

MCFM
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The Massachusetts Council On Family Mediation is a nonprofit corporation established in 1982 by family mediators interested in sharing knowledge and setting guidelines for mediation. MCFM is the oldest professional organization in Massachusetts devoted exclusively to family mediation.



PRESIDENT'S PAGE

As the summer moves into a lighter work load and vacation time, I find myself reflecting on the lessons of my first year as MCFM president. At this moment, the experiences that stand out the most in my mind are those of learning to trust, to lean on, and to value my Board of Directors. In addition to our truly wonderful administrator, Ramona Goutiere, we have a truly wonderful Board of Directors. The smooth and collaborative energy of our once-a-year all-day Long Range Planning meeting in early June was, to me, a delight to behold (if there were other points of view, I haven't heard them!) Your Board gives of their time and energy with no remuneration except for a cafeteria dinner every couple of months (unlike some other boards recently in the news....)

The two most recent past presidents — Kathy Townsend and Lynda Robbins — have unfailingly been there to coach me, to provide needed information, and Kathy has also gracefully shouldered the burdens of Treasurer in addition to chairing the Nominating Committee (which, with the help of Marion Wasserman and Jonathan Fields — who is also our loyal scribe — helped give us our newest and excellent Board member, Barbara Kellerman). Les Wallerstein continues to create and produce this publication — truly the voice of MCFM. Laurie Udell is again busily planning our fabulous yearly Fall Institute, with its history of rave reviews. A prior Board member, Laurie Israel, spent a big chunk of last summer revamping our website, with the help of Tracy Fischer (who has also taken on the chairpersonship of the Certification committee), Lynda Robbins, and the able addition of Kate Fanger. Rebecca Gagné, Tanya Gurevich, and Fran Whyman have reviewed and improved our Membership policies. John Fiske and Steve Nisenbaum are again busy creating quarterly members' meetings that have proven so popular we've needed to find more space for them (stay tuned for a particularly exciting event for our April meeting). Diane Spears is gearing up to help create a celebration for MCFM's 30th anniversary in 2012. Bill Leonard's efforts are bringing our audio-visual capabilities into the current century — and he keeps us laughing too. Our loyal western Massachusetts contingent (Kathy Townsend, Mary Samberg, Mary Socha) drives for hours to contribute to each of our Board meetings. I'm running out of space here, but you get the idea.

So when September arrives, I'll be happy to continue the work in support of this profession we love — with this collaborative and hardworking Board.

Kindred mediator spirits are welcomed to join us — our spring election is open to members in their second year of membership — how about you?



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GREYING

By Gail L. Perlman

***Editor's Note:** The Mediation and Training Collaborative (TMTC) in Greenfield hosted "Celebrate Mediation" on June 2, 2011, and the author was their keynote speaker.*

The signs came slowly – in brief announcements given months and months apart, no thread of conscious reason connecting them. They came as jokes, really, and not until the 3rd sign did I see the thread of commonality, the suggestion that something was happening that needed our attention.

- In the first sign, the Daily Hampshire Gazette about a year ago listed a "mediation" program being offered at an Ashram. Didn't we old timers spend our first ten years in this field teasing that mediation in the public media was always misspelled "meditation?" Now, all of a sudden, the typo was reversed, this typo that seemed to define our early invisibility. H-m-m-m.

- Then came the new cable show about mediation titled "Fairly Legal": the star was interviewed before the premiere and said that her role as the mediator positioned her somewhere between Law and Order and Sex in the City. Mediation with a TV show of its own? Mediation and sex in the same sentence? H-m-m-m.

- Then came the newest law show created by David E. Kelley, "Harry's Law," starring – okay – Kathy Bates. USA Today said on January 14, 2011, "Kelley says Harry won't be a conventional courtroom drama. 'As the series progresses, we spend less and less time in the courtroom. A lot of justice we practice in this law firm is street justice that takes place in bizarre places. A lot of alternative dispute resolution goes on.'" A David E. Kelley TV series with a lot of ADR? H-m-m-m.

Now fast-forward to the report in the Wall Street Journal on May 3, 2011 of some research on public acceptance of new ideas. It's called "Under the Influence: How the Group Changes What we Think." Why do so many people start saying things like "awesome?" Or start wearing Uggs? How do the rules of a group and behavioral norms get established and changed over time? Experiments show that even something very personal like our taste in music can be influenced by how others rate the music we think we like.

Research shows that often an innovator of new trends or ideas is someone who is quite isolated from the mainstream group. People in that kind of social isolation tend to be the ones to come up with new ideas, says this research. But, before



people in the group will take up a new idea, someone pretty central to the group – much more central than the innovator, usually – has to recognize the idea and adopt it. People outside the mainstream initiated the idea of gay rights, but when Elton John and Elizabeth Taylor spoke out in support of gay rights, the broad community became more ready to accept the idea.

Another finding seems to be that the more public the idea or object or behavior is, the more it is likely to spread – like the colored bracelets that let you “speak” by your behavior in support of a particular cause that matters to you. They’re everywhere! Will mediation be everywhere?

Were all the mediation innovators around the country and around the world – those giants we look up to and identify with – a little outside the mainstream culture? And who were the leaders, then, from inside the group who took a look at the new idea and liked it? Some governors, some legislators, some business executives, some school officials, some prison wardens, some international negotiators?

I don’t remember Elton or Liz speaking out in support of mediation. And forget for a moment that the mediation TV show is a travesty of real mediation as we

know it and as we want it to be known. And I don’t think we’re yet at the pink or yellow or orange bracelet stage, but something’s happening out there in the popular

The idea of mediation has come a long way toward public recognition and acceptance as a common endeavor.

culture, don’t you think? Don’t these little signs have meaning? Don’t they tell us that the idea of mediation has come a long way toward public recognition and acceptance as a common endeavor?

How shall we think about that? Does it take us somewhere we meant to go, this new-found bursting into public life of our little baby? We sent it off to Kindergarten, and now, in the blink of an eye, it’s trying to be sexy? Do you think we have to have that little talk? Will we change because that’s now happened? Will mediation change? Is this what we wished for?

Well, I don’t have the foggiest idea. There’s no predicting specifically what happens to ideas that make it into the marketplace. On the other hand, we know that powers way outside of our own ability to control the future do take over and buffet about a new idea, stretching its boundaries, challenging its

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principles, burnishing it and battering it – until we may not recognize it someday. So, of course it will change. Of course we will change. But I think I know us. We will not let mediation change without a fight to preserve what is already fine about it. And we will not resist change that makes it shine in new ways we've never dreamed of til now.

And why will we be like this, our little community of slightly-outsiders? Because mediation is different from lots of other ideas. It grounds us, it schools us, in the concept of grey.

Of course, there's the old chicken/egg problem: Were we drawn to mediation because we're innately people who love to resist

Mediation is different from lots of other ideas. It grounds us, it schools us, in the concept of grey.

the poles of absolute certainty and revel in the delight of complexity, loving to entertain radically different points of view within one moment in time, within one computer screen of our brain? Or did our training and practice of ADR teach us to resist the poles and to hold competing ideas in concert? The answer to that one may be different for each of us. But I love the idea that there's an ocean of us

out there now swimming in grey.

And BTW, I'm not talking here about the grey of compromise – that midpoint between competing ideas. I'm not advocating that every time we find ourselves mired in the complexity of polarized thoughts, we have to give in and compromise. Although in any given mediation or in any given individual action, we may decide to resolve a complex problem with compromise. I'm talking about the grey of complexity. Learning to linger there for a time, not run from it. Allow our minds to feel puzzled, confused, overwhelmed, even, (which is usually not a comfortable feeling), but allow ourselves to feel it because the embrace of complexity can enrich us. I'm talking about learning to love that discomfiting embrace of complexity.

