



February 2020

MV Mediation Program

We Can Work it Out!

Upcoming Events



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Become A Community Conflict Resolver

**March Series
4 Sessions
Saturdays March 7, 14, 21 & 28
11:30-1:30
Bring your lunch!**

Learn to be a Community Conflict Resolver. This course is open to all and particularly appropriate for those serving the public such as municipal workers, teachers, social workers and others who need to strengthen their conflict resolution skills for use on the job and in their community work. Open to the public. Free of charge thanks to Friends of Edgartown Public Library!

If you are interested in becoming a mediator, conflict coach, financial conflict coach or group facilitator, this is a great place to get started with your learning.

Contact the MVMP office or Edgartown Library to register or follow this link:
<https://conta.cc/36Rn76c>

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MEDIATION MUSINGS



Court or Mediation? How to decide?

Sara Barnes
Lead mediator

Some in the court room who are waiting for District Civil or Small Claims cases are thinking, *I've got a good case, I'm going to win.* When we offer them mediation, there are some who take us up on our offer. The mediators say to both, "Its a voluntary process. Everything you say is confidential and the mediators are neutral. Its up to you and the other party to come to a self-determined agreement. The mediators will help you write it up and the court can enter it as a judgement if that is what you wish." Mediation is an empowering process--those involved use their own ideas about fairness and negotiate with each other. The mediator guides them through the interplay. Those involved in the conflict decide how to settle the matter. Usually the parties are able to come to a mutually agreeable settlement. We work with the goal of a win-win outcome.

In more cases than we would like to see, though, the parties reject mediation. They say something like, *I know I am going to win. I have a good case. Its airtight, so I'll just let the magistrate or judge decide because I know they will decide for me. And I will win.* A win-lose concept.

Yet when we check back later, we see that many of these cases were decided in exactly the opposite way-- and that by rejecting mediation

Elder and Aging Issues

Mediation, Facilitation, Family Meetings and Conflict Coaching

**Friday March 13
12-1:30**

Edgartown Council on Aging

Come learn about the services that MVMP can offer to elders and families of elders. Conflicts are hard to resolve on your own. Our mediators, coaches and facilitators can help.
Free and open to the public.

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Introduction to Mediation Course Part 1

April 2- April 28 3:00-6:00 pm
(no workshops April 21 & 23)
6 sessions

Tuesdays and Thursdays 3-6 pm
Vineyard Haven location
Up to 30 PDP's available for teachers
Initial training or re-qualification
Call/email to register or follow this link:

[Learn mediation](#)

Introduction to Mediation Part 2 for MA Court Qualification

**For those who have taken their first 20 hours in order to be qualified to provide court derived mediation.
April and May TBD.**

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**SAVE THE
DATE**

**BOWLING
FOR
MEDIATION**



**Sunday March 15
Barn & Bowl OB
Afternoon and Evening**

**We are going bowling
to raise funds for our programs.
And to have fun for a good cause.
Stay tuned for all the details.**

Register for Upcoming

the party gave up their chance at a more favorable outcome. Why is that?

When two people of relatively good intentions try to figure out what's fair--its based on their own ideas. Sharing those ideas can be illuminating. Sometimes the previous poor communication and misunderstandings can be worked out quickly just by creating a mediation space to really listen to each other. The parties themselves, the experts in the situation, can come a mutually satisfactory outcome together. It takes time and willingness to listen and negotiate. But it works.

When cases come to our office, in advance of court days; or if we provide mediation in the court setting, parties do not lose their rights to be heard in court. If no agreement can be crafted in mediation, then parties can still go to court and present their case.

What does the court do? They judge or magistrate applies the law to the case as it is presented. Those in court may have little understanding of how the law has to be applied and may not know that what may seem to them to be obviously unfair, is found in the favor of the other party. If parties in a dispute want to leave the outcome in the hands of the court, and if they are willing to possibly lose everything, then starting out in district civil court or small claims make sense.

We at MVMP, along with the judge and clerk-magistrate, always suggest using mediation services first. We believe in the power and benefit of self determination and have found that mediated agreements can have other positive and uplifting effects for those who participate. In the end, those in mediation usually find that it is an empowering process. Maybe frustrating and emotionally draining, but an overall strong and meaningful experience. For many, going to court can seem dis-empowering.

Our hope, of course, is for these cases to come to the Mediation program long before they end up in court. Call our office if you can't work it out yourself. "I tried to mediate it myself" was said by a defendant in court last month. This statement shows a misunderstanding. Mediation involves a neutral and qualified third party. As Judge Barnes, our new District Court Judge says, "If you tried to mediate yourself, you did the opposite of mediation. You can't do it yourself, you need to use the mediators. They are the best in Dukes County and they know how to help."

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Youth ages 13-21

Are you a young person who wants a more peaceful world?

Do you know a young person who is a born leader, a good listener and fair minded?

The Youth Mediator crew is looking for you!



