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CHANGE VALUE MAKE IT REAL SUSTAIN OUR COMMITMENT AND
LOVE KEEP THE FAITH GREYFORD INVITATION DIGNIFIED
SOLUTIONS REGAIN PERSONAL CONTROL FIND A BETTER WAY
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**Make it Real:
The Tennessee Vision
for Mediation**

The Tennessee Vision for Mediation

- 1. Knowledge:** *The public and referral sources understand mediation and appreciate its value as a powerful process for helping people manage and resolve conflict and prevent violence.*
- 2. Access:** *All Tennesseans have ready and effective access to affordable mediation and other conflict resolution services regardless of their ability to pay, and regardless of where they live.*
- 3. Choice:** *People are able to make informed, voluntary choices among all the processes for dealing with conflict.*
- 4. Quality:** *Participants consistently experience ethical and high quality mediation and other conflict resolution services in our state.*
- 5. Self-determination:** *Mediation in Tennessee encourages self-determination, in both the process and its outcome, for all participants.*

A Call to Action

We hereby embrace The Tennessee Vision for Mediation as our own;

*We declare that we will work to make this Vision a reality;
AND,*

We call upon citizens, civic leaders, government officials and organizations across the state to endorse this Vision and help MAKE IT REAL through commitment and action.

Larry Bridgesmith, J.D.

Mary Ellen Bowen, Mid South Mediation Services

Doris Brocker, Sumner Mediation Services

Community Mediation Center of Knoxville

Keith Dale, The Mediation Center of Columbia

Greg Davis, MS, CMPE

Renee W. Dean, MBA

John Drummond, J.D.

The Institute for Conflict Management at Lipscomb Univ.

Jim Karney, Co-Parenting Solutions, Inc.

Jackie Kittrell, J.D.

Tamara Losel, Nashville Conflict Resolution Center

Jean Munroe, Jean Munroe & Associates

Luis E. Oré, ORASI Consulting Group, Inc.

Leigh Ann Roberts, Papa & Roberts, PLLC

Tennessee Association of Professional Mediators

(NOTE: Individual affiliations listed for identification purposes only.)

How The Tennessee Vision for Mediation was Created

Economic downturns intensify pre-existing conflicts in families, businesses, organizations and even churches. The current troubles are no exception, and by the summer of 2009 Tennessee mediators were facing a crisis: demand for mediation services was growing rapidly, but money and resources were shrinking for both non-profit and private practice providers.

Perhaps because mediation is confidential it is invisible to many people. Civic, governmental and business leaders seemed unaware that they stood to lose services for thousands of Tennesseans each year. Services that help people deal with conflict in ways that encourage healing and prevent dangerous escalation while relieving pressure on overcrowded court dockets.

The mediation community chose to see this situation as an opportunity for reflection. They gathered across the state, over the web and in person, and challenged themselves to answer three tough questions:

WHY: *Why is it so important to make mediation and conflict management tools available to people in Tennessee?*

WHAT: *What is a Vision for Mediation that the whole state could get behind?*

HOW: *How could this Vision become a reality? How could the mediators themselves take action and inspire others to follow?*

This document is a report of their accomplishments after just four months: They have created The Tennessee Vision on Mediation, each word agreed to by consensus. They have identified eight Objectives; specified twenty-nine concrete Action Steps that will be needed to make the Vision a reality; and started work on most of the Action Steps.

A skeptic might wonder, "What motivates these people?" I asked that same question of each participant in our meetings; the answers they gave me, some of which are reprinted on the next page, spoke volumes. I also asked each person to think of a single phrase that best expressed why they care so deeply about this Vision; the words they chose make up the background on this and other pages of the report.

Tennessee already owes a debt of gratitude to its community of dedicated and skilled mediators. This report is a promise from them to do even more. But it is also an invitation to you. Will you help MAKE IT REAL?

*Roger Conner, Facilitator
Vanderbilt University Law School
December 16, 2009*

I believe that “a rising tide lifts all boats”. In order to fix what’s wrong in our state, we will all have to work on it. It goes back to how we work in mediation, which is empowerment of the people in front of us.

As long as we have belly-buttons, we’ve all got something in common. Mediation helps people relate to each other as human beings, dealing with human situations, regardless of who we are.

If you can facilitate two human beings to get along better, it can change society. I’ve lived it, I’ve seen it.

