



January 2019 NEWS

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Annual Seminar

APRIL 5, 2019
Lipscomb University
DR. JON S. EBERT

"AN INTRODUCTION TO MOTIVATIONAL INTERVIEWING"

Professor Ebert is a licensed clinical psychologist with extensive clinical and consultation expertise in the assessment and delivery of services to children and families who have experienced traumatic stress and mental health challenges.

Motivational Interviewing is based on four major principles, as follows:

1. Empathy
2. Developing Discrepancy
3. Rolling with Resistance
4. Supporting Self-efficacy

With these four principles in mind, a motivational interviewer will attempt to elicit change talk by creating a neutral, safe environment where the client can explore their ambivalence regarding change. This is done in an empathetic yet directive manner - the interviewer listens non-judgmentally while directing the client toward a desired change by asking neutral, exploratory questions that develop a discrepancy between the client's values and current behavior. As the discrepancy widens, the client becomes motivated to change his behavior to reach the values he espouses.

In addition to the presentation by Dr. Ebert, there will be ethics presentations to include: Key insights into the significant changes to Rule 31 and Remaining Neutral in the Age of Social Media and Search Engines.

We'll let you know when the seminar registration site is open. In the meantime, to ensure you get the TAPM rate for this seminar, make sure your membership is up to date on the TAPM website!

Renew/Join TAPM:

\$100.00 Annual Dues

\$150.00 Annual Seminar 4/5/2019 CLE/CME Fee

\$250.00 Total Due

Restorative Justice: Past, Present, and Future by Robin C. Brown

"Restorative justice seeks to build partnerships to reestablish mutual responsibility for constructive responses to wrongdoing within our communities." [1] When victims, offenders and community leaders meet to decide how to achieve this, the outcomes can be transformational. Focus is placed on finding common ground, collaborating, and implementing peaceful resolutions that are directed at repairing, reconciling and rebuilding relationships.



History can teach us a lot about restorative justice. Rev. Dr. Frederick D. Reese was an achiever. He credits his professors at Alabama State University for inspiring him to work for equal justice for all. A "leader of leaders," he was beaten during his effort to register African American voters in Selma, Alabama. Activist Bernard LaFayette noted, "It was unusual for teachers to do what he did, but it was for a good cause." During the 50th Year recognition of those efforts, Former President Obama stated, "we are reminded that courage within our communities can change the course of history through peaceful action and bold beliefs in the true spirit of this country." Reese encouraged everyone to do "the right thing" versus "doing the best thing." If you found yourself asking that question he reminded you to ask yourself one more, "best for whom." He was unselfish and committed to doing what needed to be done.



F. D. Reese did not seek fame or fortune for his efforts, but had to be pleased with some of the honors he received. He was awarded the Congressional Gold Medal - the nation's highest civilian award, along with the Presidential Medal of Freedom - in recognition of his participation in the Selma-to-Montgomery Voting Rights March in the spring of 1965. The award commemorated the 50th anniversary of the marches and "the Foot Soldiers who participated or the final Selma-to-Montgomery Voting Rights March in March of 1965, which served as a catalyst for the Voting Rights Act of 1965." [2]



Dr. Reese tried not to use his clout unless he had to. For example, he reached out to Wal-Mart to urge them to hire African American store managers in addition to cashiers. When Wal-Mart did not respond, "the soft-spoken civil rights leader selected a busy July 4th holiday to begin picketing" in an effort to get their attention. [3]

It did not take long. "Several Wal-Mart officials from Arkansas, where the retailer is headquartered, got the point and flew to Alabama to ensure African American managers would be hired "right away." They were, within a couple of days." [4]

Dr. Reese's legacy is bequeathed to all who are committed to justice and equality, who will take a stand for the betterment of humanity, and who will go the extra mile.

Restorative Justice and Mediation provides an alternative for the resolution of disputes and reconciliation of disputing parties builds competencies and promotes reconciliation within the community.

Mediation facilitates disputes not from an adversarial position, but as members of the community that were once damaged and need to be reunited. Mediation focuses on respectful discussions regarding the dispute. When parties resolve disputes to their own satisfaction, everyone in the community is a winner.

