Greetings,

Hey you! Have you registered for our Fall Conference?

Our Fall Conference’s theme is “Empowering Ourselves for the Future”. As conflict resolution professionals it is critical that we arm ourselves with all the tools available to effectively support our clients.

Virginia Mediation Network’s (VMN) conference committee has pulled together some amazing experts to facilitate workshops that are poised to inform and engage our participants. So, what are you waiting for? Register today, so you can be included with conflict resolution professionals and mediators who are working towards excellence, just like YOU!

I shared with you in our previous Newsletter that VMN is evolving in some amazing ways. I am thrilled to announce that VMN has joined with the Joint ADR Committee, the Virginia Bar Association and Resolution Virginia as official conveners of the Dispute Resolution Summit which is scheduled for Spring 2020.

As you know, VMN will soon be celebrating our 30th anniversary and we are positioning ourselves to be the premier organization for Virginia mediators and conflict resolution professionals.

Continued on page 2
We want you in the number, we want your voice and your commitment. VMN has lots of opportunities to serve. We are currently recruiting for board members, committee members and VMN ambassadors. WE need to tell our story. We need to share with our families, business colleagues and government officials that VMN is their resource for mediators and conflict resolution professions.

I look forward to meeting each and everyone one of you at our Fall Mediation Conference which will be held September 28 and 29th at the University of Richmond Campus. You can register for the conference by clicking on https://www.vamediation.org/conferences

Peace,

Vickie R. Wms-Cullins, MPA

Did you know VMN has a Facebook and LinkedIn page?
Follow us to keep up with current events and news in your area!
In Memory of 
Larry Gaughan

It is with deep sadness that we announce the passing of Lawrence D. (Larry) Gaughan, longtime mediator, attorney and VMN member, on June 23, 2019. Larry was VMN’s 2017 Distinguished Mediator of the Year. He was always ready to discuss his passion – family mediation – one-on-one or to the mediators who packed his workshops at VMN conferences.

One of the most experienced divorce mediators in America, Larry founded the Family Mediation of Greater Washington in 1980. He was a Virginia Certified Juvenile & Domestic Relations and Circuit Court Family mediator and was in the first group of professionals to be certified in Virginia. He was a member of the Professional Mediation Board of Standards of the Academy of Professional Family Mediators and was certified for collaborative practice by the International Academy of Collaborative Professionals.

Larry was deeply involved in the growth of the family mediation movement. In 1980 Larry became the President of the Family Mediation Association, the first national organization for family mediation. Then in 1981 a new organization, the Academy of Family Mediators, was founded in the conference room of Larry’s former office in Arlington. Those founders included leading lights in the field of family mediation -- John Haynes, Steve Erickson, Marilyn McKnight, and Judy Wood.

He was admitted to the Montana State Bar in 1957 and the Virginia State Bar in 1967 and practiced family law and family mediation in northern Virginia since 1979. During the last 10 years, Larry’s focus has been helping families through mediation which he continued to do until his passing.

During his distinguished career, Larry has taught law at the University of Virginia, Washington & Lee and George Mason University. He was also a prolific writer and author.

For 40 years, Larry Gaughan tirelessly worked to grow and shape the field of family mediation. He was an inspiration to us all and will be missed.

Here is a link to his online obituary: Lawrence D. (Larry) Gaughan
Does Practice Make Perfect?

Michael Lang

In a word, No. Let me explain.

The well-known 10,000-hour rule explained by Malcom Gladwell in Outliers suggests that mastery in any endeavor requires at least that extent of practice. That’s a lot of hours for golfers at the practice range, dancers in the studio, and mediators in the meeting room. Experience unquestionably sharpens our skills and deepens our knowledge. But can we say that hours and hours of practice produces excellence? Michael Jordan debunks that notion. “You can practice shooting eight hours a day, but if your technique is wrong, then all you become is very good at shooting the wrong way.”

If perfection (excellence) isn’t solely determined by time expended, what would lead to excellence to our practice? To begin answering this question, consider the following true story.

Sitting between her father and me, on short flight, the young girl was playing tic-tac-toe on the seat back video console. We have all played the game, most often to a draw. For the first 10 matches, that was her experience. She complained (I confess to eavesdropping), “This is no fun. The games always end in a tie. I want to play a different game.” Her father encouraged her to try again. After another few games, she won. She and her dad “high-fived.” By this time, I was openly watching and listening.

