

FAMILY MEDIATION TRAINING

N E W S L E T T E R

Spring Issue 2021

How People Tell Their Stories: Part I

Think about this for a moment. "I will call you later". What actually does that mean? Well, to me, and for some others, "later" means a few hours, but certainly the same day. To the friend who consistently ends her telephone conversation with me, "later" means "sometime in the future". Language and their definitions of what something "really" means is certainly different based on culture, upbringing, area of the country. This has brought me to thinking about how clients express themselves.

Facts versus Feelings: Example Directions for Driving (the "feeling" party): One person gives directions by saying drive until you see the orange telephone pole next to the discount grocery store, then make a right, and then drive until the yellow house with the white trim, make another right and my house is three houses after. Continued page 2



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About our one day programs:
Track I: 3.0 CME hours of Marketing/technology; Track II: learn about dealing with pro se clients; Track III emphasizes the workplace and Track IV emphasizes LGBTQ including mediating with temporary restraining orders. Each Track has 2.0 Ethics, 2.0 Interpersonal violence and 1.0 for ALL Mediators including Appellate

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Communication is at the core of all human endeavor. How can minds expand, minds be changed without communication. Inventions, new lands, new star systems, most anything is at a standstill if there is no communication. As mediators we know that communication lies at the heart of their ability to work out an agreement when parties disagree. Without communication there is little hope for agreement and/or settlement. Censorship is the opposite of communication. It is one side dictating to everyone else. It eliminates communication and disenfranchises that ability to change or expand a mindset. It matters little whether one is a democrat, a republican, an independent, a liberal or any other label you choose to call yourself. Censorship is the death knell of a free society. The fact that various media and social networks have been able to pick and choose for YOU who YOU should listen to or not listen to is appalling. It is worse than that! It is the end of a true democracy. For those who think it agreeable to censor anyone, take heed. For YOU are the "next" one on the list. It is just that easy and just that sad. It has happened before and will, if we permit it, happen again. We do not have to return to ancient times to find censorship. In Iran they were censored when people rose against the Mullahs, in China it is a constant. And it will happen here if we think that as long as it is "THEY" who are censored" "we are agreeable".

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Or, Directions For Driving (the “fact finder” party): Drive six miles until 14th Street, make a right, go 3/4 of a mile exactly, and then another right and my house will be three car lengths on the right.

Facts versus Feelings. People's ability to communicate varies in innumerable ways and for the Mediator it's an important clue as to how those clients approach problems and solutions. This is not to say that the solution won't work for both parties, rather that both parties need to come to an understanding that they have different views of the same problem. In these situations of "fact finder" and "feelings," individuals oftentimes don't see the validity of each other's views. The fact finder might seem aloof, uncaring or uninterested whereas the feeling or relationship focused party might seem clouded by emotions and clearly "misunderstanding the facts". They are approaching the same situation from a different world view and it's for the mediator to assist both parties by encouraging the fact finder to understand the conflict's "effect" on the "feeling" party and for the "feeling" party to understand that the fact finder is merely more detail oriented. To do this, the Mediator might wish to have the parties work out and agree on a method of evaluating the information to be acquired.

How People Tell Their Stories: Part II

Structure versus Flexibility. How parties see the agenda (rules) varies. For a "fact finder/structure" party it tends to be literal and following details to the letter. For the "feelings/flexibility" party it's a "guide" and may or may not be followed at least certainly not on a structured timetable that the fact-finder might wish. It doesn't mean that the person "bending" the rule has done so intentionally or is not respecting the rule or the other party. The mediator may note that different people see things in a different pattern and that neither is intentionally harming the other. The Mediator might call for both parties to first create a set of rules that are flexible enough to compensate for one party's need for structure and the other party's needs for flexibility. This can be accomplished by focusing on the process versus the outcome. Acknowledge to both that differences are a part of how people collect and interpret the information around them and are not choices they make to annoy others. This is perhaps best accomplished in caucus where the mediator can both validate each party's perspective while allowing the party to understand at least some degree of validity in the other party's perspective.