

Dispute Resolution Services

Serving Kalamazoo, Calhoun,
and Barry Counties



Newsletter

A program of



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Barry Burnside, Program Coordinator

Gryphon Place Mission

Gryphon Place connects people to information, resources and support systems to assist them in resolving crises and meeting life challenges.

- **2-1-1/HELP-Line:** 24-hour crisis and referral services. *"The 24-Hour Human connection"*
- **Suicide and Violence Prevention:** Designed to reduce the incidence of suicide and violence.
- **Critical Incident Stress Management:** Crisis response teams respond to community groups affected by sudden, traumatic events.
- **Dispute Resolution Services:** Helps to reduce and resolve conflicts in the community through mediation, education, and information.
- **Education and Training Services:** Community training to lay persons and professional groups.

Gryphon Place Website:

We now have a searchable online database of community agencies and services!

www.gryphon.org

and click on

Local Resources

DRS School Program Declared a Champion!

*Shared by Moses Walker at the
Kalamazoo Communities in Schools "Champ" Celebration
June 19, 2009*

"Gryphon Place has been in operation since 1970 and provides a range of services to the Kalamazoo community. Kalamazoo Communities in Schools (KCIS) has turned to this organization for more than seven years to help meet identified needs, offering solid support to Kalamazoo Public Schools staff on conflict resolution in the alternative classroom setting and addressing bullying issues on elementary playgrounds. Gryphon Place, like all loyal partners, has hung in with KCIS through thick and thin.

Through its Dispute Resolution Services program, Gryphon Place provides services to students at Kalamazoo Central High School (as well as many other schools in the area). Gryphon Place offers K-Central students critical and consistently high-quality services that are responsive to student and school needs and reflective of best practice.

Last school year, Gryphon Place developed a peer mediation program for K-Central. Susan Douglas, School Programs Coordinator/Trainer for Gryphon Place, developed a strong training component for the initial year of the program. Susan worked closely with the K-Central Freshman Principal in the development of this program according to the specific needs of the school. Twelve students were trained as peer mediators, and Susan's training on peer mediation techniques was incorporated into the KCIS Orientation Assistant program.

This school year, K-Central and KCIS identified conflict resolution skills as an unmet need of K-Central students. Gryphon Place rose to the challenge and developed a solid curriculum geared to small groups of students. Susan Douglas has been facilitating the weekly group since January. She has shared her considerable skills and insight with the WMU social work intern placed at K-Central, welcoming the intern as a co-facilitator for the group. Susan has worked closely with 30 students through this conflict resolution program.

Deb Faling, Senior Site Coordinator at K-Central has this to say about Susan Douglas and her work for Gryphon Place: "Susan is no-nonsense and creative in her approach to teaching conflict resolution and peer mediation techniques. She is unflappable and compassionate. She truly wants to assist students in gaining the skills that will help them be successful in school and in the wider world. She is always willing to help and share her insight with others. She is a wonderful asset to KCHS." Gryphon Place, we thank you for helping students stay in school and succeed in life."



Susan Douglas and Deb Faling

Evaluating Alternative Dispute Resolution Series

Article 1 of 3: Exploring the Benefits of Alternative Dispute Resolution

By Honorable Curtis J. Bell and Lisandra Fernandez



Honorable Curtis J. Bell

The following is the first in a series of three articles evaluating Alternative Dispute Resolution (ADR). The first article discusses the benefits of ADR, which include removal of cases from the docket, cost-efficiency, time-efficiency, greater flexibility and autonomy for the parties by having participated in the outcome, durability of and compliance with agreements, and education. The second article will delve into the recent trends in the ADR field. These revolve around the increased use of and emphasis on ADR instead of traditional litigation, expansion and diversification of ADR methods and services, institutionalization of mediation in family law cases, and increased utilization of technology and the internet during ADR proceedings. Finally, the third article will consider the contribution of Dispute Resolution Services of Gryphon Place to the surrounding community through handling a variety of case types in a time-efficient manner, obtaining high resolution and satisfaction rates, innovating new approaches to mediation, and educating the community through a variety of services.

