

# FAMILY MEDIATION TRAINING

Fall Issue

From The Mindful Mediator" CME Track 3 by Doren Elyse Marquit, M.Ed.:

How can I connect with my clients better? What exactly did they say? All of this is becoming too stressful, when can I begin living my life? The answer you're seeking is in mindfulness. Learning to live through presence and intention, allowing these teachings to flow into your practice. Like the gentle waves of the sea, so too can you be the force that brings change. Whether it be to your clients or improving your own daily life. The truth is, being present and using focused attention is easy and enjoyable. Let's start now!  
5 Minute Recharge: Take a moment to walk outside. Breathe in deep and close your eyes, feeling the wind on your skin. Look at the trees, and the color of the sky. What shade of blue is it? Breathe in deep, feeling your feet on the ground. You are here, right now, in this very moment. Enjoy!



## ABOUT OUR CME PROGRAMS

If you are interested in any of our continuing mediation education courses please click to our website. We have added a new track, Track 3. While taking both tracks 1 and 2 will qualify all county, civil and family mediators for their 16.0 CME's, we realize that track 3 (8.0 CMEs) will be of particular interest to county and civil mediators as the entire day is workplace oriented. Whether Interpersonal Violence, Employment Mediation, Diversity or Ethics, we have specifically targeted this track for the interests of those mediators who deal primarily with workplace issues. We have also added something to interest all mediators, that of "Mindfulness" to specifically assist the Mediator in preparing for any mediation.

## A CAVEAT FOR MEDIATORS: Unethical Mediator Behavior

MEAC OPINION 2018-02, issued on August 21, 2018, provides that it is unethical for a Florida Supreme Court certified appellate mediator to disclose the existence of a case that neither party's attorney cited in their pre-mediation confidential summaries, to one or both parties, by any method, including by statement, question, or other form of communication including providing a copy of the case. MEAC opined that this is providing legal advice and that since the decision "may be very helpful and relevant to the negotiations," and the holding in the case "may help one party in the appeal to the detriment of the other party," the mediator would be acting in a partial manner by disclosing the existence of the case.

MEAC relied on MEAC Opinion 95-002 involving a small claims county court mediation with a pro se consumer, but in that case MEAC opined that a generic question asked of both mediation participants would be ethical, where the answer might be helpful to the pro se party making a decision at mediation.

IF YOU HAVE AN ARTICLE OF INTEREST, WE WOULD BE PLEASED TO PUBLISH IT FOR YOU

## WHY NOT ANOTHER ACRONYM:

### Skills Of A Mediator:

P atience  
A ctive Listening  
R eframing  
S ilence  
N eutral Language  
I nquisitive and Open  
P ositive

(and if any subscriber has one please send us one for publication!)

## HOW PEOPLE TELL THEIR STORIES; PART II (Continued from Spring Issue)

Language and their definitions of what something “really” means is certainly different based on many things including one’s culture, upbringing or area of the country. This has brought me to thinking about how clients express themselves and how we, as mediators, must be mindful of these differences.

**Structure vs. Flexibility:** How parties see the agenda (rules) varies. For a “fact finder/structure” party it tends to be literal and following details to the letter. For the “feelings/flexibility” part it is a “guide” and may or may not be followed or, if followed, certainly not on a structured timetable that the “fact finder” might wish. It does not mean that the person “bending” the rule has done so intentionally or is not respecting the rule or the other party. The Mediator may note that different people see things in a different patterns and that neither is intentionally harming the other. The Mediator might call for both parties to first create a set of rules that are flexible enough to compensate for one party’s need for structure and the other party’s needs for flexibility. This can be accomplished by focusing on the process versus the outcome. Acknowledge to both that differences are a part of how people collect and interpret the information around them and are not choices they make to annoy others. This is perhaps a reason to caucus so that the Mediator can both validate each party’s perspective while allowing each party to understand at least some degree of validity in the other party’s perspective.