

ACR-GNY Roundtable Breakfast | October 7, 2021

ZOOM MEETING PUBLIC CHAT TRANSCRIPT

- 01:09:39 Tammy Patterson: Tammy Patterson, Mediation Program Director, Resolution Center of Jefferson and Lewis Counties, in Watertown, NY.
- 01:10:15 Juliana M. LoPiccolo - NYC: I will have to leave a few minutes early as I have a mediation to attend! Also another fun fact for me is that my cousin in Robin Gise, she has greatly encouraged me to get involved in ADR!
- 01:10:22 Harvey Newman West Palm Beach: Toward this discussion let me recommend "Spontaneous Evolution" by Bruce Lipton and Steve Bhaerman.
- 01:10:23 Nan Sparrow - NYC: Hello All, Have been doing mediation in several areas since 1993. I would be happy to talk about mediation with anyone who is new to the field of mediation.
- 01:10:30 Rabbi Bob Kaplan Bronx NY: Bob Kaplan ED of the Center for Community Leadership @ JCRC-NY located in NYC
- 01:10:41 * Lisa PytlikZillig (Nebraska): I'm Lisa, I'm in NE, I'm a social psychologist and a mediator (family, small claims) and have a background in ed psych/cognition, personality/soc psych. And my random fact is that I'm feeling uncharacteristically nervous today bc not only am i presenting but my kid went missing last night. But, hopefully all will be well on all fronts. but if i leave suddenly, it may be for good reason.
- 01:12:20 Felicitas Kort NYC: Good morning I am Felicitas, Venezuelan clinical psychologist and represent the Venezuelan Association for the Advancement of Behavioral and Cognitive Therapies-
- 01:13:15 Niki Borofsky | Paris: To watch past Roundtable Breakfasts, visit <https://www.acrgny.org/RTB-Videos>
- 01:14:45 Niki Borofsky | Paris: Register for Mediation Settlement Day here | <https://www.acrgny.org/page-1863013>
- 01:14:59 Niki Borofsky | Paris: Thursday, October 21st, 6:00 - 7:30 p.m. (ET)
- 01:15:03 Jess Kent: What a fantastic group of individuals here; thank you for introducing yourselves!
- 01:15:30 Niki Borofsky | Paris: Welcome to our speakers!

01:16:01 Niki Borofsky | Paris: Link to the Nebraska Law Review article | ADR is Not a Household Term: Considering the Ethical and Practical Consequences of the Public's Lack of Understanding of Mediation and Arbitration
Nebraska Law Review, Vol. 99, No. 797, 2021 |
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3878988&download=yes

01:16:04 Monae Ollivierre: Thank you for coming

01:19:28 Niki Borofsky | Paris: Learn more about our speakers here:
Kristen Blankley | <https://law.unl.edu/kristen-blankley/>
Lisa PytlikZillig | <https://ppc.unl.edu/staff/lisa-pytlikzillig>
Ashley Votruba | <https://psychology.unl.edu/ashley-votruba>

01:25:29 Octavia Fugerson, Ph.D - GA: This is satisfying my interest as an educational psychologist

01:25:34 * Ashley Votruba - Nebraska (She/Her): Can someone enable screen share for me?

01:25:51 * Ashley Votruba - Nebraska (She/Her): Can you see the powerpoint?

01:26:00 Juliana M. LoPiccolo - NYC: Yes!

01:26:04 Julie Denny Princeton, NJ: YES

01:30:14 * Kristen Blankley - Nebraska: My apologies for the technical difficulties!

01:30:30 Octavia Fugerson, Ph.D - GA: Welcome back Kristen!

01:30:34 Julie Denny Princeton, NJ: WELCOME BACK!

01:36:41 Cheryl Prewitt: Will the slides be available to us?

01:37:42 * Kristen Blankley - Nebraska: We can make them available

01:38:09 Cheryl Prewitt: Thank you! This is wonderful information.

01:43:24 Harvey Newman West Palm Beach: Did you apply any demographic weighting of the data?

01:44:37 * Lisa PytlikZillig (Nebraska): we did not weight (our study was focused more on comparison with the 'experts' than upon generalizing to the general population)

01:44:39 Barbara Wilson UK: Thank you - great information. Apologies, I have to leave. Hope to see everyone next time, best wishes to all.

01:45:44 Julie Denny Princeton, NJ: too bad no Transformative

01:46:15 * Kristen Blankley - Nebraska: Julie - We spent a long time talking about how to characterize mediation. It was a difficult task.

