



Major League Mediators: Idea Entrepreneurs

By

Larry Bridgesmith
TAPM President
2010-2011

“A consultant solves problems, that is not my role. What I want is for companies to self-diagnose their problems and self-discover their own solutions through my thought leadership.” Vijay Govindarajan

Dr. Govindarajan, co-author of [*The Other Side of Innovation*](#), is one of a new breed of mediators on steroids. Of course, he would never consider himself a mediator, nor would most of the mediators I know. The vast majority of mediators think of themselves as the masters of an extremely small slice of innovation found in the litigated space. “We settle cases,” they are heard to say. Likewise, most people in need of the skills of a mediator would never allow themselves to be helped by a mediator. “That’s something for people who have failed,” they protest. Each group has fallen victim to categorical thinking (leaving the problem in the box they created and failing to “think outside the box”)

As a recent New York Times article illustrated, [*In Pursuit of the Perfect Brainstorm*](#) is the skill set management, business and thought leaders will pay enormous sums of money to learn. I know of no mediator who would consider him or herself worth \$200,000 to \$500,000 per month to do the thinking for a business in need of innovation. That’s what major corporations are willing to pay “thought entrepreneurs”. No mediator I am aware of would charge \$200,000 for a day of training 25 employees in the art and skill of brainstorming problem solutions. These sums are regularly being charged and paid to professionals like Dr. Govindarajan and groups like [*Jump Associates*](#) to help businesses break through categorical (“inside the box”) thinking.

Ironically, most mediators create their own box of small minded thinking to define the work they do while culture, society and businesses are craving professional assistance which challenges entrenched thinking, engenders creativity and empowers innovation. While “we can’t know what we don’t know”, the work of mediators is to help people think about thinking.

The skills of mediators, if well developed, are precisely what idea entrepreneurs provide. A great mediator is a master in promoting self-determination which allows people

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January
2011

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MEET THE MEDIATOR

IRENE HAUDE

Irene Haude has been practicing law in state and federal Courts in Middle Tennessee since 1986. She has a general civil practice with a large number of cases in Davidson, Cheatham, Dickson, Hickman, Williamson and Humphreys counties. She also travels to other Middle Tennessee counties. Her practice includes Family Law Mediation on a flat rate of \$375 per party for a half day mediation. Unlike many mediators, she is willing to travel to attorney offices or other agreed upon locations to mediate. She has three children.



What is in your mediator tool kit? What is your favorite or most used tool?

I believe that to help people reach a resolution, you have to take the time to understand their situation. Thus, empathy is my most important tool. In addition, I try to help people understand that you always have choices, even if the choices are not always good. Selecting among even bad choices gives a person a chance to take charge of their own future after the dispute being addressed is resolved.

If you were a superhero/mediator what would be your name and slogan?

Irene: Slogan: nobody gets married to get divorced, I am here to make divorce hurt less.

What is your pet peeve?

I do not like to be late. Not only is my time valuable, so is that of everyone else. We all only have 24 hours per day.

Are you married/do you have kids/pets etc?

I am a divorced mother of two adult children and one minor child. I have two dogs, a rescue mutt, who arrived at my home and adopted me, and a black lab., with whom my youngest son fell in love.

What are your hobbies?

Reading; travel; walking; canoe rides on lakes or other calm water

Why did you become a mediator?

I took the mediation class to become a better overall lawyer. However, after a few bad experiences with mediators, I decided that I have something more to offer than carrying messages from room to room.

What is your favorite mediation read?

Getting to Yes

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What is your phobia? Enclosed spaces

What is your favorite vacation spot? Any beach with a good book and clean sand and water

Personal or professional accomplishments you are particularly proud of:

I always promised myself that if I ever got to a point where I stopped caring about my clients, many of whom I meet when they are in a very tough situation, then I would stop practicing family law and do something else. After practicing since 1986, I still genuinely care about my clients. I also care about the lawyers that I practice with and litigate against.

At this point, I have earned the luxury of occasionally firing a client.

