

MCS NEWSLETTER

Mediation & Conflict Solutions



"Mediation History" for the City of Rochester

Written By Gerard Goulet, June 2022

I have been fortunate enough to have been personally involved as a volunteer Community Mediator in Rochester since 1997 - ever since its very early days - back when Community Mediation as a formal conflict resolution technique was first introduced in Olmsted County.

Olmsted County's Alternative Dispute Resolution (ADR) Program started back in the mid-1990's. Judie Guhl was its original Executive Director. She was an employee of Olmsted County (first under Dick Devlin, and later under Dave Mueller) and was the only paid ADR staff member. All of the mediators were volunteers.

Judie Guhl was an extremely capable person who not only very ably administered the ADR program, but also recruited committed and qualified Rochester Community members over the years and provided the required mediation training for so many of us early volunteers for so many successful years -- until 2004 . . . when, unfortunately . . .

Due to the ever-present Government funding shortfalls among so many important and worthwhile County programs, Olmsted County decided to "eliminate" the funding for its ADR Community Mediation Services. We - and many others in Rochester (there were lots of supporting letters-to-the-editor in the Post-Bulletin) - felt this decision by Olmsted County was a huge loss for the Rochester Community. Nonetheless, the Olmsted County ADR Mediation program was in fact eliminated in early 2004.





In response to that cancellation, a small group (of about 4-6 of us ADR volunteers) who were quite passionate about how important - and how useful these extremely low-cost mediation services were to the Community - decided to form our own private, non-profit Mediation organization to continue doing essentially the very same thing that had been funded and provided by Olmsted County's ADR Services.

We did in fact do just that. I was fortunate to be one of the people on its Board of Directors. Our "first" name was SouthEast Minnesota Mediation Services (SEMMS). However, being relatively new, basically unknown, and essentially unfunded, our organization - and our very existence - struggled mightily to breathe for some time.

Fortunately, due to the eventual and serendipitous confluence of many factors in the community, we not only survived, but over the years have evolved into what many think is now one of the most successful "Community Mediation Programs" in the general Rochester area, Mediation & Conflict Solutions.

Some of the local serendipitous factors that breathed new life into a struggling new organization were: the continued persistence of the organizers and our small group of equally passionate and dedicated mediation volunteers, the increasing need for conflict resolution services in the Rochester community and in the then even more-overburdened court system. Ultimately, the major factor was our ability to obtain external funding and grants from several larger benefactor organizations.

One source of money was that the Olmsted County Human Rights Commission awarded our small, but slowly burgeoning mediation non-profit volunteer organization an annual "funding retainer" to have qualified volunteers readily available to mediate the complaints and violations that the Human Rights Commission was dealing with in those days.

We also pro-actively sought out and negotiated a formal funding agreement with the South East Minnesota Realtors (SEMR) to handle conflicts that arose among Realtors, home-buyers, home-sellers and home-builders. We further expanded our scope in the Community by entering into a Pilot Program partnership to do school mediations for the Rochester School District's "Alternative Learning Center (ALC)" and its teachers and students. This partnership with the ALC has produced many years of successful mediations.





How our "Mediation & Conflict Solutions" Rochester-based organization operates today - and WHY it's been so successful . . .

Fast forward to today. We have grown, evolved and prospered to become successful today as "Mediation & Conflict Solutions" (MCS), the primary "Community Mediation" organization operating in this area of SE MN. Our Executive Director is Wendy Moore (at 507-285-8400) and our website is <https://www.mediationconflictsolutions.org/>.

Although we can - and do - mediate any conflicts that come under the State of Minnesota's Community Mediation statutes, the vast majority of our mediations in today's world involve post-divorce or never-married parenting time issues and other difficult family-relationship conflicts.

An Important Point: An item not mentioned in any detail on our website is something that many feel is not only incredibly important, but also is a key reason for our many "successes" is the specific model we use at MCS for all our mediations. The model we still use today is essentially the very same mediation model that the original ADR Services instituted so many years ago. To my knowledge, most other Community Mediations do not use this particular (and extremely effective) mediation model exactly the way we do.

Specifically, each of our MCS mediations always uses THREE fully-trained and qualified mediators. There are two co-mediators who conduct the actual mediation, and one "observer" mediator. The "observer" mediator does not speak during the mediation. The observer simply "observes" the entire process (taking notes, etc.) so as to provide detailed feedback (things done well, areas that could have been improved, etc.) to the co-mediators and to the Executive Director in each post-mediation de-briefing. This process is quite effective and helpful for our own learning and "continuous improvement" purposes.

