or later. The better way to help them is

to give them three alternatives to consider, or general approaches to resolve their dispute. Then, they get the credit and often fill in the details much more appropriately than the mediator could possibly do. While it takes patience, even high-conflict people can resolve their disputes in mediation in the majority of cases, with this kind of ethical guidance.

Your Thoughts?

What do you think? Let me know by sending an email response (however long or short) to billeddy@highconflictinstitute.com.

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CERTIFICATION UPDATE

The Professional Mediator Board of Standards (PMBS) was formed to provide certification services for Professional Family Mediators (PFM). The PMBS is a separate corporation formed by the Academy of Professional Family Mediators (APFM), and will operate independently, with a liaison relationship with APFM. The Board consists of nine members. In 2014, the PMBS worked on developing by-laws and articles of incorporation, researched the process for certification of Professional Family Mediators (PFM), identified organizations that can facilitate the test development and certification process, interviewed prospective vendors who are capable of providing comprehensive test development services, and examined potential funding opportunities.

The goal of the PMBS is to provide a recognized certification designation that would be accepted globally. In doing so, the PMBS will seek accreditation by the National Commission for Certifying Agencies (NCCA), created in 1987 by the Institute for Credential Excellence (ICE) to help ensure the health, welfare, and safety of the public through the accreditation of certification programs/organizations that assess professional competence. Certification programs that receive NCCA Accreditation demonstrate compliance with the NCCA's Standards for the Accreditation of Certification Programs, which were the first standards for professional certification programs developed by the industry (www.credentialingexcellence.org/ncca).

The PMBS Board made a presentation at the October 2014 Annual Conference of the Academy of Professional Family Mediators in San Diego, California. Board Members provided an overview and discussed various activities completed by the PMBS during the past year.

The PMBS will have a regular column, Certification Update, in future issues of the APFM Newsletter.

For additional information related to the PMBS, please contact Ms. Marilyn McKnight, President, Professional Mediator Board of Standards, at: Marilyn@ericksonmediation.com.

BOOK REVIEW

By Don Saposnek

The Master Agreement for Separation and Divorce: A Comprehensive Form Document for Creating Agreements for Separation, Divorce, and Parenting, by Jay M. Bultz, an attorney/mediator and APFM member in Myrtle Beach, South Carolina, is a spiral bound, first edition book written to create a comprehensive manual of issues, clauses and phrases that typically are used in drafting Marital Settlement Agreements. His purpose was to generate a master collection of relevant issues and a multitude of options for clauses to include in mediation agreements, presented in a logical order, as a guide for keeping the parties and the divorce professionals on task. As such, this book has achieved its goal. I know of nothing else published that attempts to accomplish this comprehensive mission.

And comprehensive it is. After prefacing with a number of conceptual, practical, and legal distinctions (e.g. agreement vs. contract; enforcement of agreements), he presents a section on “Recitals” that declare assertions about the couple’s “marriage”, “children”, “disclosure”, “enforcement”, and so forth. Then, a section on “Marital Rights and Obligations” is followed by one on “Parenting,” “Assets and Income,” “Debts and Liabilities,” and ends with one on “Administrative” issues. Each section includes scores of specific sub-topics. And, at the back of the book are various appendices of sample declarations, worksheets and calculations.

There are several unique features to this book. The first is the section on “Instructions for Use,” at the beginning of the book. In this section, Bultz encourages the reader to “Create your own Master Agreement” by using as is, or modifying any of the wording, clauses, and provisions that he offers, to suit your own personal preferences. Enclosed on the inside of the back cover of this book is a CD of the book (licensed to the reader), from which

one can download and print out directly, or modify on-line to personalize any of the clauses. Within each topic issue are numerous alternative clauses for most of the topics and issues. So, you just pick and choose which clause fits your particular case. For example, under the topic of “Support Waived,” you can choose from (and modify to your particular needs) any of the following clauses:

Due to Jane and John’s shared parenting arrangement and similar incomes, neither shall pay child support to the other at this time.

OR,

Given Jane’s financial ability to fully support the children without assistance from John, she elects not to seek child support from John at this time.