Youth Mediation Course

Become a youth mediator and help other young people to resolve their conflicts and disputes in a peaceful and fair way.

The next group with lots of fun activities, food and great people begins soon!

Email info@mvmediation.org to apply to become a Youth mediator or apply here:

Become a youth mediator

2 Saturdays

February 22 and April 4th

10-2

and

5 Mondays

3-6

March 2, 9 16, 23, 30.

Lunch or dinner provided

All participants who attend 5 sessions are paid a \$150 stipend



Parent Mediation Program

Parents, do you need a hand with talking with each other? We are part of the Statewide Parent Mediation Program (PMP) that provides parents--married, unmarried, divorced or separated--with up to 4 hours of free mediation. The purpose of PMP is to support effective and productive discussions between parents. MVMP Family and Divorce mediators can provide you with mediation sessions to discuss parent custody schedules, financial decisions, communication or to renegotiate existing plans. Please contact the office to schedule an intake call or an initial visit. We are here to help.

Visit our website

**You can support MVMP with a donation.
Make MVMP your charity when you use Amazon Smile.**

MISSION

Our mission is to encourage and assist all residents of Dupes County—full-time, part-time, and seasonal—to resolve conflicts through mediation and other constructive dispute resolution tools. We do this by providing education, outreach, mediation, conflict coaching and facilitation. Our secondary mission is to relieve congestion in the court system.

FOR MEDIATORS AND APPRENTICES

Mediator Saturdays: Roster mediators, apprentices & trainees. Third Saturday monthly 10:00 am. Next session Saturday February 15, 2020. RSVP to info@mvmediation. Roster Mediators should remember to keep track of your 6 hours of continuing education for 2020 and submit to the office.



Small Claims Dates: February 12 & 26, 2020.

District Court Coverage: Three Thursdays a month

Elder and Family Issues

When No One Wants to Talk..



by **Kathleen Kauth**
January 2020

Reprinted from Mediate.com

What do you do when you are concerned about your parents whose health is deteriorating? How do you handle talking with other family members about serious issues when they don't think anything is wrong? What happens when you are the one who is spending time with your older adults, and you see the degeneration happening but those who live far away don't get a full picture of how your loved ones' life is changing?

You can lead a horse to water....

In eldercare mediation, a mediator works with family members who are experiencing conflict as they try to come to grips with the new and ever-changing realities of their loved ones' old age. Mediation is a voluntary system that allows an objective third-party to help reduce the emotion and conflict between people so that decisions can be made. Voluntary is the key word! Mediation doesn't work when it is forced.

Resistance

"It's too expensive", "It's not necessary", "Why would we drag a stranger into family business?" may be some of the objections you hear when you suggest eldercare mediation. The purpose of eldercare mediation is to come to agreement about care issues for the older adults involved. Eldercare mediation should involve the older adults if possible, so their wishes are understood. And it should involve anyone who will be participating in care decisions for them. When these parties experience conflict about the type of care needed, timing of care, responsibility for care etc. decisions do not get made in the best way for the older adult.

Tips to overcome objections

Here are some hints to overcome the objections:

Mediation is too expensive: The cost of not doing something is higher. Say the older adult lives independently (but really shouldn't), and falls and breaks a hip. Had the family been able to discuss assisted living, or companion care in a timely manner, they could have avoided the costs of emergency services and rehab.

Mediation isn't necessary: This one is more difficult, because sometimes people just choose not to see conflict or participate in difficult discussions. Mediation is only necessary when there is conflict between parties. Ignoring conflict doesn't make a situation go away. If one party doesn't want to discuss the health care issues that are happening, you have a few choices:

1. Talk with the older adult first. Lay out your concerns in very direct language and ask to have a conversation about it with other family members.
2. If you have power of attorney - make the decisions yourself after giving siblings reasonable time to participate in discussions.
3. If someone else has power of attorney, and you are concerned about the decisions or lack thereof, and you are having trouble talking with them, suggest mediation. If they say no, the next step is legal action which is TREMENDOUSLY more expensive (but may be necessary).

Why would we drag someone else into family business? This is actually quite a common objection. When there is trouble within a family, many close ranks and prefer to handle it (or not) within the family. But - when you keep doing what you've always done, you will keep getting what you've always got! A mediator is an objective third party who can help remove emotions from an issue so it can be addressed logically. They maintain confidentiality and provide an outlet for the anger, frustration, sadness and stress involved with making these decisions.

It may take time

So what if you have made the suggestion to start talking about the issues, laid them out logically, and offered to go to mediation, and there is STILL no interest in participating from other members of the family?

1. Continue to bring up the issues,
2. Make decisions where you can, and
3. Continue to advocate for someone to help sort things out.

Unfortunately, because of the fragility of life, you may actually be on borrowed time with making decisions. Be patient but persistent with your advocacy. The article *Eldercare Mediation: Setting Families up for Success* can be a good place to begin educating people about the benefits of eldercare mediation.



MV Mediation Program | mvmediation.org
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Visit our website