

THE C-DRUM NEWS

Volume 1, Issue 1

Fall 2007

C-DRUM AND MACRO HOST INAUGURAL CLASS OF CONFLICT RESOLUTION FELLOWS

For four days in May, leaders from across Maryland took time from their busy schedules to focus on an important concept — collaboration. This first group of leaders was challenged over the four days by presenters and trainers from states such as Oregon, Minnesota, Colorado, and Nebraska to look at conflict as an opportunity rather than a roadblock. Pulling from their own experiences, the participants explored the use of collaborative processes to address the seemingly intractable conflicts they face, or will face, in their leadership roles. One participant, Hal Smith, Executive Director, Catholic Charities of the Archdiocese of Maryland, described the program as “a truly remarkable conference. As with many experiences like this, the first thing I learned was how much I don’t know about conflict resolution...”

The Maryland Public Policy Conflict Resolution Fellows Program brings together key Marylanders to explore collaborative processes and expand their negotiation and consensus building skills. The inaugural class of Fellows consisted of Maryland government, business, and non-profit organization leaders who understand the challenges

of their offices and want to achieve better and sustainable solutions for the public policy problems faced by the State.

The program, a partnership between the Center for Dispute Resolution at the University of Maryland School of Law (C-DRUM) and the Maryland Mediation and Conflict Resolution Office (MACRO), is modeled after a similar, highly successful program at the Center for Public Policy and Dispute Resolution at the University of Texas School of Law. Invitations were extended to the Fellows by the program sponsors, the Honorable Robert M. Bell, Chief Judge of the Maryland Court of Appeals; Dr. David J. Ramsay, President of the University of Maryland, Baltimore; and Karen H. Rothenberg, Dean of the University of Maryland School of Law.

Trainers discussed the traditionally adversarial process of decision-making and provided information on techniques and philosophies for resolving public policy disputes. Legislators shared the application of techniques by providing first-hand experiences in applying collaborative processes to public policy issues. Together, the group explored the topics of collaborative governance, interest-based negotiation, personal conflict styles, convening, and public policy facilitation, and actively engaged in applying these skills. As a result of the program, graduating Fellows will bring these skills to their respective agencies, businesses, and organizations in the hopes of creating significant and meaningful impacts and expanding efforts to advance a more productive and peaceful future for Maryland’s public and private sectors.

In addition to the educational experience of the program, the Fellows interacted with each other resulting in dialogues around current and future public policy issues such as health care, employment opportunities, and the environment. The skills learned through the program will aid them as they continue to work on these topics.

The Fellows program is part of a growing trend of public institutions playing an increasing role as neutral conveners and partners in the furtherance of public policy discussions. In 2005, the Policy Consensus Initiative cited

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FROM THE DIRECTOR...

When C-DRUM began almost six years ago it was a small law school based conflict resolution program focusing on the intersection of law and the health care industry. We still are engaged in finding ways to reduce conflicts in health care but that is now only one part of a broad program focusing on teaching, training, and providing conflict resolution services. I am proud to say that we have grown into a comprehensive dispute resolution program serving law students, government, business, and the community with a variety of appropriate dispute resolution services.

Within the law school students can complete a Concentration in Alternative Dispute Resolution as one of their graduation options and select from an expanded list of courses including arbitration, mediation, negotiation, international conflict resolution and conflicts in health care. Students can get training and hands on experience mediating cases through the mediation clinic or engage in an externship working with a government or court ADR program. In addition, the student ADR Group involves students through speakers, trainings, and inter-law school competitions in mediation, negotiation, arbitration and client counseling.

Our schools program, now in its fifth year, provides grants to public schools across the state to develop comprehensive conflict resolution programs within public schools. Funded by the Judiciary's Mediation and Conflict Resolution Office, MACRO, the program has expanded to provide a summer training, evaluation support, and a list serv. Law students play an active role with the schools, serving as liaisons between C-DRUM and the individual schools. Our schools initiative has grown as well. This past year we started a pilot truancy mediation program to address absentee issues in Baltimore City schools. We also launched a peer mediation program in Baltimore Freedom Academy (a Baltimore City high school) and plan to support the program's expansion in the future.