[1]https://en.wikipedia.org/wiki/Restorative_justice

[2]<https://www.ripon.edu/2016/04/14/congressional-gold-medal-presented-to-1965-foot-soldiers-including-four-representatives-of-ripon-college/>

[3]<https://www.montgomeryadvertiser.com/story/opinion/columnists/al-benn/2017/03/20/reeses-role-civil-rights-movement-isnt-overlooked/99301496/>

Reflections of 2018 and Dr. Martin Luther King, Jr by Regina B. Newson

As we begin this new year and approach Martin Luther King, Jr. Day, I took a look back at 2018. It was not a good year for this country, nor was it a good year locally. We have had sexual assault scandals that have toppled big names in politics, entertainment, and the everyday work force. Locally we have had a local mayor resign due to a sexual liaison. We have seen a movement arise out of these scandals, #MeToo. It has raised the consciousness of what goes on in our society...how women and others are treated by those in positions of power. What and where this movement will go over the next few years remains to be seen.

In Nashville, TN, we had two killings of young black men. Questions have been raised about those deaths. In Nashville the result has been the creation of an Oversight Board and the paid staff for such a Board. But this is not just problem in Nashville, it is a national problem. In every area of this country we have Blacks, Latinos and Hispanics and other people of color being killed in record numbers. The Justice Department is being forced to get involved. For years it (Department of Justice) turned a blind eye to what was going.

There is a fight about the building of a wall on our borders. How many walls have been built in Europe and Asia that divided families and countries, only to be torn down by the next generation?

I was born in the 50's in a segregated south. There were signs where I lived that said, "No Niggers Allowed After Dark," "Colored Water Fountains," "Whites Only," and "Separated but equal school systems." People were marching in Selma and Montgomery, Alabama. Sit-ins were taking place in Nashville, TN. These were just to name a few of the things that were dividing walls in our society. There were laws in every state about no fraternization between the races. These laws were walls. They were never effective. There were always people (blacks and whites) who lived and had children together. Slowly these laws have changed. There are many places where this is still frowned on today in this country. I look at my own family and see several interracial marriages and lots of bi-racial children. They are our legacy and our future. I made a decision to love them all.

I am a former social worker in the foster care system, the most disheartening thing that went on in 2018 for me was the separation of children from their parents at the border. This reminded me and many others of a dark period in our shared (blacks and whites) history called "Slavery," where families were separated and sold like property. We as a country have never dealt with the issues of slavery and the far reaching implications of separating families. I never thought that we would do this in my life time. Here we are (our nation) separating families. We put young children in cages like animals. We told the guards and those over them not to touch them when they cried for their mothers. Our policies have destroyed families. I realize that their parents entered this country illegally. (Remember your history - your ancestors entered this country according to the Native Americans illegally. There was no free land here. People lived all over this country.) As these children grow up, they will remain in this country, because we do not know who they are and cannot send them back across the border. We do not have the records to put them back with their families, considering we have deported many of the parents. We will be raising these children, but we have done irreparable damage to them. We have created the next generation of gangs in this country. They will have no allegiance to us (this country) or those in a foreign country. Their allegiance will be to each other...those who protected them from older children, guards who abused and assaulted them and those in the system who hurt or would hurt them.

Let us not forget the elections of 2018 that saw thousands of votes being cast only to be kicked out for various reasons. People were disheartened when these votes were kicked out. I heard the verbiage, "Why vote, our votes don't count anyway." I have heard this before. But I also remembered that people had marched and died for us to have the right to vote, so I vote in every election.

Mass killing...how can we forget Parkland, Florida students being killed by another student and the bar in California where the young man killed thirteen (13) people. Assault rifles, do we really need them?

You ask the question how is 2018 relevant to Martin Luther King, Jr. Day? Dr. Martin Luther King, Jr. marched for change within our society for ALL people. The signs made and carried in the 60's are just as relevant today..." Equal Pay for All," "Respect - I am a Man," "We Demand Voting Rights," "End Segregated School...They are not Equal." "Equal Opportunity and Human Dignity for All," "Let's B Just for a Change," and "Police Brutality Must Stop."