As a judge, I found that parties rarely have much satisfaction from the court system, which is based on a win or lose proposition. Mediation allows them to choose their own destiny and communicate with each other. They are more satisfied with the process and learn skills that will help them resolve problems in the future

There are too many cases clogging the courts which, if sent to mediation could reduce that clutter. I firmly believe that the process of mediation goes much farther in legitimating the legal system than does litigation in many cases.

Over and over again I watched children losing one of their parents because their parents didn’t have any basic conflict resolution skills. I thought, “There has got to be a better way.”

Why do we care?

The Goals, Objectives and Action Steps in this document grew out of a four-month process including a web-based questionnaire and four meetings in Nashville, Knoxville and Cookeville.

At each step we paused to ask each other this question:

WHY do we care? WHY is it important to change the way we deal with conflict in our society, using mediation and the principles on which it is based?

Here are some of those stories.

There are times a trial and a judge’s ruling is necessary, but mediation can allow parties to discuss and review the issues without making a mistake in court which might waive rights. The input of a neutral third-party, the mediator, can allow examination of alternatives not previously considered.

Everything that everybody does, good or bad, starts a chain reaction, a series of spirals that go on and on—good spirals or bad spirals. *Mediation is one of the few things that can reset the bad spirals.* That’s why I do it.

People do not have to destroy each other’s lives and drag their kids down in the process.

In mediation, people unveil to me their lives; it’s such an intimate moment; I enter this space and gently say, “Maybe I have something to offer.”

I can still remember when I first read about mediation. I was 23 years old and I thought, “These are my people.” True, it’s a career now, but every time I am present in mediation when the magic happens—and it often does—I feel honored.

I’m a preacher. Six minutes is not long enough for a preacher to tell his story. So, let’s just say “God called me to be here,” and leave it at that.

As a student my advisor said, the higher up you get in politics the less you know what you are doing, so don’t be intimidated, don’t be scared. That helped a lot.

HOPE EMPOWER THE DISENFRANCHISED JUSTICE FIND A BETTER WAY REALIZE THE OPPORTUNITY HEARTFELT PARADIGM SHIFT GOOD SPIRALS PEACE AND HARMONY LOVE JUST FAIRNESS COMMITME JUSTICE EM SOLUTIONS SUSTAIN OU PASSION IN PERSONAL OPPORTUN GOOD SPIR HEARTFEL FIND A BET SOLUTIONS SUSTAIN OU VALUE CH DISENFRAN REALIZE TH GOOD SPIR VALUE MA LOVE KEE SOLUTIONS WAY REAL SHIFT GOO LOVE MAK EMPOWER BETTER WA EMPOWER CHANGE V COMMITME INVITATION CONTROL FIND A BETTER WAY REALIZE THE OPPORTUNITY EMPOWER THE DISENFRANCHISED HOPE MAKE IT REAL

The Action Plan

“Without vision the people perish,” says the proverb. True enough; but without action a vision is a collection of empty words.

Participants in the visioning process were committed to making a difference. As they developed The Vision Statement they created a long list of potential activities for implementation.

Compared to that list the number of participants in the Visioning process was quite small. So they decided to begin with the one group over which they had control: themselves.

They asked each other, “What are we prepared to commit? What are we prepared to risk?”

From those conversations there emerged eight critical Objectives and twenty-nine Action Steps, made up primarily of tasks that require leadership or direct involvement from the mediation community.

This Action Plan is only a beginning. The Tennessee Vision for Mediation will require active support from people across the state. As one way invite support and acknowledge those who join the campaign, volunteers have created www.makeitrealtn.org, a web site to continuously update the list of endorsements and Action Steps.

HOW: Objectives for Action

I. Mediators can readily articulate to stakeholders and parties the scope of their expertise and the type of services offered.

II. CMCs receive sufficient local, state and federal funding for program sustainability and quality services in every judicial district.

III. Mediation is a respected and economically viable career path.

IV. Make the case for mediation to public and key stakeholders.

V. Strengthen collaboration & cooperation among mediators and between mediation community and key stakeholder representatives.

VI. Expand the scope of mandatory mediation.

VII. Strengthen quality and consistency of mediator performance

VIII. Expand Educational Programs on Conflict and on Conflict and Dispute Resolution.

ACTION NOW:

Organizations, Task Forces and Leaders are Already at Work

Achieving the Vision set out in this document will require a sustained effort from many people. This is a voluntary, collaborative, citizen-led initiative. There is no owner, no hierarchy, no new non-profit to support! Fortunately, many of the needed Action Steps are already under way.