C-DRUM serves as a regional resource for conflict resolution services. Recently C-DRUM trained the District of Columbia Office of Administrative Hearings so that their administrative law judges could incorporate mediation into their agency. The Center works closely with local and state courts in developing and growing court based ADR programs as well as providing mediation services for litigants. Frequently, we are asked to testify on legislation involving conflict resolution provisions. Center staff present at conferences and locally have been key participants in the

leadership of the Maryland statewide mediator excellence program.

This year we expanded our work in the public policy arena with the Public Policy Conflict Resolution Fellows Program. As we continue to grow, we will keep you informed of our program's progress. If you have any questions, suggestions or thoughts please write, e-mail, or call.

Roger Wolf
Director, C-DRUM



Center for Dispute Resolution
University of Maryland School of Law

500 West Baltimore Street
Baltimore, MD 21201
410-706-3295

cdrum@law.umaryland.edu
<http://www.cdrum.org>

Roger C. Wolf
Director

Toby Treem Guerin
Deputy Director

Barbara Sugarman Grochal
Deputy Director
School Conflict Resolution
Education Programs

Teresa A. Barrett
Paralegal

C-DRUM and MACRO Host Inaugural Class of Conflict Resolution Fellows

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42 university-based programs that support collaborative policy making. By combining the resources of a university-based conflict resolution program and a state judicial office dedicated to problem solving, C-DRUM and MACRO are able to maximize their resources and thus the effectiveness of the Fellows program.

Building on the success of the inaugural class, MACRO and C-DRUM plan to repeat the program in the coming year with a new class of Fellows. The first class will remain involved by sharing their experiences and assisting in the nomination of future Fellows. ✦

Hosts

The Honorable Robert M. Bell
Chief Judge, Maryland Court of Appeals

David J. Ramsay, DM, DPhil
President, University of Maryland, Baltimore

Karen H. Rothenberg
Dean and Marjorie Cook Professor of Law
University of Maryland School of Law

2007 Fellows

Arthur C. Abramson
Executive Director, Baltimore Jewish Council

William Baker
President, Chesapeake Bay Foundation

Hon. David R. Brinkley
Maryland State Senator,
Senate Minority Leader

John M. Colmers
Secretary, Maryland Department of Health
and Mental Hygiene

T. Eloise Foster
Secretary, Maryland Department of
Budget & Management

John R. Griffin
Secretary, Maryland Department of Natural Resources

Diane Hoffmann
Associate Dean for Academic Affairs and Director,
Law and Health Care Program, University of Maryland
School of Law

John B. Howard
Deputy Attorney General, Maryland Office of
the Attorney General

Hon. Anthony J. O'Donnell
Maryland State Delegate,
House Minority Leader

Thomas Pérez
Secretary, Maryland Department of
Labor, Licensing, and Regulation

Hal Smith
Executive Director, Catholic Charities of
the Archdiocese of Maryland

Stephen Spahr
Chief of Staff and Vice President for Economic
Development and Government Relations,
Frostburg State University

Gustavo Torres
Executive Director, Casa de Maryland

Maria Welch
CEO, Respira Medical;
President, Greater Baltimore
Hispanic Business Association



*2007 Maryland Public Policy Conflict Resolution
Fellows Program Graduates*

PATUXENT ELEMENTARY SCHOOL: A LAW STUDENT'S PERSPECTIVE

By David McMurray

As a third year student at the University of Maryland School of Law, David McMurray enrolled in the law school's Mediation Clinic. In addition to mediating conflicts within the community and the court system, the students enrolled in the Mediation Clinic are paired with a public school that is part of C-DRUM's Conflict Resolution Education Grants Program. As a Mediation Clinic student, Dave worked with Patuxent Elementary School under the leadership of Diane Privette, the school's Professional School Counselor. Dave graduated in Spring 2007 and will serve as a clerk for Judge Glenn Harrell Jr. of the Maryland Court of Appeals.

The first time I traveled to Patuxent Elementary School in Upper Marlboro, Maryland, I did not know what to expect. I had only a faint idea of what conflict resolution in an elementary school environment meant, and less of an idea of how I could assist in its implementation. Barbara Grochal, Deputy Director of C-DRUM's School Conflict Resolution Education Programs, and I prepared a short presentation at Patuxent Elementary School designed to demonstrate different conflict styles for an assembly of students, teachers, and parents from a local high school and middle school.