The Community Dispute Resolution Act of 1988 created the Community Dispute Resolution Program (CDRP) in the state of Michigan “to provide conciliation, mediation, or other forms and techniques of voluntary dispute resolution to persons as an alternative to the judicial process.” MICH. COMP. LAWS §§ 691.1551-691.1564 (2009). This program is evaluated annually by the Michigan Supreme Court State Court Administrative Office (SCAO). The Michigan Court Rules define ADR as “any process designed to resolve a legal dispute in the place of court adjudication.” MICH. CT. R. 2.410(A)(2). Mediation is the most widely used form of ADR, and it is defined in MCR 2.411 as “a process in which a neutral third party facilitates communication between parties, assists in identifying issues, and helps explore solutions to promote a mutually acceptable settlement.” MICH. CT. R. 2.411.

Access to Justice

There are numerous benefits derived from ADR methods. One such benefit of ADR is the removal of cases from a congested docket due to mediations resulting in agreements. This allows the court to expeditiously adjudicate other cases that require judicial intervention. Litigants are better able to access the justice system in a timely fashion. Each year, more than 10,000 Michigan citizens who might otherwise bring a dispute before a judge or magistrate will resolve their disputes through mediation services supported by Michigan’s Community Dispute Resolution Program (CDRP). <http://courts.michigan.gov/scao/dispute> [hereinafter *SCAO Dispute Website*]. When mediation was attempted through CDRP in 2008, 75 percent of the mediations resulted in an agreement. SCAO, *Community Dispute Resolution Program*, ANN. REP. (2008).



Lisandra Fernandez

CDRP centers disposed of 14,491 cases last year; 78.5 percent of these were court referrals. *Id.* CDRP centers offer a wide array of services, which differ from center to center. Twelve centers currently mediate pre- and post-judgment parenting time disputes. Parties reach parenting time agreements at 75 percent of the mediation sessions. *Id.* Nationwide, community mediation programs handle an estimated 100,000 conflicts each year, primarily through the services of highly trained volunteer mediators. Timothy Hedeon, *The Evolution and Evaluation of Community Mediation: Limited Research Suggests Unlimited Progress*, 22 Conflict Resol. Q. 101, 101 (2004).

Increased Efficiency

Another noteworthy advantage is that ADR processes are often more time-efficient than court proceedings. Mediation at a CDRP center can usually begin within two weeks of contacting a center. *SCAO Dispute Website*. On average in Michigan, a case is disposed by CDRP centers within 23.2 days of intake. *SCAO, Community Dispute Resolution Program, ANN. REP. (2008)*. This compares quite favorably with court processing of similar cases, which can easily take triple that amount of time. For example, research shows that the average time from filing to trial in Atlanta is 98 days and in Kansas City is 63 days for similar court cases. Timothy Hedeem, *The Evolution and Evaluation of Community Mediation: Limited Research Suggests Unlimited Progress*, 22 Conflict Resol. Q. 101, 124 (2004).

The ADR process can move more quickly thanks to aspects like informal discovery. ADR not only saves the parties time, but also saves courts and police departments time, especially when community mediation programs actively seek referrals by establishing partnerships with local municipalities and organizations. For example, research shows, “through collaborations with police that result in referrals from police, prosecutors, judges, and court clerks a reduction of calls for service from parties who have mediated; thus freeing up police time and court systems.” Daniel McGillis, *National Institute of Justice Issues and Practices Community Mediation Programs: Developments and Challenges*, 1, 25-32 (1997).