01:46:55 Maria R. Volpe - NYC: Reminder: the recording of this session will be posted at www.acrgny.org

01:47:11 * Lisa PytlikZillig (Nebraska): In actuality, we are wondering if our adding the qualifiers maybe caused people to feel even less knowledgeable (maybe more people would have indicated at least some familiarity if we'd only said 'mediation').

01:47:52 Teresa Calabrese she/her: Not sure if I missed this -what are the demographics of the community and professionals who participated besides white people

01:49:21 bob kaplan: would that date be due to use jargon in our work

01:50:17 Mike Lampert hempstead: Exactly. What among no experts would the response to mediation alone be?

01:50:35 Mike Lampert hempstead: No experts. Sorry for typo

01:51:32 david singer: I wonder if people were unfamiliar with the terms "facilitative" and "evaluative" rather than with mediation generally

01:51:37 * Kristen Blankley - Nebraska: Those are exactly the types of considerations when we designed the survey. We were concerned that the expert panel could not answer our questions if we simply used the term "mediation" given the different philosophy and techniques.

01:52:18 * Kristen Blankley - Nebraska: Our paper includes the caveat that the qualifiers to "mediation" may contribute to low knowledge.

01:52:59 * Lisa PytlikZillig (Nebraska): @teresa, i was trying to find a way to put the table of demographics in the chat but i cant seem to put in images.

01:53:23 bob kaplan: I have found that defaulting to jargon that we fully understand and utilize without unpacking for those we need to impact we lose the connectivity

01:53:37 Teresa Calabrese she/her: Thanks Lisa

01:53:52 * Lisa PytlikZillig (Nebraska): it was table 1 in our paper though, and e.g., 6.7% AA, 4.9% Hispanic/Latina, 2.5% biracial...

01:54:20 * Kristen Blankley - Nebraska: Exactly right, Bob. Other than labeling the processes, we removed all jargon. We never used the term "voluntary," "self-determination," etc. - but we used definitions, rather than the terms.

01:54:45 bob kaplan: thank you

01:55:53 Robin Beckhard - NYC: Voluntary aspect of litigation? If someone is sued, they don't get to choose whether or not to go to court...

01:56:07 Mike Lampert hempstead: It's too bad mediation generally and then by types couldn't be choices in the survey. Would accommodate laypeople and experts

01:56:14 * Kristen Blankley - Nebraska: Exactly, Robin. We are asking people if they understand that.

01:57:09 * Lisa PytlikZillig (Nebraska): @mike, yes, in the future I think asking both is what we'd recommend. perhaps if familiar with mediation, then also asking if familiar with different types

02:01:22 david singer: Lisa: I agree that approach may yield more accurate results. thank you.

02:01:46 Richard Brigham: I am wondering if your findings can be used to explain the observation that sometimes plaintiffs in Small Claims Court have much more confidence and interest in "having their day in court"/pro se litigation than continuing in mediation.

02:02:14 Robin Beckhard - NYC: That makes sense, Richard.

02:02:56 bob kaplan: sadly need to leave I look forward to see the recording

02:03:42 Jess Kent: Who funds this research?

02:08:05 Harvey Newman West Palm Beach: I acknowledge your trailblazing efforts in this such important field.

02:09:24 * Lisa PytlikZillig (Nebraska): Thanks Harvey!

02:10:29 Jess Kent: Fantastic presentation!

02:12:32 Jess Kent: Mediators rarely are trained similarly across the board. What type of training regarding informed consent do you think would be helpful to assist the industry?

02:13:20 Louis Cohen-Florida: Is Informed Consent recognized by the signature of the participants or verbal acknowledgement...?

02:14:46 Maria R. Volpe - NYC: Since some have asked if the slides will be made available, Kristen has informed us that they will be available. We will include the slides with the link to the recording to all registrants.

02:17:39 Harvey Newman West Palm Beach: This goes to the overall question "do we actually have free will?"

02:18:38 Juliana M. LoPiccolo - NYC: I have to step out for a mediation I am viewing - thank you all for this great experience!

02:20:32 Robin Beckhard - NYC: Informed consent is tricky when, for instance in a summary process (eviction) case, a party is not aware of resources available to them.

02:21:51 Octavia Fugerson, Ph.D - GA: I think it would be transformative for young people who are relying/engaging on permanency mediators to be informed of mediation.

02:22:33 Jess Kent: How will this research be used/shared with the general public?

02:23:04 Robin Beckhard - NYC: ADR/conflict resolution training should be introduced at a much earlier point, i.e. taught to children in school from the earliest years.

