

# MEDIATION NEWS

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Smullin Mediation

This month's Mediation News includes a New York Times story on a decision by the New York theatre community to add mediation to possible responses to sexual harassment. This voluntary program is a reminder of the advantages of mediation in today's environment.

Mediation is confidential, deliberative, quick and private. Today, employers and their supervisors have an intense interest in avoiding media attention. Mediation focuses on facts and their significance at trial, not on allegations. A mediation date can be arranged in weeks versus a realistic trial date usually over a year later. Mediation participants are limited to the parties, their lawyers and the mediator rather than a courtroom full of staff, potential jurors and the general public.

The swift and seemingly indiscriminate termination of some accused of harassment is generating fear of invalid allegations in managers and their families. They are in jeopardy now in a way that victims usually have been. What matters is that parties to allegations deserve the opportunity to explore what happened, what should have happened and what needs to happen, quickly and in confidence. For example, it may be true as in a mediation that I conducted, that an adulterous relationship was originally consensual. However, when that relationship ended, the accused continued to force his attentions on his former lover in ways that were clearly unwelcome. Pre-complaint mediation provided a quick, confidential way of resolving this uncomfortable, embarrassing situation. For the above reasons, mediation can be a valuable process, both pre- and post-complaint.

**FEBRUARY 2018**

## Featured Articles

### [Do You Use "BATNA" Wrong?](#)

by John Lande

Having reviewed negotiation publications and listened to colleagues, I can confidently assert that most of us grossly misuse the term "BATNA."

### [The Role of the Apology in Abuse Redress Schemes](#)

by Greg Rooney

The profound apology has been an essential part of abuse redress schemes adopted by a number of religious institutions in Australia for supporting victims of abuse within their organisations.

### [Mediation Advocacy Beyond the Norm](#)

by Paul Monicatti

Pre-mediation summaries give an advocate the latitude to set a non-adversarial tone conducive to joint problem solving.

### [ISO Strong Mediator](#)

by Arthur Pressman

As I approached this article, I expected that how attorneys describe what qualities they want in a mediator would depend upon the case, the side the



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## Featured Blog Posts

### [Conflict Resolutions for 2018!](#)

Cinnie Noble

### [On the Road to Solutions that Work for All](#)

John Sturrock

### [Confusing Dispute Resolution Jargon](#)

John Lande

### [Children and ADR](#)

Shirli Kirschner

### [When Your Boss is a Bully](#)

Lorraine Segal

## Quotes

*Not to decide may be to decide.*

*The bigger the issue, the greater the opportunity for agreement.*

*I would rather be an optimist and be wrong than be a pessimistic and be right.*

*Power is the ability to influence the decisions of others.*

lawyer is on, the opponent, one's own client, and mostly how the lawyer sees the mediator's role. My research proved otherwise.

### [Restoring Autonomy to the Clients – A Mediator's True Calling?](#)

by *John Sturrock*

A whole day of mediation without a "joint meeting".

## Mediation in the News

### [Ecuador seeks mediator to resolve 'untenable' Assange standoff: minister](#)

Ecuador is seeking a "third country or a personality" to mediate a final settlement with Britain to resolve the future of WikiLeaks founder Julian Assange.

### [Irish Mediators welcome commencement of Mediation Act](#)

2018 promises to be, "a significant year in the development and practice of mediation in Ireland as a result of the Mediation Act coming into force."

### [After firing, Garrison Keillor in mediation talks with Minnesota Public Radio](#)

Garrison Keillor is in mediation with Minnesota Public Radio after his former employer fired him for allegations of "inappropriate behavior" with a co-worker late last year.

### [Theater Professionals Can Seek Mediation in Sexual Harassment Cases](#)

Members of the theater community now have a new option for how to address sexual harassment. A mediation service for theater professionals involved in sexual harassment incidents was announced. The service, facilitated by an approved mediator, will be confidential.

[Read All News](#)



CELEBRATING 21 YEARS

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