Over the course of the school year, I would make many trips to Patuxent Elementary School, supporting its conflict resolution program. I assisted Diane Privette, the school's professional counselor, in deciphering a teacher survey designed to test the effectiveness of the program and later attended a grant team meeting comprised of the four teachers who support the conflict resolution education program at the school. My role would soon include spending a day teaching a group of fifth-grade students about bullying.

Amazing things are happening at Patuxent; students are mediating disputes, teachers are increasing their understanding of conflict, and parents are getting involved. Teaching the students about bullying was less like teaching and more like having a conversation about conflict. As one teacher indicated on the Effectiveness of Conflict Resolution Program Survey, "this program should extend to

teachers, administrators, and parents as well. We could all benefit from these skills."

Later, I assisted Diane in a transition meeting in which sixth grade students and their parents learned about the world of middle school that lay ahead of them. The presentation seemed different than the one earlier in the year; perhaps it was a little more sophisticated for her older audience, or perhaps I had reached a greater understanding of the context. This lesson was extremely important because, as Diane explained to the students and parents, conflicts would be intensified in middle school, there would be greater diversity, more changes associated with growing older, and more difficult classes. The lessons that I conducted on conflict styles will hopefully empower the sixth graders to make the right choices when faced with conflict.

As an aspiring lawyer and trained mediator, I was the perfect person to talk with the students about the conflict-laden American adversarial system and its alternatives. In sum, this experience has been invaluable. Working with someone like Diane, who is so invested in the lives and success of her students and conflict resolution education, has not only provided me with knowledge and insight into the application of dispute resolution outside mediation, it has inspired me. ✦

JOIN OUR CONFLICT RESOLUTION IN EDUCATION LIST SERV!

A list serv has been established for those interested in conflict resolution programs in schools (K-12), to share and exchange best practices, worst headaches, solution brainstorming, great lesson plans and more.

To join send an email to
cdrum@law.umaryland.edu
and include "education list serv"
in the subject line.

*This list serv is not intended for book sales, trainings,
or other self-promotional activities.*

TRUANCY MEDIATION

By Stacy Smith

Stacy Smith served as the Program Coordinator for the BSMART program in the 2006-2007 school year. Her efforts contributed to the success and professional development of the program. Stacy is a trained and active mediator and mother of three who resides in Howard County, Maryland.

Children learn when they go to school. Sounds simple, doesn't it? Yet, for almost one third of Baltimore City school students, going to school is not so simple. About 30,000 Baltimore City school students are truants, meaning that they have over 20 days of unexplained absences each year. For high schools, the truancy rate rises to almost 50 percent. Not surprisingly, truancy does not just correlate to low test scores, but also to higher crime rates, increased violence, and greater substance abuse. It is a complex problem without a simple solution. In August 2006, C-DRUM initiated the Baltimore Students: Mediation About Reducing Truancy (BSMART) Program, an ambitious pilot project addressing truancy in Baltimore City public schools.

Inspired by a similar initiative implemented by the Ohio Commission on Dispute Resolution and the Supreme Court of Ohio Office of Dispute Resolution Programs, BSMART began with a donation by the Baltimore City Teacher's Association. Barbara Grochal, of C-DRUM, learned of the Ohio program and was impressed by its model and results. "When I first heard about truancy mediation, it just made so much sense. Truancy mediation provides parents a safe space to identify the issues behind the attendance problems and obtain help. Sometimes it is as simple as an alarm clock or a neighbor wake-up call that can make all the difference in the world."

BSMART relies on three guiding principles: early intervention can have the greatest impact on truancy;

targeting truancy requires the cooperation of the teacher, school, and family; and truancy mediation must be voluntary, free and private. Under BSMART, each school identifies those students who have been absent or late more than 5 days without an excuse. Mediation is voluntary and occurs only when the parent/guardian and the teacher, as the representative of the school, agree to attend. The BSMART program differs from the Ohio program and other programs operating in Baltimore by targeting families with a relatively few number of absences and by reaching out to families before the justice system intervenes.

The groundwork for the program began during the summer and early fall of 2006, in coordination with the Baltimore City Public School System (BCPSS). BCPSS selected three schools for the program's pilot year: Beechfield Elementary/Middle School, Patapsco Elementary/Middle School and Liberty Elementary School. Each of these schools had the resources to track the attendance issues and assess the impact of BSMART. Nine trained mediators agreed to participate during the pilot year: Tiffany Wallace, Earl Millett, Barbara Grochal, Toby Treem Guerin, Roger Wolf, Lester Adams, LaNae Croxton, Eve Austin, and Wade Boswell.

