



The Multi-Door Current

From The Director's Office

Last fall I attended the Annual Conference of the Association for Conflict Resolution in Philadelphia and came away with a challenging notion of what it is we are trained to do as mediators. The most thought provoking workshop I attended was conducted by National Mediator and Arbitrator, Robert Creo. Mr. Creo presented a unique and somewhat counterintuitive theory for mediators: that the mediation process is anything but symmetrical. Mr. Creo's thesis is that mediation is "an asymmetrical process, complex and non-linear, that is both reactive and adaptive." This is sometimes referred to as "complexity theory" or "chaos theory." He explained, that attempts to create a balanced and predictable process by grafting due process and other procedural notions, distorts the inherent asymmetrical nature of the mediation process.

Mediators are trained to balance their time and response toward each participant. Symmetry is a very important component of the mediation process. It conveys a sense of fairness and respect, that no party is more important or has more power than the other; as mediators we often strive to give equal time to each party whether they need it or not. More importantly, our training teaches us to behave in a way that treats parties as if they come to mediation with similar life experiences, the same tolerance for risk, the same preparation, interests, perspectives, expectations and goals. For instance, in a personal injury case, the mediator may have different experiences with the participants; he may be meeting some for the first time, while others are repeat players. The defendants' offer typically involves real dollars, while the plaintiffs' demands are more abstract sums or aspirations. One party may have suffered personal trauma, while the other party's key interests are primarily economic. There may be a real or perceived power imbalance. The number of partici-



Jeannie Adams, Director of Multi-Door

pants on each side may be uneven. Confidentiality and privacy interests may vary by party. And there are almost always differences in culture, age, income and other demographics among participants. Where's the symmetry?

Mediation allows the mediator to navigate freely between the parties. It allows the mediator to spend time with the participants as needed, not merely as an attempt to provide balance for the sake of symmetry. Mediators are assessing participant needs throughout the process using different tools at different times. Inherent asymmetries in mediation should reduce attention to the "concepts of neutrality and process balance, in order to be effective in transforming the participant's views of each other or the dispute." Forcing symmetry can create a contrived process, diminishing the mediator's effectiveness and inhibiting the parties from achieving a satisfying outcome. Mediator transparency and authenticity can help parties move beyond the issues of neutrality and balance, because the mediator is exhibiting an understanding of each party's needs in the moment.

There is no road map for mediation; it is different every time we mediate. The process unfolds and the map is created by the participants with twists and turns, setbacks and barriers, false starts and wrong turns. According to Mr. Creo, "effective mediators are creative and are able to think outside the box because they think and act asymmetrically, so that the box does not even exist."

Multi-Door Develops Brown Bag Series

Multi-Door has developed a new brown bag series for its mediators. The lecture and discussion series is a new addition to our current training program. Mediators receive free, comprehensive trainings before they begin mediating in a Multi-Door program. In addition, each mediation program periodically offers in-service trainings focusing on particular procedures or issues. The brown bag training series is intended to provide additional skills development by featuring topical discussions related to the practice of mediation. Upcoming brown bag topics will

include effective screening procedures for domestic violence, assessing a party's mental capacity to mediate, and cross-cultural communication. Broader topics will include basic conflict resolution theories, restorative justice, and other mediation opportunities in Washington, D.C. area. All active Multi-Door mediators are encouraged to attend any of the sessions. As the series evolves more topics will be added, and mediators are welcome to submit suggestions to Kiyana Rayfield (Rayfieldkm@dscs.gov).

