



November 2018 NEWS

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TAPM Training - Hot Family Law Cases 2018



presented by

Greg Smith, Attorney

**PARTICIPATE IN PERSON
OR
BY AUDIO CONFERENCE**

**Wednesday
November 14, 2018
11:30 a.m.**

**APPROVED CLE: 1 HR. General
For Either "In Person" or via "Audio Conference"**

**APPROVED CME: 1 Hour Family Law OR
1 Hour General Continuing Education
For Either "In Person" or via "Audio Conference"**

Lunch is "Dutch Treat"!

**Swett's Soul Food Restaurant
2725 Clifton Ave.
Nashville TN 37209**

Go through the "line" at this Nashville institution,
and bring your delicious lunch
to the private dining room for the presentation.

or

If you are unable to come to Nashville,
listen via audio and "Brown Bag" it at your desk!

**CLE/CME FEE:
\$20.00 TAPM Members
\$25.00 Non TAPM Members
(Does not include lunch)**

To ensure you get the TAPM membership rate for this session, be sure to confirm your membership status on the new TAPM website! If you're not a member, you'll have a chance to join or renew when you register for this training

[CLICK HERE TO GET STARTED](#)

Featured Mediator Kimberly Best

Kimberly Best RN, MA, is a professional conflict mediator, focusing on Conflict Coaching, Family Mediation and Elder Care Mediation in Franklin, Tennessee. She spent her early career as a Registered Nurse in intensive care, trauma, and emergency medicine, where she cared for people in extreme need and gained valuable experience in the medical system. Kim attended graduate school at the University of North Carolina Charlotte in Clinical/Community Psychology. She obtained a master's degree in Conflict Management from Lipscomb University in Nashville, Tennessee. Kim also trained in Transformative Mediation at Hofstra University and Healthcare Mediation at the University of South Florida, and is a working member of the ACR Elder Mediation Professional Development Group. In addition, Kim is a loving mother of four adult children and a teenager, as well as a grandmother of three energetic toddlers. She is passionate about helping others resolve conflicts in a productive, non-litigious way, and in finding the optimal solution to problems for all parties involved. Kim draws from her unique and diverse experiences and her love of learning to inform her work in conflict management.



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

Much of my practice is around conflict coaching and family mediations, and elder care. I work with couples, relationships, and families struggling with long-term conflict in their lives. I also do premarital coaching, which is fun and effective in helping couples learn tools to negotiate communication and conflicts in their relationships. I believe in being proactive with conflict and designing systems for managing conflict around our goals and principles. I work with a few music bands, who, by nature of their constant contact, seek mediation for conflict management. My focus on elder care was inspired by my

background in nursing, and my experience navigating end of life choices with my patients. My interest in family mediation and personal conflict arose from my own experiences, as well as my background in psychology. I got started in mediation while navigating my own challenging relationship. When in this relationship, I started to study effective communication and psychology. While attending a conference at Hofstra, someone told me that I would be great at elder care because of my background in nursing. Shortly after that, I walked with my father through his end of life journey, which also showed me the importance of compassionate and effective elder care. I believe that conflict mediation can be a powerful tool for peace, community, and wellbeing in the world. If we can start improving our relationships, then the world would be a much better place.

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

Reflection and empathy are my most used tools in my toolkit. Also, remaining positive and looking for where agreement and commonality are present. This helps me create a safe and encouraging environment for my clients where they feel able to express themselves and look deeply into themselves. I also think that I have the ability to use humor to diffuse situations, while making people feel heard and encouraged. Often that is laughing at myself. I normalize their conflict; I let them know that they are not alone or the first to have these issues. That seems to give some relief. As a physical tool, I like to use huge post-it notes, which I write our brainstorming and "aha" moments on and then hang around the room. My clients sometimes take them home so that they remember what they learned. Silence remains a terrific tool.

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

I always send a personalized questionnaire to my clients, based on their unique needs, before meeting with them for the first time. I review their responses and construct my mediation strategies around them. I also make sure that the client understands the mediation process, and I work to understand their expectations from the process.

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

I polled some friends and they said "Mother". Isn't parenting, mother or father, the absolute biggest superhero job ever? And the weapon? Love; in whatever form that needs to be.

What is your pet peeve in mediation?

My pet peeve in mediation is definitely when the mediator tries to push an agenda rather than allow the clients to express themselves and achieve their own goals. This comes from the fact that I sometimes have a hard time working with people who I perceive as bullies. I have to keep in check my tendency for rooting for the underdog!

