

Virtual Interpersonal Community Mediation

Think Tank Report

Hosted by the National Association For Community

5/25/21

In November 2020, Mediate.com approached D.G. Mawn of the National Association for Community Mediation (NAFCM) to facilitate a national think tank regarding possible support Mediate.com may wish to consider which would strengthen and broaden the impact of community mediation through on-line access. The exact charge was: Develop best-practice recommendations for Mediate.com regarding their online services so they best support the field of community mediation to embrace and offer online mediation services and utilize and benefit from basic and ongoing online mediation training.

NAFCM established three workgroups, which met multiple times between January 2021 and April 2021 to develop recommendations for Mediate.com to consider that may strengthen the discipline of community mediation. Those who worked on parts of this report included: Aaron Addison, Piedmont Dispute Resolution Center (Virginia); Kabrina Bass, Midlands Mediation (South Carolina); Brandon Brown, George Mason University's Carter School for Peace and Conflict Resolution (Maine); Sara Campos, Loyola Marymount Law School's Center for Conflict Resolution (California); Lori Dieckman, National Association for Community Mediation (Colorado); Philip Hong, Pepperdine School of Law (California); Corinne "Cookie" Levitz, Center for Conflict Resolution in Chicago (Illinois); Charles A. Lieske, Mediation West (Nebraska), Norma López, Orange County Human Relations (California); Felicia Washington, National Association for Community Mediation (Virginia); and, Jeanne Felicity Zimmer, National Association for Community Mediation (Minnesota).

Overview

Community mediation centers (CMCs) are participant-focused and have been providing both face-to-face and virtual mediation sessions for decades to meet participants' needs. Many CMCs have also offered virtual training and continuing-education sessions for years, with NAFCM having provided continuing education webinars for years as well.

As we all know, the pandemic forced everyone online, and many CMCs (as well as private practitioners) found themselves "forced" to adopt virtual practices. NAFCM board members made check-in phone calls to all member CMCs mid-2020 and found that CMCs were flexible, adaptable, and able to pivot quickly to both train volunteer community mediators and to provide services online. Some CMCs that had been resistant to providing online services found themselves pleasantly surprised by the benefits of virtual services.

However, our consensus is that - as participant-centered providers - both in-person and virtual services will be part of the mix going forward. Similarly, online training for prospective volunteer community mediators may be part of the future of community mediation, but again, not exclusively. Unlike mediators in private practice, CMCs create cohorts of volunteers and utilize experienced volunteer mediators to both coach and provide apprenticeship opportunities. Again, this is part of the relational foundation.

CMCs are very hands-on in their training of prospective volunteer mediators/facilitators because the CMCs will have an ongoing relationship with these volunteers and the quality of services they provide through the CMCs (unlike other providers of training who have no ongoing commitment or oversight of their trainees).

Quality assurance is key to CMCs and the ongoing oversight/supervision as part of the development of reflective practitioners is essential to CMCs' service provision. Many CCMs have a peer review mechanism. A peer reviewer, (i.e., a senior mediator who have themselves been reviewed). Will observe the reviewee's mediation and later give them feedback. The peer review committee will make recommendations to the reviewee as to tools for improvement. CMCs want to make sure that all community mediators are "safe and competent" to mediate.

CMCs also act as a gateway to the mediation field. Actually, many private mediators receive their initial mediation training from a CMC. CMCs enable non-lawyers, non-retired judges to enter the field of mediation. New mediators want and need experience mediating. CMCs are the best way to get this experience and do good for the community.

Also, these private mediators, who cut their teeth through a CMC soon realize that CMCs do more than neighbor disputes, pro se small claims matters, or landlord/tenant disputes. They do mediate these cases (and they are important cases), and they may also mediate sexual harassment cases, discrimination cases, large group mediations, public policy-related conflicts, misdemeanor criminal cases, juvenile cases, etc.

Volunteer community mediators/facilitators receive additional training specific to the domain in which they will volunteer - school, court, neighborhoods - as well as the type of services they will provide - mediation, facilitation, circles, etc. CMCs strive to help prospective volunteers find where they fit best in this array of services. For some CMCs, some volunteer mediators, and some participants, virtual sessions may be ideal.

Because CMCs offer services at low or no cost to participants, we need to note that access to online services can be a barrier to participants - particularly those in rural communities. The ability to use broadband provided by libraries or to provide services over the phone or using cellphones can bridge the access gap.

These recommendations are separated into three categories. The first category focuses on how Mediate.com may be able to help strengthen the community mediation centers themselves. The second category focuses on strengthening the ability of community mediation to be infused into our formal and informal dispute resolution practices. The third category focuses on expanding the knowledge and openness of the broader community to the value and use of community mediation.

Strengthening the community mediation centers and structure.

Community mediation centers need to have the capacity to increase access to justice by underserved populations. Some suggestions:

Online Login/Portal for Community Mediators to use which will allow mediators from different states to help without worry of distance and free up other people's schedule if needed.

Create a training session on being a volunteer online mediator for centers. We would want a vetting process/training module for community mediators to make sure that the volunteer mediators are skilled.

Create an orientation for cultural awareness for the area you want to mediate in

Create on-line training webinars on how to utilize all the tools for online mediation. This would include: Zoom tools, other video tools, Whiteboard, Microsoft, E-Signatures, etc.

Offer a certain number of slots for free to community mediation centers to advertise their on-line trainings. This could be done similar to a lottery system.

