

# MEDIATION NEWS

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Smullin Mediation

## Introduction to Mediation News:

This edition of Mediation News includes a Featured Blog Post entitled: "Different Ways of Looking at the Same Thing." The author, Phyllis Pollack, compares the approaches of two presenters on mediation at the most recent State Bar Conference. In so doing, she highlights the essential emotional nature of conflict and the fundamental human needs which drive disputants.

While the terminology she cites warrants a second reading, her analysis underlines several mediation techniques I find invaluable.

In pre-mediation meetings with each side, participants can be encouraged to think of opposing parties as partners rather than as adversaries. The competitive nature of litigation often obscures the fact that resolution depends upon the agreement of the other side.

The need to be heard in a mediation is also closely aligned with the need to feel validated. For this reason, a skilled mediator focuses on listening carefully and empathetically. A mediator's litigation experience as a former judge or otherwise, may be extensive. However, parties do not care how much the mediator knows, until they know how much the mediator cares. For this reason, it matters that a mediator cares what people have been through and especially how resolution can enhance their futures. That caring builds trust, and trust permits the mediator to assist the parties in more objectively evaluating the risks of their positions. As those reevaluations continue, resolution becomes not only more foreseeable, it becomes more natural.

**Dave Smullin**

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## Featured Articles

**[After Drumpf v. Clinton: How "Stronger Together" and "Great Again" Can Become "Great Together"](#)**

by *Jim Melamed*

Wow, what a divisive election! Some reasonably fear that this is the end of civility in American society. One reasonably wonders whether things have ever been worse. So, what do we do now?

**[Mediation in the Future of Policing](#)**

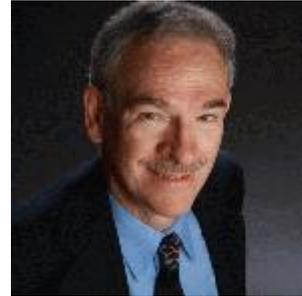
by *Maria Volpe*

The future of policing must incorporate mediation. No other profession places its practitioners more in the middle of challenging situations; police officers are regularly expected to make difficult conversations work on the spot.

**[Mediation Users Make their Mark](#)**

by *Ute A. Joas Quinn*

The International Mediation Institute (IMI) has just released its 2016



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## Featured Blog Posts

**[Want More Self-control  
During Conflict? Try  
appealing to your future  
self](#)**

by *Tammy Lenski*

**[Wikipedia Does Conflict  
Well](#)**

by *Dan Simon*

**[Different Ways of Looking  
at the Same Thing!](#)**

by *Phyllis Pollack*

**[Healing Old Hatreds at  
Work or Anywhere](#)**

by *Lorraine Segal*

**[A Quoteload of Sketches](#)**

by *Brad Heckman*

International Mediation and ADR Survey. The results, which were generated by 815 individuals representing 67 countries and varied stakeholders (users, advisors, mediators, educators, students, providers, governments), are seriously thought provoking.

### [Mediation in Multi-billion Dollar Dispute](#)

by Michael Toebe

Two medical-testing firms have a \$5.8 billion deal ready to go yet there are serious legal, risk and ethical issues in the way. The firms have agreed to mediation, which is an encouraging sign of progress in corporate business.

### [The Mindful Mediator](#)

by Bernard Morrow

I have written in the past about how “being present” (or, in the moment) is the single-most important ingredient I bring to a mediation.

### [Beyond Arbitration and Mediation: Designing the Dispute Resolution Process to Fit the Situation](#)

by Michael A. Zeytoonian

We live in a specialized world, one in which access to information is so overwhelming that there literally is “an app for that” to satisfy even the most specific and narrow of needs.

## Mediation in the News

### [Sacramento police shooting lawsuit could be settled through confidential mediation](#)

The city of Sacramento will attempt to settle a civil lawsuit over the fatal police shooting of Joseph Mann through confidential mediation and wants the court to seal evidence released in the case, according to court documents filed this week.

### [Hot jobs: Mediators](#)

According to the New York State Department of Labor, employment for arbitrators, mediators, and conciliators is expected to rise 14.6 percent — faster than the average for all occupations — between 2010 and 2020.

### [Massachusetts Appeals Court: What Happens in Mediation Stays in Mediation](#)

The Massachusetts Appeals Court recently held that statements made by a party during mediation cannot be used later in a lawsuit to support a claim of fraud or similar claims.

### [Judge eyes mediation in O'Donnell campaign finance case](#)

A federal judge is hoping court-ordered mediation can resolve a penalty dispute in a Federal Election Commission lawsuit against former Republican Senate candidate Christine O'Donnell.

[Read All News](#)

[Read All Blogs](#)

## Featured Quotes

*He who does not trust enough will not be trusted.*

Lao Tse

*People have one thing in common, they are all different.*

We must be the change we wish to see in the world.

Gandhi

*The only completely consistent people are the dead.*

*The purpose of freedom is to create it for others.*

Bernard Malamud



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