Where are you from and how did you end up in Nashville? I am from New York, met a southerner in college in Ohio, got married and was dragged to Tennessee. Now, Tennessee is home and I never plan to move back to Ohio.

Please complete these sentences:

öI have a burning desire to help people understand that they have responsibility for their own lives; life is a gift.ö

öPeople tell me I look like my youngest son.ö

If I could have a 30 minute conversation with anyone (alive or otherwise, famous or not),

I would want to speak with the librarian of the great library in Alexandria before it was destroyed.ö

What is your favorite TV show? Numbers

What is your favorite food/restaurant?

A good Reuben sandwich; very hard to find in Nashville.

What is your favorite flavor of ice cream? Vanilla milk shake; cookie dough ice cream

Knowing what you now know about life etc., would you choose the same career path? If not, what would you like to do?

I absolutely would choose the same career path

Mediation in the Church

By
Raymond Stevenson

Conflict is normal and inevitable ó but Christians often feel ill-prepared to handle conflict in the church. Mediation in the church is the slowest area of society to embrace mediation. Jesus told us: “*As I have loved you, so you also should love one another.*” **John 13: 34** While, surely, all of us try to follow this command, human nature frequently leads us to failure. We have disagreements and, even in the church, we have conflict.. The dynamics that foster the principles of healthy and unhealthy relationships binds them together. Sometimes there are unhealthy disputes that take place among church members and parishioners, and if its unresolved, can foster and damage the entire body of believers.

In my practice, I have found that mediation is a useful tool at the believer level of the church to bring healing at that level and to the whole entire church. Conflict exist in every area of life. Local congregations are not immune from conflict. This is true because churches are made of people with different ideas and expectations. Pastors, officers, members, and the general congregation often disagree on how to handle church matters. When I see a church at this particular point they have no need to fear conflict. It only means that a conversation needs to take place. During the conversation, all parties are provided opportunities for increasing understanding and growth. Churches are encouraged to seek out professional help when conflict occurs.

Three benefits of mediation are:

1. Private mediation versus a public trial.
2. No one has to claim guilt in mediation.
3. It salvages reputation and dignity.

The Bible stated in **Joshua 1:8** “*This book of the law shall not depart from your mouth, but you shall meditate on it day and night, so that you may be careful to do according to all that is written in it; for then you will make your way prosperous and then you will have success.*”

Why Mediation in successful:

1. Overcomes the strategic barrier.
2. Overcomes the emotional barrier.
3. Overcomes the phenomena of reactive devaluation.

When should one consider mediation?

The earlier a dispute can be recognized and dealt with the more likely it will be resolved. Today many churches have implemented conflict resolution teams which attempt to deal with conflict. Sometimes church officers and board members are not equipped to deal with the complexity that arises in conflict. They find themselves seeking out attorneys and engaging in legal fees and litigation which leads to discovering the burden of dispute and the substantiated cost. Sometimes lawyers wait until all discoveries are completed and all legal issues are sorted out, and will mediate the day before trial.

How to get the other side to participate in the mediation?

Find a qualified mediator who can convince the other party to convene mediation. The mediator will explain the process and invite the parties to participate.

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Valuable tips about Church negotiation skills:

1. Resolving/mediating conflict in the church by identifying the conflict and designing a process of resolution or mediation for the conflict. The process usually includes several separate on-site meetings with both parties. The first meeting identifies the underlining issues and the second meeting works through the process of mediation.

2. Understanding conflict in the church by meeting with the leadership of the church to determine areas of conflict, and then set up a workshop format for church parishioners to review conflict and steps to be taken to address and/or prevent conflict from damaging the church. I have preached on the topic of overcoming differences in the church in a God honoring way.

Matthew 7:12 Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.

The above suggestions and insights are based on my experience of over a decade in Conflict Practicum. We hope this information will be helpful in choosing how you decide to resolve any dispute in which you may find yourself. Please feel free to contact **Consultant & Mediation Institute** to seek assistance with any dispute that you may be confronting. Call Raymond Stevenson at (731) 571-4408 or ray_stevenson@charter.net, and or tennmediators.org/raymondstevenson.