Where are we as mediators in this? I have been reading articles to see if we have been on the forefront of these dilemmas. We say we are peacemakers - what have we done? Where is our voice? I hear only silence.

Featured Mediator Wendy Oliver

Wendy Oliver is a non-attorney Rule 31 listed mediator who resides in Memphis, Tennessee. She serves as the Chief Deputy Clerk of Court for the United States District Court for the Western District of Tennessee. Wendy also serves on the board of the Mid-South Community Justice & Mediation Center, Inc. (CJAM). She holds a Bachelor of Arts in Political Science from LeMoyne-Owen College and is a member of Alpha Kappa Alpha Sorority, Inc. She has two children-a son, Justin Ellis and a daughter, Jasmine Ellis.



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

I am a 26-year employee of the Federal Courts and find myself mediating often. Though recently listed (2017) the art of mediation has played an integral part in my success in my career and personal life. The completion of credentialing to be a Rule 31 listed mediator was the natural next step.

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

An open mind and skillful listening. The foundation of effective communication is to hear what is actually being communicated-the words are one factor of the exchange.

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

I have never conducted a private mediation.

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

I would be the "Oliver the Optimist" buzzing about to sprinkle optimism in turmoil.

What is your pet peeve in mediation?

A meeting of the minds must occur. Otherwise the mediation is a verbal wrestling match.

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

Unmarried. Two children-one son, Justin Ellis and one daughter, Jasmine Ellis

Why did you become a mediator?

I am a life-long Memphian and believe that the majority of the strife in our city results from ineffective communication. People are hurt, angry and want to be heard. The mediation process is a judgment-free zone where healing can take place.

What are you most afraid of in mediation?

I am afraid of being misunderstood. Having a client think that I am in the mediation for any reason other than getting to a resolution of the underlying conflict.

Please complete these sentences:

- I have a burning desire to ...
See people live at their optimal point of existence.

- People tell me I look like...
Tamela Mann.

- If I could have a 30 minute conversation with anyone (alive or otherwise, famous or not), I would want to speak with...
My mother. I'd like to hear what she thought about me as a child.

What do you see for the future of mediation?

I see mediation becoming the option of choice for resolving conflicts for business and personal matters. Money only goes so far, effective communication is the foundation for true relationship building.

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

I would not change a thing.

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

I love classical music and am interesting in taking violin lessons. I played violin from 4th grade through college but haven't played since my son was born 31 years ago.

What is your contact information?

Wendy R. Oliver
1485 Ball Rd
Memphis, TN 38106
wendyreneeoliver@gmail.com

From the Editor's Desk
by Regina B Newson, Editor

On November 14, 2018 TAPM held its Annual Hot Law Cases with Gregory Smith. It was excellent. Gregory Smith follows family law cases all year long, and compiles a list of cases with the Courts opinions. Anyone working in the Family Law arena should contact Gregory Smith and ask for a copy of his work. He covered cases on alimony, child support, civil procedure/evidence, contempt, division of the marital estate, jurisdiction, marriage, mediation, parenting issues, prenuptial and (postnuptial) agreements, and relocation. All should read the "The Effect of the 2018 Tax Cut and jobs Act on Tennessee Divorces." These new laws are affecting everyone. [Gregory D. Smith, Brenton H. Lankford, Stites and Harbison, PLLC, 401 Commerce Street, Suite 800, Nashville, TN 37219, 615-782-2200 Gregory.Smith@Stites.com Brenton.Lankford@Stites.com



Important News: TAPM has a new number.
615-775-9686

TAPM DUES

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.

TAPM appreciates your being a member and you, as a member, receive benefits in return! Check out the savings on the upcoming Annual Seminar you'll receive by being a TAPM member.

Renewing Annual Dues:
\$100.00 Annual Dues
\$150.00 Annual Seminar 4/5/2019 CLE/CME Fee
\$250.00 Total Due

NON TAPM Member
\$300.00 Annual Seminar 4/5/2019 CLE/CME Fee Due

Marketing Tip: Refresh, Renew, Redefine - As we begin this new year, each of us needs to look back over the last, evaluate where we are today, what worked in our practice (lives), what did not and why it did not work. After doing this - take a week off and do nothing...let your mind and spirit wander. During this period, you will hopefully be refreshed and renewed. This next week, think about what you want to accomplish in this new year. Dream large. Set your goals far enough out so that you will have to work to accomplish them.