Now, grey doesn't have a great PR team in our culture. Grey skies. Grey heads. Grey moods. It's made up of all color and no color, the allowance of not much light. The grey area: the desert between one apparent clarity and another. It implies at its worst: something negative. At its best: something dull. Not much respect for grey in sunny, young, upbeat America.

We want our politicians to tell us on the campaign trail exactly what they will do when they're confronted with a challenging situation. We



press our federal judicial candidates to expose in advance their decisions on the litmus test questions. We're impatient with delay. We're annoyed with wishy-washy. We make judgments about people who don't respond fast and straight. That's a yes or no question, sir.

Grey is a problem for people trying to lead an examined but useful life in our culture. On the one hand, there's the danger of living entirely in limbo: Seeing grey can lead to stuckness. A reluctance to take action. You're right. You're right. We can't both be right. You're right. Then what do we do?

The danger is on all sides: If we immerse ourselves in the intellectual examination of the grey, we might not know how to act. If we act, we might forget to force ourselves to examine the grey.

And of course, it's easier to see grey and not feel stuck when it's about someone else's problem: the neighborhood property line conflict, the couple's custody dispute, the employee's gripe about workplace policies, the international border disputes.

It's much, much harder to get to grey in our own lives, on the issues that drive us personally, that we care about deeply. It's much, much harder to look at the things we think we know for a fact, the beliefs we live

on, and ask ourselves whether or not there's any grey there, whether the people on the other side of those beliefs have any valid points to make, might hold any deeply human concerns that we could empathize with if only we could allow ourselves to see the grey.

Remember the mantra of the 60s and 70s? THINK GLOBAL, ACT LOCAL.

Maybe the mantra for today could be: THINK GREY. ACT IN COLOR. That is, never give up the complex thought that's required if we mean to see and understand the grey in any of the issues – all those colored bracelets and all the thousands of other vital, vibrant important causes we choose to involve ourselves with. And then never let the complex grey prevent our taking action on those issues – action always framed by, built upon, carried out in concert with our self-imposed complex analysis of the grey.

Now, I need to correct myself a little. A few minutes ago, I told you only a partial truth: I said the worst of grey was the implication of something negative; the best was the implication of something dull. But that's not entirely right. The best of grey can also mean something burnished by life experience, something venerable. Venerable is a word and a concept more often associated with ancient history than with the modern world,

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more often with other cultures than with the youthful United States. But the idea of venerable IS embedded there somewhere in the definition of grey.

Tonight is all about a local and venerable institution that has committed itself for years to helping us consider the grey. TMTC – its founders, its leaders over the years, its roster of mediators, its supporters, its contributors – TMTC has helped so many of us learn to use grey effectively and re-learn it and practice re-learning it over years and years. The reach of this extraordinary organization is felt in western Massachusetts, across the Commonwealth, and even further as its leaders and followers make their voices heard widely and clearly. I

have so valued my association with TMTC as, I suspect, has nearly everyone gathered in this room. So, when I say for myself and for all of us tonight that we that we send our enormous respect and thanks and love to TMTC – I say that having examined the grey and having determined that we can perform that happy act without one hint of something negative and without one hint of something dull.



Gail L. Perlman is a past president of MCFM, and has recently retired as First Justice of the Hampshire Probate and Family Court. Gail can be contacted at gperlman@comcast.net.



**“You can’t depend on your eyes
when your imagination
is out of focus.”**

Mark Twain



FEAR AND DIVORCE: A FOUR-LETTER TOOL FOR MOVING THE DIVORCE PROCESS FORWARD

By Marion Lee Wasserman

Note: The case facts and client names used in this article are fictional.

Fear and divorce go together. Pointing this out to divorcing individuals, as part of the divorce process can be extremely helpful. “Fear” is a powerful word. It puts the truth of the matter, emotionally speaking, on the table — plainly, clearly, non-euphemistically. When the divorce client I am representing is angry at his or her spouse and feels too hurt to negotiate, or when spouses in divorce mediation are each so convinced of their conflicting positions on an issue that constructive conversation has come to a halt, I often find that this evocative word — FEAR — is a key that can be inserted into the process to move it forward.

Take, for example, Matt, a husband in mediation who is angry at his wife, Jen, because, without prior notice to him, and in violation of a written mediation agreement they signed, she has withdrawn ten thousand dollars from their joint savings account and deposited it into a new, individual account in her name. Even though there is still a hefty sum in the joint account, and even though the parties agreed at the prior session to eventually divide the joint account fifty-fifty, Matt is hurt and angry because Jen moved a portion of the

funds without talking it over first with him.

In this case, I might say to Matt, “You know ... everyone going through a divorce is struggling with a set of fears. Everyone. It’s part of the territory.” (*Pause. Matt nods. I continue.*) “I’m guessing that you have a set of fears about what the divorce will mean.” (*Matt nods some more.*) “And I’m guessing that Jen does, too.” (*I look at Jen. She is nodding, too.*) “You each have a different set of fears. But there may also be overlap. Some fears may be the same for both of you. You each know what your own fears are. It may be really helpful to our process if you can each understand more about the other’s fears.” At this point, I may ask Jen what some of her fears are. I may then ask Matt about his. Or I may ask each party to tell us one of the fears he or she thinks the other party has.

Clients find it a relief to discuss fear head-on.

In the above example, the conversation about fear leads to greater understanding and empathy between Matt and Jen. One of Jen’s fears is that she will have trouble functioning on her own after the divorce. She opened her own bank

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account in order to have funds available to help her start experiencing what it feels like to act more independently than she has in the past ... especially now that she has moved into an apartment of her own. Matt begins to feel less hurt and angry when he understands Jen's fears. Jen, for her part, apologizes for having acted unilaterally in withdrawing joint funds.

Although one might expect divorce clients to want to avoid the subject of fear, I have found that clients find it a relief to discuss fear head-on. Divorcing spouses are relieved to acknowledge and confront their own

forebodings and to acknowledge each other's as well. This acknowledgement comes from an authentic place in each individual, and for that reason it is a powerful tool for moving the divorce settlement process forward.



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**“The first human who hurled
an insult instead of a stone
was the founder of civilization.”**

Sigmund Freud



MISLEADING NOTES IN THE MASSACHUSETTS CHILD SUPPORT GUIDELINES

By June Adams Johnson

Recently I had the disconcerting experience of having a mediation client tell me that the reviewing attorney he consulted said I had calculated the child support wrong.

It was a family where the mother was physical custodial parent and was also receiving SSDI benefits. I had calculated mother's income to include both her own disability award and the children's dependency benefit, and father's income based on his verified employment income.

Upon receiving the phone call from the client I consulted the Notes in the Child Support Guidelines as to the appropriate influence of an SSDI benefit. They are verbatim as follows:

If a parent receives social security benefits or SSDI benefits and the child(ren) of the parties receives a dependency benefit derived from that parent's benefit, the amount of the dependency benefit shall be added to the gross income of that parent. This combined amount is that parent's gross income for purposes of the child support calculation.

If the amount of the dependency benefit exceeds the child support obligation calculated under the guidelines, then the Payor shall not have responsibility for payment of current child support in excess of the dependency benefit. However, if the guidelines are higher than the dependency benefit, the Payor must pay the difference between the dependency benefit and the weekly support amount under the guidelines.
Rosenberg v. Merida, 428 Mass. 182 (1998).

The attorney my client consulted interpreted that Note to mean that the wage earner father could then subtract from his obligation the amount of the SSDI dependency benefits the mother was receiving, thereby reducing his own child support obligation.

Consulting the actual case Rosenberg v. Merida, 428 Mass 182 (1998) cleared up the matter by very succinctly stating that it was only a noncustodial spouse receiving SSDI with a child support obligation that received a credit against his child support obligation in the amount of the dependency benefit paid to the custodial parent as a result of the noncustodial spouse disability.

