



November 2020 News

TAPM Dues Are Now Due

Dues are \$100.00

Have you renewed your TAPM DUES? Your dues expire on the one year anniversary date of your last payment. We hope you will continue to support TAPM and renew today. Go to:

<https://tapm.wildapricot.org/about-tapm>

TAPM appreciates you being a member and you, as a member, receive benefits in return!

President's Message

By Marnie Huff

Court Backlog Challenge. The Tennessee Courts need us. They are experiencing a troubling backlog of court cases, including *pro se* cases that involve parties who cannot afford a lawyer or a mediator. Executive Directors of Community Mediation Centers and others from the TAPM Board are in discussion with the Tennessee ADR Commission to address the backlog. Initial ideas include online training of mediators and perhaps court clerks interested in participating in pilot programs in the State's three grand divisions. Watch for future emails from TAPM and the ADR Commission for updates.



Dispute Resolution Resources from the American Bar Association. The ABA Section of Dispute Resolution has resources at https://www.americanbar.org/groups/dispute_resolution/resources/, including practice guides, toolkits, research aids, podcasts, and audio downloads designed to serve mediators' needs. I've personally found the DR Section's ethical guidance materials particularly helpful.

Marketing. Marketing. Marketing. TAPM members enjoyed another free CME/CLE program in October – a presentation by Natalie Armstrong-Motin titled “Marketing Mediation: 4 Things That Don’t Work and 14 Things That Do.” Materials included Natalie’s *Proven Marketing Strategies for Conflict Resolutionists: A Hands-On Workbook* (2nd ed. 2018). Kudos to TAPM Board member, Kim Best, for organizing this program!

Newsletter Editor Needed for 2021. Regina Newson is stepping down from her position as TAPM’s e-news editor as of March 2021. Regina will continue to serve on the TAPM Board. If you are interested in becoming the next newsletter editor, contact Regina at reginanewson@bellsouth.net. Thank you, Regina for your many years devoted to this important way to communicate with the Tennessee community of mediators!

Warm regards and stay safe,
Marnie Huff, TAPM President
Marnie@MargaretHuffMediation.com



SAVE THE DATE

March 12, 2021 online advanced mediation training TAPM's Advanced Training on Mediation of Health Care Disputes and Race and Gender Fairness in ADR will be an online Zoom webinar. It will feature Keynote Speaker and Advanced Mediation Trainer Myra C. Selby. Ms. Selby, a partner at the Indianapolis office of Ice Miller, is an experienced commercial mediator and arbitrator. She also has a broad-based law practice with a focus in corporate internal investigations, appellate practice, compliance counseling, complex litigation, risk management, strategic and other legal advice, across various industry sectors. Selby has the distinction of being both the first woman and the first African American to serve as an associate justice on the Indiana Supreme Court from 1995-1999. In 1999, the Indiana Supreme Court appointed Selby to chair its Commission on Race and Gender Fairness, charged with ensuring fairness and diversity in the legal system. She continues her tradition of service to the commission as a current member.

Archived TAPM News

Past TAPM blog posts are on our website’s [Blog](#) page.

Past TAPM Newsletters are on the [Newsletters](#) page.



Featured Mediator

Julia A. McAninch, Psy. D.

Julia A. McAninch, Psy.D. is a Licensed Psychologist, Rule 31 Family Mediator, Collaborative Divorce Coach, and Co-Parenting facilitator for families navigating the divorce process. For over 10 years Julia has been working with families on accessing the legal, emotional, and financial resources they

need to minimize conflict while having the necessary conversations to make this significant life change. Julia is a member of TAPM, is a Past President of the Middle Tennessee Collaborative Alliance (MTCA), and a current Board Member of the International Academy of Collaborative Professionals and provides trainings with the Institute of Family Conflict Resolution (IFCR).



In finding your niche what area do you practice in? How did you get started in this?

A friend and attorney approached me almost 12 years ago as he was working to bring Collaborative Divorce to Middle Tennessee. As I learned about that process, I began to learn more broadly about Alternative Dispute Resolution methods and realized it was a missing piece to the support many of the therapy clients I had worked with needed. I had seen the destructive power of litigation on individuals and families and knew there had to be a better way to support them. Mediation and the Collaborative Process is that way! So I threw myself into learning and growing this work in my private practice.

What is in your mediator tool kit? What is your favorite or most used tool?

