



## September 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

**TAPM Membership Benefits.** TAPM had two terrific months supporting mediator professionalism! During July and August, TAPM members had access to TAPM's weekly free online CME/CLE programs on cutting edge topics, Zoom Mediations and Elder Mediation. In addition, TAPM purchased an EJU group rate, allowing eleven TAPM members to attend Equal Justice University on September 9-10 at no cost to the individual members.

**TAPM Resources: Improve Your Zoom mediations.** TAPM has two additions to its Resources web page.

The Michigan State Court Office of Dispute Resolution's online 16-page guide, **Using Zoom to Conduct Online Mediation: Considerations and Resources for Community Dispute Resolution Program Centers**, includes:

- Sample Online Mediation Checklist
- Sample Mediation Scripts
- Information on Zoom settings and tutorials
- Online Domestic Violence Screening



Mediation Clinic students at the Hamline Mitchell School of Law developed **Zoom mediation information sheets**. Per the website, "Please feel free to use and share them – while maintaining the attribution to the MHSL Clinic." Topics include:

- How to Set Up a Zoom Mediation Meeting
- Mediator Suggested Settings, Chat, Screen Share, Breakout Room, and Make Access Easy
- Zoom Mediation Security Recommendations
- Ensuring Privacy: How to Edit Your Name in Zoom
- How to Share Your Screen in Zoom
- Zoom iPhone Basics
- Using Breakout Sessions for Caucuses and Breaks
- Formalizing Agreements in a Zoom Meeting

Go to [TAPM Resources](#) for this helpful information.

**Kudos to TAPM Board Members Sara Figal and Karen Phillips!** The Nashville Conflict Resolution Center (NCRC), is expanding its services to Memphis through a Victims of Crime Act (VOCA) grant supporting the NCRC's restorative justice approach for juvenile victims and offenders. In partnership with the Shelby County Juvenile Court and the Shelby County Community Justice & Mediation Center, the NCRC will receive \$500,000 over three years to serve the Memphis area. TAPM Board member and Treasurer Karen Phillips will lead the Memphis office. The NCRC's Executive Director is TAPM Board Member Sara Figal.

**Productivity.** With COVID changes to our lives, it can be difficult to feel and be productive. Consider mindfulness to address Zoom fatigue. And let's better manage our email!

**Take a Mindfulness Break.** In "The S.T.O.P. Practice: Creating Space Around Automatic Reactions," Rhonda Magee has a [mindfulness exercise](#) "to find calm when difficult moments arise."

Check out Jocelyn Gleis's book **Unsubscribe: How to Kill Email Anxiety, Avoid Distractions, and Get Real Work Done** (2016). Honoring the attention spans of modern readers, Gleis offers short, readable essays on controlling your email inbox, writing effective emails, and generally managing your day to get priority work done. Examples:

- Consider email in light of your mission in life and your day's priorities.
- Schedule specific times for responding to email, so you have more time for deep thinking without distractions. We really don't need to check our smartphones 150 times a day.
- Set up Inbox folders so priority emails don't get lost amid all the junk. For example, in my Outlook account I have a separate Inbox for emails related to TAPM, provided the subject line includes "TAPM." I have a separate Outlook rule that sends certain unwanted emails directly to my Deleted Items folder.
- Go offline to avoid new email distractions while responding to important email.
- When signing up for access to an online resource, use a temporary disposable email address, available free from [emailondeck.com](#). Voila, no resulting spam to your real email address!

A minor quibble: the author's writing style is a bit informal with an excessive use of question marks in her sample email messages, e.g. "I need to create a 60 to 90 second promo video . . . and I wanted to see if you would be interested in the project?" Some prospective clients would roll their eyes.

Bottom line, this book is worth reading. It's easy to implement some of the author's practical suggestions.

Warm regards to my TAPM colleagues,  
Marnie Huff, TAPM President  
[Marnie@MargaretHuffMediation.com](mailto:Marnie@MargaretHuffMediation.com)

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## Presentation of Grayfred Gray Award to Justice Clark

[Click here for video](#)

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### SAVE THE DATE

#### 18th ANNUAL ADR COMMISSION WORKSHOP

On October 16, this year's program features a live virtual forum for four hours and two one-hour webinars to watch after the event. All 6 hours of CME/CLE topics are approved and included in the traditional \$150.00 admission price. Registration is open at:

<https://www.cvent.com/c/express/5524fe8c-5987-4fcb-88e5-2ee5837f68d5>

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### Committee Opportunities for Members

If interested, email Marnie Huff ([Marnie@MargaretHuffMediation.com](mailto:Marnie@MargaretHuffMediation.com)) and indicate what you would enjoy doing for TAPM. Here's a list of committees:

- **Finance:** The Finance Committee, chaired by the Treasurer, is responsible for preparation of the budget, the generation of revenues and the publication of all financial information to the Board and to the membership, as directed by the Board.
- **Membership:** The Membership Committee is responsible for membership recruitment; Board development and training; development of a membership benefits program; and for development of internal and external resource banks.
- **Governance:** The Governance Committee is responsible for reviewing the Bylaws and submitting to the Board recommendations for amendments thereto and for developing and recommending to the Board the policies and procedures necessary to the orderly and effective functioning of the organization.
- **Professionalism:** The Professionalism Committee is responsible for ethics, standards, training, certification and conferences.
- **Public Relations:** The Public Relations Committee is responsible for the TAPM on-line presence; all social media; the TAPM newsletter; and approved public service projects.