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I was relieved, but it makes a good practice point.

If the Guideline language is ever revised, the first sentence of the second paragraph should be prefaced with, “*For the noncustodial Payor spouse*” ...making the meaning crystal clear.



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**“Live as if you
were to die
tomorrow.**

**Learn as if you
were to live
forever.”**

Mahatma Gandhi



TRANSPARENT MEDIATION: GIVING AWAY OUR STRATEGIES

By Alan E. Gross

Editor's Note: This article is excerpted from the full article of the same title available at www.mediate.com/pdf/transparentmediatingivingawayourstrategies.pdf. Readers are welcome to post their comments on either article at www.mediate.com/articles/gross1.cfm

When mediators act as trainers, they often offer classes designed to improve conflict management and to convert disputes into opportunities for understanding and change. However, during mediation sessions convened to deal with specific disputes, these same mediators rarely share or explain the strategies that they advocate in trainings.

Disputants, in contrast to trainees, usually agree to mediate voluntarily as a means of dealing with conflict or because they are required to mediate by a court or other authority. These mediation sessions, designed primarily to facilitate dialog aimed at increasing understanding and possibly leading to resolution of a specific conflict, can also provide an opportunity to acquire and practice general skills similar to those presented in training classes.

In this note, I will ask you to consider how and when you and other mediators might reveal and demystify some of our key concepts and tools. After introducing the concept of “transparent mediation” (hereinafter TM) and providing some

examples of its use, I will request some feedback about how you have used these techniques in your own practice.

When parties in a dispute learn how to use and practice these tools, they can be empowered to apply them beyond the instant dispute that brought them to the table. A main goal of TM then is to raise awareness of mediation communication skills so that they are more likely to be used during the mediation session, and also taken away from the session and employed effectively in everyday life.

Making some of our strategies transparent is not a new idea. Most mediators at one time or another subtly or overtly make specific practices known to their clients. For example, a mediator might ask one party to reflect another party's position or interest to demonstrate understanding. However, what I advocate here — consciously making an effort to insert training principles into an actual mediation session — remains relatively rare. Moreover, the effectiveness of such transparent training during a mediation session, like most mediation procedures and strategies, has not, to my knowledge, been empirically tested.

Although the conscious practice of TM is not common and its efficacy has not been evaluated, the concept of transparency has not entirely escaped the attention of the field. Notably, almost 15 years ago, Michael Moffitt published a seminal

Continued on next page



article (Moffitt, 1997), “Casting Light on the Black Box of Mediation: Should Mediators Make Their Conduct More Transparent?”

Although Moffitt never directly answers the subtitled question, he points out that none of the major mediation models have addressed the potential utility of TM2, he includes interesting instances of places in the mediation process where TM might be introduced appropriately and he provides illustrations of how revealing mediator strategy to parties can be more or less effective depending on the context.

In addition Moffitt distinguishes two kinds of transparency — “process” when mediators decide to share what strategies or steps they will employ from “impact” transparency when mediators also explain why they choose to take these actions. He also conjectures (Moffitt, 1997 p.2) that TM is rarely employed because mediators fear that TM interventions are less effective than standard non-transparent ones. However, he also hypothesizes (p. 42-3) that

Mediators rarely share or explain the strategies that they advocate in trainings.

mediators may be more comfortable using impact-transparent approaches aimed at specific behavior, e.g., not interrupting, than those targeting analysis or perceptions, e.g. how to think about the problem at hand. How easy or likely it is for mediators to introduce TM is not necessarily correlated with the potential

utility of such interventions.

However, despite Moffitt’s clear presentation and analysis, there has been virtually no follow up research or writing on the topic in the decade following publication. This dearth of TM research and application may be related to a mediator belief that revealing what they are doing and why they are doing it can negatively impact effectiveness. However the relative absence of TM usage may also reflect a professional “posture” found in many fields. By posture, I mean that some mediators, like physicians, attorneys, computer technicians and others, may feel that sharing strategies and information with the public they serve will somehow dilute their perceived professional expertise and reputation. As mediators, we may be especially vulnerable to this concern, because unlike our fellow professionals in law, medicine and science, we use very few unfamiliar terms that in more technical fields may function as markers of superior knowledge to clients and the general public.

Some of the tools, tactics, principles and strategies that my colleagues and I have shared and demonstrated with participants during mediation sessions include active listening especially reflection, agenda building, reactive devaluation, reality checks, BATNA, encouraging empathy, generating options, identifying interests, constructive emotional communication, and delaying quick reactions to other parties. Following are examples first of a sample TM opening statement, and then



how these typical mediator strategies might be revealed and explained to disputants at appropriate points during a session.

Opening Statement After presenting an introduction of the main elements of mediation, including values such as neutrality, confidentiality and self-determination, and outlining general goals of the process such as understanding each other's points of view, facilitating dialog, generating options and seeking common ground, a sample TM opening might proceed like this: "As mediators we use certain techniques to facilitate understanding and constructive dialog. Occasionally during this session I will point out some of the methods we use and that we may encourage you to try. For example we often practice a form of active listening where we will reflect back what each of you say to see if we have understood you before any new information or response is added to the dialog. After reflecting, we often check with each of you to make sure you feel accurately heard before continuing. This is a bit different from "normal" conversation where each party often reacts before checking to see if the other party feels understood."

In addition to pointing out active listening techniques, we may use and explain other mediation strategies such as building an

What I advocate here [is] consciously making an effort to insert training principles into an actual mediation session.

agenda to insure that all relevant issues will be discussed, and brainstorming to generate options for resolution. Many of these techniques are likely already familiar to you; however emphasizing them may increase your awareness of their potential usefulness, and encourage you to use them effectively when you talk about the situation that brought you here. In addition, some of the strategies that we practice today may prove useful in other conflict situations."



Alan E. Gross, Ph.D. mediates, arbitrates, facilitates and trains mostly in New York City where he has served as Senior Director, Training Coordinator, and 9/11 Mediation Coordinator for the Safe Horizon Mediation Program soon to be known as New York Peace Institute. He is a Board member of Mediators Beyond Borders. Alan can be contacted at 570-643-3434, or alanegross@gmail.com.



“The road to success is always under construction.”

Anonymous



TRACKING NON-ADVERSARIAL, NO-FAULT

Editor's Note: Based on data compiled by the Administrative Office of the Probate and Family Court, following are charts tracking non-adversarial, no-fault divorces in each of the commonwealth's 14 divisions since 2005. Due to the relatively recent introduction of data collection for the filing of Joint Petitions, there are only two complete fiscal years of data on cases filed as Joint Petitions. Prior to 2009 the number of "1A divorces" were reported based on the number of

Findings and Order Filed: 2005 – 2008

	BARN	BERK	BRIS	DK	ESX	FRAN	HAMD	HAMP
Findings Under 1A FY 2005	379	221	653	30	923	131	531	186
Findings Under 1A FY 2006	378	223	699	44	946	152	581	187
Findings Under 1A FY 2007	399	229	765	39	1100	133	565	227
Findings Under 1A: FY 2008	392	184	759	26	1078	124	553	248

Joint Petitions Filed: 2009 – 2010

	BARN	BERK	BRIS	DK	ESX	FRAN	HAMD	HAMP
Joint Petitions filed FY 2009	322	192	525	18	864	113	505	246
Joint Petitions filed FY 2010	370	201	583	28	923	120	553	234



DIVORCES IN MASSACHUSETTS: 2005 – 2010

“Findings Under 1A” that were docketed. Accordingly, please note this statistical caution: the number of cases listed as “Findings Under 1A” below includes divorces first filed as contested actions, (either under c. 208 § 1B, or on fault grounds under c. 208 § 1), and subsequently amended to Joint Petitions. Conversely, the number of divorces reported as “Joint Petitions” since 2009 may not account for all cases that have been initially filed under G.L. c. 208 § 1B or c. G.L. 208 § 1 and later converted to Joint Petitions.