A great deal of information was learned during the initial year of this program. First, the main obstacle to communication was as simple as a working phone number. Phone numbers were ineffective for over 40% of the referrals, preventing direct contact with the family. When families were reached, however, about 40% of the families were willing to try mediation. Second, when the families agree to mediate they usually reach an agreement, and the student's attendance improves. Thus, while getting to the table is difficult, talking at the table works.

Despite the challenges, BSMART logged dozens of letters, phone calls, and meetings with parents, teachers and administration through May 2007. This fall, BSMART will move forward, incorporating these lessons learned, and C-DRUM will continue to follow that simple idea: children learn when they go to school. ✦

In the United States, a student drops out of school every nine seconds of every school day.

(Based on statistics from the Children's Defense Fund, Every Day in America, 2002. www.truancyproject.org)

C-DRUM INTERN NEWS

Tamathia “Tammy” Flowers served as C-DRUM’s first intern, completing her internship in January 2007. Tammy, an employee in the Human Resources Department at the University of Maryland, Baltimore, came to C-DRUM through the University of Baltimore’s Negotiation and Conflict Management Program.

Tammy’s exceptional organizational skills assisted in creating a catalog of C-DRUM’s library materials, which include print media as well as audio-visual materials. She also contributed to C-DRUM’s community justice initiative and the development of the Maryland Public Policy Conflict Resolution Fellows Program. Tammy shares C-DRUM’s vision to create and promote alternative resolution processes at the University of Maryland, Baltimore. She began the process of surveying other university mediation and conflict resolution programs and, in her role in Human Resources, refers appropriate cases to mediation.

We are proud to announce that Tammy received her Masters of Science degree from the University of Baltimore in May 2007, and we look forward to working with her in the future on campus initiatives. ✦



Tammy Flowers

emotions, and work to facilitate the negotiation process so that it is a positive and successful experience.

Beyond Reason identifies five “core concerns,” or human desires that influence virtually every situation and negotiation. By tuning into these core concerns, Fisher and Shapiro explain, one can better understand the emotional experience of each party involved in a negotiation and separate the people from the issues of contention. Fisher and Shapiro encourage their readers to take a proactive approach to communication and to lead by example. To do this, one should

- (1) express appreciation;
- (2) build affiliation,
- (3) respect autonomy,
- (4) acknowledge status,
- and (5) choose a fulfilling role.

To illustrate the core concerns framework and demonstrate its applicability to the real world, the authors incorporate a number of helpful real life examples and scenarios throughout the text. The scenarios range from governmental and international situations to workplace and personal relationship settings.

Each scenario is analyzed, and the authors discuss which negotiation approaches would be most effective in each case. Overall, the book navigates easily, incorporating various tables and charts with chapter summaries and re-caps throughout the text. The strength of this book is that its broad application appeals to almost any reader.

Fisher and Shapiro draw from their own negotiation experiences throughout the book, and even include a separate section with valuable tips. One must always be prepared for a negotiation session, become familiar with the substance of negotiation, plan an appropriate process to address specific needs, and anticipate the kinds of emotions that may be stirred, especially strong, negative ones. In addition, one should actively reflect on one’s communication and negotiation styles in an effort to sharpen people skills and thus increase productivity, success, and well-being. This section of the book is particularly helpful because it provides readers with invaluable expert advice and offers a



Lisa Elder

BOOK REVIEW:

Beyond Reason: Using Emotions as You Negotiate

Taking the Golden Rule to a Whole New Level

By Lisa Elder

Whether one is hoping to improve everyday communication skills or hone professional negotiation skills, Roger Fisher and Daniel Shapiro’s *Beyond Reason: Using Emotion as You Negotiate* is relevant. This must-read book provides a practical framework of how to deal with ever present emotions in any situation by applying the wisdom of the Golden Rule—treat others as you would like to be treated. By paying attention to the needs and feelings of others, one can get to the source of

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NEWS AND NOTES

General News

Basic Mediation Training for District of Columbia Office of Administrative Hearings (June 20-22, 25-26, 2007)

