



CAPE
MEDIATION

Mediator's Break

Monthly news & updates

June, 2022



EVENTS AND HAPPENINGS AT CAPE MEDIATION

New at Cape Mediation!

DISPUTE RESOLUTION SKILL OF THE MONTH

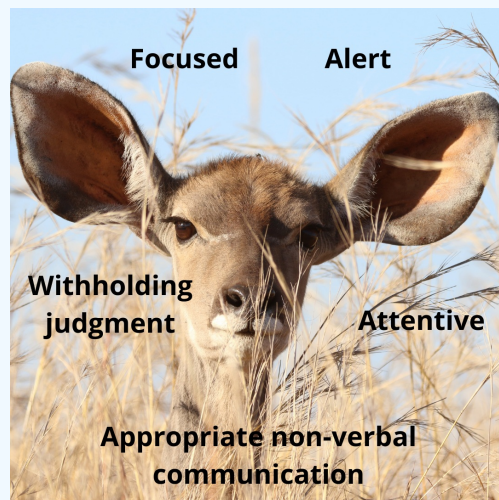
~ Listening ~

We're excited to share that we're introducing a new email into our monthly rotation, titled "Skill of the Month," which will also be featured, here, in the Newsletter, on our GoogleGroup Discussion Board, and on our social media accounts.

Our Coordinators will be identifying a new mediation skill every month that they have seen come up in recent mediations -- a "frequent flyer" skill, if you will -- that they want to highlight for our mediators to be extra cognizant of.

The skill of the month of June is listening. In mid-June we'll be sending out our inaugural "Skill of the Month" email, featuring what our Coordinators have identified as the keys to effective listening and why good listening skills matter in the mediation context.

We hope this new monthly feature will provide a fresh, fun, and positive platform for discussion and skill upkeep!



**Challenges and Best Practices in
Remote Mediation Workshop**
~ Tips & Takeaways! ~



At the tail end of April, Elizabeth Marcus, a mediator for the Equal Employment Opportunity Commission (EEOC) in Boston, led a Workshop with us that focused on the ins and outs of mediating remotely and shared tips, best practices, and things to avoid in a remote setting.

Before the Workshop we asked attendees to submit questions and concerns about mediating remotely. We've compiled these questions into an FAQ

format which we thought would be valuable to share with those of you who weren't able to make it (or for those of you who were there but would like a refresher!).

Q: How do you deal with interruptions and segues when mediating by video conference?

- It is difficult to rein-in people on Zoom, but you can try to anticipate someone who talks a lot.
- You can use mute, telling the party that you are going to jump in right now and then redirect the conversation.
- It is helpful to be very heavy on the process.

Q: Is it helpful to get comfortable with the technology you are using?

- It is very helpful to get comfortable with the technology whether mediating by video conference or by phone.
- If you aren't comfortable with the technology it can be hard to pay attention to the process if you are thinking about the tech.
- It is helpful to ensure you have good equipment.
- A good headset with microphone and volume button makes it easier for you to hear others and easier for them to hear you.

Q: Is it important to have everyone on the same forum?

- Yes, it is important. If even one person cannot put their video on, no one should have their video on.
- This helps to maintain equality and neutrality in the room.
- Having everyone on the same forum eliminates the chance of some people having a visible rapport that is not happening to the phone person.

Q: If a party is represented by an attorney, especially if it is a new attorney for them, is it helpful if they both are in the same physical space?

- It is helpful if an attorney is in the same physical space with their client, it can be very difficult for an attorney and a client to develop a rapport when meeting on Zoom.
- If it is not possible for the attorney and their client to be together, it is helpful to have a breakout room where the attorney can meet privately with their client.

Q: Is it helpful to have tech support at every mediation, even if you are comfortable with the technology?

- Having tech support for the mediation is just so valuable.
- They (tech support) have more skills.
- It allows the mediators to concentrate on the mediation.

We have a new Community Mediation Center Grant Program

Manager at MOPC

Essie Martsinkovsky is the new Community Mediation Center (CMC) Grant Program Manager at the **Massachusetts Office of Public Collaboration** (MOPC), a Program which supports 12 community mediation centers around the state, including Cape Mediation.

With years of experience in the conflict resolution field, spanning Boston and Los Angeles, Essie has served hundreds of clients as a mediator, a restorative justice facilitator, a mediation trainer, an instructional coach for other mediation trainers, and a community mediation program manager.

