

**REPORT TO ALASKA BAR ASSOCIATION,
ADR SECTION, ON THE ACR CONFERENCE IN
NEW ORLEANS - SEPTEMBER 12-15, 2012**

Like most seminars and classes I have gone to, about 80% of the lessons and information is gone from my memory as early as a month later. Nonetheless, here are some comments on the ACR in general and my experience last month, in particular.

1- THE ASSOCIATION FOR CONFLICT RESOLUTION (www.acrnet.org)

ACR was formed in 2001 as a merger of several mediation groups, such as SPIDR and the Academy of Family Mediators, etc. Each of the merged organizations was struggling financially and the main hope was a larger, more robust organization of conflict professionals and advocates would be better able to survive and flourish.

I was there at the initial conference in Toronto in 2001 (particularly poignant since it just a month or so after 9/11), and have attended about two-thirds of the twelve that have been held.

2- EDUCATIONAL OPPORTUNITIES

Workshops- The format has been to have about 2-3 days of hour to hour-and-a-half workshops on a variety of topics: community mediation; commercial; court connected; arbitration; cross-cultural issues; elder mediation (Karen Largent's specialty); online dispute resolution; neuroscience (more recently); cross-border; employment; health care; peer mediation; gang related facilitation; etc.

During each 1-1½ hour time period, you have a choice of a dozen different sessions. It is often hard to choose.

The presenters are usually well known ADR instructors or practitioners. Most are good to great. Once in a while there is a stinker.

Keynote Plenary- There is also a keynote speaker. This year it was **Leymah Gbowee**, joint winner of the 2011 Nobel Peace Prize. She played a pivotal role in ending civil war in Liberia. She is an internationally known peace advocate and women's activist. She attended East Mennonite University where she got a

Master's degree in conflict transformation. She has six children. Her keynote address was truly inspiring and one of the highlights of the conference.

She was asked to comment on the recent death of our ambassador in Libya. She said developed countries make the same mistake over and over again by arming the factions on one side or the other with deadly weapons because it seems to be the politically expedient thing to do in the moment, and then being surprised when those same weapons turn up in subsequent disputes which destabilize the nation.

For more information, visit www.leymahgbowee.com or <http://mightybeourpowers.com/> or The Charlie Rose Show at <http://www.charlierose.com/view/interview/11949>.

Other keynote speakers that I recall have been Robert Mnookin of the Harvard Negotiation Program, John Paul Lederach, Professor of International Peacebuilding at Notre Dame, and Lee Hamilton, former Congressman turned peace facilitator.

Mini-plenary Sessions- There are usually one or two time periods for mini-plenary sessions (for groups larger than the average workshop). During each session, you can select one of a variety of topics: e.g., the Palestinian-Israeli conflict or technical advances in managing an ADR practice.

Pre-Conference Full or Half-Day Courses- The day before the conference begins, you can opt to take one or two half-day courses or a full day course on ADR subjects. Karen Largent taught a half-day course with Zena Zumeta on elder mediation.

I took two half-day courses taught by Nina Meierding, a nationally known ADR educator who teaches at Pepperdine's Straus Institute for Conflict Resolution. Her courses were on dealing with impasse and the effect of cross-culture and gender differences on mediation.¹

¹The titles of my two pre-conference courses were: *Moving Through Impasse: An Advanced Skills Based Training in Discovering Sources of Resistance and Using Customized Techniques to Create Durable Agreements* and *Impact of Culture and Gender on Communication and Negotiation: A Practical Skills Approach to Building Better Relationships*.

Exhibit Hall and Networking Opportunities- There are a number of exhibitors, such as universities, book sellers, software vendors, and nonprofit groups. The breaks are generous, allowing time for networking.

My Overall Impression is That ACR is Struggling- Sadly, I believe ACR is struggling financially to stay afloat in a manner that supports its mission. Joining is nonetheless worthwhile for the publications you receive and the opportunities to attend conferences to sharpen and update your skills and get different perspectives on how to do the job.

3- SOME OF MY PERSONAL EXPERIENCES

Technology- I attended several technology sessions, one a mini-plenary and one a workshop.² From the mini-plenary, I am attaching a two page list of programs and technological bells & whistles that ADR professionals have found helpful. It is entitled: *Tech Stuff We Like - ACR 2012*. The mini-plenary was somewhat like the recent Alaska Bar Association CLE entitled “Technology Roadshow.”³

An new Online Dispute Resolution program that looks very interesting is offered by **Modria.com**. I am attaching a one-page brochure.

I have not tried Modria, but the website says that for noncommercial cases, there is only a \$20 charge. For this I believe you get document management and sharing, document assembly, chat rooms and/or “mediation room” for joint sessions and caucus (asynchronous, audio, or videoconference via WebEx). It seemed ideal for dealing with certain types of cases in the large geographic footprint of Alaska.

The rates for commercial cases are graduated and seemed steep, however. But, you apparently get a free trial.

There are a bunch of case management tools in Modria, too, such as scheduling, accounting, and automatic e-mail reminders.

²Mini Plenary- *On the Cutting Edge: Tech Innovations for Working with Families and Other Clients and ODR Tools for Bringing Parties Together*, with Dan Rainey, etc.

