



July 2019 NEWS

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President's Message

by John Duval

TAPM Members -

I wanted to invite you to the annual TALS Equal Justice University conference (<https://www.tals.org/eju>) next month in Murfreesboro. They always have a wide variety of presenters and topics that are beneficial to our practice. TAPM will be holding a session at EJU (Embassy Suites at 1200 Conference Center Drive, Murfreesboro) on Thursday, August 29 at 4pm that is open to all TAPM membership. Hope to see you next month.



Peer Mediation in Maury County Schools

by Jennifer Ervin

Whitthorne Middle School currently has 42 students in grades fifth through eighth gradewho are trained peer mediators. Two years ago the Peer Mediation program was re-established based on a need seen by sponsor Mrs. Jennifer Ervin. Mrs. Ervin says, "Students are not able to resolve simple conflicts and many are lacking in social skills such as speaking and making eye contact with others." When the Peer Mediation program was re-established, 24 students interviewed and committed themselves to at least twelve hours of training with Mrs. Ervin. Students worked through various lessons on conflict resolution, listening skills, role playing which allowed them to understand what it meant to be a peer mediator. The students learned how they could be leaders and examples in their school, while helping promote a healthy environment where students feel safe. The types of cases best handled by peer mediators involve many that, if left unaddressed,

escalate to assault, bullying (and cyber-bullying), vandalism, theft and other behavioral infractions that end up further discipline by the school and/or in petitions before Juvenile Court.

Peer Mediators learn the importance of confidentiality, how to develop active listening skills, and how to help others find ways to resolve a conflict they may be facing. Whitthorne's Peer Mediation team begin partnering with the Maury County's Mediation Center; who has become a valuable resource and support for students wanting to be a leader in their school. Executive Director Beth Tarter and Program Director, Michelle Lawrence, of the Mediation Center, have worked tirelessly to assist any student that is wanting to learn how to become a peer mediator succeed. The Mediation Center has provided trainings and continuing support which has allowed students to participate in team building skills and meet local community members that practice conflict solving skills in their careers.

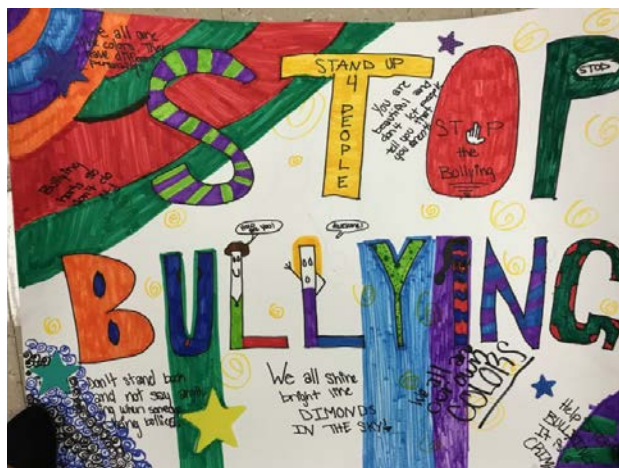


In the upcoming 2019-2020 school year, Whitthorne is excited to continue their collaboration with The Mediation Center, as well as help serve as a "pilot



program" for other interested area schools. We are working on developing a more comprehensive training program that will allow us to have a uniform training program to train not only students at Whitthorne, but other schools who are interested in starting a peer mediation program. Whitthorne Peer Mediators not only try to be leaders and examples to other students, but they are committed to helping other students get along with each other. Since the re-establishment of the program, we are seeing an increase of students willing to come to Mrs. Ervin's office to work on resolving their conflicts with peer mediators. We are continuing to work toward all students knowing there is a safe place that they can come to for help and there are trained students who are willing to listen and help. Whitthorne is excited to continue growing their peer mediation program and working toward having a first-class program that help other schools in starting their own peer mediation programs in the future, and the Mediation

Center is proud to collaborate on training the next generation of peacemakers and future professional mediators.