Another Important Point: Relative to selecting the MCS co-mediators: Because so many of our MCS mediations involve parenting-time conflicts between a mother and a father, our objective is to select a man and a woman as co-mediators, thus implementing a situation of "gender-equity" with our co-mediators. This gender-equity situation invariably helps our MCS process to be more successful because so many of our disputants are a man and a woman who can now perhaps much more easily relate to one of our two co-mediators.

Because of the specific MCS mediation model described, the feedback we've received from the majority of our client disputants has been uniformly excellent and uniformly positive - and has generated a considerable amount of word-of-mouth referrals for future mediations.





And then, along came Covid!

The Covid pandemic and its lockdowns during 2020 and 2021 put an abrupt stop to all our in-person mediations for those two years. And worst of all, this happened at a time when there were even more conflicts to deal with than ever before.

However, Covid did not put a stop to our successful mediations. The actual reality is that we at MCS quickly became even more successful - during such an extremely critical time period when there was even more stress and conflict in so many families.

As a result, we at MCS recognized the unique opportunity - and the increased need - so we immediately put on a full-court press to implement Remote Mediations using Zoom - doing the same thing as before, but now with everyone on a screen instead of in a Conference Room. Interestingly, these Remote Mediations have now proven to be even more popular, more frequent, certainly more convenient, and often more successful than the in-person mediations we had been doing previously.

The bottom line is that MCS is now helping more people in more places to resolve more conflicts than ever before.

Thanks to Mediation, I have gained much more than I have given. Without question, from my own personal perspective over the years, being a volunteer for this Community Mediation organization in Rochester (MCS) has been one of the most satisfying and one of the most useful and one of the most helpful things I have participated in to help so many people for so many years in the Rochester Community.

Mediation & Conflict Solutions Sexual Orientation and Gender Identity Policy

In the interests of avoiding claims of Sexual Orientation and Gender Identity discrimination, MCS has implemented a policy to reduce the risk of liability for sexual orientation and gender identity discrimination claims. This policy is our commitment to being respectful to the communities and individuals we serve.

An incident that demonstrates how this can arise occurred at a university in Ohio. A professor responded to a student's question during a class by saying, "Yes, sir." After class, the student told the professor that the student is transgender and asked to be referred to as a woman, including with "feminine titles and pronouns," according to the organization that represented the professor in court. The professor declined the full extent of the request. The university placed a written warning in the professor's personnel file noting that "further corrective actions" could be taken if a similar incident occurred.





The professor sued the university and argued that the university violated his “right to the free exercise of religion under the First Amendment.” The district court dismissed the lawsuit. The professor went on appeal. The Federal Court of Appeals reversed a district court’s dismissal of the lawsuit in March 2021, allowing the professor’s lawsuit to move forward. The parties settled and the university paid the professor \$400,000 in damages and attorney fees and rescinded the written warning it issued.

This is a developing area of law. Our mediators are volunteers, and it is important for mediators to be aware of our policy. As a policy statement, MCS and our volunteers value and respect the individuals and communities we serve.

Our policy is simple and respectful, and we ask only one question:

How would you like to be addressed?

This question will be asked at the intake stage and at the mediation if there is no record of the individual’s preference.

FROM THE EXECUTIVE DIRECTOR:

Just a few updates! Mediation & Conflict Solutions continues to primarily conduct remote mediations. The MCS board periodically reviews this policy, but for now, it remains in effect.

Look for an announcement regarding a volunteer appreciation event this fall that we hope will be in person!

Thank you to John Wallbruch for his service to the Mediation & Conflict Solutions board. Wally recently stepped down after having served on the MCS board for six years.

While we say thank you to Wally, we say welcome to Andrea Niesen, who joined our MCS Board in June. Andrea is a seasoned mediator and we look forward to working with her.

Look for an announcement regarding a fall 2022 remote family mediation training conducted by Community Mediation Minnesota.

Please follow MCS on facebook where we can be found at Mediation and Conflict Solutions. MCS is also on Instagram at mediationconflictsolutions. Your “likes” help spread awareness of MCS on these platforms, so thanks in advance for engaging with us!

