

ACR-GNY Roundtable Breakfast | December 3, 2020

ZOOM MEETING CHAT TRANSCRIPT

- 01:16:35 John T O'Malley DRC Hudson Valley: I thought we would all be transported to John's background...
- 01:17:59 Cris Houston: Warm greetings from Texas! Thanks for the opportunity to attend this webinar.
- 01:18:59 Niki Borofsky - New York(ish): Welcome! The meeting is being recorded and will be posted at <https://acrgny.org/RTB-Videos>
- 01:22:03 John Lande - Missouri: Here's a link to a collection of photos I have taken <http://gb8.254.myftpupload.com/?p=8533>
- 01:22:35 Debra Hamilton Westchester NY: Thanks for the link John. Looking forward to this morning
- 01:23:08 Harvey Simon (NYC): Harvey - I am interested in your course(s) in dispute resolution at John Jay CUNY. May I contact you regarding taking these courses?
- 01:23:14 Niki Borofsky - New York(ish): John's website: <https://law.missouri.edu/lande/>
- 01:23:33 John Lande - Missouri: Here's my website: <https://law.missouri.edu/lande/>
- 01:24:07 Niki Borofsky - New York(ish): A few preliminaries:
1) We will circulate Professor Lande's slides to all registrants
2) The meeting will be recorded and posted at <https://acrgny.org/RTB-Videos>
3) Please engage via the chat! If you would like to speak your question, please begin with "SPEAK" in your chat (or raise your virtual hand)
- 01:26:09 Niki Borofsky - New York(ish): You are a giant FOCUS GROUP today! Please provide your input.
- 01:26:35 Niki Borofsky - New York(ish): Blog link: <http://indisputably.org/>
- 01:27:06 Niki Borofsky - New York(ish): Email: Lande, John M. LandeJ@missouri.edu
- 01:30:28 Laura McGrew DC: We're hearing background noise from some unmuted microphones
- 01:32:39 Niki Borofsky - New York(ish): Please keep your microphone on mute during the presentation. I will be proactively muting everyone to keep our sound quality stable :) You will be able to unmute yourselves for the Q&A at the end of the program.
- 01:33:10 Chuck Newman - NYC: The slides will be available later.
- 01:33:37 Niki Borofsky - New York(ish): We will circulate the slides.

01:34:17 Niki Borofsky - New York(ish): What Is (A)DR About:
<http://indisputably.org/2015/01/what-is-adr-about/>

01:37:52 michelle jackson - NYC: Looking forward to seeing the link for the dispute resolution toolbox.

01:39:28 Niki Borofsky - New York(ish): Dispute Resolution Toolbox:
<http://indisputably.org/wp-content/uploads/Toolbox-of-Dispute-Resolution-Processes.pdf>

01:40:06 michelle jackson - NYC: Is there a link to info on Dispute System Design? Thanks for posting the Toolbox. Appreciated.

01:42:25 jerry Niemeier: <https://law.missouri.edu/wp-content/uploads/2019/07/Toolbox-of-DR-processes.pdf>

01:42:28 Niki Borofsky - New York(ish): Review of negotiation texts:
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2405563

01:42:57 Niki Borofsky - New York(ish): University of Missouri "Tower of Babel" symposium:
<http://indisputably.org/2017/02/moving-negotiation-theory-from-the-tower-of-babel-toward-a-world-of-mutual-understanding/>

01:43:22 Niki Borofsky - New York(ish): ABA Mediation Research Task Force:
<http://indisputably.org/2017/11/lessons-from-the-abas-excellent-report-on-mediator-techniques/>

01:48:38 Barbara Wilson UK: My apologies to everyone, I'm afraid I had to reschedule a Zoom at short notice today. Thank you very much to John and everyone, looking forward to seeing you all again

01:53:56 Niki Borofsky - New York(ish): Litigation Interest and Risk Assessment: Help Your Clients Make Good Litigation Decisions: <http://indisputably.org/2020/01/how-to-calculate-and-use-batnas-and-bottom-lines/>

01:54:25 Gill Mansfield (Mediator - London): @John Lande - I could not agree more. The strict adherence to mediation models has become unhelpful. As has the debate within the ADR community over the merits of different models. There is no one size fits all. We as mediators need to use the flexibility of the process to the full to help the parties reach the decision that's right for them.

01:55:07 Kira Nurieli: How is this framework different than the work of an Ombuds, who helps parties map out how they'd like to handle their conflict?

01:55:22 Ronald J Vero - Albany: will all the chat links be available on the recording?

01:56:04 Niki Borofsky - New York(ish): The chat will be posted with the recording, and we will circulate the slides which contain all the links.

01:58:16 Niki Borofsky - New York(ish): Unbundle and un Babel our models:
<http://indisputably.org/2020/11/need-for-clear-language-initiative-to-un-babel-our-models/>

01:58:53 Prathamesh - Mumbai, India: Bye all! Another meeting calls :(

01:59:41 nancygrundmanmediation@gmail.com: Where do you see this discussion in the realm of community mediation where attorneys are not part of the process- or are outsiders to the process?

01:59:45 Glenn E Dornfeld: Gotta go, too. All best and health to all.