Jennifer Ervin

Family Resource Director

Family Engagement Facilitator

Whitthorne Middle School

Featured Mediator

Cindy Ettingoff

Ms. Ettingoff has engaged in virtually every aspect of labor and employment law practice. She has represented employers, employees, and unions in litigation, contract negotiations, arbitrations, and mediations. Current with her employment as a private attorney, Ms. Ettingoff held appointment to represent the City of Memphis in employment law issues and contract negotiations, and as an adjunct professor of Labor and Employment Law, Workers Compensation, and Ethics. Ms. Ettingoff has also served as Manager of Pro Bono for Memphis Area Legal Services and is a long-time pro bono volunteer. In addition,



Ms. Ettingoff is both a Rule 31 General Civil Mediator, Family Mediator, and Mediator

Trainer. She is the chair of the Tennessee Bar Association ADR Section and serves on the Tennessee Association of Professional Mediators board. She also serves as a mediator for the EEOC, Mid-South Community and Justice Center, and for various faith groups. Ms. Ettingoff is a member of the board of the Memphis Society of Human Resource Managers having served the Memphis Chapter as Chair of the Hospitality and Publications Committees and Co-Chair of the 2019 Legal Conference. Ms. Ettingoff serves on a variety of community boards, including Freedom Prep Charter School and Harwood Center. In addition, she is a board member of the Community Legal Center and the Association for Women Attorneys.

She is a member of the American Bar Association - ADR Section (ADR in Labor and Employment Law committee member), Labor and Employment Law Section (member of Development of the Law Under the NLRA, Practice and Procedure under the NLRA, EEO, FLSA, and Workers Compensation committees and/or subcommittees), case reviewer for FLSA 2018/2019 midwinter publication; and a member of Section of Civil Rights and Social Justice (member of Bullyproof, Civil Rights and Equal Opportunity, Economic Justice committees). Ms. Ettingoff also participated in the 2018 TBA Public Service Academy and the JLM LEAD program.

In finding your niche what area do you practice in? How did you get started in this? I don't know that I have a niche. I am both a Rule 31 and Family listed mediator because I believe that mediation is a better way to resolve all types of disputes. That being said, I have practiced employment law from virtually every side possible and am a huge believer that mediation in employment situations can help prevent workplace violence. I also worked as a IVD attorney in Shelby County Juvenile Court, where I learned the importance of mediation for parties (and especially the children of parties) who will have to interact with each other on an ongoing long-term basis. I have also mediated elder issues and issues in the faith-based community.

What is in your mediator tool kit? I was told by a deponent, "you seemed like such a nice woman until the very last second. Now I know you have been backing me toward the cliff the entire time." I hope that was he was REALLY saying is that I am patient and persistent and do not lose sight of what I am trying to accomplish. I try to bring that patience and persistence to mediation. While I think patience and persistence are critical, flexibility may be my best tool. I have no set path I have to follow in mediation and I sometimes like to throw things off balance if everyone has become entrenched. I often mediate at a location that has an oven. I once threw some slice and bake cookies in the oven at a break in an effort to convince the tired, hungry, cranky parties to stay with me just a little longer. It helped everyone's blood sugar and mood and it allowed us to lighten the tension and reach a resolution.

What is your favorite or most used tool? Science and cookies. I am a science nerd.

Once you have been selected as the mediator, what do you do to prepare the attorneys and their clients for the mediation? I try to give them an idea of what they can expect and I express my belief in mediation and my willingness to work with them as long as it takes (assuming that to be possible and appropriate). If possible, I get a statement of the positions of the parties and the status of negotiations prior

to the mediation. Next, I try to have the parties enter into "mediation mode" with me. I try to encourage their faith in the process by giving them an understanding that while it may not immediately look like things are going well, initial positions are just initial positions. Mediation generally works.

If you were a superhero/mediator what would be your name and slogan? I think I would borrow the idea of Elastigirl from the Incredibles and use it in the figurative, not the literal sense. I would like to be able to stretch to be able to reach any personality and "wrap" around any situation. Slogan - "No problem beyond the reach of resolution."