As Associate Pastor at Mt. Olive M. B. Church, South Fulton Tennessee and Dean of Christian Education at the Obion River District Association in Tennessee. A certified instructor for National Baptist Convention, USA, Inc. After four decades in ministry there are times when churches find themselves in a place of major conflict that requires mediation from an outside voice. I am a listed mediator in Tennessee, Kentucky, and Georgia. I teach mediation at the University of Tennessee at Martin; my UTM website address is utm.edu/staff/rstevenson. I am Chaplain for the City of Martin Department of Public Safety and I have 20 years experience in human resources at Goodyear Tire & Rubber Company, Akron, Ohio. My educational background includes a Bachelor's degree in Business, graduate work in Organizational Development at the University of Tennessee at Martin, a Master of Ministry degree from Temple Baptist Seminary at Tennessee Temple University, and am currently a Master of Divinity candidate at Temple Baptist Seminary at Tennessee Temple University.

Raymond L. Stevenson, President, Rule 31 Practitioner

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ANNUAL MEETING

February 24 2011

6 Hours CLE/CME Applied For

8:30 a.m. - 4:30 p.m.

**Beyond Yes,
Seven Steps to Negotiating
Your Leadership & Your Life**

Turning Breakdowns into Breakthroughs

Presented by

Erica Ariel Fox

**Partner, Mobius, Executive Leadership
& Harvard Negotiation Project**

Lunch 11:45 a.m. to 1:15 p.m.

Luncheon Program and TAPM Annual Meeting

Co-Sponsored by Coalition for Mediation Awareness in Tennessee (CMAT)

The Grayfred Gray Award will be presented to

Shelby Grubbs, Chattanooga,

former Chair of the Alternative Dispute Resolution Commission

and Robert Murrian, Knoxville,

former Federal Magistrate

Lipscomb University

Institute for Conflict Management

Ezell Center

Click [HERE](#) for directions & parking

3901 Granny White Pike

Nashville, TN 37204-3951

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All of us negotiate every day. From the moment we wake up until we close our eyes at night, we interact with others to get things done. For many of us, the hardest negotiations involve conflict. Whether we fight back, shut down, or avoid conflict altogether, breakdowns with other people rarely bring out our best skills or better nature. The most important negotiations, and the ones that determine the quality of our lives, are those we have with ourselves. Yet few of us are masters of the "negotiation within".

This workshop can help.

Beyond Yes is a method of negotiating effectively with yourself, in order to negotiate successfully with other people. The seven-step process is based on over a dozen years of teaching negotiation at Harvard Law School and training thousands of people around the world to transform conflicts. This professional training and personal journey explores the interplay between best practices of negotiation and insights of the great wisdom traditions, moving you from competence toward mastery. From working well with clients and colleagues to living well with your family and friends, this program gives you the insights and skills you need to turn stressful situations into success and satisfaction.

Come hear for yourself why Douglas Stone, co-author of business bestseller *Difficult Conversations*, says, "If Beyond Yes isn't the next big thing, I don't know what is."

Over the past fifteen years, [Erica Ariel Fox](#) has been teaching negotiation at Harvard Law School, and training thousands of executives, diplomats, consultants and lawyers from all over the world. She is internationally recognized as a pioneer in the integration of wisdom traditions and spiritual practice into the negotiation and conflict resolution field. She is passionate about the connection between personal mastery and high performance. As a partner of Mobius Executive Leadership, Ms. Fox works with Fortune 500 companies as well as public sector leaders to build consensus, facilitate change, and transform crises into opportunities for growth. She has offered workshops and seminars around the globe, including in Asia, Africa, the Middle East, Latin America, throughout Europe and across the United States. She lives in Boston and Amsterdam, and is currently completing her first book, *Beyond Yes: Seven Steps to Negotiating Your Leadership and Your Life*.