02:00:31 Niki Borofsky - New York(ish): HOW HELPFUL ARE THE CONCEPTS? HOW ARE THEY PROBLEMATIC? WHAT OTHER CONCEPTS WOULD BE HELPFUL?

02:01:17 Niki Borofsky - New York(ish): * Reminder to focus on the "concept" level in your comments *

02:05:57 Niki Borofsky - New York(ish): LIRA book link: <http://indisputably.org/2020/01/how-to-calculate-and-use-batnas-and-bottom-lines/>

02:09:06 Nic Rigby - London: Speak - Isnt it important to focus on putting yourself in the other party's position particularly considering what low cost items (to you) can be offered that are high value for them.

02:11:44 Michael Starr - NYC: I agree that low-cost/high-value is an important concept that can be brought to any negotiation or mediation.

02:12:09 Tim Johnson Columbia MD: Love the idea of 'ritualized mediation. Things are not always one thing.

02:15:45 Michelle Mitchell-CDS-Yates County: I appreciate you letting me sit in from the Finger Lakes. I have to jump on another call. Stay well everyone.

02:16:50 Cris Houston: What insight can you lend us for dealing with mediations in which lawyers are paternalistic and may lose sight of the fact that the parties should be involved in the decision-making process and have to live with the ultimate outcome?

02:18:09 Felicitas Kort NYC: As a clinical psychologist there is no need why the nurse should change careers because of PTSD. On the contrary behavioral and cognitive therapies, evidenced based, teaches patients to face either simple or complex trauma in a step by step fashion. The goal is to obtain triumph over tragedy while maintaining her job as a nurse.

02:18:10 O Gigliotti NYPI BKYN: when a case boils down to Lawyers fees and the process is structured accordingly how can these concepts be helpful? are some cases just not able to be mediated?

02:18:48 Tim Johnson Columbia MD: Gotta go, great information thanks. Looking forward to our next meeting.

02:21:44 Lu: sorry, have to leave. thank you and happy holidays!

02:24:18 Cris Houston: I hear background noise from others.

02:26:01 Emeka Iheanyi-Igwe, Maryland: Have to leave. Be safe and well all.

02:26:39 shead: As a mediator with the Early Settlement Mediation program in Oklahoma I can say that attorneys are the best tool! They reinforce these positive strategies during a mediation session and can really help the mediator guide the participants through the process to a successful end.

02:27:17 Nic Rigby - London: Re the day in court issue I think that it is important that the party wanting a "day in court" knows what they are letting themselves in for. So getting them to talk to a colleague who has been cross examined in court is important or they can spend a day in court watching what happens when parties are cross examined.

02:27:37 Richard Bringham (Wisconsin): John, could you explain how to pin? Thanks.

02:28:59 Niki Borofsky - New York(ish): Instructions on how to pin in Zoom:
<https://support.zoom.us/hc/en-us/articles/115000505583-Pin-or-Spotlight-Video>

02:29:01 Tammy Patterson-Watertown, NY: I have to go set up for mediation. Thank you for the information and opportunity. Take care, all!

02:29:06 Donna Buehler Long Island: Go to the 3 dots to the right of you picture.

02:29:56 Robin Beckhard - NYC: Ha, thanks, Donna.

02:30:00 Cris Houston: This is very helpful. Thanks for allowing outsiders from other states into this group.

02:31:04 Cris Houston: I don't follow that last point re whether mediation is voluntary under those circumstances. I'll think on that a bit more.

02:31:45 Shreya Shankar: Thank you for the session!

02:34:58 Fran Katz: it's my experience working with the American Arbitration Association for many years it was always instilled in me that the best mediators may be in the areas that are being meditated such as engineers accountant and it's difficult or an attorney to take their lawyer hat off.

02:37:16 Will Sawma: Great thoughts and work! I have to go, but excited that so many are doing so much good work.

02:37:28 Cris Houston: Mr. Katz, I think you're on to something. I don't know that lawyers ever take off their lawyer hats in mediations that I have done. I guess there are pros and cons to that. I struggle to take off my lawyer hat even when I'm the mediator to be fair.

02:40:11 Marty Izaak NYC: Thank you John for presenting an interesting and informative session. Thank to the group for facilitating. Best wishes for the holidays and a Happy 2021.

02:40:14 shead: When mediating family cases that involve a Guardian ad Litem is there a specific technique that you would use?

02:40:47 Cris Houston: Same to you, Mr. Izaak.

02:41:24 Althea Seaborn: How to apply the concepts in child protection cases where it is likely to be more effective than remaining in court. The litigation often leads to children being separated from family and placed into other dangerous settings.

02:41:56 Cris Houston: Flexibility is key from what I'm learning. Thanks for this awesome information. Happy Holidays to All!

02:43:11 Debra Hamilton Westchester NY: EDR is likely most impactful. On our practices. Happy Holidays all. Stay safe and looking forward to 2021!!

02:43:29 Maria Humphrey: We should teach Mediation in Psychology classes!

02:43:56 Debra Hamilton Westchester NY: Quite true and I believe some do Maria H.