OR,

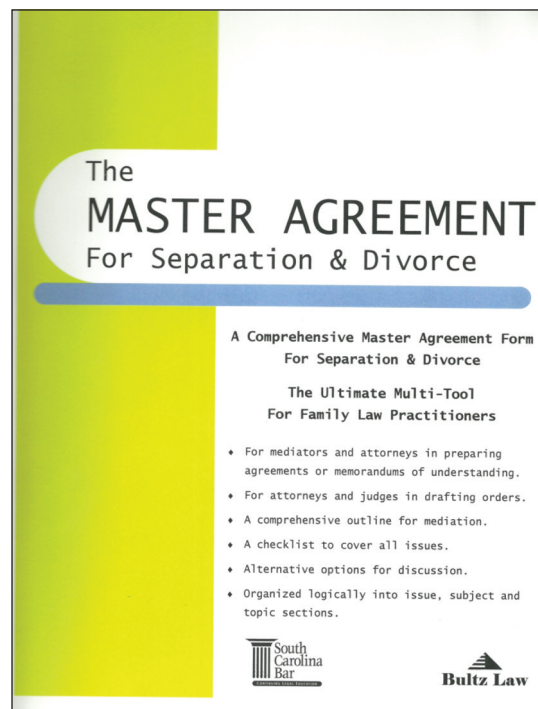
Given John’s other financial obligations he has agreed to herein, Jane elects not to seek child support from him unless there is a significant change in circumstance warranting such.

OR,

John is disabled and receives Social Security disability payments. The child receives approximately \$225 per month support as a result of John’s disability. Therefore, John shall not be required to pay child support at this time.

This “pick your own clause” is a very cool concept and will be especially helpful as a guide for beginning mediators, or even for more experienced mediators who have trouble coming up with clear and precise language and/or who lack a comprehensive template of the many issues that need to be addressed in a competent and comprehensive MSA.

Bultz invites readers to contact him to help him refine this publication for future editions. Among my suggestions would be to even out the number of sample clauses across the topics—some have only one example, while others have more than 10; use more non-stereotyped gender examples (i.e. the “visitation” parent is usually denoted as father); make the legal context of the narrative more national—he, unfortunately, too often used the default legal context as South Carolina [However, it



should be noted that the book appears to be co-sponsored by The South Carolina Bar, Continuing Legal Education Division]. In spite of that, I think the overall document will have broad applicability nationally, since most of the issues are more generic. The book and CD sell for \$155.95 and the CD alone for \$119.00 and can be purchased from: <http://www.mediate.com/products/pg1285.cfm>.

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APFM Member Trainings

Training for Those Wanting to Expand Their Areas of Practice

April 13-15, 2015 - Elder (Adult Family) Mediation Training – by Elder Decisions®, a division of Agreement Resources, LLC - Training held in Newton, MA.

For mediators interested in expanding their practice to include the growing field of Elder/Adult Family Mediation. Learn specialized skills and techniques for working with seniors and adult families facing issues such as living arrangements, caregiving, driving, medical decisions, family communication, financial planning, inheritance/personal property distribution, trusts and estates. Join trainers Arline Kardasis and Crystal Thorpe, with guest experts from the fields of elder law and gerontology, for three days packed with content, skill-building, role plays, and opportunities to interact with fellow participants (who often travel from around the world to attend). For more info and future training dates, visit: www.elderdecisions.com/pg19.cfm, email training@ElderDecisions.com, or call: 617-621-7009 x29.

Approaches for the HIGHEST CONFLICT DISPUTES

April 16-17, 2015 (Thursday from noon to 7:15 p.m., and Friday from 8:30 a.m. to 4:15 p.m.)

Presented by: Bill Eddy, LCSW, JD, CFLS, and Founding Member APFM

Hosted by: Heartland Mediation Association

Co-Sponsored by: Association of Missouri Mediators, Iowa Association of Mediators, Nebraska Mediation Association and Collaborative Divorce Professionals of Greater Kansas City.

Location: Kansas University Edwards Campus, BEST Conference Center in Overland Park, Kansas.

Cost: Early Bird through March 31:

Members: \$145; Non-Member: \$185; Full-Time Student: \$75

Register: <http://www.heartlandmediators.org/training/>

Contact: Janet Lhuillier HMAOrganization@everestkc.net

This 2-day training for attorneys, attorney/mediators, mediators, and social workers will focus on acquiring an understanding of high-conflict behavior and personalities, and learning and practicing advanced skills for managing high-conflict behavior. The training will include lecture, demonstrations and practice exercises that will provide mediators with methods to calm upset clients, reduce their resistance to problem-solving, and then help to focus them on managing and resolving their conflicts. Bill Eddy, a renowned California lawyer and mediator, will share his methods and then orchestrate and lead a series of role-play demonstration and practice exercises that will allow attorneys, attorney/mediators, mediators, and social workers to utilize these new skills.