Findings and Order Filed: 2005 – 2008

	MSX	NT	NORF	PLYM	SUFF	WORC	TOTAL
Findings Under 1A FY 2005	1628	28	696	529	561	1101	7597
Findings Under 1A FY 2006	1919	36	785	673	725	1211	8559
Findings Under 1A FY 2007	2244	31	833	676	812	1279	9332
Findings Under 1A: FY 2008	2286	35	805	546	644	1205	8885

Joint Petitions Filed: 2009 – 2010

	MSX	NT	NORF	PLYM	SUFF	WORC	TOTAL
Joint Petitions filed FY 2009	1975	27	723	554	798	1085	7947
Joint Petitions filed FY 2010	2092	44	719	633	913	1216	8629



MCFM MEMBER PROFILE: BETSY WILLIAMS

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Professional background & mediation history: In 1992-1993 I studied mediation at the year long program at Woodbury College, then located in Montpelier, Vermont. I graduated from that program in August of 1993. I then worked as a consultant and volunteer for TMTC, then Franklin Mediation Service, until 1995 when I was hired as a case coordinator, mediator and trainer. I am still employed at TMTC and since May 2006, I have been a Co-Director in addition to my other responsibilities.



Describe your mediation practice: TMTC is a community mediation center that provides mediation in a broad spectrum of dispute situations, including: divorce, family, small claims, landlord-tenant, workplace, permanency, neighbor, elder and guardianship.

Describe your mediation workspace: We have a suite on the 4th floor of a building in downtown Greenfield, Massachusetts. There are two potential mediation rooms available.

What made you decide to be a mediator? For a long time I had been involved in political actions promoting non-violence and opposing war. This seemed like a way to put my personal beliefs into every day action.

Most memorable mediation moment: Watching the face of an incarcerated father light up when he saw a photograph of his daughter, while I facilitated a meeting between him and the couple who were planning to adopt his child.

One thing about you that might surprise people: I actually enjoy watching football!

If you could meet anyone, living or dead, who would it be and why? Jesus. Wouldn't it be amazing to hear about all that stuff from his point of view!

Hobbies & interests: Bicycling, hiking, gardening, singing, and shutting down nuclear power plants.

Some of my most favorite movies: Lars and the Real Girl, The African Queen and The King of Hearts.

All MCFM members are welcome to fill out the Member Profile Questionnaire found on the MEMBERS ONLY page of mcfm.org and submit it for publication in the FMQ.



ULTIMATE CONFLICT RESOLUTION

By Oran Kaufman

Huck it deep! Nice pull! No break! Great flick! If you live in Amherst, MA, you are probably familiar with these terms. Anywhere else, maybe, but probably only if your child happens to play Ultimate Frisbee. Amherst has its various claims to fame, Emily Dickinson, Robert Frost, Amherst College and Ultimate Frisbee. I like to call Amherst the "Ultimate Center of the Universe." Ultimate (it is kind of passé to refer to it as Frisbee anymore) is a passion in Amherst. The Amherst High School boys' and girls' Ultimate teams have for years been among the best high school ultimate teams in the country. (Many in town would probably even take offense at my uttering the word "among" in the same sentence as "best"). With a few exceptions, they win all games they play against other high school teams and most of the games they play against college teams. And this has been true for years. It is a dynasty. Ultimate begins here at a young age. There are Ultimate summer camps for elementary school children, Ultimate leagues during the summer for all ages including geezer leagues for the over 40 set. My kids started playing it during recess in elementary school.

I love the athleticism of Ultimate and if you have never seen a good high school or college team play, it is something to see. But what, you may be asking at this point, does this have to do with mediation or conflict resolution? A lot! Ultimate has a unique and inspiring (and

inspired) mechanism for resolving conflict. You see, Ultimate matches have no referees, no umpires or outside arbiters. Unlike any other competitive team sport I know of, Ultimate is self-refereed by the players. If there is a foul, it is called by the player. What happens then (when compared to the normal sports world) is in my opinion, truly amazing. When a foul is called, play stops, the players involved have a conversation about it, a decision is made by the players on what should happen and play resumes. This "conversation" is out of earshot of the coaches and spectators. Coaches do not get involved and parents do not get involved. In fact, it is frowned for anyone from the sidelines to get involved and it is a stated rule that coaches are not to get involved in the resolution of the foul call. Whether or not there was a foul is a question that is resolved by the players on the field. There are never long arguments or fights about the call. A call is made, there may be a 10-20 second conversation by the players on the field (usually less than that) and everyone moves on. There are rules for the game and rules about what is a foul and what is not. But the actual conflict resolution method seems pretty informal and fluid. And yet, fouls get resolved, usually without a lot of fanfare or obsessing. And here is the amazing thing, play resumes without grumbling, or whining or shouting or acting out.

Maybe a quick Ultimate 101 lesson

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might help. In Ultimate, a team of 7 players on each team try to move the disc down the field with the goal being for a player to catch the disc over the goal line. If the disc is dropped it turns over to the other team who moves it towards the opposing goal. Players cannot run with the disc. It is moved down the field by throwing it from one player to the next. It is sort of like football in that the Ultimate goal is to get the disc over the goal line. It's actually more like rugby in that the disc can be thrown forward or back. There is no clock but there is a time limit for the game. Games are typically to 15 points although sometimes games are to 13.

I love watching this sport. Kids hurl themselves through the air, often completely parallel to the ground in an attempt at a "d-block" (i.e.: to stop a pass on defense) or to catch the disc from a teammate. This hurling is commonly referred to as a "layout." But I am also fascinated by the sport from my vantage point as a mediator and conflict resolution trainer. Think about pro basketball for instance where it seems that the players argue and complain about every foul a referee calls. Or soccer, where yellow cards are handed out not infrequently for penalties and

players are trying to snow or convince, fouls are called infrequently. Because the game is self-regulated, it keeps the players in check from calling too many fouls or from calling unnecessary fouls; there is probably recognition that two can play the game of calling inappropriate fouls, so it is generally not done. It also not the ethos of the sport.

Ultimate gives me hope that teaching our kids conflict resolution skills is not an uphill battle. We often hear that humans have a natural fight or flight instinct and that the skills necessary to mediate or resolve conflicts peaceably is counterintuitive. To some extent I still believe that those skills run counter to our natural reaction. When a ten-year old is taunted by a classmate and threatened or embarrassed, how "normal" or likely is it that the one being taunted says to his tormentor, "so tell me more about why you feel that way." Or, "So what I hear you saying is ..." The normal reaction is probably to taunt back, maybe even get into a physical altercation or to walk away. But Ultimate gives me pause to hope. For in Ultimate I see that kids have much more ability to resolve conflict appropriately than we give them credit for. Fouls are called, a short discussion ensues, problem is resolved and they

move on, seemingly seamlessly. Kids can easily adapt to resolving conflict peaceably. We adults can learn a lot

Ultimate has a unique and inspiring (and inspired) mechanism for resolving conflict.

where players seem to have made an art of "flopping" in an attempt to draw a foul. There is none of that in Ultimate. Because there is no referee that the

from watching our kids when they play Ultimate. It is kind of like what they say about dog training, it is usually the dog owners, rather than the dog, who need



the training. How has Ultimate achieved this enlightened realm of conflict resolution? Here are some theories:

1. Ultimate culture and the spirit of the game looks down on arguing about calls or calling unnecessary fouls as bad form. In professional soccer it seems like the ethos is to try and get away with as much as you can without getting caught. In hockey it seems acceptable and even expected that players pummel each other. In Ultimate, neither of these tactics will work since there are no referees. But also, it is simply not accepted. The culture of non-violent conflict resolution is passed down to kids from coaches and the organizers of the sport and the kids' themselves. There is a conscious attention to resolving the conflict through words and dialogue rather than brute force, charades or bullying.