02:44:00 Richard Brigham (Wisconsin): As a psychologist, I agree with you.

02:44:08 Baila Kamman NY: thank you for this information

02:44:12 John T O'Malley DRC Hudson Valley: I have another meeting at 10am. Thank you so much. I am looking forward to looking over the slides later.

02:44:29 Debra Hamilton Westchester NY: I teach it in classes for the new speciality of Veterinary Social Worker focus

02:44:39 Niki Borofsky - New York(ish): Thank you to everyone - we understand some have to jump to other meetings!

02:45:12 Niki Borofsky - New York(ish): Link to John's new book: Litigation Interest and Risk Assessment book:
<http://indisputably.org/2020/01/how-to-calculate-and-use-batnas-and-bottom-lines/>
For 25% discount, use code 25LIRRA before December 31.

02:45:36 Margie Echevarria-NJ: Great mtg!

02:46:12 Althea Seaborn: Ineffective to remain in court—sorry

02:47:09 Maria Humphrey Nicaragua: Thank you for a great meeting

02:47:41 Donna Buehler Long Island: Thank you. Great information. I'm another Ombuds at SUNY Stony Brook serving the campus and the hospital.

02:48:22 Marilyn Genoa: Thank you again for an excellent meeting. Happy and Healthy Holidays to all.

02:48:35 G Warner Williams, NYC: Such important food for thought. Many, many thanks to Professor Lande & all the facilitators!!

02:48:40 jerry Niemeier: go Mizzou UMSL 74

02:48:40 Jess Bunshaft (Long Island): Happy Holidays, everyone! Stay safe & healthy!

02:48:52 Evette Ennis: Thank you for a very comprehensive meeting. Happy holidays! Stay safe.

02:49:07 Susan Salazar: Thank you for your excellent presentation!

02:49:34 Ellyn R.- Nyack, NY: Thanks for the illuminating discussion. Happy Holidays everyone, stay safe and healthy.

02:49:40 Leslie/Utica ,New York: Thank you this meeting has been very helpful. Happy holidays!

02:51:04 Niki Borofsky - New York(ish): Thank you to everyone for joining today. Hope to see you all at our next Roundtable Breakfast featuring Alex Carter on January 7, 2021! Stay tuned for additional info...

02:53:29 Debra Hamilton Westchester NY: Thank you Nikki

02:53:38 Debra Hamilton Westchester NY: Thanks Julie

02:54:15 Harvey Simon (NYC): Many thanks for this Meeting and the opportunity to witness this discussion. Wishes for the safe travels of all. See you on Dec. 7th, if not before! Harvey Simon, MPA (NYC)

02:56:00 Michael Henry: SPEAK— as a mediator have found it challenging when one party has a deep-seated assumption that negotiation means proposal-counterproposal. How to respect self-determination while also possibly shifting that perspective to have a more productive mediation?

02:56:27 Niki Borofsky - New York(ish): Culture Change - A Tale of Two Cities and Mandatory Court-Connected Mediation: <https://scholarship.law.missouri.edu/jdr/vol2002/iss2/1/>

02:59:11 Althea Seaborn: This has been a wonderful, informative meeting. I look forward to the next Roundtable in January. Thank you.

03:01:51 Pierre de Ravel d'Esclapon Amagansett: the promo code for John Lande's ABA book is invalid

03:04:36 Maria Humphrey Nicaragua: I like what was said about embedding mediation in our minds.

03:07:00 Debra Hamilton Westchester NY: Have to go everyone-Happy Holidays

03:07:36 Niki Borofsky - New York(ish): Hi Pierre, the promo code worked for me (the ABA site is a little wonky and it took a few repeated efforts, but it did eventually work) - patience and persistence :)

03:08:01 Richard Lutringer: Speak-My focus is family business mediation where parties are in a continuing relationship —the underlying interests are often invisible until deep background conversations.

03:08:17 Fran Katz: I find most of my clients feel more comfortable without an attorney in the room except for my permanency work, I find it more relaxing and easier to resolve matters. Also I find speaking to various groups where I have received many cases as school counselors whose parents feel very intimidated with the process but feel empowered once they attend a conference. how

03:09:41 Louis Cohen - Florida: Peace and good health for all. Thank you, for today's education.

03:10:53 Michael Degand: Thank you so much Mr. Lande, great presentation! have a great day everyone!

03:11:57 Pierre de Ravel d'Esclapon Amagansett: Merry Xmas,Happy Chanukah, Happy New Year to all

03:14:31 Gail Auster Martinsville NJ: Thank you. Wishing you all a healthy New Year.

03:16:27 Frances Calafiore - CT: Terrific presentation! Thanks John. Happy, healthy holidays to all.

03:16:39 Niki Borofsky - New York(ish): The Vanishing Trial Report:
<https://scholarship.law.missouri.edu/facpubs/939/>

03:24:07 Ruthann Prange, Basking Ridge NJ: Special thanks to Niki. You do an excellent moderating/facilitating job. Track things so closely and quickly react, as well as anticipate needs and supply info. e.g. links, experimenting real time with site to order John's book reminders of recording etc. Maanage questions etc. Thanks much.