02:23:21 * Ashley Votruba - Nebraska (She/Her): We are also working on putting this out in a policy blog that would be more public facing.

02:23:46 Jess Kent: @Ashley - I'm interested in that blog link when it's ready please!
JKent@LKorn-Law.com

02:23:51 Lucretia Wells: wonderful presentation, thank you!

02:24:00 Niki Borofsky | Paris: Link to the Nebraska Law Review article | ADR is Not a Household Term: Considering the Ethical and Practical Consequences of the Public's Lack of Understanding of Mediation and Arbitration
Nebraska Law Review, Vol. 99, No. 797, 2021 |
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3878988&download=yes

02:24:55 Lloyd Klein: Thanks for this important presentation.

02:26:46 Ayanna Behin - New York Peace Institute: Thank you for this presentation!

02:26:51 Nick White: Thank you for moving our knowledge base forward.

02:26:53 Jess Kent: From your research findings, what will be the next topic you wish to investigate?

02:26:58 arudnick: We often present to each other- at our ADR conferences, etc. We can improve how we provide more outreach and education to "others" in our communities- parents, agencies, organizations made up of stakeholders about the goals and impact of ADR- improved access to effective ways to have difficult conversations, inform difficult decisions and resolve difficult disputes.

02:27:46 Robin Beckhard - NYC: Thank you for excellent presentation. I too am interested in blog link, please: robin.mediator@gmail.com

02:28:02 Jess Kent: What are the ethical obligations of judges and CDRC directors, who hold a big part of the NYS mediation sector?

02:28:43 Gina Tinker-Williams-Ithaca, NY: Thank you for sharing your knowledge, data and information. This is very helpful for considering what we need to do differently in our mediation centers and in our conversations with parties about mediation.

02:29:49 Robin Beckhard - NYC: To Chuck's point about the responsibility of public figures and influencers to educate the public about ADR, they themselves need to be educated about the terms and benefits.

02:30:37 Robin Beckhard - NYC: I believe it all goes to early education in conflict res.

02:31:17 * Kristen Blankley - Nebraska: Such an interesting idea Robin - focusing on early ed.

02:35:04 Robin Beckhard - NYC: The "truth" is relative, as is "fairness."

02:35:37 arudnick: Perhaps an ethical responsibility of the legal community at large-attorneys, law schools, courts, etc. to promote better understanding and acceptance of ADR. This is a huge paradigm shift for the professions involved with the activating the concepts and expanding applications of JUSTICE.

02:35:45 Robin Beckhard - NYC: There are indeed facts, but "truth" involves subjective perception.

02:36:26 Louis Cohen-Florida: I believe this is Conflict Resolution Month. Possibly a heartfelt, mindful way would be: writing a letter to the editor to your local newspaper, or asking the editor for an Opinion article about Mediation (people working together non-violently to hear each other, and communicate to find Peace in their situation)!

02:37:10 Teresa Calabrese she/her: @Robin-I agree and there are increasingly more restorative circles/justice/mediation programs in NYC public schools starting in elementary school. So some kids are growing up with mediation and circles as the foundation to resolving conflict.

02:37:40 Robin Beckhard - NYC: Thanks,@Teresa. That's heartening.

02:37:42 arudnick: Are the slides available?

02:38:12 * Kristen Blankley - Nebraska: I'm also heartened by the trend for more restorative processes among youth.

02:38:12 Niki Borofsky | Paris: @arudnick, the slides will be circulated to all registrants.

02:38:18 Chuck Newman - NYC: Link to the slides will e set

02:38:22 Teresa Calabrese she/her: Great program-thank you so much!

02:38:24 Chuck Newman - NYC: ... sent

02:39:11 * Kristen Blankley - Nebraska: I have a few minutes to chat, but I do have upcoming obligations.

02:39:25 Tammy Patterson: Thank you for a wonderful presentation.

02:39:38 Niki Borofsky | Paris: Project Implicit | <https://implicit.harvard.edu/implicit/index.jsp>

02:39:45 arudnick: And educating to understand ADR is a spectrum- where the options work in concert with each other.

02:39:58 Niki Borofsky | Paris: Thank you to everyone for joining us!

02:40:08 Jess Bunshaft: Thanks for an interesting program!

02:41:01 David Reinman: Thank you!

02:41:05 Regina Ritcey-NYS DRA Executive Director: Wonderful program. Thank you.

02:41:06 Monae Ollivierre: Thank you so much for your time and I hope you have a wonderful day.