2. This is a case where the kids are teaching their parents a new approach to conflict resolution. You never hear parents taunting the other team in Ultimate. Because parents don't see their kids grumbling and arguing about "calls", they don't. I mean, heck if the kids are not worried about a foul being called, why should I? As parents, we do not hear the conversation on the field. We watch with fascination as the kids discuss the call, return the disc to another location on the field and continue play. There are no negative hand gestures, yelling or body gestures suggesting anger or frustration. They literally just move on. Parents as a result do the same.

3. Here is another interesting thing about the Amherst Ultimate program. If you are on the sideline and go up to a player and ask them what the score is, 9 times out of 10, the answer will be, I don't know. The parent walks away in bewilderment

If as a mediator, rather than focusing on the outcome I could be in the moment and focus on the process, what my clients are needing, what I am needing and how we are interacting, I will have achieved mediation nirvana.

wondering how they can possibly not know the score. This again seems to be part of the ethos (at least in Amherst). Winning is great and certainly teams strive to win and work and run like mad in an effort to win. But this is a sport that is focused on the moment. It is about the effort, the teamwork, communication and giving 100%. Try to imagine any other team sport where the players have no idea what the score is. Isn't this what we strive for in mediation? The process. If as a mediator, rather than focusing on the outcome I could be in the moment and focus on the process, what my clients are needing, what I am needing and how we are interacting, I will have achieved mediation nirvana. As a parent I realize I have been hardwired to always be asking what the score is. I finally get it. It does not matter. Watching Ultimate has made me a better mediator. It has taught me stay focused on process.

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4. The creators of Ultimate and/or the folks who run high school tournaments have done something else that I think is brilliant. At every tournament, there is the obvious winner of the tournament. But at every tournament, there is also one team that wins the “spirit” award. This award goes to the team which has the best positive spirit and best sportsmanship.

Ultimate is self-refereed by the players.

And winning the spirit award means something to the teams. The focus again is not just on the result but on the process. If you argue a call, how will that affect the team’s spirit score? The winner of the spirit award is chosen by the players, not the adults. As an adult watching, you hope that your team will win, no doubt. But getting the spirit award carries a special badge of honor.

I am aware that in college, they now have “observers” on the sidelines whose role is to resolve disputes in the event that they cannot be resolved by the players. I am also told (by those in the know) that at the college and club levels, there are now red and yellow cards (like soccer) handed out for bad behavior and that in fact a lot of the spirit of the game that I described above has started to erode. Somehow as

kids get older, the stakes seem to get bigger and the need to win starts to take over. It may be that this is just the natural cycle of a relatively young sport growing in size and popularity and needing to make adjustments and rules to accommodate the growth. This is no different in some ways from the adjustments that small businesses need to make as they grow from a small mom and pop operation to a larger business with more employees and more conflicts. Alternatively, maybe there is a neuroscientific explanation for this and the change from middle school and junior varsity to varsity and college has to do with a developmental shift which happens as kids develop. I think the changes described above are unfortunate on so many levels. At least for now, while my son continues to play high school Ultimate I will keep my blinders on and my head in the sand, indulge in and appreciate the ultimate conflict resolution I see on the high school field and take the lessons I can for my own life and work.



Oran Kaufman is a domestic relations attorney and family mediator who founded Amherst Mediation Services in 1995. He can be contacted at (413) 256-1575, or by email at <oran@orankaufman.com>.



**“Strive mightily,
but eat and drink as friends.”**

William Shakespeare



DIVORCE HUMOR

By Pete Desrochers

Humor in life is wherever you find it, but divorce mediations aren't exactly the best venues for humor...or are they? A couple of colleagues and I started jotting down some of the funnier and more bizarre happenings, and they almost read like a comedy script. Undoubtedly, you have had similar experiences, and I'd love to hear about them. This certainly won't compensate for all your rougher mediations, but allow me to share a few snippets of lighter moments....

"My husband had his project cut off a few months ago, and he hasn't provided me with any relief since."

"In accordance with my lawyer's instructions, I gave birth to the twins in this envelope right here."

"Hey, the only beast in you is a jackass!"

"I don't think I was to blame for the bad marriage, or him either. But if either was to blame, it was him."

"If you stand close enough to him you can hear the ocean."

"Do we have to bring that steamroller in high heels back into the room?"

"Sharing his bed was OK. Sharing his bathroom was gross."

"She took a baseball bat to the motorcycle I was building in the garage. It just lay there, silent and motionless."

"Shut up, you prehistoric old bugger...does it still have to be his turn to talk?"

"My husband is very abusive. He always hits me back a lot harder than I hit him."

"She had an affair without warning me of her intentions."

(To the mediator) "Did you notice how she dresses better for these mediations than she does for me?"

"Calling him an idiot is an insult to stupid people."

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“It’s men like him that make women gay.”

“He was stationed back in the States after being injured by a roadside IUD”

“Isn’t having an affair with one man for a long time better than what he did? He had affairs with lots of women and they never lasted long. At least with me you know where it’s been.”

“The only thing that will get a rise around you is my middle finger!”

“How he can have such a narrow mind in that expanse of nothingness is beyond me.”

“He keeps telling our daughter that I’m illiterate. That ain’t right, ‘cause he knows we were married a week before she was born.”

“He tells so many little white lies he could repaint the kitchen.”

“He’s an instant idiot...just add the booze.”

“I’m not a whore, and even if I was, I’d have better clients than him.”



Pete Desrochers is the Founding Director of The Negotiators, a mediation and negotiations firm based in metro Atlanta, Georgia, serving the U.S. and Canada. A strong proponent for settling divorces and domestic issues out of court, Pete believes that gentleness and compassion can only come from strength, endeavoring to provide a safe, friendly environment to resolve even the most volatile disputes. He can be contacted at pete@thenegotiators.com or through his website: www.thenegotiators.com



**“Make crime pay.
Become a lawyer.”**

Will Rogers



MASSACHUSETTS FAMILY LAW

A Periodic Review

By Jonathan E. Fields

Military Pension – Income Stream or Marital Asset? The Appeals Court reversed a Probate Court judgment in which a husband's military pension (in pay status) was treated as a stream of income. The Court noted that, while judges have the discretion to characterize military pensions as either streams of income or marital assets, the majority of cases treat them as marital assets. Under the particular facts of this case, according to the Appeals Court, treating the pension as a stream of income would have been inequitable to the wife. Casey v. Casey, 79 Mass.App.Ct. 623 (June 7, 2011).

Support Obligations Under Immigration Law Where a foreign-born spouse is involved in a divorce, drafters should be mindful that an American-citizen spouse may have signed an Affidavit of Support in connection with a petition for permanent residency. In certain instances, federal immigration law requires the American spouse to guarantee support for ten years from the date of the petition (at the level of 125% of the federal poverty guidelines.) An Indiana man signed an affidavit of support in 1999 on behalf of his foreign-born fiancée. They were divorced a year later and the divorce agreement (incorporated in a judgment) contained a broad waiver of support. Years later, the ex-

wife sued in federal court, claiming that the husband's failure to support her violated the immigration law. The court found that the ex-husband's duty to provide support was not extinguished by the Indiana divorce decree. Chang v. Crabill, N.Ind., No. 1:10 CV 78 (June 21, 2011)

Mediation as the Unauthorized Practice of Law? Non-attorney mediators beware! In the coming months, the Supreme Judicial Court will be deciding a case of utmost importance to you and the entire mediation community. The case involves an attorney, Anthony Bott, who resigned the practice of law as a disciplinary sanction and sought permission from the Single Justice to work as a mediator. The Board of Bar Overseers filed an opposition to the attorney's request. The Single Justice, without deciding the issue, sent the issue to the SJC. While the SJC could narrowly tailor the issue to the scope of Bott's discipline, the Court could conceivably find that mediation is the practice of law. In re: Anthony Raoul Bott, No. SJC 10935



Jonathan E. Fields, Esq. is a partner at Fields and Dennis, LLP in Wellesley. Jon can be contacted at 781-489-6776, or at jfields@fieldsdennis.com



WHAT'S NEWS?