Essie has also taught English as a second language in the US and South Korea, and is a produced playwright. Helping people communicate effectively has always been the goal, and Essie is dedicated to promoting and strengthening community mediation as a resource for all.

Essie joined our Discussion & Debrief in May. It was wonderful to meet her, and we look forward to working with her!



Barnstable County Bar Association Weekly Newsletter

The Barnstable County Bar Association has a rich tradition of serving the legal profession and the public on Cape Cod.

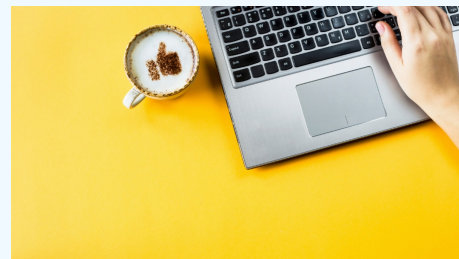
The Association aims to further the principles of good citizenship and good government and to encourage and facilitate communication among the Barnstable County legal community. We encourage you to check out their **Newsletter**, *The Barrister*, which includes local legal news, events of interest to the legal community, job opportunities, and more.

Barnstable County EST. 1918 Bar Association



Donate to Cape Mediation with Amazon Smile

We're on Amazon Smile if you'd like to make donations at no cost to you - just follow **this link** and for every purchase you make on Amazon, Amazon will donate 0.5% of the price to Cape Mediation. It may not seem like much, but it all adds up!



Follow us on social media

Want to stay in touch on a platform that isn't email? Follow us on Instagram or Facebook where you'll find up-to-date information, workshop and training announcements, and more!



JOIN OUR DISCUSSION & DEBRIEF ON THURSDAY AFTERNOONS

Whether you are an active remote mediator or conciliator, want to keep your skills sharp, or want to learn more about our remote process, please join us as we debrief our sessions and discuss what is important to you.

During the debriefing we talk about which mediation skills worked best and what other skills might have been used in a mediation. We start by giving a brief summary of the

case, and then focus on challenges and skills without rehashing facts and parties in a case.

In an effort to accommodate as many schedules as possible, we're switching the Discussion & Debrief dates from the second and fourth Thursday of each month to the first and third Thursday of each month.

For those of you who like to plan ahead, debrief dates scheduled for June will be on the 2nd and 16th from 4:00 p.m. - 5:00 p.m.



Wednesday June 8th is World Oceans Day *Oceans and the Dispute Resolution Field*

If there is one common goal for coastal communities around the world, it's protecting our oceans. As an abundant source of healthy food, a global highway for commerce, and a boundless opportunity for recreation, I think we all agree that our oceans are invaluable.

But, like it or not, the varying uses generate disputes - resulting from conflicting interests or beliefs, NIMBY sentiments, or financial incentives. This month, we have uncovered several research and scholarly articles on the important role dispute

resolution plays in resolving ocean disputes that we hope you'll find interesting.

Nayha Acharya's essay, ***Towards Ocean Peace: Resolving Disputes Cooperatively and Empathetically through Negotiation***, offers reflections on the utility of informal dispute resolution through cooperative negotiation as a means of settling ocean-based disputes responsibly and peacefully.

Acharya argues for the necessity of a formal process of dispute resolution in this context and discusses theoretical approaches to negotiation that are well-suited for the challenges of maritime disputes and is a vocal proponent of cooperative negotiation. Cooperative negotiation, a well-known model thanks to Roger Fisher's ***Getting to Yes***, is one in which parties cooperatively work together to maximize joint gains, focusing on interests rather than positions – a model that allows parties “to be imaginative and creative to maximize the oceans’ value for all of us without abusing it.” Acharya elegantly concludes: “Humanity owes its existence to the oceans. In grateful recognition of that, we should strive to ensure that when we quarrel over the ocean, we do so gracefully and peacefully.”



Dispute resolution is also frequently employed in conflict resolution involving transboundary marine conservation. Marine Conservation, as you can imagine, poses challenges in areas where there is no clearly defined jurisdiction, which is where ADR tools such as mediation and arbitration come into play. The 2020 article ***Do Alternative Dispute Resolution (ADR) and Track Two Processes Support Transboundary Marine Conservation? Lessons From Six Case Studies of Maritime Disputes***, published in the *Frontiers in Marine Science Journal*, discusses how dispute

resolution tools are used in conjunction with transboundary conservation efforts.