What is your pet peeve in mediation? Lawyers who tell their clients mediation is just a hoop they have to jump through to get to trial.

Are you married/do you have kids/pets etc? I am blessed with all of those things - a husband, two human kids, and, until another one adopts us, four fur ones.

Why did you become a mediator? I became a mediator because I want to help people find peaceful solutions. Although I believe in the legal system, I am concerned that the cost of litigation, not just in dollars, but in human terms, is too high. I have stood in court and watched frightened, hurt people become angry and desperate. I have seen people do destructive things because they felt the legal system had failed them and I have seen people who never fully recovered from what happened to them in court.

What is your favorite mediation read and why? I do not have a favorite. I do have a library. In that library are all the old standards like "Getting to Yes", but I am continually adding. I just read Dr. Jennifer Eberhardt's book, "Biased," which I think is a great mediation read.

What are you most afraid of in mediation? Missing a critical "signal" from one of the parties.

How do you debrief yourself after a mediation? I immediately do a quick note setting out how I feel about the mediation overall, what I thought was effective (and why), and what I felt did not work well or could work better. The next day, I look for someone or something to help me improve on the areas I believe could use improvement.

Please complete these sentences:

"I have a burning desire to go to Ibiza."

"People tell me I look like Mary Steenburgen."

"If I could have a 30 minute conversation with anyone (alive or otherwise, famous or not), it would be . . . Abraham Lincoln." I would love to hear his views on human rights and how hard it must have been to see the United States so divided.

What do you see for the future of mediation? I believe the potential for mediation is unlimited, but the mediation community has to do a better sales job - not in terms of getting more people to become mediators, but in terms of having more people welcome mediation and welcome it early on in disputes. If we can do that, perhaps we can switch the first impulse of an angry person from seeking to "crush" their "enemy" in court to trying to resolve disagreements (and hurts) before the parties become mortal enemies. I understand that it cannot always be so, but mediation offers a means of diffusing situations at a time when it appears increased aggression seems to be the norm. However, it will not happen without having the public know, appreciate and accept the value of mediation.

Knowing what you now know about life etc., would you choose the same career path? If not, what would you like to do? Absolutely! My very convoluted career path has offered growth and soul searching and it has allowed me to feel that I can help move our society a little bit toward civility and compassion. Is there anything else that you want to tell TAPM members about yourself? I am honored to be a part of TAPM and don't be surprised when I email or call asking for your help. I am looking forward to learning from you.

What is your contact information?

Cindy Cole Ettingoff
8282 Beekman Place
Germantown, TN 38139

ettingofflaw@gmail.com The website is actually in the process of being redone. Please google my name in two weeks and let me know what you think about the new website.

From the Editor's Desk

by Regina B Newson, Editor

As I write this today, I want the best for each of you as mediators. We need to reach out to other mediators and talk to them. Listen to them, question them, and get involved with each other. TAPM tries to bring mediators together at their annual conference which is held in March or April each year. We bring in a well known speaker, have lunch, and all go back to our silos.

However, this is not enough. I do lots of different types of work - mediation and volunteer. One thing I have observed is that they (other organizations) have meetings, monthly or quarterly, The purpose of these meeting is to help each other...understand their practice, analyze a case, talk to each other about their feelings, and heal each other.

We are a very small community of professional who deal with the problems of chaos. We intervene and help people when they are in crisis...divorce, being terminated from a job, deciding what to do with a parent, dealing with juveniles getting caught up in the justice system, or helping someone make plans who is dying. These are the places that we (mediators) work. We often forget that we need help in dealing with these emotions that our clients bring out in us.



The **17th Annual Advanced Mediation Techniques Workshop** will be held on **October 11, 2019** at Lipscomb University. Please take a moment to review your e-mail settings and ensure the ADRRegistration@tncourts.gov is a trusted account so you receive important updates.

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

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

IMPORTANT DAYS

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-mediationeducation>.

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-mediation-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. Stephanie is the new Programs Assistant who started at the AOC at the end of October 2018.

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

[Click here to visit our website.](#)