National & International Family News

Chronologically Compiled & Edited by Les Wallerstein

Brazil: Court Backs Civil Unions

Brazil's Supreme Court has ruled that civil unions between same-sex couples must be allowed in the nation, which has more Roman Catholics than any other. In a 10-0 vote, with one abstention, the justices said gay couples deserve the same legal rights as heterosexual pairs when it comes to alimony, retirement benefits of a partner who dies and inheritances, among other issues. The ruling, however, stopped short of legalizing gay marriage. (New York Times, Associated Press, 5/6/2011)

US Census Data Reveals a Shift in Patterns of Childbearing

College-educated women are waiting longer to have children than those without a college education, according to new data from the Census Bureau. In 2000, the portion of women with college degrees between the ages of 25 and 34 who had children was 42 percent. Ten years later, the same group of women, now ages 35 to 44 — representing about three million Americans — were far more likely to be mothers: About 76 percent had children, according to the data. By contrast, about 83 percent of women ages 25 to 34 who did not have a high school diploma had children in 2000. The percentage rose to 88 percent by 2010. Just 3 percent of women who had never been married had a child in 1976. Now the number is about 21 percent, up sharply even from 2008, when it was 15 percent. (Sabrina Tavernise, New York Times, 5/10/2011)

Study Finds Women Slower to Wed, and Divorce Easing

Nearly half of all women between the ages of 25 and 29 have never been married, up from about a quarter of that age group in 1986, according to a report released by the Census Bureau. Among the changes found in the research is the rising median age of first marriages, which in 1950 was 23 for men and 20 for women. In 2009, it was 28 for men and 26 for women. Divorce rates have leveled off after reaching a high around 1980, the report said. In 2009, about 35 percent of women 40 to 49 had divorced, down from 40 percent in 1996. About 10 percent of first marriages ended in divorce within five years. Among those who had married a second time by 2009, the median age at the second marriage was 36 for men and 33 for women. First marriages that end in divorce last a median of eight years for men and for women. The median length of second marriages was similar. Half of men and women who remarried after a first divorce did so within four years, the report said. (Sabrina Tavernise, New York Times, 5/19/2011)

Married Couples in US No Longer a Majority

Married couples have dropped below half of all American households for the first time, the Census Bureau says, a milestone in the evolution of the American family toward less traditional forms. Married couples represented just 48 percent of American households in 2010, according to data being made public



Thursday and analyzed by the Brookings Institution. This was slightly less than in 2000, but far below the 78 percent of households occupied by married couples in 1950. What is more, just a fifth of households were traditional families — married couples with children — down from about a quarter a decade ago, and from 43 percent in 1950, as the iconic image of the American family continues to break apart. (Sabrina Tavernise, New York Times, 5/26/2011)

New York Allows Same-Sex Marriage New York is poised to become the 6th and the largest state in the US where gay and lesbian couples will be able to wed. The law which was enacted will allow same-sex couples to begin marrying in New York by late July. The other five states that currently permit same-sex marriage are Connecticut, Iowa, Massachusetts, New Hampshire and Vermont, as well as the District of Columbia. (Nicholas Confessore and Michael Barbaro, New York Times, 6/25/2011)

Rhode Island Lawmakers Approve Civil Unions The Rhode Island State Senate approved a bill allowing not marriage, but civil unions for gay couples, despite fierce opposition from gay rights advocates who called the

legislation discriminatory. The bill, which already passed in the state’s House of Representatives and which the governor said he was likely to sign, grants gay and lesbian couples most of the rights and benefits that Rhode Island provides married couples. (Abby Goodnough, New York Times, 6/29/2011)

U.N. Cites Global Gaps in Women’s Rights Most countries still do not explicitly criminalize rape within marriage, according to a sweeping United Nations report of global women’s rights. The report also found that more than half of working women lack basic legal protections on the job. Among countries that have still not formally outlawed domestic violence are two members of the European Union — Hungary and Lithuania — and among those still not explicitly criminalizing marital rape are a dozen more, including pioneers of gender equality like Norway and Britain. (Katrin Bennhold, New York Times, 7/7/2011)



Les Wallerstein is a family mediator and collaborative lawyer in Lexington. He can be contacted at (781)862-1099, or at wallerstein@socialaw.com



“Law is mind without reason.”

Aristotle



MCFM NEWS

2011-2012 ELECTION RESULTS

Based on the results of MCFM's annual elections, we are pleased to announce that the following people will serve as MCFM Officers and Directors.

MCFM OFFICERS:

President: Lynn K. Cooper	Clerk: Jonathan E. Fields
Vice President: Laurie S. Udell	Past President & Treasurer:
Vice President: Rebecca J. Gagné	Kathleen A. Townsend

MCFM DIRECTORS:

Kate Fanger	Steven Nisenbaum	Diane W. Spears
S. Tracy Fisher	Lynda J. Robbins	Les Wallerstein
Tanya Gurevich	Mary A. Samberg	Marion Lee Wasserman
Barbara Kellman	Mary A. Socha	Fran L. Whyman
William C. Leonard		



MCFM PRESENTS ITS 10th ANNUAL FAMILY MEDIATION INSTITUTE

**COME MEET PAULA M. CAREY, CHIEF JUSTICE
MASSACHUSETTS PROBATE AND FAMILY COURT
& OTHER CONFIRMED PRESENTERS:
Fern Frolin, Lynda Robbins & Oran Kaufman**

**SAVE THE DATE
FRIDAY, DECEMBER 9, 2011
8:30 - 5:00 PM
Wellesley Community Center**

CHECK WWW.MCFM.ORG FOR UPDATES



**MCFM'S NEXT TWO FREE
PROFESSIONAL DEVELOPMENT WORKSHOPS**

Both at Weston Public Library from 2 to 4 pm

SEPTEMBER 14, 2011

**WHAT MEDIATORS SHOULD KNOW
ABOUT ARBITRATION**

The panelists are Anthony Adamopoulos, David Hoffman, Bill Levine and Jack Wofford. Fern Frolin will be the moderator.

NOVEMBER 9, 2011

**HOW LAWYERS VIEW MEDIATION
& WHAT WE CAN DO ABOUT IT**

Confirmed panelists are Peter Barlow and Gene Dahmen, and hopefully Hon. Robert W. Langlois, 1st Justice, Norfolk Probate & Family Court.

**SAVE BOTH DATES & CHECK
WWW.MCFM.ORG FOR UPDATES**

ATTENDANCE AT ALL MCFM PROFESSIONAL DEVELOPMENT
WORKSHOPS QUALIFY AS CREDIT EARNED TOWARDS
BECOMING AN MCFM CERTIFIED MEDIATOR

CONTACT TRACY FISCHER FOR CERTIFICATION DETAILS
tracy@tracyfischermediation.com



AN INVITATION FOR MCFM MEMBERS ONLY

All MCFM members are invited to fill out the Member Profile Questionnaire posted on the MEMBERS ONLY page of mcfm.org and submit it for publication in the FMQ. Please email your questionnaire with a personal photo (head shot) and an optional photo of your primary mediation space (or office) to wallerstein@socialaw.com. Since the questionnaire is intended to help others learn about you, feel free to customize it by omitting questions listed, or adding questions you prefer. Only questions answered will be published, and all submissions may be edited for clarity and length. **Please help us get to know you.**

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MEDIATION PEER GROUP MEETINGS

Central Massachusetts Mediators Group: We are pleased to announce the creation of a new professional education and support group for mediators in Central Massachusetts. The group meets to discuss topics and/or cases in the offices of Interpeople Inc., in Littleton, about 1/2 mile off Route 495, Exit 31. Meetings begin @ 8:30 AM on the last Thursday of every month, except December, July and August. There will be guest speakers at some meetings. If you are a family and divorce mediator — attorney or non-attorney — you are welcome to join us. For more information please contact Shuneet Thomson at DrThomson@interpeople-inc.com or call 978-486-3338.