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RECEIPTS OF THE 2011 CMAT GRAYFRED GRAY AWARD



Shelby Grubbs is a member of Miller & Martin PLLC, a law firm of over 190 lawyers with offices in Atlanta, Chattanooga and Nashville. He has significant experience as a dispute resolution neutral and designer of dispute resolution protocols and systems and as a trial lawyer and advocate.

He has been lead counsel in class and complex litigation and he has been admitted to practice in state and federal courts throughout the United States. He is an approved mediator and arbitrator for the International Institute for Conflict Prevention and Resolution as well as the American Arbitration Association.

He is active in the American, Tennessee and Georgia State Bar Associations and chaired the Tennessee Supreme Court Commission on Dispute Resolution.

While he has written on a number of subjects, his principal focus is on dispute resolution. He edited *International Civil Procedure*, published by Kluwer Law in 2004, a text comparing civil procedure across 31 major countries plus the European Community. He has served on the Editorial Board of *Business Law Today*, a publication of the American Bar Association.

He is one of Miller & Martin's primary delegates to World Law Group a network of 47 law firms with offices in 250 of the world's major commercial centers and over 10,000 lawyers. From 2006 through 2008, he was the Chair of the Litigation, Arbitration & Dispute Resolution of the World Law Group. He has also served as co-chair of the Alternative Dispute Resolution Committee of the American Bar Association Section of Litigation and has held a number of offices and directorships in other bar related and civic organizations.

Hon. Robert P. Murrian (Ret.) served with distinction for 24 years as a U.S. Magistrate Judge for the Eastern District of Tennessee where he was instrumental in establishing the first federal court-annexed mediation program in Tennessee. With a degree and background in naval engineering and experience in patent, trade secret, trademark, and other intellectual property disputes, he is sought out to serve as a neutral in IP cases. He has also mediated, arbitrated, and served as a special master in a wide range of disputes in the southeast and elsewhere in the nation. As a mediator he is known for enhancing communication while handling very complex information masterfully.



es-
of

ADR Experience and Qualifications

- Since retiring from the bench in February 2002, has extensive experience serving as a mediator, arbitrator, special master, and neutral case evaluator in a wide range of cases including commercial, intellectual property, employment, class action, healthcare, contract, personal injury, construction, environmental, consumer protection, real property, insurance coverage, estate, and annexation/municipal disputes
- Has mediated and served as settlement judge in more than 300 cases involving nearly all types of lawsuits
- Has been appointed to serve as a special master for several courts in complex proceedings
- Selected by a United States District Court and served as the mediator for eight putative class action lawsuits consolidated for pretrial proceedings by the Judicial Panel on Multidistrict Litigation, 28 U.S.C. §§ 1407, et seq.
- As a Magistrate Judge, was assigned much of the patent work in the Knoxville division including pretrial responsibilities, and also presided in the trials of several patent cases
- As a Magistrate Judge, conducted numerous settlement conferences and co-chaired the committee that established the first court-annexed mediation program in any federal court in Tennessee
- Admitted to the ADR panels in the United States District Courts for the Eastern and Middle Districts of Tennessee as an approved mediator and arbitrator, and is a Rule 31 Listed (General Civil) Mediator by the Tennessee Supreme Court

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TAPM ANNUAL MEETING & CLE/CME REGISTRATION FORM

Pay Online at www.tennmediators.org or mail a check to:
TAPM, P. O. Box 150626, Nashville, TN 37215
615-383-TAPM (8276)