One of the more unique tools I use as a Mediator is that I typically Co-Mediate. I see so much value in working with other professionals who bring different skills and expertise to working with families. I also typically work with families at the table together, rather than doing shuttle mediation. I find that helping facilitate face-to-face conversations allows clients to connect, even when there are strong differences. It also can be more efficient and brings about more creative, mutually acceptable durable agreements that the clients can really stand behind post-divorce.

Once you have been selected as the mediator, what do you do to prepare the attorneys and their clients for the mediation?

I typically have email exchanges or preferably a phone call (or Zoom call these days) with the attorneys to discuss their ideas of the clients' needs, priorities, and frame for the process. We work together on developing a plan for next steps, which creates more buy in from everyone. I then provide the appropriate paperwork to the clients and meet with them individually, typically 1 – 2 times, to get to know them, build rapport, understand their needs, priorities, and concerns, and begin to think strategically about how to support them in the difficult conversations and decisions that are before them. No two families are alike, therefore no two Mediations are alike.

If you were a superhero/mediator what would be your name and slogan?

Funny that this question is posed given that I just co-presented at the IACP annual conference on "Avengers Assemble: Teams Designed for Client Needs". It was a playful way to explore listening to client needs for the team that will work best for them from the initial consultation to bringing in other professionals. Maybe the Reframeanator – Able to Reframe Challenges into Opportunities for Connection at Any Moment

What is your pet peeve in mediation?

Full day Mediations that last all day or go into the night. I have done it, but I don't like it. It does not support clients staying clear minded and emotionally grounded in the decisions they make as we all wear down and often regress when we get fatigued, especially if we are additionally hungry and sleepy.

Are you married/do you have kids/pets etc?

Yes, I am married to a fellow therapist and we have 1 amazing child, an 11 year old, and 2 dogs who love having us home more during the pandemic.

Why did you become a mediator?

I first approached Mediation training simply as a requirement to meet the standards to be a Collaborative Divorce Coach. However, once I attended the training, I realized that there are many different paths to helping clients, and one process alone cannot do it all. Since then I have added Co-Mediation and Collaborative Mediation options, to help meet diverse client needs.

What is your favorite mediation read and why?

It's not specific to Mediation but still applies, if you think of the professionals and clients as a team. This book highlights some key concepts to the emotional process of divorce and the value of team practice. "Navigating Emotional Currents in Collaborative Divorce: A Guide to Enlightened Team Practice".

What are you most afraid of in mediation?

I don't know that I would say I'm afraid of it, but when there is a business valuation, or multiple business valuations, it adds a layer of complexity to the discussions that can be quite challenging, especially if one client is less educated about the finances. Because business valuations can be loaded with technical terminology and concepts, it is a challenge to make sure the ideas and language are accessible to everyone so clients can make well informed decisions.

How do you debrief yourself after a mediation?

Since I mostly do Co-Mediations, I have someone to debrief with, which is an added bonus. I also typically check in with the attorneys to hear their experience of the process.

Personal or professional accomplishments you are particularly proud of:

I am really proud that I have been able to transition most of my private practice into Mediation and Collaborative work. That is a rarity for many Mental Health Professionals, which I wish were different. I am grateful for the relationships I have built along the way that help make this work so rewarding.

Please complete these sentences:

"I have a burning desire to transform the way we approach conflict in the world."

"People tell me I look like a very caring person (it may be the therapist in me)."

"If I could have a 30 minute conversation with anyone (alive or otherwise, famous or not), I would want to speak with Maya Angelou."

What do you see for the future of mediation?

I see more Co-Mediations, Collaborative Mediations, and team approaches to meet the diverse needs of family. It's really exciting to watch these approaches evolving around the world!

Knowing what you now know about life etc., would you choose the same career path? If not, what would you like to do?

I stumbled into Mediation, so I think I would have approached it more intentionally and earlier if I had known how meaningful this work would be to me and to the families I work with.

Is there anything else that you want to tell TAPM members about yourself?

I am committed to acknowledging and working within the cultural lenses of my clients and working to adapt my approach to conflict in ways that make the experience more meaningful to the clients.