North Suburban Mediators Group: Join fellow mediators meeting to learn and share and network. Meetings are held at 8:30 a.m. on the second Tuesday of the month from January to June and from September to November at the offices of Lynda Robbins and Susan DeMatteo, 34 Salem Street, Suite 202, Reading. Please call Lynda at 781-944-0156 for information and directions. All MCFM members are welcome.

Pioneer-Valley Mediators Group: This Western Mass group is newly organized and will be meeting monthly in December on the first Wednesday of every month at the end of the day, from 4 to 6 pm or 6 to 8 pm (depending on the interest) in Northampton at a location to be announced. Please email Kathy Townsend for further information at <Kathleen@divmedgroup.com>

Mediators in Search of a Group? As mediators we almost always work alone with our clients. Peer supervision offers mediators an opportunity to share their experiences of that process, and to learn from each other in a relaxed, safe setting. Most MCFM directors are members of peer supervision groups. All it takes to start a new group is the interest of a few, like-minded mediators and a willingness to get together on a semi-regular, informal basis. In the hope of promoting peer supervision groups a board member will volunteer to help facilitate your initial meetings. Please contact Kathy Townsend <Kathleen@divmedgroup.com> who will coordinate this outreach, and put mediators in touch with like-minded mediators.



**“Vision without action is a daydream.
Action without vision is a nightmare.”**

Japanese Proverb



ANNOUNCEMENTS

All mediators and friends of mediation are invited to submit announcements of interest to the mediation community to wallerstein@socialaw.com, for free publication.

ELDER DECISIONS Announces their new book...

MOM ALWAYS LIKED YOU BEST: **A Guide for Resolving Family Feuds,** **Inheritance Battles & Eldercare Crises**

This guide addresses some of the most common causes of family discord where adult siblings are not on the same page regarding care for aging parents, contentious inheritance matters, property distribution and more — and it provides readers with a variety of skills and strategies for successfully managing these situations.

“... Readers will find useful negotiation and communication advice for resolving many kinds of conflict. By explaining the essentials of negotiation theory in everyday terms, with examples drawn from real cases, the authors have given us a brilliant Getting to YES guide for managing family issues.”

David A. Hoffman, Esq., Boston Law Collaborative, LLC,
John H. Watson, Jr. Lecturer on Law at Harvard Law School,
former chair of the American Bar Association Section of Dispute Resolution

We hope you will read it and pass it on to your clients, colleagues, friends and family who may find it useful. The book is available on Amazon.com or through our website, www.MomAlwaysLikedYouBest.net.

www.ElderDecisions.com
617-621-7009
info@ElderDecisions.com

Continued on next page



ELDER DECISIONS / AGREEMENT RESOURCES, LLC

**A Three Day Advanced Mediation Training in
Elder (Adult Family) Mediation**

\$100 DISCOUNT FOR MCFM MEMBERS

July 19-21, 2011 AND OCTOBER 25-27, 2011

**Tuesday, Wednesday, Thursday
9:00 AM - 5:00 PM on days 1 & 2
9:00 AM - 4:00 PM on day 3**

Elder mediation helps seniors and their adult children resolve conflicts around issues such as living arrangements, care giving, financial planning, inheritance/estate disputes, medical decisions, family communication, driving, and guardianship. This three-day course will cover:

Mental & Physical Effects of Aging: Normal Aging, Physical Changes, Cognitive Changes, Alzheimer's Disease and Other Forms of Dementia, Depression in the Elderly, Families and Caregiving- Intergenerational Relationships, Long Term Care and In-Home Services, Costs of Care, Who pays for Services and Maintaining Independence.

Legal Planning: Planning for Financial Management, Medicaid Eligibility, Medical Decision Making, Asset Protection and Guardianship.

Advanced Multi-Party Mediation Skills & Challenges Of Elder Mediation: Neutrality vs. Mediator Advocacy, Common Hurdles, New Strategies for Intake, Exploring the Hybrid Model of Elder Mediation, Working with Large, Dispersed Family Groups, Ethical Concerns, Age Bias, Considering and Maximizing Capacity, Complex Multi-Party Role Plays and more!

Seminar on Marketing Your Mediation Practice: Interactive exercises and specific tools for elder mediators.

Elder Decisions' Training Team: Arline Kardasis, Rikk Larsen, Crystal Thorpe and Blair Tripp. Partners and Senior Trainers at Elder Decisions

Along With Expert Guest Presenters: Jeffrey Bloom, Esq., Emily Saltz, MSW, LICSW & Jennifer Decker, Mediation Marketing Specialist.



**Cost \$875 / \$775 for MCFM Members
Includes breakfast pastries, coffee, lunch
on site, snacks and course materials.**

Social Work CEUs offered

**To be held at The Walker Center
A Charming B&B and Conference Center in Newton
Just off Rte 95 and the Mass Pike (Rte 90)
Close to Riverside MBTA Station**

See www.ElderDecisions.com for details



NEW BEGINNINGS

An interfaith support group for separated, divorced, widowed and single adults in the Greater Boston Area. **Meets year-round, every Thursday, from 7:00 to 9:00 PM, at Wellesley Hills Congregational Church, 207 Washington Street. For more information call 781-235-8612. Annual Dues \$50.**

**For program details & schedule visit
www.newbeginnings.org**



METROWEST MEDIATION SERVICES PROFESSIONAL MEDIATION TRAINING

MetroWest Mediation Services (formerly Framingham Court Mediation Services) announces that it will hold a 32-hour Basic Mediation Training in October 2011.

This program uses role-plays and interactive exercises designed to help the student identify parties' interests and generate options toward settlement. Students will observe and participate in mediations, practice mediation skills, and exchange ideas. This program qualifies to award CEUs and PDPs.

Continued on next page



This course is designed for those interested in mediation as a means of enhancing personal/professional practices.

In this training, role-plays and interactive exercises provide hands-on mediation skill development aimed at teaching how to identify parties' interests, generate solutions and resolve disputes.

This course satisfies the statutory requirement for mediator confidentiality in Mass General Laws, Chapter 233, Section 23C.

Course Dates:

Friday	October 21	9-4:30
Saturday	October 22	9-4:30
Tuesday	October 25	4-8
Friday	October 28	9-4:30
Saturday	October 29	9-4:30

Space is limited. Tuition is \$675. Registration before October 1 is \$650. Cancellation policy: cancellation prior to October 1, full refund minus \$75 administrative fee. Cancellation after to October 1, refund (minus administrative fee) only if the seat is filled.

For more details and to register go to www.metrowestmediationservices.org or call 508-872-9495.



**DIVORCE IN MASSACHUSETTS:
WITH OR WITHOUT A LAWYER**

Jerome Weinstein & Les Wallerstein

The Cambridge Center For Adult Education

Saturday, October 22, 2011 • 9:30 AM - 12:30 PM • 42 Brattle Street

When the issue of divorce is raised, most people don't know where to turn. How do I get information? Do I need an attorney? Should I pay a retainer? What will happen to my children and my home? This course will give you information about what you can and cannot do and what kinds of risks are involved. It will also



address when you need an attorney (with the attendant costs) or when you can use a mediator or do it yourself. You will also receive resources and a bibliography.