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### Archived TAPM News

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

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

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### Featured Mediator

By Lynn P. Barton, LCSW

I am a Social Worker Therapist who has always been interested in working with couples in conflict and with people who are experiencing grief after a loss. It didn't take me long to realize that spouses going through a divorce were experiencing a multiplicity of losses, and, notably, the divorce legal process in the late 1970s and early 80s, when I started practicing, made the situation worse. A friend of mine, Elinor Addlestone, an attorney, was seeing the same phenomenon in her work, so we started looking at how we might do things differently to help these couples not have their pain exacerbated by the litigation system. In 1981 Elinor came upon an advertisement in a law journal for a new method to help people reach decisions in their divorce negotiations called "Divorce Mediation." We realized we didn't have to reinvent the wheel!



She and I went to New York to take the advertised training in February 1982 and came back to Nashville ready to take on the world. Unfortunately, when Elinor attempted to get the blessing of the Board of Professional Responsibility for our setting up a mediation practice together, the Board ruled, in 1983, that "divorce mediation is the practice of law" as "The divorce process has always been of special concern to the state and as such an integral part of the administration of justice which is a function of the courts" and, therefore, we could not open our practice.

This made little sense to Elinor as she would be acting as a neutral when she was doing mediation, not acting as an attorney for one or the other of the parties. And it made little sense to me, as therapists would seem to be in a unique position to help people work through conflict and reach a resolution, all without giving "legal advice," of course. My training in facilitating interpersonal interactions could be well carried over into mediation. One needed to have mediation training, know about the legal issues involved in divorce, and know where the boundaries were in terms of the framework of the process. And I could check those boxes.

So, quietly and discretely, I started helping couples who were going through divorce make their own decisions about how they would raise their children, how they would divide their property, and how they would plan for their futures, always working with attorneys who would work with me and, along the way, taking a lot of continuing legal education courses. I did this on my own for a number of years until I met a pastoral counselor who had practiced divorce mediation in Alabama and had moved to Nashville. We began bringing trainers to Nashville and, in 1988, we established the first mediation organization in Tennessee and I became the first Board President of the Nashville Area Association of Family Mediators (NAAFAM). We were persistent! We established a court mediation project through Judge Marietta Shipley and continued to educate the public about mediation and to offer trainings, both domestic and civil/commercial.

The American Bar Association finally began to tout ADR, and more attorneys began to get trained in mediation. In 1992, with attorney support from all sections of Tennessee, our first state mediation organization Mediation Association of Tennessee (MAT) was established, and I was elected its first Board President. And the Board of Professional Responsibility finally changed its ruling! Members of MAT were very instrumental in getting Rule 31 adopted by the Tennessee Supreme Court in 2001, which was a real victory in getting mediation legitimized throughout the state. I became a Founding Board Member of the Nashville Conflict Resolution Center in 2001 and of our current state organization Tennessee Association of Professional Mediators (TAPM) in 2006. So, to paraphrase the old ad, mediation and I have "come a long way, Baby."

The above history has been a very long answer to Regina's first question to me: "How did you get started in this?" So I won't answer most of her other questions except to say that, although my primary work is therapy with individuals and couples, I still enjoy my mediation practice, which is almost exclusively family and divorce mediation. I think the skills I developed in doing and teaching therapy have helped me assist couples

communicate through difficult mediation sessions. I know how to create connections with each of two persons in a room and have them trust me, even if the two people are having trouble connecting with each other. I am able to sit with a couple in their anger and help them make constructive decisions in spite of that anger. I can help people articulate what they really want and explore options creatively to try and meet their wants and needs. I have learned how to use a sense of humor to lower the emotional temperature in a room without diminishing the seriousness of the decision-making process. And the persistence that I used in helping bring mediation to Tennessee, I still use in convincing couples to stay in the process and work toward an agreed-upon resolution.

I will answer Regina's last question: "Is there anything else that you want to tell TAPM members about yourself?" I do want people to know how proud I am of my husband David, a retired psychiatrist and the founder of Alive Hospice, our three children (two more psychiatrists in Nashville and an attorney in NYC), our three wonderful children-in-law and our seven grandchildren. And, lastly, our grandchildren, who are very politically active, would not be happy with me if I did not implore you all to wear masks and be sure to vote in November!!! So, please, wear your masks and be sure to vote!

**Lynn P. Barton, LCSW**

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**From the Editor's Desk**

by **Regina B. Newson, Editor**

**Restorative Justice Initiative**

By  
Regina Newson

Restorative Justice plays a major role in our Access to Justice initiative. It is being used in Juvenile Courts across this country. It is important because it allows juveniles who have committed crimes an opportunity to change the trajectory of their lives. It allows them to begin and build a relationship with people that they committed a crime against. It has a twofold blessing. It allows victims to lose their fear of the juvenile. I personally have seen juveniles and victims build a relationship of mutual understanding, trust, and respect.