What is your contact information? Name, address, phone number, email address and website

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From the Editor's Desk

by Regina B. Newson, Editor

The Tennessee Supreme Court Alternative Dispute Resolution Commission presented its 18th Annual Advanced Mediation Techniques Workshop on October 16, 2020 virtually. The workshops were excellent. Virtual mediations have become part of the fabric of a mediator's life. Virtual mediations will be used long after the pandemic is over. It is very cost effective. Attorneys and clients can sit in their offices or homes and attend the mediation. There is very little expense for travel. However, it should be noted that mediators will need to do more work in preparing for the mediation on the front end. They will have to call or send out an email to clients asking if the parties have access to technology...give an explanation of what to expect in the virtual mediation, discuss lag time, confidentiality (asking them not to have anyone else present in the room-be in a secured environment), add an addendum to the Agreement to Mediate Statement regarding privacy. You no longer have control of the environment when you do it virtually. Mediator should if at all possible, get a statement from the parties or their attorneys and then create a task statement...a guide through the mediation. This task statement is really important in conducting a family mediation. It helps to move the mediation along and keep everyone on track. There is the issue of signing the documents once the parties have come to an agreement. It was suggested that one sign up for a DocuSign service. They are inexpensive.



Stephen Shields and Cindy Ettingoff gave us lots of excellent ethical considerations. Privacy is a key issue when doing remote mediations. The platforms that we use have all been hacked. These are considerations when we use these platforms. All of these platforms have had to become more secure with the pandemic. Dealing with difficult people is what mediators do best. Jack Waddy gave us some great tips...start early with the difficult client, talk with him about himself, find his triggers if at all possible, change the focus from winning to settlement, look at the non-legal agenda for discussion, make the parties prepare a settlement statement before the mediation and have them send it to you.

If you have been trained as a domestic violence mediator, it is good to have a refresher course. Regina McDevitt reminded all of us of safety concerns. Always think about your safety as well as the client's safety. Set ground rules at the beginning of the mediation. Stick to those ground rules. It is important to know your own biases when conducting a DV mediation. A mediator's reaction can impact the mediation. It is the mediator's responsibility to "balance the power in the room." If the mediator cannot balance the power in the room, then the mediator needs to terminate the mediation. Management of documentation in a mediation is very important. Teletha McJunkin and Diane Blankenbaker talked to us about the technical side of virtual mediations. They discussed getting your settings right before the mediation, preparation of documents before the mediation, devise a plan of how you will share documents during the mediation and finally how you will get the agreements signed.

There were two other recorded sessions that I listened to. They were excellent as well. Under the Surface talks about biases. We all have biases – conscious and unconscious. Those unconscious biases can become traps for mediators. We have to guard against our own personal biases. Linda Nettles Harris and Mary Ann Zaha talked about helping us deal with our own biases when we are in a mediation.

The Employment Law session was fascinating. Employment mediations can be as emotional as family mediations. Several reasons were given for this...the employee has lost his identity. Most people equate their identity with their jobs. When a person loses that job, the question arises "Who am I?" Often times this will be followed by resentment of the employer and depression. In an employment mediation money is involved, however, non-economic solutions should be examined. Non-economic solutions are 1) if both are still working for the company – transfer the employees 2) offer a neutral reference letter 3) waive a non-compete agreement clause or shorten the length of the non-compete agreement 4) apology 5) help parties craft creative solutions – needs and interests. These were examples of creative solutions. One of the most tools in employment mediation is the opportunity for the employee to tell his story. Let the person tell his story.

Thank you, Administrative Offices of the Court and the Commission, for this excellent program.

NEWS From AOC:

The 2021 Listing Renewal season opened on October 1, 2020 – December 31, 2020

- Click here to Renew and see your Mediator Profile: <https://amp.tncourts.gov/?ReturnUrl=https://adrrenewal.tncourts.gov>
- Mediators may use the AOC's Portal to add CME earned, add Mediator Reports, and update their public facing profile on "Find A Mediator" during the year <https://www.tncourts.gov/programs/mediation/resources-mediators>

To be listed as a Rule 31 Mediator, you must submit a renewal application and renewal fee annually.

A Rule 31 Mediator may complete ALL 6 (six) Biennial Continuing Mediation Education (CME) hours online. This 6-hour requirement is every 2 years.

If all requirements of a Rule 31 Mediator's annual renewal have not been completed by March 31 of the renewal year, then the Rule 31 Mediator's listing lapses. Rule 31, Section 15(b)

A mediator whose credentials have lapsed for failure to comply with CME requirements must re-apply to the ADRC for a listing and must have taken all required training per

section 14.

If you need more information about mediation please visit <https://www.tncourts.gov/programs/mediation/resources-mediators>

The ADR Portal login and help team can be reached at **615-741-2687**, the Administrative Offices of the Courts. They will direct your call to the appropriate person for user account and login information, CME (Continuing Mediation Education), and Renewals.

If you have an article that you want published in the TAPM Newsletter, please contact the Editor, Regina B. Newson at reginaneverson@bellsouth.net.

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