Online Registration: <http://www.ccae.org>

Phone Registration: 617-547-6789

Cost: \$61.00 • Limited to 20



DIVORCE MEDIATION TRAINING ASSOCIATES (DMTA)

October 26, 27 and 28, 2011, and November 4 and 5, 2011

Location: Wellesley College Club

John Fiske and Diane Neumann present Divorce Mediation Training, an intensive, 5-day training program that equips you with the skills of a divorce mediator and grants a certificate upon completion of the training. You do not need to be an attorney to take this course. We are one of the oldest and most recognized mediation training organizations in the country because we're not just trainers—we're both full-time mediators.

John and Diane have been teaching mediation since 1988 and are proud that several Massachusetts Probate Court judges have completed our training program. Each of us has over 30 years of experience in our respective private mediation practice. This comprehensive training in mediation includes:

- 40 hours of training (exceeds the Massachusetts Mediator Confidentiality Statute)
- A Certificate of Divorce Mediation Training upon completion of the 40 hours of training
- Course materials include a DMTA training video and resource materials
- Approved by the National Association for Conflict Resolution (ACR)

For more information:

John Fiske: 617-354-7133

Diane Neumann: 617-926-9100



COMMUNITY DISPUTE SETTLEMENT CENTER

Building Bridges • People to People • Face to Face



Continued on next page



THE FMQ WANTS YOU!



The Family Mediation Quarterly is always open to submissions, especially from new authors. **Every mediator has stories to tell and skills to share.**

To submit articles or discuss proposed articles call Les Wallerstein (781) 862-1099 or email wallerstein@sociallaw.com

NOW'S THE TIME TO SHARE YOUR STORY!



**“If you have an apple
and I have an apple
and we exchange apples,
then you and I will still
each have one apple.**

**But if you have an idea
and I have an idea and
we exchange these ideas,
then each of us
will have two ideas.”**

George Bernard Shaw



JOIN US

MEMBERSHIP

MCFM membership is open to all practitioners and friends of family mediation. MCFM invites guest speakers to present topics of interest at four, free, professional development meetings annually. These educational meetings often satisfy certification requirements. Members are encouraged to bring guests. MCFM members also receive the Family Mediation Quarterly and are welcome to serve on any MCFM Committee. Annual membership dues are \$90, or \$50 for fulltime students. Please direct all membership inquiries to **Ramona Goutiere at masscouncil@mcfm.org**.

REFERRAL DIRECTORY

Every MCFM member with an active mediation practice who adheres to the Practice Standards for mediators in Massachusetts is eligible to be listed in MCFM's Referral Directory. Each listing in the Referral Directory allows a member to share detailed information explaining her/his mediation practice and philosophy with prospective clients. The most current directory is always available online at www.mcfm.org. The annual Referral Directory fee is \$60. Please direct all referral directory inquiries to **Rebecca J. Gagné at rebecca@gagneatlaw.com**.

PRACTICE STANDARDS

MCFM was the first organization to issue Practice Standards for mediators in Massachusetts. To be listed in the MCFM Referral Directory each member must agree to uphold the MCFM Standards of Practice. **MCFM's Practice Standards are available online at www.mcfm.org.**

CERTIFICATION & RECERTIFICATION

MCFM was the first organization to certify family mediators in Massachusetts. Certification is reserved for mediators with significant mediation experience, advanced training and education. Extensive mediation experience may be substituted for an advanced academic degree.

MCFM's certification & recertification requirements are available online at www.mcfm.org. Every MCFM certified mediator is designated as such in the **online Referral Directory**. Certified mediators must have malpractice insurance, and certification must be renewed every two years. Only certified mediators are eligible to receive referrals from the Massachusetts Probate & Family Court through MCFM.

Certification applications cost \$150 and re-certification applications cost \$50. For more information contact **S. Tracy Fischer at tracy@tracyfischermediation.com**. For certification or re-certification applications contact **Ramona Goutiere at masscouncil@mcfm.org**.



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MASSACHUSETTS COUNCIL ON FAMILY MEDIATION, INC.
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EDITOR'S NOTICE

MCFM Family Mediation Quarterly

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The FMQ is dedicated to family mediators working with traditional and non-traditional families. All family mediators share common interests and concerns. The FMQ will provide a forum to explore that common ground.

The FMQ intends to be a journal of practical use to family mediators. As mediation is designed to resolve conflicts, the FMQ will not shy away from controversy. The FMQ welcomes the broadest spectrum of diverse opinions that affect the practice of family mediation.

The contents of the FMQ are published at the discretion of the editor, in consultation with the MCFM Board of Directors. The FMQ does not necessarily express the views of the MCFM unless specifically stated.

The FMQ is mailed and emailed to all MCFM members. The FMQ is mailed to all Probate & Family Court Judges, all local Dispute Resolution Coordinators, all Family Service Officers and all law school libraries in Massachusetts. An archive of all previous editions of the FMQ are available online in PDF at <www.mcfm.org>, accompanied by a cumulative index of articles to facilitate data retrieval.

MCFM members may submit notices of mediation-related events for free publication. Complimentary publication of notices from mediation-related organizations is available on a reciprocal basis. Commercial advertising is also available.

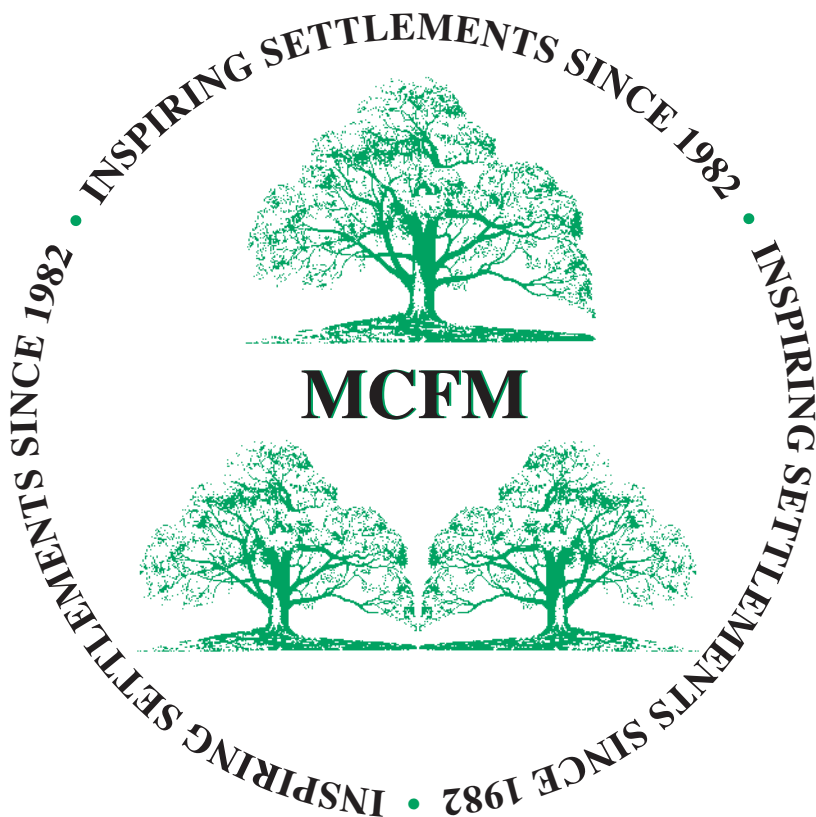
Please submit all contributions for the FMQ to the editor, either by email or computer disk. Submissions may be edited for clarity and length, and must scrupulously safeguard client confidentiality. The following deadlines for all submissions will be observed:

Summer: July 15th Fall: October 15th
Winter: January 15th Spring: April 15th

All MCFM members and friends of family mediation are encouraged to contribute to the FMQ. Every mediator has stories to tell and skills to teach. Please share yours.

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