³CLE # 2012-033, which was presented in Anchorage on September 11, 2012.

The people behind the program are first class: Colin Rule (former head of online dispute resolution, or ODR, for Ebay); Ethan Katch (law professor specializing in ADR at UMass); Dan Rainey (heads mediation program at the National Mediation Board); and, John Ross (of the UK who developed an ODR program called “The Mediation Room”).

Neuroscience- For the last four or five years, there have increasingly been a number of programs on the implications of neuroscience on ADR. These often focus on the cognitive biases that guide our reactions to conflict and how we make decisions.

When I took my initial 40 hour training in meditation in about 2000, one of the mantras was to know our proper boundaries as mediators and not succumb to the temptation to play psychologist. That is not strictly true any more, and being knowledgeable about these evolving aspects of neuroscience and how people deal with conflict and react to it are of prime importance to being an effective mediator.

~ Herb Ross, herbross@gmail.com (10/11/12)

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Association for
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TECH STUFF WE LIKE – ACR 2012

Audacity.com

This is a fairly sophisticated audio-recording system that is easy to download and relatively easy to use. It provides a high-quality audio recording which provides a very nice alternative to written communication. We found that where we have parties who have visual impairment, functional illiteracy, or focusing challenges which makes reading difficult, an audio recording with instructions, summaries of mediation sessions, or review of agreements is enormously helpful. Audacity is free and files can be sent by email, posted on your website, or put into a dropbox for use with clients.

Cisco Webex – www.Webex.com

If you've used Skype, this is Skype's more sophisticated relative. There are multiple add-ons and services that go with this making it a terrific method for doing telephone mediations, conference calls, and meetings with clients. Basic service is free. Some mediators exclusively do mediations using Cisco Webex.

Conference Calling Systems

We use freeconferencecalling.com and freeconference.com. This gives you a designated number which you can share with clients who are also given an access code. This free service also allows you to record calls and put them on a website which can then be accessed by anyone that has been given the access code. This is a terrific service for recording meetings or teleconferencing trainings. While there is charge for the service itself, each participant pays for their call at their own long-distance rate.

Constant Contact – www.constantcontact.com

Is an email service that makes it possible for you to send well-designed, colorful, and attractive announcements, newsletters, or other communications to a small or large email list. It's a terrific way for advertising your trainings and services. Constant Contact charges based on the number of email addresses that are sitting in your account and you can send as many emails as you wish. Other mail services which are similar include MailChimp. MailChimp has a free version.

Divorce Communicator – www.divorcecommunication.com

This is a communication service between parents that helps manage messages. Also has a financial and calendaring component. No contract - \$9.99/monthly

Drop Box

If you haven't yet discovered this handy gizmo, it could change how you travel. Unless all of your files are on the computer that you take to meetings, mediations, or on the road, you always have to figure out how to take files with you and how to keep them synced when changes are made. Drop Box is a cloud technology where a file can be placed and accessed for any computer, anywhere in the world. It always stays synced because it's the only version that is being worked on. Files can be seen by or edited by persons you invite.

Headset

For phones to allow for hands-free communication and prevent mediator ANS (Achy Neck Syndrome). Platronics makes reliable headsets, but there are many good brands out there.

Hokusai

This application for iPads and iPhones is a fairly simple straightforward audio-recording system that works similarly to Audacity but is significantly less sophisticated. Excellent for straightforward recording messages to clients or colleagues.

iMovie and You Tube

Create video messages for clients.

Meeting Wizard - www.meetingwizard.com

This is one of our "can't live without" services. It emails recipients that you designate and gives them an option for meeting scheduling. You can see all the responses in one grid format making it easy to see which meeting date works best. Also includes a meeting remainder and has capacity for comments on responses.

Modria

This new platform, now in beta development, manages written communications between parties so that they are all kept together in a neat and orderly package. A mediator or facilitator can communicate with one or both parties simultaneously and parties may communicate either with the mediator or with the other party. This platform is currently in use by Modria mediators and is now being developed for use by mediators in private or program practices. Modria can be used as a stand-alone online forum or may be used in conjunction with telephone communication or Skype. Pricing will soon be announced.

ourfamilywizard.com

This is a platform that facilitates communication between parents, manages money and payments for children's items and has a calendar for activities. It is \$90/year, particularly good for calendaring functions.

Puffin

A fantastic little app for reading those platforms that give you trouble on iPad and iPhone, Creates an interface so that things line up correctly and load faster. I use Puffin as my browser on iPad.

Skype

Increasingly we are using video communication technology for having conversations among family members in order to communicate, estate planning, succession issues, divorce, post-divorce, parenting plans, etc. For situations where the visual component is important, this is free and easy to use. There is a for-pay service is one step up and allows more users of the system.

Square card reader – www.square.com

Easy method of taking credit card by swiping or manual input on your Smartphone. There are a number of other card readers that do the same thing. This is the only one with which we have personal experience.

Zamzar

An easy method for sending of a single file that is PDF format and getting it back as a Microsoft Word document. It's free and easy to operate. www.zamzar.com

Susan Terry, David Specht, Colin Rule, David Stein