Presentation, "Advancing Conflict Resolution at the School and Systemic Levels: Success Stories, Lessons Learned, Lives Changed, Disputes Resolved," Inter-American Summit on Conflict Resolution Education: International Innovations and Challenges, Cleveland, Ohio (March 14, 2007)

Peer Mediation Training for Baltimore Freedom Academy, Baltimore, Maryland (March 2-3, 2007)

Roger C. Wolf

Co-Presenter, "Dr. YES or Dr. NO? Who Cares? A Workshop for Comparing US and UK Healthcare Practice," American Bar Association Section of Dispute Resolution Spring Conference, Washington, D.C. (April 28, 2007)

Co-Conducted two 40 hour mediation training programs for the Maryland Institute for Continuing Professional Education of Lawyers (October 2006 and April 2007)

Presentation, "Alternative Dispute Resolution Programs, Do They Work?," Joint Risk and Insurance Management Society, Inc. (RIMS) of Maryland (January 2007)

Co-Presenter, "Debate on Whether We are Training Too Many Mediators," Maryland Mediator's Convention (December 1, 2006)

"Ethics and Confidentiality in Mediation," training for the Maryland Commission on Human Relations (November 1, 2006)

Toby Treem Guerin

Co-Presenter, "Day of Trial Mediation: Strategies for Mediation Without Allowing Time Pressures to Constrict the Mediator," National Association for Conflict Resolution Annual Conference, Greenbelt, Maryland (June 22, 2007)

Facilitator, Maryland State Bar Association's Leadership Academy Youth Summit, University of Maryland School of Law (May 12, 2007)

Co-Presenter, "Mentoring New Mediators: What Are the Key Elements of a Good Program?," American Bar Association Section of Dispute Resolution Spring Conference, Washington, D.C. (April 28, 2007)

Presenter, "Exploring Conflict for Nursing Practitioners" at the University of Maryland School of Nursing, Baltimore, Maryland (April 17, 2007)

Basic Communication Skills training for the Girl Scouts of Central Maryland, Baltimore, Maryland (March 31, 2007)

Presenter, "Conflict Resolution and Employees" and "Farm Liability: What to Think About," Mid-Atlantic Direct Marketing Conference, Solomon's Island, Maryland (February 23, 2007)

"Making the Most of Co-Mediation," training for the Maryland Commission on Human Relations (December 14, 2006)

Co-presenter, "Elicitive Feedback Workshop" Maryland Mediator's Convention (December 1, 2006)



District of Columbia Chief Administrative Law Judge Tyrone T. Butler presents Administrative Law Judge Denise Wilson-Taylor with her mediation certificate.

Barbara Sugarman Grochal

Participant, Baltimore City Work Group Regarding Alternatives to Suspensions and Expulsions (June 21, 2007)

Presenter, "District-wide Peer Mediation Models in Ohio and Maryland," Inter-American Summit on Conflict Resolution Education: International Innovations and Challenges, Cleveland, Ohio (March 14, 2007)

"Conflict Resolution Styles," training for Gywnn Park High School peer mediators, Prince George's County, Maryland (December 19, 2006)

Co-Presenter, "Conflict Management/Peer Mediation Family Workshop," Frederick Douglass High School, Prince George's County, Maryland (November 6, 2006)

"Using Varying Conflict Resolution Styles" training for Northwestern High School Law Academy students, Baltimore, Maryland (October 2006)

Book Review

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realistic plan of action to follow after finishing the book.

While the basic premise of *Beyond Reason* and the advice offered throughout may seem like common sense, the book reminds readers how best to communicate and interact with other people. In a subtle way, Fisher and Shapiro remind us that we could all benefit from taking a step back and considering others. ✦

Lisa Elder is a second year student at the School of Law where she is pursuing concentrations in both Alternative Dispute Resolution and Health Care Law. She recently completed a summer externship with C-DRUM.

C-DRUM joins the
Financial Industry Regulatory Authority
(FINRA)

and a dispute resolution coalition of
over 90 ADR programs,
bar associations, law schools,
and community organizations

in support of

Mediation Settlement Day on

October 18, 2007

www.finra.org



Possessing more than 30 years of combined experience, C-DRUM provides mediation services, facilitation, and conflict resolution training in a variety of settings.