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

I am the blessed mother of five and a grandmother of three energetic toddlers. I have one cat at home. I facilitate a DivorceCare group, volunteer with Wounded Warriors and Hands on Nashville and mentor 10 young moms through MumLife.

Why did you become a mediator?

I am divorced. I work with a lot of divorcing or divorced people. I want to give families another option for their decision regarding their future. The story I hear is often one or both people do not want a divorce. We lose a big part of our past, families are permanently altered and we re-write the entire potential of a family future when we divorce. Often, people ask for divorce because they are in pain or stuck and they've used all of the tools they have (usually very limited in scope, because we don't learn how to deal with conflict). The "I want a divorce", to me, is often more of a cry for help. Once we get on that divorce-train, friends, family and often the legal system itself conspire to keep us on that track, when what we really want, perhaps, is another option to ease the pain and maintain some sort of relationship. I like mediation and conflict coaching for this opportunity. I use practical tools and with the clients, develop systems within their relationship to try to get all parties needs met. It works! I am a big believer in empowerment and self-determination. I am passionate about resolving conflicts in a way that can keep a relationship intact, and I think that lawsuits by nature are confrontational and harmful to relationships. Lawsuits don't find a solution to the real problem because they are based on punishment. I prefer finding a solution to the problem, where all parties can win. Being a mediator allows me to help people find a solution that is best for all parties involved.

What is your favorite mediation read and why?

I review snippets of Ken Cloke's "Mediating Dangerously" and "Mediation Training Manual" before every mediation, as part of my preparation.

What are you most afraid of in mediation?

After a mediation, I like to reflect on what worked and what didn't. I think that this helps me continuously improve as a mediator. I also use client feedback to debrief and learn. I am always amazed by how inherently "good" the people who come to me are, but how being stuck in conflict buries that part of them, for themselves and the people they are in conflict with.

Personal or professional accomplishments you are particularly proud of:

Below are my professional accomplishments. As highlights, I was honored to speak at the ARC National Conference, and I am currently excited to be a part of the Business Plan for Peace initiative and Mediators Beyond Borders. I am proud of my continued education and growth in conflict and mediation. Personally, I am deeply proud of my children and my family. My family is incredibly diverse, but we still manage to love each other and support each other. This is my biggest accomplishment.

- * MA Institute of Conflict Management, Lipscomb University
- * Masters Certificate Clinical/Community Psychology, UNC-Charlotte
- * BA Psychology, UNC-Charlotte
- * Tennessee Licensed Registered Nurse
- * Tennessee Supreme Court Rule 31 General Civil Mediator
- * Tennessee Supreme Court Rule 31 Trained Family Mediator
- * Transformative Mediation Trained, Hofstra University School of Law
- * Certificate in Negotiating and Mediating Healthcare Disputes, University of South Florida
- * Conflict Resolution Consulting Training, Pepperdine University School of Law
- * Advanced Mediation Training, Kenneth Cloke
- * Mediators Beyond Borders, Member
- * ACR Elder Mediation Professional Development Committee
- * 2017 ACR National Conference Panelist, Elder Mediation
- * Business Plan for Peace, Member

Please complete these sentences:

- I have a desire to...

Teach people how to communicate better in conflict and decrease litigation through the use of mediation.

- People tell me...

I look like Sandra Bullock (but I don't see it)!

- If I could have a 30-minute conversation with anyone (alive or otherwise, famous or not), I would want to speak with...
So difficult to choose one person to speak to! I would want to speak with Harold Kushner, Pat Conroy, Rick Bragg, and the Dalai Lama.

What do you see for the future of mediation?

I would like to see more conflict resolved in mediation than in the court system. I would also like to see more accountability and professional standards around mediation to further legitimize it as a field. I would also like to see more mediators mentoring newer mediators.

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

I am actually amazed at how my career path came together, from being an RN in trauma and the emergency department to a mediator. Everything in my life has contributed to my ability to be an effective mediator. The only thing that I wish is that I had started mediating earlier because it has so much potential and opportunities. The field is so vast and fulfilling, that I wish I had started earlier to have more time to explore it.

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

I am always looking to meet fellow-mediators and connect professionally! I really enjoy speaking publicly about relationships, communication, mediation and conflict management. I am a teacher at heart.

What is your contact information?