“What did you do differently?”, he asked. Looking at the screen and thinking about the question, she replied, “I started at the middle, next I put an ‘x’ in one corner, and another in the opposite corner. It looks like a ‘v.’” Her father encouraged her to try again using that strategy. She won a second time, then a third and a fourth.

The next game ended in a draw. She looked to her father for help. He asked, “Why do you think that happened?” She was quiet for a few seconds, then bounced in her seat and said in a voice little too loud, “Maybe the computer figured out what I was doing!” He nodded, and asked, “So, what do you do now?” Another silence, followed by a hesitant response, “I’ll try different corners.” She did, and she won several games.

The story is charming, even inspiring. You may identify with the child’s delight as she discovered a strategy for success born out of frustration. You may identify with the father. He resisted her plea for answers. Instead, when a run of victories was interrupted by another draw, encouraged her to think for herself and to reflect on and reconsider her strategy. Others may see this as a sweet story that has little relevance for experienced professionals.

Continued on page 5
Continued from page 4

Observing the back-and-forth between father and daughter, two lessons for mediators occurred to me.

First, mediators learn a set of responses to a predictable series of behaviors. They work and so we grow comfortable with and confident in those responses. There is, however, a risk in repeating this pattern of actions.

Any sequence of mental action which has been frequently repeated tends to perpetuate itself, so that we find ourselves automatically prompted to think, feel, or do what we have been before accustomed to think, feel, or do, under like circumstances. William James

Doing the same thing over and over, anticipating the same result, may be effective—sometimes. The challenge is to generate a different response when those behaviors fail to achieve the expected results. Do we redouble our efforts; dismiss the event as an aberration; or find comfort in the notion that people are unique, fallible and don’t always find agreement? Some of us, like the tic-tac-toe playing girl, stop, reflect on the source of the problem, reconsider our approach and seek another path that might be more productive and successful.

Second, from the father’s response to his daughter’s frustration, we see how questions can be used to stimulate reflection, exploration and self-discovery. When her approach failed, he did not offer solutions, in spite of her obvious distress. He used her disappointment with the outcome to teach a valuable lesson:

The answers you seek are often within you. You don’t need to rely on dad (expert) to give you the solution. You can find it if you’re willing to stop, think about the situation, identify why you are frustrated, come up with possible solutions, and test a new strategy.

He acknowledged her exasperation, offered encouragement, but didn’t try to solve the dilemma for her. Relying on questions rather than instructions, he encouraged her to think for herself.

We can use the lessons of this daughter-father interaction to understand why reflective practice groups (RPGs) help mediators effectively avoid the “rut” of routine and discover the “groove” of competent practice. The rut is the result of repeating actions as if every situation were similar. We find the groove (perfection) by making use of unexpected and unsettling practice moments in order to break loose from habits and generate new responses. Achieving this shift requires a commitment to learn from our experiences. The father-daughter exchange is an brilliant example of that process.

To illustrate how we learn from experience, consider the following scenario. Parties in a workplace dispute elected to mediate their conflict; having committed to the process, understanding its nature and objectives. Yet, their behavior was surprising and puzzling. Instead of interacting they were passive, offering little information, and rebuffing the mediator’s repeated requests to provide additional details about the conflict and its impact. They said, “She knows what this is about, I don’t need to tell her.” “He knows just why we ended up in this room.” In frustration, and hoping to stimulate more active participation, the mediator met privately with each party. Those meetings were no more successful.

Continued on page 6
When faced with a situation such as this, that is unexpected, puzzling and outside our customary framework, we sometimes discuss the problem with colleagues hoping to learn how others have handled similarly unsettling moments in their practices. Typically, the story is greeted with knowing nods and comments such as,

“I had one where parties refused to interact.”

“It’s ridiculous. Why did they bother to come to mediation?”

“I don’t have time for that nonsense, I terminated the mediation.”

We may find comfort in the communal acknowledgment of a common problem. We may feel a sense of validation for “doing all you could.” Reassurance and affirmation, however satisfying, won’t resolve our dilemma.

Sometimes colleagues eagerly offer solutions.

“When this happened to me, I stopped and explained why they should grab this opportunity. I told them this is your last chance get a solution.”

“Why didn’t you go back to the beginning and explain the purpose and goals of mediation?”

“I sat back, put my hands on the table and said, “We’ve got another 2 hours, how would you like to spend the time?”

