Beyond Mediation

Interdisciplinary Collaborative Practice, Public Policy Facilitation, Conflict Coaching and Limited Scope Representation

Host Woody Mosten
Introductions

01
CONFLICT COACHING:
PATTIE PORTER

02
PUBLIC POLICY FACILITATION
SAM IMPERATI

03
UNBUNDLED LEGAL SERVICES:
AMY SKOGERSON

04
COLLABORATIVE PRACTICE:
ADAM CORDOVER
& BRIAN GALBRAITH
Conflict Coaching

01 WHAT IS CONFLICT COACHING?

02 WHO ARE YOUR COACHING CLIENTS/TRAINING PARTICIPANTS?

03 WHAT ARE THE DIFFERENCES IN HOW YOU WORK WITH CLIENTS/TRAINING PARTICIPANTS PRE-AND POST-COVID?
More on Conflict Coaching

01
WHAT PRECAUTIONS OCCUR WITH COACHING CLIENTS? TRAINING PARTICIPANTS?

02
WHAT DON’T WE LIKE ABOUT ONLINE COACHING AND TRAINING?

03
WHAT IS ONE THING WE AS MEDIATORS CAN LEARN FROM YOUR EXPERIENCE DURING COVID?
Public Policy “Facilitation”

01 WHAT IS IT?
02 HOW'S IT DIFFERENT THAN MEDIATION
03 HOW DID IT EVOLVE?
04 HOW WE DID IT AND CURRENTLY ARE DOING IT
05 WHAT WE’LL KEEP POST-PANDEMIC
06 RESOURCES
Public Policy Facilitation
O1: What is It?

Parties collaborate to make decision

Parties collaborate with help of facilitator in Public

Parties have someone decide for them

Cooperative
Informal
Unassisted
Inexpensive
Low Intensity

Adversarial
Formal
Assisted
Expensive
High Intensity
# 02: How’s it different than Mediation

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<th>Core Standards / Codes of Ethics</th>
<th>FACILITATION Values/Code of Ethics - IAF - <a href="http://www.iaf-world.org">www.iaf-world.org</a></th>
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<td>I. Self Determination</td>
<td>1. Client Service</td>
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<td>II. Informed Consent</td>
<td>2. Conflict of Interest</td>
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<td>III. Impartial Regard</td>
<td>3. Group Autonomy</td>
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<td>IV. Confidentiality</td>
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<td>V. Process and Substantive Competence</td>
<td>5. Respect, Safety, Equity &amp; Trust</td>
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<td>IX. Dual-Roles and Hybrid</td>
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<td>X. Mediation Practice</td>
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Mediation is defined in Oregon as “... a process in which a mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy ...

“Collaborative dispute resolution process”. Does not include:
(a) Contested case hearings; or
(b) Meetings, outside of a collaborative rulemaking, in which a facilitator is used solely to lead an orderly meeting, manage an agenda or assist the group in accomplishing tasks and is not attempting to resolve a controversy ...

Facilitators are called upon to fill an impartial role in helping groups become more effective. We act as process guides ...

Facilitation: is the use of a third party who is impartial toward the issues being discussed. A facilitator provides procedural assistance to group participants. She may enhance information exchange and promote effective decision-making. The facilitator may or may not be a member of the group involved in the discussions. The facilitator has no decision-making power.

Don’t forget our IAP² cousins
https://www.iap2.org/mpage/Home
https://www.iap2.org/page/pillars
O3: How did it evolve?

1970’s– 80’s: And so it began
- Public Involvement (Tell)

1990’s: Shift toward prevention against political and legal pushback
- Public Participation (Tell and Ask)

2000’s: Collaborative Governance
- Collaborative Problem Solving / Recommendation Making Stakeholder Advisory Committees (SACs)

2010’s: Moved Toward “Competitive” Governance,” “Mediation vs. Facilitation,” and “Pretend Public Participation?”

Is this real or is Sam just getting even older and more cynical than we thought?

2020’s: Let’s Take this Online and talk Racial/Social Justice in context of “Impartiality”
04: a) How we did it and b) Currently are doing it

a) Pre-Pandemic

1) The same way we “mediated”
2) In-person, public place, with no confidentiality, and everyone watching, including the media
3) Printed handouts
4) “Worked” the breaks
5) Used seating placement to get folks talking informally
6) Little attention to cyber security
7) Read all non-verbal cues
8) Went to them vs. “come downtown”
9) Synchronous

b) Pandemic

1) Same
2) Same, but on Zoom and YouTube
3) All electronic with more surveys (e.g. [https://metroquest.com/](https://metroquest.com/))
4) Lost the work during breaks
5) Lost that ability for efficient, informal relationship building
6) Which “virus” are you referring to?
7) Only read faces and vocal changes
8) Access to tech is an equity problem
9) Asynchronous
05: Keep Post-Pandemic

1) Virtual: How – Not If
2) The same way we mediated
3) In-person, public place AND Zoom with YouTube
4) Greater use of electronic handouts, virtual open houses, and small-group breakout rooms
5) More pre- and post-session 1-1s vs. working the breaks
6) More meeting time spent on building informal relationships
7) More attention to virtual security
8) Bigger and dual monitors to read the room for non-verbal cues
9) Zoom-Orama

06: Helpful Resources

A) International Association for Public Participation (IAP²) Resources

B) ABA 2021 Dispute Resolution Tech Expo (7-12 through 7/16)
https://web.cvent.com/event/42648ba3-0a5c-4c50-8f2a-9e8543c92d58/summary

C) Engaging Virtual Meetings – John Chen

Thank You and feel free to contact me at SamImperati@ICMresolutions.com
Unbundled Legal Services

01 WHAT ARE UNBUNDLED LEGAL SERVICES AKA LIMITED SCOPE REPRESENTATION?

02 HOW HAS WORKING DIGITALLY IMPACTED HOW YOU WORK WITH CLIENTS?

03 HOW DO YOU USE TECHNOLOGY TO ENSURE THAT WORKING WITH CLIENTS DIGITALLY IS EFFICIENT?

04 WHAT ARE THE PROS AND CONS OF PROVIDING UNBUNDLED LEGAL SERVICES DIGITALLY?
Collaborative Practice

01 WHAT IS COLLABORATIVE PRACTICE?
02 WHAT IS THE INTERNATIONAL ACADEMY OF COLLABORATIVE PROFESSIONALS?
03 HOW DID THE PRACTICE Evolve DURING THE PANDEMIC?
04 WHAT IS NEXT FOR COLLABORATIVE PRACTICE?
IACP Mission

- Our Mission is
  - To Transform the way families resolve conflict by building a global community of Collaborative Practice and consensual dispute resolutions professionals
Collaborative Practice Training

01
ETHICS AND STANDARDS FOR INTRODUCTORY TRAINING

02
THE IACP TEMPORARY RESPONSE

03
HOW WE DID TRAINING

04
THE REVISED STANDARDS GOING FORWARD
Breakout Rooms

What is one thing you learned from your practice during the pandemic you want to share?
Takeaways and Wrap-up

In chat, please put one thing you are taking away from today’s Forum