

Training for Better than “Business as Usual”

By Linda K. Neuman*

Since 1980, when I first became a judge, I've thought of myself as being in the dispute resolution business. Indeed I was engaged in “business as usual” when news of the terrorist attacks reached my chambers on September 11, 2001. As the horror unfolded, I remember thinking, “There’s got to be a better way to resolve disputes.” For me, as for countless others, the notion of “business as usual” seemed, in an instant, sadly insufficient.

That idea planted in my mind on 9/11 took root in 2003 when I opted for early retirement from the Iowa Supreme Court. What better way to put my dispute resolution experience to work than as a mediator? I was familiar with mediation from my early years as a trial judge because our judicial district made extensive use of settlement conferences based on a mediation model. I had even lectured on the use of mediation in child custody disputes as early as 1983. But I couldn't claim real experience as a mediator. And I suspected that the skills I'd gained over the years deciding tough cases for others would differ markedly from the skills needed to help disputants settle cases for themselves. Clearly I needed training and credentials. But where best to get them?

I began my search for mediation training by turning to the advice of friends and trusted colleagues who have served as mediators in Iowa for years. Listed below are some of the great suggestions I received, along with information about contacting the institutions directly:

- Former Iowa Supreme Court Justice Lou Schultz earned his basic mediation certification at Hamline University Law School Mediation Center in St. Paul, Minnesota. The lawyers in eastern Iowa have long sung Lou's praises as a mediator. I suspect he's just a natural, but the training he received at Hamline evidently didn't hurt. The school offers a 30-hour General Mediation Skills course at a cost of roughly \$700. Several advanced courses are also available.

Call (651) 523-2880 or e-mail: mediationcenter@hamline.edu or check out the website at www.hamline.edu/law/center.

- U.S. Magistrate Judge Celeste Bremer, along with Roger Stetson, couldn't say enough good things about the training offered by Dr. Mike Thompson and the Iowa Mediation Service. Mike turned out to be a wealth of information. He was willing to share with me his views on various training programs available around the country. He recommended Peter Solen in Wisconsin and Chris Moore at CDR Associates in Boulder, Colorado. Mike's own program --- begun nearly 30 years ago --- involves 35 hours of class time/role plays scheduled over two long weekends (Thursday evening, Friday, and Saturday). It's more affordable than the out-of-state ones he recommended. For information, call Iowa Mediation Service at (515) 331-8083.
- My notes from Roger Stetson (whose quotes I now treasure) also list recommendations for Pepperdine University ("very high level"), University of Missouri ("cutting edge") and Dick Calkins ("an A-plus training session in Chicago with Fred Lane").
- David Blair, longtime mediator from Sioux City, urged me to contact Professor Scott Hughes, a former Iowa trial attorney who now teaches mediation at the University of New Mexico Law School in Albuquerque. Like the program offered by Dr. Mike Thompson, the New Mexico training is offered on two long weekends, rather than following the more common one-week, 40-hour format. Between my love of New Mexico and my cordial conversations with Scott I was really tempted to take this course, but the dates conflicted with prior commitments. I'd definitely check it out for advanced training. Contact: hughes@law.unm.edu, (505)-277-3051 or the program's website: <http://lawschool.unm.edu/adr/index.htm>.
- Dick Calkins, former Drake Law School dean and ardent advocate of peacemaking strategies, offers mediation classes closer to home

and for a reasonable price. Call (515) 288-0331. His 3-day advanced mediation seminar comes highly recommended from Davenport mediator Jim Slavens.

- The Iowa Peace Institute in Grinnell has offered basic mediation training in the past for less than \$500 per session. The training team is led by C. Gregory Buntz, Ph.D., an experienced mediator and president of the Peace Institute. For further information call (641) 236-4880 or e-mail: iapeace@netins.net. Check out the institute's website at www.iapeace.org.
- In the end I took the advice of a law school classmate and attended the 40-hour mediation training course offered by CDR Associates in Boulder, Colorado. I could not have been happier with my decision. The faculty at CDR are among the most experienced and well-respected mediators around, nationally and internationally. My classmates came from across the United States and Canada. We even enjoyed the company of an Australian judge. Although a number of the students were law-trained, many claimed backgrounds in human resources management, both in the private and public sectors. Through a series of lectures and demonstrations --- which I loved --- and a series of role-playing sessions --- which I loathed --- we learned the fundamentals of *interest based* mediation for which CDR is known. In a nutshell, we were taught to identify the *interests* underlying the *issues* in controversy. For unless the parties' *interests* are satisfied, no successful resolution of the *issues* can be achieved. For more information and a list of CDR's extensive programming go to www.mediate.org. The basic course is pricey compared to others I explored (\$1400) but it was definitely money well spent.

My experience at CDR turned out to be both challenging and rewarding. Having been an appellate judge for so many years, I was accustomed to thinking of controversies in terms of legal issues to be addressed, not interests to be

satisfied. Adjusting to a new perspective on conflict resolution proved tougher than I had expected. I was frankly skeptical about applying the principals in practice.

Back in Davenport, during my very first “real” mediation session, the value of my training came through loud and clear. After the lawyers skillfully laid out their legal positions, I asked the parties to tell me --- in their own words --- what it would take to settle the case that day. They didn’t talk about legal issues, or even money. They talked about needing acknowledgement of sacrifices made and losses suffered, of a perceived lack of justice in the case thus far, and an eagerness to get on with their lives free of interference from the other. It was on this foundation that I ultimately helped them settle the case --- by addressing the interests underlying the issues. Suddenly “business as usual” had taken on a whole new meaning. And it felt great.

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