Kimberly Best
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bestconflictsolutions.com

Mid-South Community Justice & Mediation Center

Mid-South Community Justice & Mediation Center, Inc. (Mid-South CJAM) is 501(c)(3), Tennessee Not-for-Profit Corporation, based in Shelby County and we are currently located at 1331 Union Avenue, Suite 1033, Memphis, TN 38104. Mid-South CJAM was formerly known as the Conflict Resolution Center of West Tennessee, Inc. The Conflict Resolution Center of West Tennessee was initially opened in Jackson, Tennessee in 2009, and was founded by Linda Warren Seely, who currently serves as the Director of the American Bar Association's Alternative Dispute Resolution Division. Mid-South CJAM is well on the way to becoming a viable organization in the Mid-South, in part due to the determination and efforts of Steve Shields, former TAPM President and Mid-South CJAM Board Chair, and Linda Warren Seely, both of whom recognized the need and importance of having a community mediation center in the Mid-South area. On January 18, 2017, an article of amendment to the charter was filed with the Secretary of the State of Tennessee, changing the name of the organization from the Conflict Resolution Center of West Tennessee to Mid-South Community Justice and Mediation Center, Inc (Mid-South CJAM). At that time, the organization re-located to Shelby County, Tennessee. Effective May 15, 2018, Mid-South CJAM became a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.



The mission of Mid-South CJAM is to promote a civil and just community by providing Mid-South residents with high-quality and affordable mediation and conflict resolution services, education and training. We offer mediation and conflict resolution services to residents in the Mid-South area and we provide information to the public, attorneys, judges, and others about the benefits of mediation and conflict resolution, both outside and within the judicial system. We offer an array of educational opportunities ranging in topics, length, and cost, which are aimed at developing individual and organizational capacity to manage conflict. In addition, private and public organizations may contact Mid-South CJAM to schedule mediation and conflict resolution workshops tailored to their specific needs.

Beginning in 2015, Mid-CJAM took over the administration of the Mediator of the Day Program in Shelby County General Sessions Court. This program remains strong today. Our Mediator of the Day Program currently maintains a list of approximately thirty-five (35) volunteer mediators who make themselves available to provide pro-bono mediation to pro-se litigants on a weekly basis on Thursdays. We recently expanded the Mediator of the Day Program beyond the walls of the Shelby County Courthouse and Shelby General Sessions Court Judges now refer pro-se, low income litigants to Mid-South CJAM for free mediation services.

In August 2018, Mid-South CJAM became a partnering nonprofit organization with the United Way of the Mid-South's Driving the Dream Program, an organized and collaborative approach to providing services to Mid-South residents living at the poverty level. Mid-South CJAM's participation with Driving the Dream allows free mediation and conflict resolution services to be available for all Driving the Dream clients desiring to use our mediation and conflict resolution training. More recently, we reached out to Shelby County Circuit Court Judges and are hopeful the court system will begin referring pro-se and low-income litigants to Mid-South CJAM in connection with our divorce, child custody and parenting plan mediation program. Our future plans include offering services as a victim-offender mediation center pursuant to Tennessee law.

A summary of Mid-CJAM's philosophy and operations is found below:

- CJAM is dedicated to broadening the accessibility of mediation and conflict resolution services in the Mid-South.
- We offer free and reduce-fee mediation services to residents in the Mid-South area on a sliding scale basis and free mediation to low income pro-se litigants referred to mediation by a Court.
- Mid-South CJAM operates with a small staff and uses volunteer attorney and non-attorney mediators in our community with a variety of backgrounds and experience, who are listed under Tennessee Supreme Court Rule 31, and who are committed to volunteering and/or accepting reduced-fee mediation services offered to the public through Mid-South CJAM.
- Mid-South CJAM's Board of Directors oversees the program's operations.
- Mid-South CJAM mediations cover a broad range of issues, including disputes between neighbors, family members and friends, landlords and tenants, property disputes, contract issues and other civil and small claims, child custody disputes, parenting plans and divorce disputes.
- CJAM accepts requests from individuals, families, courts, community groups, schools and businesses for mediation services, group facilitation and conflict resolution skills workshops.
- CJAM offers comprehensive mediation training to a broad range of groups.

Our website is www.cjammediation.org and we are on [Facebook](https://www.facebook.com/cjammediation). Persons wishing to use our services or persons interested in serving as volunteer Rule 31 Listed Mediators can contact Linda Nettles Harris at 901-609-5269 or send an email to linda.harris@cjammediations.org.