Hold a percentage of the money made by Mediate.com from trainings (10 - 20%) and give back to community mediation centers.

Could do online trainings on the different categories of mediation that community mediation centers do. A short list would include: Family mediation; Small claims; Workplace conflict mediation; Teenager/parent mediation; Juvenile/court-connected cases; Sexual Harassment cases; City - Ordinance violations; Employment First cases (people getting kicked off state benefits); Restorative Justice; and Domestic Violence.

Accessibility is key when looking to support community mediation centers this would include:

- Cost effective - smaller mediation centers have limited budgets or service low-income communities. Any training opportunities should be low-cost or free
- Addressing language needs - assessing language needs will help develop translated collateral and even offer translation during training
- Addressing technology gaps - some communities do not have the same technology capacity or accessibility and prefer in-person trainings
- Incorporate a mentoring portion that also allows for trainees to debrief

Strengthening community mediation centers footprint in conflict resolution activities

Community mediation centers need to be part of the just infrastructure. Two overarching suggestions are:

Community Mediation Training

The content on Mediate.com is largely focused on purchasable training modules and articles written by members about the art of mediation in various settings. In the area of community mediation specifically, however, the website seems only to link to articles written about the wider picture of mediation, *some* of which deal specifically with community mediation. The website seems to fall short in connecting people with services that would be considered under the CMC umbrella. One way that Mediate.com can assist CMC's in embracing and offering online services is by tailoring aspects of the website to individuals and organizations doing community mediation work.

Finding, or encouraging articles that explicitly discuss the ways that CMC's work within other systems (schools, courts, human services, etc.) would be a starting point. Mediate.com could also begin exploring ways to facilitate connectivity between systems and CMCs in the virtual space.

Developing more CMC-gear'd trainings is another approach that Mediate.com might take. CMC's work extends beyond the interpersonal conflicts, they also facilitate a lot of group work that is specific to their communities. Mediate.com would benefit from creating, or partnering with CMCs, NAFCM, or other organizations to create virtual trainings that equip mediators with specific skills that are more group- and community-based. A current example of this would be a training about facilitating conversations between communities and police, communities and political figures, communities, and the courts, etc. If Mediate.com offered more trainings tailored to CMC needs, they would be moving towards centers embracing ongoing online trainings that are specific to helping systemically underserved people and communities.

The training that Mediate.com offers should also be evaluated in terms of the diversity they are representing. If training videos are going to appeal to CMCs they should represent people that centers will find in their community as opposed to only the skills someone might need to mediate with people generally. The current offerings on the website seem to be lacking in diversity; of who and what is represented. This point ties in with the one above, that Mediate.com should consider expanding their community section on the website to include a wider diversity of content.

Mediate.com should also be communicating with NAFCM or CMCs to get recommendations for what trainings would be most beneficial moving forward, and partner with organizations to offer the best, most representative trainings, in order to pull in interest from centers who could benefit from those trainings.

National Virtual Mediation Platform

NAFCM and Mediate.com could develop and pilot a virtual CM platform - this could be national - and could help fill in the gaps across the country where there are no CMCs. Private practitioners/individuals could be trained through this partnership - trained for the first time - or re-trained (unlearning the legal model) through this collaboration, and experienced volunteer virtual community mediators would provide coaching and apprenticeships opportunities. These volunteer virtual community mediators (VVCMs) would co-mediate a wide variety of cases across the country - primarily those where participants are geographically distanced. A sliding-scale fee chart would be developed, and contracts/grants could be sought to fund the program. This could be a way to connect systems - virtually - across the country.

Strengthening the awareness of community mediation centers.

Community mediation centers need to assist in ending being their community's best kept secret. Some suggestions:

Strengthen the public partnership of NAFCM and Mediate.com with an updates and information section about community mediation on the Mediate.com platform.

Create learning opportunities for local grassroots organizations that are working with underserved communities with the intent of:

- Increasing their knowledge of community mediation
- Facilitate a planning process on how community mediation can enhance the capacity of those they serve and explores ways this can be done
- Create avenues for funding new “community mediation” ventures

Create a community mediator training resource/module to educate and train individuals in local communities about mediation that does not require official court sanctioned training.

Facilitating conversations working directly with local organizations to promote mediation using: Listening Sessions, Restorative Justice Circles, Community Dialogues, Police Department Community Dialogue Facilitation.

Members of the public who could benefit from community mediation may not be aware of what mediation involves. One possible way that Mediate.com could help to increase systems capacity to increase access to justice would be to provide free collateral materials for the public such as general FAQs and short videos aimed at educating the public about mediation. These materials could be posted on Mediate.com’s website and cross posted or linked on community mediation center websites.

- Consumers of mediation can easily find Mediate.com in a keyword search.
- Add a section for FAQs and include information and short videos in the tab already on the site for “Community”.
- An advisory committee from NAFCM will partner with Mediate.com on content that would be relevant and applicable to clients of community mediation centers.
- NAFCM member centers would be able to use these materials on their websites and/or provide a link to the information on Mediate.com.

How services are advertised on Mediate.com is also important. If the goal is to increase the use of community mediation instead of the judicial institution, then there is a need to advertise alternatives to judicial intervention boldly for visitors to the site. Something needs to catch people’s eyes on the site that directs them to mediation as an alternative to judicial processes, at the beginning of a conflict.