Each is a potentially helpful suggestion. However, our colleagues aren’t familiar with our approach to mediation, they know little about the situation, they weren’t present, and they may not understand why the situation puzzles us. Consequently, their well-intended suggestions tend to be impractical and unhelpful. Our dilemma persists.

There is an alternative method for resolving our dilemma by learning from and through our experiences. Consider how our predicament would be handled in a reflective practice group (RPG). This is a unique learning experience using the methods and principles of reflective practice, utilizing the participants’ knowledge and experience, stressing individualized learning, encouraging self-determination, and emphasizing self-discovery.

The RPG relies on questions to learn what occurred and explore why we were perplexed. Questions might include,

“How would you explain their behavior—why they aren’t talking?”

“What do you know about them and their history with one another?”

“When this happened, what were you thinking?”

“Have you had a similar experience, and if so, how it this similar or different?”

“What is it about their behavior that offends or troubles you?”

Continued on page 7
Asking such questions encourages us to delve into our own experience and to reflect on the nature and origins of the dilemma and why it puzzles us. Searching for our own answers can be discomfiting. Sometimes it may be tempting to look to others for solutions or to minimize the importance of the problem. Questions maintain the focus on exploration and self-discovery. Additionally, questions restrain other participants’ impulse to describe their own experiences or to offer their own favored strategies.

The method used in the RPG is based on the notion of self-determination—that ideal solutions and lasting value emerge as an outcome of self-discovery. Through questions, and with encouragement and guidance, a perplexed mediator explores their dilemma, strives to understand why the situation is unsettling, searches for answers to the dilemma and discovers a solution that suits the situation and provides an enduring lesson. As a result, the dilemma is resolved. Furthermore, the process of reflection and problem solving builds the mediator’s proficiency at resolving future practice dilemmas. In other words, learning from experience, not practice alone, leads to excellence.


---

**Bookzone**

**2019 VMN Fall Conference Choice**

**Join the discussion...**

**Influence, The Psychology of Persuasion** by Robert B. Cialdini, Ph.D. (Arizona State University). Dr. Cialdini is considered to be the seminal expert in the field of influence and persuasion.

His book was first published in 1984 and was most recently revised in 2006. It is based on groundbreaking research about the ethical application of influence in business environments. Dr. Cialdini identifies six universal types of influence that cause people in everyday life to change their minds. This book has direct relevance to mediation and conflict resolution, where practitioners are trying to understand the causes and remedies for unbending, seemingly irrational positions. (Available on Amazon for $12.23).

Join other conference attendees in an hour long discussion led by Mediator and Trainer Jeannette Twomey at the Fall Conference on Sunday, September 29, 2019 at 8 am.
2019 Nominations for the
Virginia Mediation Network Board

The Virginia Mediation Network Board of Directors has approved the following slate of candidates to fill Board positions opening up this September and the VMN Membership will vote on these candidates at the September 28, 2019 Annual Members meeting during the VMN Fall Conference. VMN reports that all of the candidates are VMN members in good standing and have expressed a willingness to serve on the Board.

Nominees for New Positions on the VMN Board of Directors

Kristin Kalina

Kristen is a Partner at the law firm of Schwartz Kalina, PLLC in Leesburg, Virginia, as well as owner and principal at KMK Mediation Group, PLLC, also located in Leesburg.

In addition to a thriving law practice, Kristen has built a mediation practice where she does private family cases, as well as court-appointed family mediations in Fairfax, Clarke and Frederick counties and Winchester city.

Kristen has a Bachelor of Arts degree from The Ohio State University in Political Science ('89) and a Juris Doctor from Capital University Law School ('92), where she was a member of the Law Review. Kristen has done in excess of 150 mediations, public and private combined and is certified by the Virginia Supreme Court to mediate Circuit Court Family cases, Juvenile and Domestic Relations District Court cases and General District Court cases. Kristen is currently a candidate for Mentor Mediator Status.