Inside this Issue:

Landlord and Tenant Mediation Program	2
ADR Lunchtime Forum	2
In The Spotlight—Janine Harris	3
In the Spotlight—Rosa Jeter	4
Open Enrollment	4

Brown Bag Training Series

- January 17*
Effective Co-Mediation
- March 14*
Domestic Violence Screening Procedures
- April 5*
Domestic Violence Screening Procedures
- May 23*
Mediation Opportunities in the Washington, D.C. Metro Area
- June 7*
Theories and Principles of Restorative Justice—Bringing Victims and Offenders Together
- August 7*
Mediating with High Risk Parties—Competency verses Mental Capacity
- Dates To Be Determined**
- September 28th, 12:00 –2:30 pm*
Providing Mediation Services to a Diverse Community
- October*
When Should Clients Talk in Civil Mediation
- December Cultural Competency*



From its humble beginning as the response to a Judge's request for a standby mediator, Multi-Door's Landlord and Tenant Mediation Program has evolved into a successful multi-dimensional service to address the high conflict negotiations of landlords and tenants.

As an experiment, Judge Duncan-Peters placed small claims mediator Gerald Lorentz in her Landlord and Tenant Court, explained the benefits of mediation, and referred cases for one week. With an average settlement rate of 80%, judges, attorneys and parties alike recognized the success of the program. By October 2003, seven months after the Judge's "experiment," the Landlord and Tenant program had trained and mentored 14 new mediators.

In the DC court system, the Landlord and Tenant Branch deals only with cases filed by landlords seeking eviction of tenants. If the landlord is seeking only past-due rent from a

Landlord and Tenant Mediation Program

tenant or money for damages from a former tenant, or if a tenant brings a claim against his or her landlord, that case cannot be brought in Landlord and Tenant Court. The nature of these cases can result in negotiations that are very heated, because the basis of the plaintiff's demand is that the defendant should be removed from his or her home. Mediation can be very effective in helping reduce the tension level of these negotiations.

Additionally, the laws governing rental property in the District of Columbia are numerous and complicated. Most tenants do not know or understand how the laws apply to them, and mediators can help in being sure that parties understand how the pertinent laws affect them and their case. In 2004, the D.C. Bar created an enormously helpful resource in the form of the Landlord and Tenant Resource Center. Free legal assistance is available there for any landlord or tenant without a lawyer, each weekday morning. The existence of the Resource Center has helped enormously in providing *pro se* parties with basic legal information, and helps mediators avoid some of the difficulties inherent in mediating with unin-

formed parties. The Resource Center makes an effort to expedite assistance to parties involved in mediation.

In December 2005, Claudette Taylor was hired for a new position within the Multi-Door Division that included supervision of the Landlord and Tenant Mediation Program. Ms. Taylor had served as a case manager in the Civil Mediation Program and had been trained as a small claims mediator, which allowed a smooth transition into administration of this program along with the Tax and Probate mediation programs. Under Ms. Taylor's extremely efficient supervision, an additional aspect of the program has grown rapidly, which involves mediation of cases set for a jury trial but mediated at a pre-scheduled day and time with a specific mediator. This part of the program provides certainty about the mediation start time, in contrast to "same day" mediation offered in the courtroom, which may involve some waiting for a mediator to be available, on busy days. This aspect of the program better meets the needs of some parties and serves as another way in which Multi-Door and the court continue to refine programs to meet the needs of its users.

—Karen Leightnam and Billie Jo Garcia

ADR Lunchtime Forum

Are you looking for additional ADR training and skill-building opportunities? Would you like to network with other professionals in the field? If the answer is yes, then you will be interested in attending the Federal Inter-agency ADR Working Group's lunchtime lecture series. The lunchtime series provides ADR professionals opportunities to learn about new trends in the field, brush up on current skills, and connect with other professionals. The series is managed by Cindy Mazur, Director of the ADR Office for the Federal Emergency Management Agency (FEMA) and Chair of the Federal ADR Workplace Conflict Management Section along with Pamela Pontillo, the Mediation Program Manager for the Department of Energy (DOE) HQ, and Stephanie Fell FEMA's ADR Attorney.

Topics range from specific aspects of the mediation process to broader conflict topics, such as workplace conflict, cross cultural communication, and crisis communication and negotiation. Trainers and presenters represent a wide variety of professionals in the ADR field, including academic professors, government employees and professionals with private practices. Attendance is free

and open to the general public, but participants are required to RSVP in advance to clear security. Most lectures are held from noon to 1:30 p.m. at the Department of Energy.