The following table lists twenty-nine specific Action Steps, arranged by Objective. For each Action Step, the table shows:

1. New commitments by signatories of A Call to Action
2. Actions already under way by organizations and groups across the state;
3. The specific link between each Action Step and one or more elements of The Tennessee Vision for Mediation.

This is a *partial* listing. (*Any errors and omissions are the responsibility of the facilitator.*) It is also a *starting* list. We hope to see it expand dramatically in the months ahead¹ as others embrace the Vision and join the campaign to MAKE IT REAL.

List of Abbreviations and symbols:

AOC—Administrative office of the Courts, State of Tennessee

CMAT—Coalition for Mediation Awareness in Tennessee

CMC – Community Mediation Center (This is a generic term which is intended to cover all of the state’s VORP-funded non-profits).

ICM--The Institute for Conflict Management at Lipscomb University

TAPM—Tennessee Association of Professional Mediators

TF-CMCs Task Forces organized by CMC staff and volunteers

TAJC—Tennessee Access to Justice Commission

UTLaw--University of Tennessee at Knoxville School of Law

TAPVULS—The Advocacy Project at Vanderbilt Law School

¹ We hope to periodically update this list on the web site, www.makeitrealtn.org, assuming the continued availability of volunteer web masters. Want to join us? Want to add an activity you are involved with to the table? Send an email to info@makeitrealtn.org.

THE ACTION PLAN—A PROGRESS REPORT

Objectives and Action Steps	Signatories	Others	Connects to Vision
I. Mediators can readily articulate to stakeholders and parties the scope of their expertise and the type of services offered.			
1. Develop capacity for the mediation community to acknowledge and/or certify individual mediators who have proven track records and/or specialized expertise (same as 26).	Tamara Losel, Larry Bridgesmith, Jackie Kittrell, Jim Karney, Doris Brocker		1. Knowledge 2. Access 3. Choice 4. Quality 5. Self-determination
II. CMCs receive sufficient local, state and federal funding for program sustainability and quality services in every judicial district.			
2. Organize to support amendment to "dollar bill" to expand amount.	TF-CMCs ¹		2. Access 3. Choice 5. Self-determination
3. Renew plan to create a statewide organization.	TF-CMCs ²		2. Access 4. Quality
4. Develop and share tools for reporting, case management and other administrative functions.	Keith Dale (TF-CMC)		4. Quality
5. Secure new regular funding streams for CMCs.	TF-CMCs ³		3. Access 4. Quality
6. Pay for travel expenses for volunteer mediators to travel to underserved communities.			3. Access
7. Develop protocol and standards to allow CMC volunteers to secure appropriate waivers from Rule 31 fees and certification requirements.	TF-CMCs		3. Access 4. Quality
III. Mediation is a respected and economically viable career path.			
8. Develop an improved means for potential clients to find an appropriate mediator	ICM	AOC	1. Knowledge 2. Access

¹ Task Force Members as of 12/03/2009: Jackie Kittrell, Tamara Losel, Linda Seely, Doris Brocker, Laurie Jewett, Mary Ellen Bowen.

² Task Force Members: Mary Ellen Bowen, Luis Oré, Jackie Kittrell, Linda Seely, Tamara Losel, Doris Brocker.

³ Task Force Members as of 12/3/2009: Jackie Kittrell, Tamara Losel, Mary Ellen Bowen, Linda Seely, Doris Brocker.

THE ACTION PLAN—A PROGRESS REPORT

Objectives and Action Steps	Signatories	Others	Connects to Vision
			3. Choice
9. Expand opportunities for specialized and advanced training		AOC ICM UTLaw CMCs	4. Quality 5. Self-determination
10. Expand opportunities for experienced mediators, including those from CMC community, to share expertise and provide advanced training for new private practice mediators.		CMCs TAPM	4. Quality 5. Self-determination
IV. Make the case for mediation.			
11. Develop and implement a marketing plan to promote mediation	TAPM		1. Knowledge 3. Choice
12. Publicize "success stories"		CMAT	1. Knowledge
13. Create "facts," data through studies		AOC	1. Knowledge
14. Generate a periodic report on all mediation activities showing different types and sources of activity in one document.	TF-CMCs ⁴ TAPVU	AOC	1. Knowledge
V. Strengthen collaboration & cooperation among key groups and institutional stakeholders.			
15. Revive plan for a state non-profit to connect and serve CMCs	TF-CMCs ⁵		4. Quality 5. Self-determination
16. Improve communication and collaboration between CMCs and AOC.	TF-CMCs ⁶		2. Access 4. Quality

⁴ Membership as of 12/3/2009: Keith Dale, Linda Seely, Luis Oré.