Kristen also serves as Chairman of the Loudoun County Board of Elections, appointed by the 20th Judicial Circuit Court for 3 consecutive terms. Kristen is married with 2 high school daughters, 2 dogs and 3 horses and lives in Hamilton, Virginia. More information can be found on her mediation website at http://www.novamediation.com/

Re-Election of Current Board Members whose Terms are Expiring

- Vickie Williams– Cullins
- Daniel Hand
- Robert “Bob” Carpenter
- Brenda Booth Lowry
- Beth Roper
- Walter “Skip” Mertz
The Virginia Mediation Network will convene its annual Fall Conference the weekend of September 28-29, 2019. The conference will be held at the University of Richmond’s Jepson Alumni Center. Earn Continuing Mediation Education credits (CME’s) towards recertification. The conference will provide workshop sessions related to family and general mediation topics, with a focus on empowering ourselves to be the best conflict resolution professionals we can be. This year we are excited to welcome the Virginia Center for Inclusive Communities Jacquie Johnson as our Keynote Speaker.

To see the entire Program Agenda planned for the weekend, please go to www.vamediation.org and click on the ‘Conferences’ Tab. There you will find a complete program with a listing of workshops offered Saturday and Sunday.

Also, remember to join the VMN Board at the networking cocktail reception hour at the end of the day, Saturday, from 5pm to 6pm. Congratulate the ‘Distinguished Mediator of the Year’, catch up with old friends and colleagues and welcome new members to VMN. A cocktail and selection of light hors d’oeuvres will be served for your enjoyment.

2.0 Ethics CMEs Approved
16.0 Non Ethics CMEs Approved

Click here to register online!

Click here to view the Conference Program!
To the VMN Members:

Below are proposed changes to the 2017 VMN bylaws as approved by the VMN Board at its July 30, 2019 meeting. These bylaw amendments will be presented for Member approval at the VMN September conference.

The first proposal resulted from the suggestions auditor’s report in 2017.

The second proposed change is to the non-discrimination statement to make the VMN statement more inclusive with current state and federal anti-discrimination policies.

Please review these proposed changes and be prepared to vote to approve them at the VMN meeting at the September conference.

---

Audit Proposal

**Current: VMN Bylaws (as of Sept. 2017)**

Section 7. **Financial Audits; Audit Committee.** The Board of Directors shall appoint an Audit Committee which shall have oversight authority over the compilation of financial statements and audit of the financial accounts of the Corporation. The audit committee shall perform biennial internal audits during even fiscal years. An independent external audit may be conducted at the discretion of the board.

**Proposed:**

Section 7. **Financial Audits; Audit Committee.** The Board of Directors shall periodically appoint an Audit Committee which shall have oversight authority over the review or audit of the financial accounts of the Corporation. The Audit Committee shall perform an internal review following each even fiscal year. Internal review shall be performed by Members outside of key personnel within the accounting and financial reporting functions as well as those Board members with key financial oversight responsibilities. An independent review or audit may be conducted at the discretion of the board or by majority vote of the Members at a properly called meeting of the Members of the Corporation.

*Continued on page 11*
Continued from page 10

**Rational:** Statement excerpted from the auditor’s report:

“During our review of the Organization’s Bylaws, we noted the bylaws state “The audit committee shall perform biennial internal audits during even fiscal years. An independent external audit may be conducted at the discretion of the Board.” We recommend the internal audits be performed by an individual outside of key personnel within the accounting and financial reporting functions as well as those Board members with key financial oversight responsibilities. Additionally, we recommend the Organization consider revising the independent external “audit” to “review” in order to lower the cost to the Organization. Conducting an independent review on a more frequent basis may provide more benefit to the Organization than an external audit only on an intermittent basis.

A review engagement includes primarily applying analytical procedures to your financial data and making inquiries of Organization management. A review engagement is substantially less in scope than an audit engagement, the objective of which is the expression of an opinion regarding the financial statements as a whole.”

**NON-DISCRIMINATION PROPOSAL**

**Current: VMN Bylaws (as of Sept. 2017)**

**Article III •• Membership Section 8. Non-Discrimination.** Membership shall be open and without regard to race, color, religion, national origin, gender, age, disability or sexual preference.

**Proposed**

**Article III •• Membership Section 8. Non-Discrimination.** Virginia Mediation Network, The Corporation, does not and shall not discriminate on the basis of race; color; religion; national origin; gender; age; disability; sex – including pregnancy, childbirth or related medical conditions; sexual orientation; gender identity; gender expression; marital status; protected veteran status; political affiliation; and any other legally protected status in admission to, participation in, or receipt of the services or benefits under any of its programs or activities, whether carried out by VMN directly or through a contractor or any other entity with which VMN arranges to carry out its programs and activities.