PAID ON OR BEFORE February 17 2011:	PAID AFTER FEBRUARY 17, 2011:
<p>1. TAPM Member Renewing 2011 Dues</p> <p style="padding-left: 40px;">\$100.00 CLE/CME Fee \$100.00 2011 Dues \$200.00 TOTAL</p> <p>2. Previously Renewed TAPM Member</p> <p style="padding-left: 40px;">\$100.00 CLE/CME Fee</p> <p>3. Associate (Non Voting) Member 2011 Dues & CLE/CME</p> <p style="padding-left: 40px;">\$100.00 CLE/CME Fee \$ 50.00 2011 Dues \$150.00 TOTAL</p> <p>4. NON TAPM MEMBER</p> <p style="padding-left: 40px;">\$175.00 CLE/CME Fee</p> <p>5. Lunch ONLY \$25.00</p>	<p>6. TAPM Member Renewing 2011 Dues</p> <p style="padding-left: 40px;">\$125.00 CLE/CME Fee \$100.00 2011 Dues \$225.00 TOTAL</p> <p>7. Previously Renewed TAPM member</p> <p style="padding-left: 40px;">\$125.00 CLE/CME Fee</p> <p>8. Associate (Non Voting) Member 2011 Dues & CLE/CME</p> <p style="padding-left: 40px;">\$125.00 CLE/CME Fee \$ 50.00 2011 Dues \$175.00 TOTAL</p> <p>9. NON TAPM Member</p> <p style="padding-left: 40px;">\$200.00 CLE/CME Fee</p> <p>10. Lunch ONLY \$30.00</p>

_____ I am registering under Option No. _____

Check is enclosed for \$_____ or pay online at www.tennmediators.org

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stuck in their unhelpful thinking to take out, examine and improve their way of thinking about a problem, then change it for the better. Mediators hone the skills of reality testing in order to allow their clients to re-examine the confirmatory bias which has trapped them in unhelpful thought until a breakthrough is achieved. Great mediators are masters of the question. Similarly, the New York Times article states, "You often hear this from idea entrepreneurs: Don't ask us for the answers. Let us help you frame the questions, so you can answer them yourself."

Mediators arise! Shake off your limited view of the work we do. Meet the public's need where it is most pronounced. Leave the shackles of the litigated case to those who desire to stay there. Jump into the pool of thought innovation. Help change the processes of idea generation. Assist organizations caught in the boxes of their own creation.

Have fun! Pay the bills! Change the world!

Taming the Tiger at ICM

Mark your calendars for February 25, 2011 the day after TAPM's annual meeting featuring Erica Fox (see page 10). In a day for the many people who are interested in learning how to manage conflict but are not mediators, ICM will be hosting Taming the Tiger: Turning Conflict into Triumph at Lipscomb University. The day will feature great trainers and topic which will help educate the public on the tools mediators.

Topics and presenters include:

Negotiating Individual Education Plans: Lorig Chakaudian and Joshua Davis (for educators, administrators and parents responsible for special education student planning)

Neurophysiology of Conflict: Lee Jay Berman and Doug Noll (for individuals interested in learning what science is teaching us about the human brain in conflict situations)

Circles for Business and Commerce: Leigh Ann and Tracy Roberts (for those interested in knowing more about the use of circle process in organizational settings)

Managing Faith Based Conflict: Steve Joiner (for leaders in faith communities dealing with the conflict unique to religious organizations)

Public Policy Consensus Building: Roger Conner (for people interested in developing public policy initiatives collaboratively rather than competitively)

Interpersonal Conflict: Tammy Lenski (for those who would like to improve their skills dealing with "difficult people" and conflict situations)

Facilitating Dynamic Groups: Donna Silverberg (for those who want to maximize team building and group effectiveness)

Managing Workplace Conflicts: Larry Bridgesmith (for those who would like to improve the employment setting and its potential for productivity and profitability with less risk)

This day-long event will be held on the Lipscomb campus in the Ezell Center. Registration for students and government employees will cost \$95, \$125 for early bird registration (before January 25, 2011) and \$175 for registration after 1/25/11.. Make plans to attend today.

Visit <http://www.lipscomb.edu/page.asp?SID=168&Page=7080> for details.