The series started in 1999 and is a part of a larger effort to promote the use of ADR processes in all federal agencies. In 1990 President George H. Bush passed the Administrative Dispute Resolution Act in which federal agencies were required to establish ADR policies and training programs, and designate a Dispute Resolution Specialist within each agency. President Clinton reauthorized the Administrative Dispute Resolution Act in 1996. In 1998, President Clinton issued a Presidential Memorandum directing the Attorney General to coordinate interagency efforts to promote and facilitate the use of ADR in the Executive Branch of the Federal Government. The Attorney General was directed to lead an Interagency Alternative Dispute Resolution Working Group (IADRWG). The IADRWG established four sections: Civil Enforcement and Regulatory, Claims Against the Government, Contracts and Procurement, and Workplace Conflict Management.

In 1995 the Administrative Conference of the United States envisioned, created, and sponsored the Federal Shared Neutrals Program, which authorizes and trains federal employees to provide mediation to other federal Agencies involved in workplace conflicts. The program is housed in Health and Human Services and coordinates the requests for mediation and assigns the volunteer, collateral-duty mediators to the cases. Shared Neutrals was set up to provide no cost, high quality neutrals to federal agencies. The term "shared neutral" is meant to provide an option when an agency has no "in-house" mediators or when a party questions the neutrality of a mediator employed by his/her agency. There are approximately 180 neutrals on the shared neutral roster. The lunchtime series began as a forum for federal mediators and ADR Administrators to share best practices and learn from each other. It has now been expanded to include non-federal ADR professionals. To learn more about upcoming ADR lunchtime lectures, please visit www.adr.gov/la.htm. To suggest a topic or to send an RSVP, please email Cindy Mazur at Cindy.Mazur@dhs.gov.

—Heather Schofield and Cindy Mazur

In the Spotlight—Janine Harris

As a member of the D.C. Bar's Board of Governors in the late-1980s Janine was asked to volunteer as a mediator for "Settlement Week" at the D.C. Superior Court. Settlement Week was designed to ease a large backlog of court cases in the Civil Division. It achieved extremely high settlement rates and was considered so successful the project was continued for several years. "Back then mediation was a novelty. It represented a complete sea change of thinking. Its newness got people to focus on negotiating," Janine recalls. A few years earlier, she had been invited to serve on a task force headed by former Associate Judge Gladys Kessler. This task force was charged with looking at way to implement alternative dispute resolution processes in the D.C. Superior Court. It ultimately spearheaded the creation of the Multi-Door Dispute Resolution Division.

Janine says she got "hooked" on mediation because of a case involving a young woman who sustained soft tissue injuries (minor injuries such as bruises and muscle soreness) in a car accident. The woman sued the man who rear-ended her car. In addition to the physical injuries she also claimed psychological damages because she did not feel safe driving anymore. The case was becoming quite costly for both the plaintiff and defendant.

Janine was assigned to mediate it. In pre-mediation phone calls, the plaintiff's lawyer spoke of the irresponsibility of the defendant and the defendant's lawyer complained of the exaggerated demands of the plaintiff. During the initial joint session, the plaintiff was visibly upset. It was clear to everyone that this event had greatly disrupted her life. But, the defendant still disputed her monetary claim against him. In a private session with Janine the defendant said, "I can see she is a good person and that she is really shattered by this incident. I have trouble understanding why, but I can see she is really upset." Janine asked if he would be willing to say that to the plaintiff. He said yes. His attorney was skeptical, but agreed to allow it. When the plaintiff returned to the mediation the defendant acknowledged to her that he could see the accident had deeply affected her. He apologized for the accident, but said he was having trouble understanding the large claims she had filed against him. The plaintiff began to cry and explained that throughout the entire experience she felt no one cared about her or how the accident

had disrupted her life and she found that to be deeply upsetting. The defendant then began to cry. The stunned attorneys quickly began to reach a settlement.