This has been reprinted with permission of the Administrative Office of the Courts (ADR) from their ADR FALL 2017 Newsletter.

IMPORTANT DAYS

January 22, 2019 - ADR Commission Meeting, AOC - Nashville

March 5, 2019 - Rule 31 Mediator Applications Deadline for ADR Commission review on April 23, 2019

April 23, 2019 - ADR Commission Meeting, AOC - Nashville

June 4, 2019 - Rule 31 Mediator Applications Deadline for ADR Commission review on July 23, 2019

July 23, 2019 - ADR Commission Meeting, AOC- Nashville

August 13, 2019 - Rule 31 Mediator Applications Deadline for ADR Commission review on October 10, 2019

October 10, 2019 - ADR Commission Meeting, AOC- Nashville

October 11, 2019 - ADR Annual Workshop, Lipscomb University - Nashville and online live stream

For a list of approved Continuing Mediation Education courses, please go to:

<http://www.tncourts.gov/programs/mediation/resources-mediators/continuing-meditationeducation>.

IMPORTANT NEWS

Rule 31 has been amended effective November 1, 2018. The amended rule was published on November 1, 2018 here:

[//tncourts.gov/rules/supreme-court/31](http://tncourts.gov/rules/supreme-court/31)

To file online mediation reports, go to: <https://www.tncourts.gov/programs/mediation/resources-mediators>

2019 RENEWALS

The deadline for submission of your 2019 Renewal Form was December 31, 2018. ADRC Policies 19 and 20, which set out the renewal fee structure, can be found on the AOC website.

<http://www.tncourts.gov/programs/mediation/resources-mediators/policies>

If you were initially listed in an EVEN year, please be mindful that your Continuing Mediation Education hours completed during the 2017-2018 period were due by December 31, 2018 in order to renew for the 2019 calendar year.

If you are unsure of your initial listing year, please visit:

<http://www.tncourts.gov/programs/mediation/find-mediator> to search for your listing and view your initial listing year.

You may visit <http://www.tncourts.gov/programs/mediation/resources-mediators/continuing-meditation-education> to view courses that have been submitted by providers and approved for CME credit. Please be sure to look in the Credit Approval column to see what type of CME credit the course will qualify for.

Please refer to Rule 31, Section 18:

(a) To remain listed by the ADRC, Rule 31 Mediators shall comply with the following continuing mediation education requirements:

(1) Courses approved for continuing education under this Rule include but are not limited to, courses approved by the Commission on Continuing Legal Education & Specialization, programs approved by professional licensing agencies, programs provided by not-for-profit community mediation centers and not-for-profit mediation associations.

(2) Rule 31 Mediators must complete six hours of continuing mediation education every two years.

(A) General Civil Mediators - The six hours shall consist of: (i) Three hours in mediation continuing education, of which at least one hour shall be related to ethics, and (ii) Three hours general continuing education.

(B) Family Mediators - The six hours shall consist of: (i) Three hours in mediation continuing education, of which at least one hour shall be related to ethics, and (ii) Three hours continuing education in family law.

(C) For dually listed Rule 31 Mediators who were initially listed in the same year, meeting the Rule 31 Family Mediator Listing continuing education requirements will also meet the Rule 31 General Civil Mediator listing requirements.

(3) Rule 31 Mediators who are attorneys are not exempt from the continuing mediation education requirements of Rule 31 Section 18(a) as a result of the age exemption for continuing legal education pursuant to Supreme Court Rule 21, Section 2.04(c).

On the renewal forms it is important to remember to provide proof of continuing education hours. ADR asks that providers provide a list of attendees to their classes; however, it is the responsibility of the mediator to provide this proof. It is suggested that all mediators request two (2) copies of hours of attendance - one for their records and one for the provider.

If you have forgotten your username and password needed to submit an online mediation report, please contact Stephanie Brake, Programs Assistant, at (615) 741-2687 or by email at educationADRRegistration@tncourts.gov.

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

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