Time-efficiency leads to the next attractive benefit of ADR: cost-efficiency. “Mediation at a CDRP center is either free or low cost.” *SCAO Dispute Website*. Through the use of ADR, parties can avoid discovery costs, hearings, and possible trial, saving valuable money and time. Elizabeth Kruse, *ADR, Technology, and New Court Rules- Family Law Trends for the Twenty-First Century*, 21 J. Am. Acad. Matrimonial L. 207, 208-213 (2008). Municipalities can also experience financial benefits from ADR. The value of CDRP volunteer



mediators' contributions in 2008 alone was over two million dollars, and for every dollar invested by grant awards, CDRP generated \$1.42 in in-kind services. *SCAO, Community Dispute Resolution Program, ANN. REP. (2008)*. Services that were not required or delivered due to the successful resolution of concerns through mediation, as well as police referrals leading to a decrease in return calls for service, translate into direct cost savings for municipalities. Timothy Hedeem, *The Evolution and Evaluation of Community Mediation: Limited Research Suggests Unlimited Progress*, 22 Conflict Resol. Q. 101, 124 (2004).

Satisfying Outcomes

ADR offers parties an opportunity for greater flexibility and autonomy than traditional litigation. Parties may raise any individual issues, feelings, and/or needs during mediation sessions, which can lead to individualized solutions. ADR processes give parties much more control during discussions, given that only issues pertaining to legal matters are part of discussions in court. *SCAO Dispute Website*. Through the use of ADR, the parties themselves are creating solutions tailored to their situation together, as opposed to a judge imposing agreements in court. *Id.* Parties that participate in some form of ADR benefit from greater autonomy over timing, process, outcome and costs of proceedings in a less combative atmosphere. Thomas D. Vu, Note, *Going to Court as a Last Resort: Establishing a Duty for Attorneys in Divorce Proceedings to Discuss Alternative Dispute Resolution with their Clients*, 47 Fam. Ct. Rev. 586, 590 (2009).

Perhaps the most significant benefit of ADR is the preservation of relationships, which reduces the likelihood of future conflicts between the parties. Mediation can help preserve relationships because as parties bring individual interests and needs to the table, they can begin building a framework for future interaction. *SCAO Dispute Website*. ADR is forward-looking, focusing on resolving the present issues and avoiding them in the future; in court the focus is often on the past and determining who is at fault, which often causes tensions in the relationships. *Id.* Mediation's emphasis on negotiation and settlement makes it particularly beneficial during proceedings such as divorces involving children because it encourages the long-term preservation of the family unit. Thomas D. Vu, Note, *Going to Court as a Last Resort: Establishing a Duty for Attorneys in Divorce Proceedings to Discuss Alternative Dispute Resolution with their Clients*, 47 Fam. Ct. Rev. 586, 589 (2009).



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Contact information
(269) 552-3434 or 1-800-873-7658
e-mail: bburnside@gryphon.org
web: www.gryphon.org

Parties have the opportunity to “focus on their mutual interests while learning tools for effective communication in the future.” Elizabeth Kruse, *ADR, Technology, and New Court Rules- Family Law Trends for the Twenty-First Century*, 21 J. Am. Acad. Matrimonial L. 207, 209-210 (2008). Research shows that couples who use divorce mediation rather than litigation twice as often decide on joint custody arrangements that can lessen the trauma children often experience when a parent moves out. *Id.* Additionally, “child support is paid fully seventy-five percent of the time in joint custody arrangements, compared to forty-six percent of the time in sole custody arrangements. *Id.*”

Parties that have used ADR tend to experience greater satisfaction by having participated in the resolution of their problem and outcome of the situation. In Michigan, 84 percent of disputants indicated they would use the ADR mediation process again, and 88 percent would recommend the process to others. Timothy Hedeon, *The Evolution and Evaluation of Community Mediation: Limited Research Suggests Unlimited Progress*, 22 Conflict Resol. Q. 101, 121 (2004). Disputants also report a high level of satisfaction with the mediated outcomes, which could be attributed to the disputants’ increased level of investment and ownership over the agreements. This satisfaction yields durability of and compliance with agreements. CDRP reports that between 1990 and 1994, “81 percent of people who used mediation services were satisfied with the outcome and that 91 percent of agreements were kept.” Daniel McGillis, NIJ, *Issues and Practices Community Mediation Programs: Developments and Challenges*, 33-46 (1997). ADR can achieve long-lasting results.