The Nashville Conflict Resolution Center has announced an expansion into West Tennessee. Our own Karen Phillips, TAPM Treasurer, will be leading the expansion in Memphis with the guidance and support of Sara Figal, TAPM Board Member for Nashville Conflict Resolution Center. [This has been reprinted with permission of the Nashville Conflict Resolution Center.]

**NASHVILLE CONFLICT RESOLUTION CENTER EXPANDS SERVICES TO MEMPHIS THANKS TO VOCA GRANT**

**Nashville, TN** – Nashville Conflict Resolution Center (NCRC) has been awarded a grant through the Victims of Crime Act (VOCA), a federal fund that supports NCRC's restorative justice approach to promote healing for juvenile victims and offenders. The

grant awards NCRC \$500,000 over three years, supplementing the organization's current funding that lasts until 2021. For the past 20 years, NCRC has been engaged in the complex but rewarding work of victim-offender mediation, primarily in Davidson County.

"Thanks to Debi Taylor Tate, Director of the TN Administrative Office of the Courts, and her championing of the use of mediation to divert young people from the court system, NCRC will now provide mediation for young victims and offenders in Memphis, as a partner of the Shelby County Juvenile Court, led by Judge Dan Michael," said Sara Figal, Executive Director of NCRC.

Judge Michael, who helped shape the Juvenile Justice Reform Act of 2018, has successfully implemented numerous measures to reduce the contact that young people have with the court. Adding mediation to existing programs will further expand the positive impact upon young people, their families, and their communities. Says Judge Michael, "In the Juvenile Court of Memphis and Shelby County, our focus has been on alternatives to detention since I was elected Judge. The restorative justice model has shown positive results in jurisdictions across the country and the NCRC is a proven asset for making the victims whole again while positively addressing low level delinquent behavior with a firm but fair hand. I look forward to working with the Memphis Conflict Resolution Center."

"In the current juvenile justice climate, the role of the court has to be lowering Racial & Ethnic Disparities (RED) and Conflict Resolution by design should greatly reduce contacts with Juvenile Court", added Judge Michael. "I was recently sworn-in as President of National Council of Juvenile and Family Judges (NCJFJ) after serving on its Board of Directors for the past 6-years. Our organization provides all judges, courts, and related agencies involved with the knowledge and skills to improve the lives of the families and children who seek justice. The NCJFJ is a leader in the development and implementation of policy and practices nationally and we feel the Conflict Resolution model is certainly a positive step in the right direction for even greater Juvenile Justice Reforms."

Another organization that will act as a crucial partner in Shelby County is CJAM (Community Justice & Mediation Center), the nonprofit organization that provides Shelby County and other West Tennessee General Sessions Courts with pro bono mediators. Karen Phillips, tapped to run the NCRC Memphis office, is an experienced family mediator who serves on CJAM's Board of Directors.

"We have long anticipated being able to reach across the state and help develop nonprofit mediation in counties that don't yet have their own robust programs," explained Figal. "To be able to work with the Shelby County Juvenile Court and Judge Michael is remarkable. We hope this will catalyze access to the gentler justice of mediation and trauma-informed care throughout the region."

NCRC's original VOCA grant, awarded in 2018, allowed significant expansion of the Juvenile Victim-Offender Program into Sumner, Rutherford and Williamson counties, establishing relationships with their Juvenile Courts. Within Nashville, NCRC was able to offer additional mediation resources to the Davidson County Juvenile Court, and also to MNPS middle and high schools, NCRC also began mediating school-related cases, repairing relationships among students and teachers and limiting the need for suspensions.

As the court systems reopen in Memphis, Nashville, and surrounding counties, NCRC hopes to help relieve the busy court dockets that have built up over the past few months.

Lisa Deal, NCRC's Juvenile Victim-Offender Program Coordinator, is excited at the prospect of expanding, particularly now as current events have prompted a broader appreciation for restorative methods of justice. "Our main goal is to serve young people by helping them repair their relationships and move forward as peaceful and productive members of the Tennessee community."

Founded in 2000, Nashville Conflict Resolution Center provides free and low-cost

mediation to individuals and groups throughout Nashville and surrounding counties. Through referrals from the community partners, NCRC resolves school fights, custody agreements, and neighborhood conflicts. NCRC believes in mediation as a first-choice method for resolving disputes privately, respectfully, and with dignity.

<https://nashvilleconflict.org/2020/08/05/nashville-conflict-resolution-center-expands-services-to-memphis-thanks-to-voca-grant/?fbclid=IwAR1vFk0rk2vxtD22tk23nYLUYtFXM7fhRVKDhMOFpnXdUNLWYxJzZIpcmEw>

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## NEWS From AOC:

### The 2020 Renewal Season is Closed.

- 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>

### The 2021 Listing Renewal season will be open on October 1, 2020 – December 31, 2020,

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 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 and 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 [reginanevson@bellsouth.net](mailto:reginanevson@bellsouth.net).*

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