The six cases outlined in the article describe situations in which maritime border disputes interact with marine conservation. The cases differ widely in geographic location, climate, ecosystem type and vulnerability, and historical claims as well as in the political, strategic, and socio-economics of the countries in which they are located, making each case unique and eye-opening.

One successful case described in the article was Israel and Lebanon agreeing to mediate their dispute over the recent discovery of potential offshore oil and gas reserves close to their shared maritime border. With the aid of dispute resolution tools, the two countries both took steps to declare Marine Protected Areas near their borders – and if dispute resolution tools being used to protect marine life doesn't offer a glimmer of hope for the state of the world's oceans, we don't know what will!

We love sharing the role dispute resolution plays in making the world more peaceful and sustainable, especially for something so near and dear to us as the world's oceans. And, we hope that by sharing the knowledge and stories with each other and our friends, neighbors, and colleagues, dispute resolution will become an even more popular tool in resolving maritime controversies – both internationally and closer to home.

MEET THE BOARD

Cape Mediation has welcomed several new members to the board this year. We have asked each of them to share a little about themselves each month in our newsletter. This month, we would like to introduce you to Ellen Kapinos.



Ellen Kapinos

Ellen has been a volunteer at Cape Mediation since 2013 - in the Summary Process, Small Claims, and Conciliation programs. She took Harvard's Program on Negotiation, Mediating Disputes and then joined the Cape Mediation panel of volunteers. Ellen joined the Board in 2018 and serves as the Clerk. Ellen is a patent attorney having practiced in the Biotech arena and is General Counsel for her husband's company. While she spends more time at the Cape, Ellen lives in the western part of the state (South Hadley) during the winter months.

SUPPORT CAPE MEDIATION

Your donations help us continue to provide high quality dispute resolution services to our community. For a small organization like Cape Mediation, the cliché "every dollar counts" holds true.

[Click Here to Donate](#)



THE BOARD'S CORNER

At the May meeting the Board discussed prospects for new office space as our longstanding landlords will not be renewing our lease as they pursue a different plan for the property. In the meantime as the files are being digitized our need for physical storage space is being reduced. The Board is revisiting the Strategic Plan developed by Board, Staff, and Volunteers with the help of SCORE prior to the pandemic.

A FEW WORDS FROM THE EXECUTIVE DIRECTOR

Recently John O'Toole shared an article from Mediate.com with me on the benefits of mediating remotely. In the article, Mylene Chan discusses the findings of two reports from the U.S. Equal Employment Opportunity Commission due to be released this week on the transition to remote mediation from in-person mediation. The article highlights the findings that the "...notion that in-person ADR is still "better" than Zoom is now near non-existent." Of course, not everyone agrees, some mediators see advantages and disadvantages to remote mediation, and still others prefer in-person mediation. My own experience echos the findings of the reports. In April, Elizabeth Marcus, a mediator for the Equal Employment Opportunity Commission (EEOC) in Boston, joined us to discuss Challenges and Best Practices in Remote Mediation. Whether you prefer remote mediation or in-person mediation, it seems that remote mediation is here to stay. Let us know what you think - we would love to hear from you! You can find Mylene Chan's Mediate.com article online at **The EEOC Set to Release Two Reports Comparing Online and In-Person Mediation**.



June 2022

Cape Mediation Discussion & Debriefs are offered on Thursday afternoons at 4:00 PM.

Thursday, June 2, 2022, 4:00 PM - Discussion & Debrief for Mediators and Conciliators. Whether you are an active remote mediator or conciliator, want to keep your skills sharp, or want to learn more about the remote process please join us. **Contact us** to join the discussion or look for the notice in your inbox.

Thursday, June 16, 2022, 4:00 PM - Discussion & Debrief for Mediators and Conciliators. Whether you are an active remote mediator or conciliator, want to keep your skills sharp, or want to learn more about the remote process please join us. **Contact us** to join the discussion or look for the notice in your inbox.

VOLUNTEER AVAILABILITY FOR JUNE

If you have not already signed-up, please send us your available volunteer dates by clicking the button below. We offer mediations and conciliations remotely Tuesdays through Fridays.

If you have not mediated or conciliated remotely, consider giving it a try. We will pair you with an experienced remote volunteer and we are sure once you try it, you'll like it!

MY JUNE AVAILABILITY DATES

Around Cape Cod



BUILDING BRIDGES NOT WALLS WORKSHOP

Back in March we offered our first in-person Building Bridges Workshop since March 2020, and we couldn't be happier with how it went.