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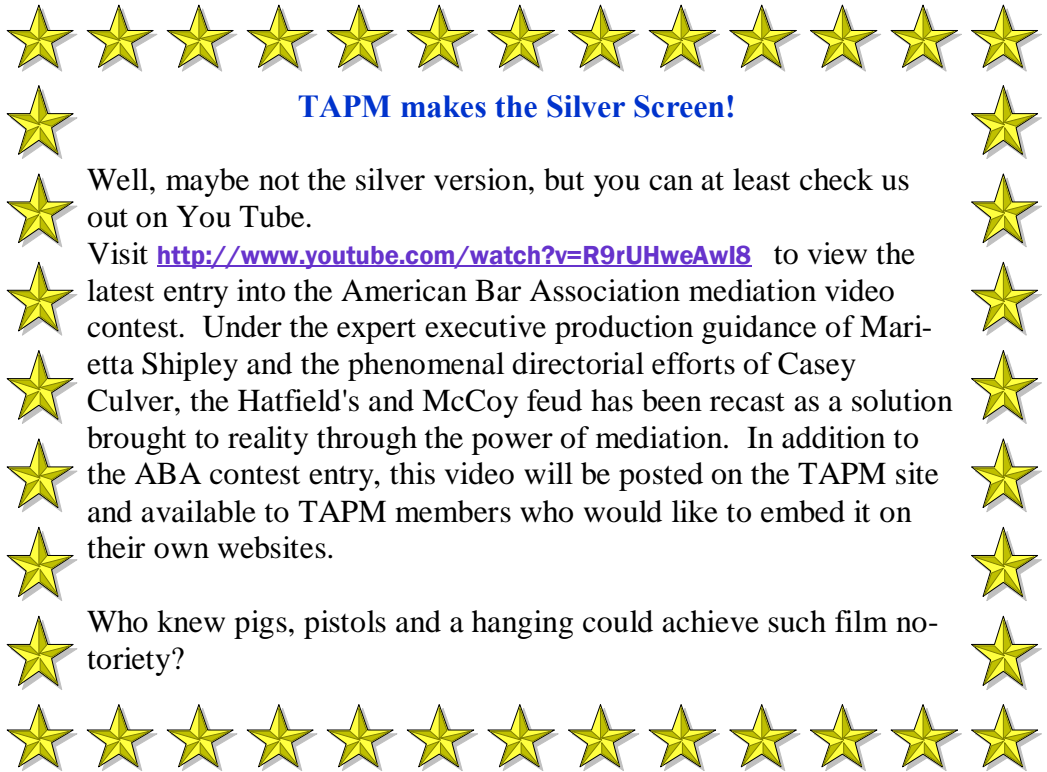
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TAPM makes the Silver Screen!

Well, maybe not the silver version, but you can at least check us out on You Tube. Visit <http://www.youtube.com/watch?v=R9rUHweAwl8> to view the latest entry into the American Bar Association mediation video contest. Under the expert executive production guidance of Marietta Shipley and the phenomenal directorial efforts of Casey Culver, the Hatfield's and McCoy feud has been recast as a solution brought to reality through the power of mediation. In addition to the ABA contest entry, this video will be posted on the TAPM site and available to TAPM members who would like to embed it on their own websites.

Who knew pigs, pistols and a hanging could achieve such film notoriety?

**COMMUNITY MEDIATION
 EAST TENNESSEE**

Neighborhood Reconciliation Services, Inc. began as an initiative of the Outreach Advocacy Team's Peace with Justice Committee of the United Methodist Church Holston Conference.

Chartered as a Non-Profit Organization in March of 2002 with assistance from Good Samaritan, Inc. and various churches in the Johnson City area, it has been located in Johnson City, Tennessee since its inception.

Originally created to provide restorative practices training to local agencies and churches, in 2005 NRS began providing conferencing to the Johnson City Schools and the Johnson City Juvenile Court. Since 2007 NRS has been recognized as a Victim Offender Reconciliation Program by the Tennessee Administrative Office of the Courts. NRS also receives support from the East Tennessee Foundation.

Currently, NRS provides training as well as offers restorative justice conferencing and mediation to local agencies in the Tri-Cities area. Usual cases include truancy, assault, disorderly conduct, vandalism, shoplifting, and family disputes.

For more information, please contact:

Jennifer Mongold
 Executive Director
 NRS, Inc.
 P.O. Box 5721
 Johnson City, TN 37602