Community Benefits

Lastly, ADR programs greatly benefit communities as a whole through education. CDRP mediators are highly trained volunteers, completing 40 hours of mediation training approved by the SCAO as well as a supervised internship. Mediators are also expected to sharpen their skills over time by participating in advance mediator trainings. http://www.gryphon.org/VO_DRS.html. “The American Bar Association reports conflict resolution skills training offered by community mediation programs in more than 40,000 schools [for students, school staff, and parents].” Daniel McGillis, NIJ, *Issues and Practices Community Mediation Programs: Developments and Challenges*, 25-32 (1997).



ADR methods remove cases from the docket, are cost-efficient, are time-efficient, and are of great financial value to the participants and the community. The disputing parties enjoy numerous benefits as well, such as greater flexibility and autonomy, preservation of relationships, greater satisfaction with the mediation process and outcomes of their disputes, and durability of their agreements. Likewise, communities as a whole benefit from ADR methods that community mediation programs advocate through educational services and training available to the public, helping to establish a local culture of mediation and peacemaking. As will be discussed in the next article, ADR is increasingly being employed not only to solve disputes, but also to prevent them. It is becoming the new standard and accommodating a greater variety of disputes. ADR methods have expanded and diversified significantly in recent years, leading to the development of entirely new areas of law, such as collaborative and cooperative law. ADR methods have been institutionalized in different areas of law and have become particularly indispensable within family law because of how effective they can be in the preservation of the family unit.

The Hon. Curtis J. Bell serves as judge with 9th Circuit Court Family Division and is a member of the Dispute Resolution Services Advisory Committee. Lisandra Fernandez was a volunteer judicial intern for Judge Bell during the 2009 summer months.

Campaign for Love & Forgiveness

By Steve Chappell

The Campaign for Love & Forgiveness is a four-year grant-funded initiative of the Fetzer Institute, which uses group conversations, community events, PBS documentaries, and online resources to encourage discussion and reflection about how love and forgiveness can effect meaningful change in individuals and society. WGVU, one of six sites nationwide to receive one of these grants, is partnering with a variety of community organizations to provide opportunities for the public to engage with the Campaign. These local partners include Bethany Christian Services, Dispute Resolution Services of Gryphon Place (DRS), Grand Rapids Community College, Grand Rapids Public Library, and Kalamazoo Public Library. Past partners include Grand Valley State University, Kalamazoo Rotary, and the National Resource Center for the Healing of Racism.

Dispute Resolution Services brings a valuable component to the Campaign by providing insight into human behavior, and expertise in the process of small group conversations. I am delighted that they have agreed to join us for a second year as a facilitator and strategist. In addition to the great results achieved by Barry Burnside facilitating the *Four Conversations about Forgiveness* at the Kalamazoo Public Library, he and DRS



School Programs Coordinator Susan Douglas will now help us take the Campaign to local high schools giving students an opportunity to think about concepts that may be new to them. These efforts by Barry, Susan and our school partners stand to help the students, and yield valuable data for the campaign.

WGVU will use its on-air resources to promote the local campaign. Gryphon Place's own Barry Burnside was recently interviewed on WGVU-TV's *Newsmakers*, their local news and public affairs program, broadcast throughout WGVU's coverage area of 28 counties, home to 2.5 million people. As the project continues to unfold, the award winning WGVU Radio *The Morning Show* will also join in to share the news of the Campaign with west and southwest Michigan. More information may be found at loveandforgive.org or wgvulove.blogspot.com.

DRS Goes International

This summer, volunteer mediator Chuck Wilson and DRS Program Coordinator Barry Burnside met with a small group of teacher/counselors who were visiting the Kalamazoo area as part of the Colleagues International program. These counselors from various school districts in Jamaica represented elementary, middle and high school systems. Chuck gave them a condensed Reader's Digest version of restorative justice principles and explained the peer mediation, conflict circles and restorative conferencing models used in schools. He then led them in a role-play to show them how conflict circles work using an example they chose from their own experiences with students. Barry later explained in detail how school programming was one facet of DRS' larger efforts to resolve conflict in the community.



Sonia, Erica, Kendra, Pauline and Marci