

Mediation conference gives recognition to value of apology, transformation

by Ron Claassen

I just returned from Chicago where I attended the Academy of Family Mediators annual conference. I had been invited to present a three hour pre-conference training on Family Group Conferencing or as we have renamed it for our work with the juvenile court here in Fresno, Community Justice Conferencing.

The Academy of Family Mediators (AFM) is one of five major organizations offering regular conferences dealing with the topic of mediation and more generally the topic of cooperative conflict resolution. I am not a member of AFM and had never attended one of their conferences before although I did make a one-hour presentation last year on the same topic. Attending the full conference was an enriching and stimulating experience. Part of the stimulation was from hearing people in a different field approach many of the same themes but from a slightly different perspective.

Over the next few months, I will examine a few of these themes and relate them to our experience in VORP.

Without a doubt, the theme that was dominant at the conference was what was called, transformative mediation. While that idea is not new to many of us, it is a radical concept for many who have not encountered it before.

For some, mediation is a process that is primarily focused on simply getting a settlement of the immediate conflict in the most efficient manner possible. For some, this means that they put the participants in

separate rooms, different sides never talk directly to each other, and the mediator shuttles between them with the information, offers, and threats from the other party and brokers a deal, sometimes with a lot of influence exerted by the mediator. This settlement process is fairly easy for the mediator to control, the risk is low, and the time that is invested is relatively low.

In 1994, because this settlement type of mediation had become the dominant type in this growing field of mediation, Folger and Bush wrote a book entitled, THE PROMISE OF MEDIATION. They named this settlement type and a few other types of mediation and then presented what they saw as an alternative. They called this alternative, transformative mediation.

For those of us who grew into this field through VORP, we read their overview with some astonishment because we thought that constructive transformation was always the goal of mediation. We used terms like reconciliation because we recognized that the relationships between victim and offender were generally negative and we always hoped that the Peacemaking Model (Claassen, 1984) process might open the doors for reconciliation. We used terms like restorative justice because we knew that crime damaged multiple relationships and individual dignity along with the more tangible and obvious damage. It seemed clear to us that we, as mediators, could not impose or broker an agreement that would constructively transform their relationship. We aimed for a safe setting and participatory process that would encourage

them to talk, listen, create and consider options, and work it out together.

So it was stimulating and encouraging hearing that transformative mediation was becoming a major topic at a conference like AFM. Several presentations focused on helping participants get a better grasp of the ideas of transformational mediation.

Two major topics that Folger and Bush (1994) focused on in their book were identified with the words, empowerment and recognition. These two words have set off a very stimulating and ongoing discussion.

See 'AFM conference...', p. 2

Offender hired by victim after graffiti vandalism case resolved through VORP

by Beverly Jim
with Ron Claassen

Our story this month is from Beverly Jim. Beverly is a member of the United Methodist Church and has been a VORP volunteer mediator for over nine years. Some names and details have been changed to protect the identity of the participants.

The case I chose was a vandalism incident at a high school. A young man by the name of Ruben had damaged the school building with graffiti.

I started the casework by visiting Ruben's home and finding no one there. After going several more times and discovering that he had just left or would soon return, we finally met at his home. He admitted to doing graffiti on the school buildings and thought the VORP plan of meeting with representatives from the school to

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accept responsibility for what he had done was probably a good thing to do.

About a week later, I met with the acting principal, his co-worker in charge of campus control, and the head custodian. We discussed the damages, and the three of them estimated the cost of repairs to be two thousand dollars. They also thought the VORP meeting idea was a good one.

It took several more phone calls to the school and visits to Ruben's home before the plans for the joint meeting could be arranged. One issue was that Ruben's mother was employed, and it was difficult to arrange a meeting that respected everyone's schedule. Finally, she encouraged us to go ahead without her if she couldn't make it.

See 'Despite...', p. 2

Despite unexpected delay, offender makes things right

Continued from page 1

Almost two weeks passed between the time I started the case and the date on which we held the joint meeting. Ruben's mother was actually able to attend, and one of my friends from church, Robert, came to assist in being a support person for Ruben. Robert and Ruben's mother knew

each other. Before our joint meeting, Robert and Ruben met to get better acquainted and discuss their hopes and dreams for this meeting.

When everyone had arrived, the five of us went into principle's office where we had agreed to meet. After introductory comments and agreement to our basic purpose

and groundrules, both the principal and Ruben had a chance to share their sides of the story. After each had summarized, we agreed that the injustice had been recognized. We then discussed how Ruben could restore equity. It was agreed that Ruben would work from 7:00 a.m. to 3:30 p.m., Monday through Friday, doing gardening and custodial work for the next three weeks. Robert volunteered to give Ruben a wake-up call, since Ruben's mother needed to be at work earlier in the morning. When all arrangements were made, Ruben apologized and assured the principal that nothing like the graffiti incident would happen again.

I monitored the progression of Ruben's work, and things went fairly well until Ruben was halfway finished with the agreement. At that point, he was incarcerated for another earlier offense and could not complete his work.

I did not think Ruben would want to leave his agreement unfinished, so I did what I could to help him. I called on the principal and he said that Ruben had been a good worker and would be welcome and encouraged to finish his contract. It took another three months to make arrangements with

the group home where Ruben was now living and the principal and get Ruben back to work.

A year after our first meeting, Ruben finished his restitution work and was then hired by the school for a short time. It was understood that he would quit when football practice started. Last time I contacted the group home supervisor and Ruben, I heard that Ruben was doing very well.

Thanks Beverly.

"Blessed are the Peacemakers"

AFM conference enriching, stimulating experience

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Empowerment has little value to a settlement driven mediation except perhaps at the end when parties decide whether to take it or leave it. Folger and Bush define five categories of potential empowerment: goals, options, skills, resources, and decision making. They say a transformative mediation is one where participants learn or realize something about themselves in each of these categories.

Recognition also has little value to a settlement driven mediation. Folger and Bush define recognition as an event concerning one participant's views of the other participant. It falls into five categories: consideration of giving recognition, desire for giving recognition, and giving

recognition in thought, word, or action. A transformational mediation is one where participants hear and acknowledge the experiences and motivations of the other participant(s) and respond in the light of this information and accompanying insights.

While VORP in its purest form has always included these topics as important, we have not always used this language. VORP, as all forms of mediation in all areas, is subject to both internal and external pressures of time and cost and values that may divert our work away from some of these core concerns.

I think the work of Folger and Bush adds some helpful words to keep in mind as we continually evaluate our service to victims, offenders, their families, and the larger community.

VORP relies on your contributions

This is a good month to make a resolution to continue or to start supporting VORP financially. As you can see from Ruben's story, the VORP Peacemaking Model can have a powerful and positive impact on people and communities.

If each person receiving this newsletter gave \$20 per month, VORP could double its case load.

Please consider making a modest yet significant contribution to building a safer and more peaceful community.

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