Exciting News about APFM's Member Benefits

New LinkedIn Group for Mentorship

APFM members have exclusive and private access to APFM's LinkedIn groups. The newest group is "APFM Mentors and Mentees." The Board of Directors recognizes how hard it can be for a mediator to find a mentor. This new LinkedIn group provides an excellent opportunity for members to access the help they need and want. It is a forum for a member to communicate directly with other APFM members about the specific challenges he or she faces. A member may request information, exchange ideas, and get targeted support for issues that arise in mediation practice. Members may simply ask their questions and get answers. In addition, members who want to establish a private mentoring relationship with any other member may make those connections through this group.

APFM also has a broader LinkedIn group, called "APFM". This is a great place to post articles and news, and to participate in collegial discussions with other APFM members about topics of interest to mediators in general. Doing so helps you learn, share information, get better acquainted, boost your internet presence, and gain exposure.

To join APFM's groups go to: <http://www.linkedin.com/groups/APFM-5062612>

The APFM group manager will approve the request to join of any fully paid, current member of APFM. Please allow a few days for this to happen.

Return of Webinars!

Starting in April, APFM will again be con-

ducting for its members an outstanding series of webinars on hot topics in mediation. Stay tuned for email announcements on upcoming presentations! Members are encouraged to submit suggestions for programs to Robert Horwitz or Hilary Linton.

Announcements for Trainings

Members may announce their upcoming trainings on the APFM website. Contact Pascal Comvalius for more information.

Approval of 40-Hour Basic Training

Members who seek APFM's review and approval of a 40-Hour Basic Mediation training may contact Robert Horwitz or Hilary Linton.

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Help Educate the Public

Too many people have never heard of family mediation. Among those who know the field exists, too many have no idea how much we can do to help people resolve issues, save thousands of dollars, and make their lives better.

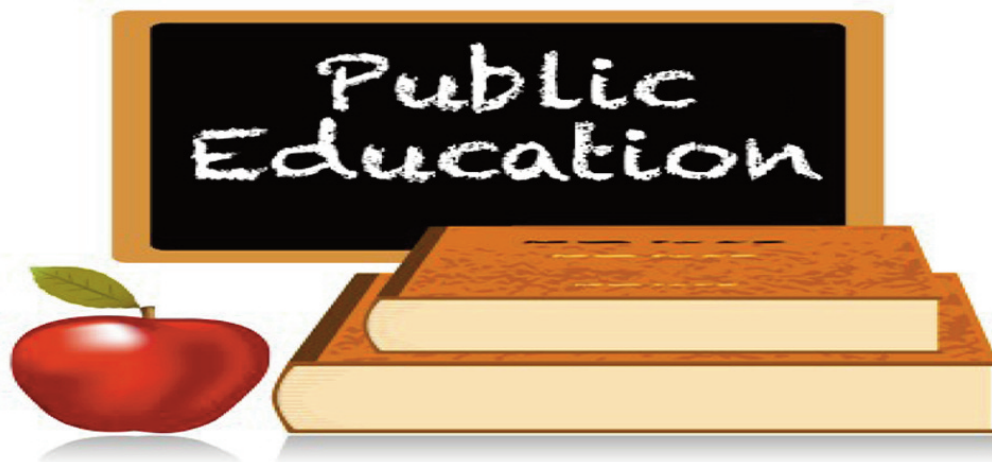
One of APFM's goals is to change this. It may take us a while to figure out how to mount a major public education campaign. If you would like to get involved in that effort, please contact Virginia Colin, mediatorQ@gmail.com about joining the Public Relations Committee, which she

heads. If you have a strong connection with anyone in TV, radio, internet news (e.g., Huffington Post), or print media, please help our PR committee connect with them.

Meanwhile, we have a modest beginning. The talk radio show Family Matters on the VoiceAmerica.com Variety channel has already featured three much-loved family mediators as guests; John Fiske talked about marriage mediation on the November 25, 2014 show, Woody Mosten talked about family mediation on the December 16,

2014 show, and on February 10, 2015, Bob Rhudy spoke about elder care mediation.

You can listen to these interviews online or download them as podcasts. This link should take you to them: <http://www.voiceamerica.com/show/2397/family-matters>. If the link does not work, just go to VoiceAmerica.com and search for "Family Matters" or "Virginia Colin." Each episode of "Family Matters" has its own direct link. Please share the links with anyone and everyone. Help teach the world about professional family mediation.



SAVE THE DATES:

APFM Annual Conference

OCTOBER 22-25, 2015

Washington, DC.