Today Janine continues her mediation practice in three Multi-Door's programs: Civil, Family, and Child Protection. She says each program has its own character and flavor and finds it interesting to see how mediation is used in different disputes. Janine notes two distinct characteristics of the Civil Mediation Program. First, attorneys are almost always present, even if their clients are not, and, therefore, play a crucial role in the process. Because of this, mediators tend to focus more on legal standards and likely trial outcomes as a result. Second, the Civil mediation is one of the oldest Multi-Door programs and most attorneys are familiar and comfortable with negotiating their party's interests and concerns in mediation. "They come prepared and ready to negotiate," Janine says. On the other hand, Janine feels that some attorneys only view mediation as one step in the trial process and may not be ready to present an acceptable settlement offer to the other party at the time of the session.

In contrast, few attorneys are present in family mediations and parties are encouraged to negotiate directly with each other on a variety of issues, such as child support, custody, visitation, and property. Family mediations can also last for several sessions (up to seven) and emotions can be high throughout the process. Parties are often angry and upset, which can impede communication and decision-making, so knowing how to handle difficult emotions is essential to mediating family cases. "You are trying to engage people in a productive conversation about one of the most intimate aspects of their life—their family. When couples come to mediation they are often in crisis. If successful, mediation can provide a transformation in their relationship, which is potentially better for their kids." Janine finds family mediation cases the most challenging, "I never know what to expect next."

Janine finds child protection mediation (CPM) also challenging because the stakes, as well as the emotions, can be high. CPM cases involve child abuse or neglect of a child and often involve multiple parties—as many as 15. These mediations bring together parents, social workers, attorneys and concerned relatives and help them identify issues and options to resolve a case without a trial.



Janine Harris mediates in three Multi-Door programs

"Parents are not often familiar with the process, and some parents do not even show up. These cases involve a population who are dealing with difficult issues, such as mental illness, a history of domestic violence, substance abuse, and poverty. I'm often aware of how sad the situation is," Janine explains.

Janine greatly appreciates the training she has received from Multi-Door and credits it for helping her to handle some of these difficult issues. The many hours of role-play exercises, in particular, allowed her to personally experience the emotions of a mediation participant. She believes those experiences have made her more understanding toward parties in her mediations sessions. She also appreciates Multi-Door's efforts to incorporate lectures from people who can represent the perspective of potential parties, such as psychologists, social workers, parents, or ex-drug offenders.

Janine spent 10 years as a litigator with large corporate law firms in the anti-trust, labor and administrative areas. Her career was exciting, but she realized that her practice depended on conflict and resulted in expensive and unrealistic one-sided outcomes. She loves mediation because it is an open process and everyone involved can contribute to and benefit from a positive outcome.

When asked what she enjoys best about mediation Janine says, "helping people work through a difficult situation and providing them an opportunity to be heard. It's good when you feel you have made a positive difference in someone's life." Multi-Door would like to thank Janine for her years of dedicated service to our division and to the practice of mediation.

—Heather Schofield and Joan Burrell



Rosa Jeter is Program Officer for the Small Claims Mediation Program

Rosa M. Jeter, Small Claims Mediation Program Officer, approaches the podium in the Small Claims and Conciliation Court each morning with her usual serenity. As she waits for Honorable Judge Frederick Sullivan to complete his morning speech explaining the benefits of mediation she looks over the crowd of more than 100 litigants who are anxiously awaiting their day in court. As on every morning for the past 10 years, Rosa is preparing to greet the myriad of litigants with her customary warm smile and optimistic attitude. Rosa loves her job because she feels it allows her make a major contribution to the Washington, D.C. community.

Rosa established her reputation for excellence as the manager of Small Claims mediation one case at a time. The program provides mediation to parties filing claims in the Court's Small Claims and Conciliation Branch, which involves monetary compensation claims of \$5,000 or less and subrogation cases with claims up to \$25,000. Although participation in mediation is required by the Court, reaching an agreement is voluntary.