**Rationale**

This policy is in accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Section 1557 of the Affordable Care Act, and regulations of the U.S. Department of Health and Human Services issued pursuant to these statutes at 45 C.F.R. Parts 80, 84, 91 and 92, respectively.

In addition,
- Sexual preference is dated terminology.
- Gender identity and gender expression are each related to Title IX (educational settings and elsewhere) and Governor Northam’s Executive Order No. 1 which applies only to state government.
- Marital Status is covered by the Virginia Human Rights Act. So too, pregnancy, childbirth or related medical conditions.
- Political affiliation is part of the Governor's Executive Order. Political affiliation covers political party affiliation and political ideology.
Last Name: _____________________________________________________
First Name: ____________________________ Middle Name OR Nickname : ________________________________
Email: _______________________________________________________________________________________
Address: _____________________________________________________________________________________
City: _______________________________________ State: ___________ Zip: ___________________________
Phone: ___________________________________ Website: ___________________________________________
Are you interested in serving on a VMN Committee(s)?
Please check which Committee(s) you are interested in:
☐ Conference / Education Committee  ☐ Membership Committee
☐ Communications Committee  ☐ Legislative Committee

VMN MEMBERSHIP Levels 2019

1 Year Membership Levels (Membership is January 1, 2019 through December 31, 2019)

_____ Enhanced Membership $175.00
_____ Basic Membership $125.00
_____ Student Membership $50.00

_____ TOTAL ENCLOSED

Payments Accepted: ☐ VISA ☐ MASTERCARD ☐ DISCOVER ☐ CHECK

CREDIT CARD NUMBER ________________________________________________________________
EXPIRATION DATE __________________ 3 DIGIT CODE (on back of card) ____________
SIGNATURE ________________________________________________________________

Save time and register online!
Go to www.vamediation.org and go to Membership Tab for online registration.

Mail this printed application and payment to:

VMN, P.O. Box 29007, Henrico, Virginia 23242

Phone: 571-399-8660 or 804-316-5271
Job Posting!

Assistant Director for Education, Outreach & Conflict Resolution
Virginia Tech, Blacksburg

This position reports to the Director of Compliance & Conflict Resolution and is responsible for developing institutional wide civil rights compliance training, education and outreach; with a focus on primary prevention awareness programs for all employees; ongoing prevention education and awareness campaigns for students, faculty and staff; and mediation, conflict resolution services and training for employees. The position actively collaborates with campus partners who share the responsibility of creating and implementing prevention education programming to ensure Virginia Tech has a comprehensive and well integrated prevention education program.

Required Qualifications

- Master's degree in human resources, social science, public administration or a bachelor's degree with significant related experience.

- Incumbent must have extensive knowledge of civil rights laws including Title IX, with the ability to identify areas of noncompliance; be an experienced trainer, trained in Title IX and have the ability to work with highly sensitive and confidential information and exercise strong independent judgment and discretion.

- Incumbent must have experience developing and providing educational and professional development programs geared toward adult learners.

- Experience in developing prevention education programs.

- The incumbent must have experience with providing alternative dispute resolution services, particularly mediation or conflict management coaching; and be able to work with a diverse clientele with the ability to relate effectively to a wide variety of people.

- Outstanding interpersonal and communication skills are required, as are workshop experience and facilitation skills, including the ability to independently design and conduct training programs.

- A high level of organizational and prioritization skills, including demonstrated ability to work independently under time constraints, the ability to develop and streamline compliance practices and procedures.


Review of applications begins August 26, 2019. EO/AA
Register Now!

Virginia Mediation Network Fall Conference
University of Richmond Jepson Alumni Center
September 28 & 29, 2019

Empowering Ourselves for the Future

The Virginia Mediation Network will hold its annual membership/business meeting during the VMN Fall Conference. The meeting will be held on Saturday, September 28, 2019, during lunch.

During the short meeting, VMN members will:

- Elect new members to the VMN Board of Directors
- Honor the 2019 Distinguished Mediator Award recipient
- Hear reports on the organization
- Share suggestions/concerns with the Board and get involved with the organization
- Win door prizes!

There will be a cocktail reception from 5 pm to 6 pm on Saturday evening. It’s a great time to network and get to know your new and current VMN Board members. Chat with our Committee Chairs and see how you can become more involved in your professional organization. Let’s Empower Ourselves for the Future!

Hope to see you there!