⁵ Membership as of 12/3/2009: Mary Ellen Bowen, Luis Oré, Jackie Kittrell, Linda Seely, Tamara Losel, Doris Brocker.

⁶ Membership as of 12/3/2009: Tamara Losel, Jackie Kittrell, Laurie Jewett, Mary Ellen Bowen, Linda Seely, Doris Brocker

THE ACTION PLAN—A PROGRESS REPORT

Objectives and Action Steps	Signatories	Others	Connects to Vision
17. Create or strengthen mechanisms for communication, collaboration and conflict management between CMCs and private practice mediator community.	TF-CMCs ⁷ Jim Karney TAPM ICM	TAPVULS	2. Access 3. Choice 4. Quality
18. Strengthen capacity for communication and collaboration between the mediation community and the Bar, Courts and other institutional players.	ICM, Jackie Kittrell, Doris Brocker	CMAT TAPVULS	1. Knowledge 2. Access
19. Restore/create the practice of an annual meeting/gathering of entire mediation community.	ICM, TAPM, ADRC, Jackie Kittrell		1. Knowledge 4. Quality
VI. Expand the scope of mandatory mediation legislation.			
20. Encourage discussion of issue in Access to Justice Committee.	Larry Bridgesmith, Tamara Losel, Leigh Ann Roberts, Doris Brocker		1. Knowledge 2. Access
21. Individual, group or task force to develop new legislative proposal and supporting report.	TF-CMCs ⁸		1. Knowledge 2. Access
22. Individual or task force to campaign for adoption of legislation.			1. Knowledge 2. Access
23. Local task force to create a model program.			1. Knowledge
VII. Strengthen quality and consistency of mediator performance.			
24. Expand opportunities for specialized and advanced training	Larry Bridgesmith Jean Munroe	ICM CMCs TAPM	2. Access 3. Choice 4. Quality
25. Expand opportunities for experienced mediators, including those from CMC community, to share expertise and provide advanced training for new private practice mediators.	Doris Brocker	CMCs TAPM	3. Choice 4. Quality 5. Self-determination

⁷ Membership as of 12/3/2009: Luis Oré, Tamara Losel, Jackie Kittrell, Doris Brocker, Linda Seely.

⁸ Membership as of 12/3/2009: Jackie Kittrell

THE ACTION PLAN—A PROGRESS REPORT

Objectives and Action Steps	Signatories	Others	Connects to Vision
26. Develop capacity for the mediation community to certify individual mediators who have proven track records and/or or specialized expertise (same as 1).	Tamara Losel, Larry Bridgesmith, Jackie Kittrell, Doris Brocker		1. Choice 2. Access 3. Self-determination
VIII. Expand Educational Programs on Conflict and Dispute Resolution for all ages.			
27. Expand educational programs in K-12 schools.	ICM, Jackie Kittrell	CMCs	1. Knowledge 5. Self-determination
28. Expand educational programs at university level	ICM, Jackie Kittrell	UTLaw	1. Knowledge 2. Access 4. Quality
29. Develop training/education programs for schools, government agencies and large organizations, public and private.	ICM, Jackie Kittrell	CMCs TAPM	1. Knowledge 2. Access 3. Choice 5. Self-determination

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Acknowledgments:

Those of us who participated in the Tennessee Visioning Process for Mediation wish to acknowledge our facilitator, Roger Conner of The Vanderbilt Advocacy Project, for his generous gifts of time and energy to this project; to Dr. Jay Rothman and the Aria Group for the use of the ARIA C-3 Data Base and Software; to Larry Bridgesmith and Leigh Ann Roberts, who served as a vital link to the private practice mediator community, the Tennessee Association of Professional Mediators and David Lipscomb University; to the state's VORP grantees and community mediation center Directors, whose strategic planning meeting was the catalyst that kicked the process into being; to the participants who took time away from work and family to participate; and to Tamara Losel, whose skills at connecting people and persuading them to volunteer brought The Advocacy Project at Vanderbilt into relationship with the mediation community.

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To get involved
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To get copies of this report
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Or go to www.MakeitRealTN.org