In the Spotlight: Rosa Jeter

Rosa prides herself as an ambassador for mediation. Mediation provides an unlimited number of possible resolutions, even the possibility not to agree. Her philosophy is to provide the most efficient dispute resolution services to the Small Claims parties in a dignified and respectful manner through a cadre of well-trained neutrals committed to helping litigants resolve their disputes. She firmly believes that when conflicts are placed on a constructive path, there is an agreement in all of us.

Many Small Claims litigants are *pro se* (that is, they represent themselves) and are involved in complaints related to consumer/service providers, disputes between landlords and tenants, roommates, and neighbors. "The issues mediated in Small Claims are as varied as the personalities. The rewards of mediation are when hostile parties can sit together with a neutral and discuss their issues. At the end of the session—with or without an agreement—they shake hands, walk out, together, and thank the mediator for helping them to see their issue differently," Rosa says.

In 2006, more than one thousand cases were mediated in the Small Claims Program. More than half of those cases reached a settlement agreement in mediation. Rosa credits the cornerstone of the program's success over the years to the ability to cultivate a loyal group of volunteer small claims mediators. The backgrounds of the roster of mediators are just as diverse as the parties they assist: school teachers, EEO directors, stay-at-home moms, retired federal employees, and active members of the D.C. Bar. All have been trained in basic mediation skills and Rosa keeps them abreast of current trends and issues in the field through in-service trainings and a monthly newsletter.

Among her Multi-Door colleagues Jeter

holds the distinguished title of longest span of service to the division—21 years. Her entire D.C. Superior Court career as been within the Multi-Door Dispute Resolution Division. As a veteran in the field of alternative dispute resolution (ADR), Rosa joined Multi-Door when the practice of courthouse ADR was in its infancy. As Multi-Door grew from a pilot program in the Research and Development Division in 1985 into a Division within Superior Court in 1989, Rosa's career blossomed. She first served as the Multi-Door Public Relations Officer. She later worked as a Family Intake Specialist and a Dispute Resolution Specialist before landing the position of her dreams, Small Claims Program Officer, in 1998.

She possesses a strong belief in public service and is driven by the excitement of doing for others. She is an active member in the Association of Conflict Resolution- District of Columbia Chapter, and a variety of other community and national organizations. She comes from a large close-knit North Carolina family and is a graduate of Livingston College. She has many personal passions, such as jogging, power walking, ballroom dancing, sewing, cooking and cheering-on the D.C. Nationals baseball team. She also possesses a strong adventurous streak. She has taken a helicopter ride to the top of a glacier while cruising the Alaskan coast, decorated a Rose Bowl Parade float in Pasadena, California, and rode on a motorcycle from Washington, D.C. to Lake George, New York.

The Multi-Door Dispute Resolution Division is proud to spotlight Rosa M. Jeter for her continued years of dedicated service to the Division and to the D. C. Superior Court. We are extremely grateful to have the opportunity to work with her.

—Kitty Huggins

New Application Process

The Multi-Door Division has recently launched an open enrollment process for trained and experienced mediators. Along with the traditional method of recruiting new mediators, through mediation skills training and mentoring at Multi-Door, we will recruit new mediators that have received at least a 40 hour basic mediation skills training from a professional dispute resolution organization and have been mediating professionally for at least 4 years. The Open En-

rollment Process will enable Multi-Door to recruit experienced mediators on an "as needed basis." Applicants must meet all the qualification standards set forth in the "Qualifications for Mediators" and submit a complete application package to the Multi-Door Dispute Resolution Division for consideration.

More information about the Open Enrollment Process for mediators can be found at www.dccourts/mediators in the Getting Involved section.

AARP Seeking Attorneys to Assist the Elderly

AARP Legal Counsel for the Elderly (AARP) is seeking attorneys for referral to represent D.C. residents over 60 years of age and of modest means. Attorneys receive pre-screened clients in their areas of expertise, on a reduced fee schedule. Send resume to LCE, 601 E St. N.W. 20049 ATT: AIH. Contact Al Herman at AHerman@aarp.org for more information.