We're pleased to share that we'll be hosting another workshop on **Saturday, June 18th from 1-3:30 at the Truro Public Library.**

To learn more about the Workshop or to sign up, **[click here.](#)**



FARM TO TABLE FOURTH OF JULY WITH GAIL BLAKELY *at Highfield Hall*

Celebrate the Fourth of July at the Historic Highfield Hall with a cooking class hosted by Gail Blakely on June 30th from 1:00 pm. - 3:00 p.m.

Gail will share her take on the traditional Fourth of July barbecue, making a meal featuring classic deviled eggs with olives, grilled chicken thighs and spareribs with a peanut butter barbecue sauce. Dessert will feature red, white and blue parfaits served with macaroons and holiday sprinkles!

[Click here](#) to learn more or to register.



YOU CAN NOW SUBMIT YOUR REQUEST FOR MEDIATION OR CONCILIATION SERVICES ONLINE

Submitting a request to schedule a Mediation or Conciliation is now easier than ever, just visit our website at **CapeMediation.org** and fill out a **Request for Services** form. After we receive your request, one of our experienced case coordinators will contact you to learn more.

*You may also reach us by phone at 508-240-1717 or by **[email](#)**.*



If you haven't done so already, we encourage you to check out Marie Forleo's *Everything Is Figureoutable*, a #1 New York Times Bestseller. Marie credits her mother for the terrific title; her mother once told her, "Nothing in life is that complicated. You can do whatever you set your mind to if you roll up your sleeves. Everything is figureoutable."

The premise of the book is that we can retrain our brains to think more creatively and optimistically, especially when faced with setbacks - a premise that we felt was highly relevant to the dispute resolution setting.

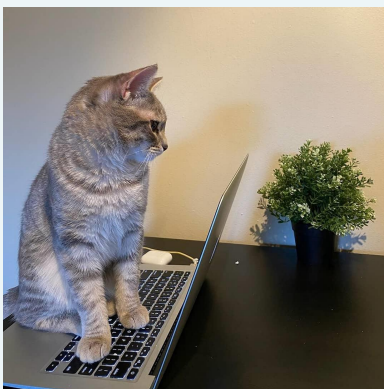
If you're not in the mood for reading a book but want to explore Marie's work more, you can check out Marie speaking about her book

by following [this link](#).

Everything Is Figureoutable is available from many vendors. A list can be found [here](#).

Have you read any good books or online articles lately? Do you have a favorite book or article on Dispute Resolution? If so, please [contact us](#) and we'll share it in the next issue of Mediator's Break.

Please visit CAPEMEDIATION.ORG for up-to-date information, current job openings and more!



INTERESTED IN BECOMING MORE INVOLVED?

If you are interested in becoming more involved in any of our programs, please [reach out](#)!

Additionally, if you are interested in volunteering in our Remote Dispute Resolution programs, but are unsure about the process or technology, we want to help! We will schedule you for to observe or pair you with someone with experience in telephone and videoconferencing to help. [Contact us](#).

JOIN THE DISCUSSION ON CAPE MEDIATION'S GOOGLE GROUPS DISCUSSION BOARD!

We invite you to join our virtual Dispute Resolution email discussion group where we share information about job opportunities, news and articles about the world of Dispute Resolution with the volunteers, mediators, conciliators and staff at Cape Mediation. This group is open to all Cape Mediation staff and volunteers. If you have not already joined, please [contact us to join](#).

Not Receiving Our Email Notices?

We send out notices during the month including our monthly volunteer sign-up sheet and workshop updates, and we share other news and information that arises. If you are not receiving these emails, try checking your Email Promotions and Spam settings. If that doesn't do the trick, let us know, so we can be sure you are on the right lists. [Contact us](#).

More Information

Quick Links

Information Surrounding the Pandemic

For up-to-date information on changes as a result

About Us

National Association for Community Mediation

Community Action Committee of Cape Cod and the Islands

Resolution Massachusetts

Mass Law Libraries

COVID-19 Information on Cape Cod

Barnstable County Helpline for COVID-19

Related Questions: 1-774-330-3001

Monday through Friday, from 8 AM to 4 PM

Barnstable County Medical Reserve Corps.

of circumstances surrounding the pandemic,
visit the [Mass.gov](https://www.mass.gov) website.

Court System Resources

COVID-19 Eviction Information

Protect Your Information Online

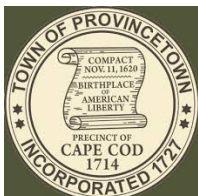
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