Linda Nettles Harris is the part-time contractual executive director for Mid-South Community Justice and Mediation Center, Inc. (CJAM). She is a Tennessee licensed attorney, whose private practice focused on mediation, arbitration, and investigations. Linda is a Tennessee Supreme Court Listed Rule 31 civil Law and family law mediator, an independent arbitrator, a FINRA trained arbitrator, and is a certified EEO complaints counselor and investigator. Linda has mediated civil rights cases, employment discrimination cases, personal injury cases, property dispute cases, divorces, child custody, and other civil law cases and served as a facilitator for Bethel University's Masters of Conflict Resolution Program from 2013-2015. For many years, Linda worked for the U. S. Department of Justice, (USDOJ) where she served as an Assistant United States Attorney (AUSA) for the United States Attorney's Office (USAO) in the Western District of Tennessee (WDTN) in both the civil and criminal divisions. Linda's litigation background covers a broad range of both civil and criminal matters and she has litigated hundreds of different types of cases ranging from family law cases, medical malpractice cases, employment discrimination cases, tort litigation; statutory and constitutional challenges to governmental programs; Administrative Procedure Act cases, and civil rights cases. As an AUSA, Linda was responsible for investigating and prosecuting cases involving civil rights matters, immigration fraud, bank fraud, mail fraud, tax fraud, money laundering, public corruption, federal program fraud, and drug trafficking crimes.

While working as AUSA, Linda also served as an instructor/facilitator at the USDOJ's Leadership Institute, an instructor at the National Advocacy Center and was the USAO's Sexual Harassment Point of Contact (POC) for the WDTN. Linda has extensive practice experience with the United States Circuit Courts of Appeal, having prepared and filed more than 100 briefs and engaged in more than 50 oral arguments in the 6th and 2nd U.S. Circuit Courts of Appeal on behalf of the United States and private clients.

Linda successfully tried more than 70 jury trials in federal courts and has practiced in State of Tennessee Chancery, Circuit, Criminal, and General Sessions Courts. Prior to working for DOJ, Linda served as a federal judicial law clerk to U. S. District Court Judge Jerome (Jerry) Turner and a state court judicial law clerk to Chancellor George T. Lewis. Linda is also a former Memphis Police Officer, where she served as a uniform patrol officer; assistant coordinator of the Memphis Crime Stoppers Program; and as an investigator/sergeant, assigned to investigate sex crimes, child sexual abuse cases, burglaries and auto thefts.

Linda is a member of the Memphis Bar Association, the National Bar Association- Ben F. Jones Chapter and the Association of Women Attorneys. She serves on the Advisory Rules Committee for the U. S. Sixth Circuit Court of Appeals. Linda is a Tennessee Supreme Court Alternative Dispute Resolution Commissioner and she currently chairs

the Education Committee. She is a graduate of Leadership Memphis and has served on numerous community organizations boards. Linda is also a former recipient of Memphis Area Legal Services "Access to Justice Award," Target Marketing's "Keeper of the Dream Award," and St. Mark's Baptist Church's "MLK, Jr. Community Service Award."

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



On October 12, 2018, the ADR Commission put on its 16th Annual Advanced Mediation Techniques Workshop. The members of the ADRC panel explained the proposed amendment changes to Rule 31. There was a lot of good discussion on these proposed changes. This workshop was interesting because all of the speakers were located in Tennessee. The speakers who taught the Family Mediation sessions came primarily out of the Community Mediation Centers. These speakers work daily in the trenches with families in crisis. They brought a wealth of knowledge about what happens in these mediations, the importance of screening clients (special issues of domestic violence and mental health) before they come into an office setting, list of resources for families in crisis and techniques for working with Juveniles. The Civil Mediation sessions were just as interesting. All of the speakers were practicing mediators. They were not trainers or teachers per se. These people actually worked as mediators and HR consultants using their mediation skills to resolve disputes in the workplace and businesses. They knew how to get to "Yes" and were willing to share that knowledge. Both sessions were excellent.

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!

Marketing Tip: Website - If you are using a website, blog, podcast, and any social media, you must update monthly. While talking with an expert who does web design, she stated, "One of the things that causes people to lose clients and potential clients is that their web pages are not current. The material on it is old and stale. It looks dated". If you are writing a blog you need to be writing weekly or bi-weekly, or at least once a month. This goes for those who are doing podcast as well. People who follow you are watching what you are writing and saying. They want fresh new content.

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

IMPORTANT DAYS

November 14, 2018 - Hot Family Law Cases 2018 - Nashville

December 4, 2018 - Rule 31 Mediator Applications Deadline for ADRC review on January 22, 2019

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-mediationeducation>.

IMPORTANT NEWS

Rule 31 has been amended effective November 1, 2018. The amended rule will be 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 is 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 are 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.

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

[Click here to visit our website](#)