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Foreword

This manual is offered in much the same way a mediation occurs: assisting in identifying issues and concerns, generating various options related to program development, and evaluating the benefits and limitations of different program policies, procedures, and activities. It does not dictate program rules and procedures. Instead, various options and avenues are explored, giving equal consideration to each. Lessons learned and best practices are based on the experience of the Mediation Assistance Program at the Government Law Center of Albany Law School.

Our document is intended to guide, encourage, and assist in the design, development, implementation, and administration of a community-based service-learning mediation program sponsored by a post-secondary academic institution. It offers actual examples of marketing, case management, and public relations procedures—along with other operational techniques—as a means of providing readers with first-hand experienced models.

We have been called a “pioneering” project both in terms of interdisciplinary service-learning and the provision of direct mediation services. Our experience has been, at once, exhilarating, challenging, educational, demanding, and rewarding, not only to the planners and staff, but to the students, service recipients, and participating institutions, alike. This manual is written in the hope that, for those who wish to engage in trail blazing themselves, it will contribute to navigating a smoother ride.
Acknowledgements

The author wishes to acknowledge and thank a number of individuals and organizations; it is their enthusiastic participation in the Mediation Assistance Program that helped to make it so successful.

Without the generous support of the U.S. Department of Education, Fund for the Improvement of Post-Secondary Education, and its exceptional staff, the project would have only advanced to the initial conception stages. In particular, our program officer, David Johnson, was always available and keenly insightful in his assistance. His flexibility was also shared by other FIPSE staff who assisted us along the way: Sandi Newkirk, Brian Lekander, and Dora Marcus.

Considerable thanks are extended to all of the individuals at the Albany Housing Authority. While there are too many staff members to name here who continue to assist us, the Mediation Assistance Program would not have been a viable service without the support of Steven Longo, Executive Director; William Christiano, Assistant Director of Operations; and Ed Carlson, Director of Community Relations. Arthur Goodrum, President of the Tenants Leadership Council, also supplied invaluable support.

Without the directors and coordinators of the local Community Dispute Resolution Centers, the apprenticeship component of the project would have paled in comparison. These individuals willingly opened their doors and offered mediator mentors on numerous occasions so that the students' experience would be optimal: Dawn Wallant, director of the Community Dispute Settlement Program of Rensselaer County; Lee Goodspeed, director of Saratoga Mediation Services of Saratoga County; Debbie Smith, director of the Dispute Settlement Program of Schenectady County; and Patricia Marek, director of Common Ground Dispute Resolution of Columbia and Greene Counties.

Special recognition must go to Sheri Dwyer, executive director of the Albany Center for Alternative Dispute Resolution. Sheri supported the project from its infancy and graciously allowed the students to gain invaluable mediation experience on a continual basis, both by observing her talented panel of mediators, and allowing the students to mediate in City Court under the supervision of the program manager.

Numerous representatives from each of the independent participating schools helped to make their respective institution's participation meaningful. They include: Joan Marso, Prof. David Lenihan, and Mary Lou Hammel from The Sage Colleges; Sister Agnes Rose Burton from the College of Saint Rose; Prof. Ned McGlynn from Siena College, Dr. Neil Cervera and his staff from the State University at Albany; Prof. Paula Consolini and Joanne Tobiessen from Union College; and Prof. Donald Gilbert from Hudson Valley Community College.
Also, Dr. Thomas Christian, Mark Collins, Thomas Buckner, and Yvonne Taylor of the New York State Unified Court System's Community Dispute Resolution Centers Program continue to offer helpful guidance and support. Additionally, Lisa Hicks, executive director of the NYS Dispute Resolution Association, has supported the project's participants in a variety of ways.

Many in-service speakers donated their time and experience helping to make the program a truly academic experience. I wish to thank Gwen Wright from the NYS Office for the Prevention of Domestic Violence, Dr. Bill Rockwood from The Sage Colleges, Clifton Perez from the Capital Center for Independent Living, Ira Lobel from the Federal Mediation and Conciliation Service, and David Johnson from Human Resources Training Systems.

The Mediation Assistance Program would not exist without the vision and perseverance of the Government Law Center staff: Patricia Salkin, director, Robert Heverly, assistant director, Barbara Mabel, coordinator of special events, and Michele Monforte, program associate, all of whom brought mediation experience to the project's development and operation. Our secretary, Lisa Buscini, deserves an award for tolerating us all. Special thanks to Dean Thomas Sponsler and the entire faculty of Albany Law School for supporting the project and helping to institutionalize it within the life of the law school.

Considerable appreciation belongs to Jane Bloom for her brilliant ideas and consistent capacity for keeping all of us involved with the project focused on our goals and objectives. Serafina Clarke was also helpful with final editing of this manual; Stephen Court (Albany Law School Class of '99) assisted with its compilation. The Evaluation Consortium of the State University at Albany was critical to the project's ability to improve as we went along. Special thanks to Carrie Pierce for always making the extra effort.

The magnitude and diversity of individuals and organizations who supported and participated in the Mediation Assistance Program is testimony to the power of collaboration, as evidenced in these lengthy acknowledgements.

Finally, there aren't words in my vocabulary adequate to thank every one of the eighty-two students who have participated in this program since 1994. I have learned something special from each of them, and I will remember each for their unique contributions. All of the successes and each of the accomplishments, in such a short period of time, are derived from their good intentions, hard work, willingness to take risks, ability to learn from and teach each other, and desire to help those in need. It is my sincere belief that each of us and those whose lives were touched are better for it. It was from the students that the most important lessons were learned, and it is to others that they are now imparted.

-Philip S. Moses
The Mediation Assitance Program (Program) of the Government Law Center was created in 1994 by a two-year grant award from the United States Department of Education's Fund for the Improvement of Post-Secondary Education (FIPSE) and substantial institutional support from Albany Law School. As proposed, the Program was envisioned as a one-semester conflict resolution training and apprenticeship program with a strong community service component. The program has since evolved into a two-semester program institutionalized as part of Albany Law School’s regular clinical education curriculum.

One significant fact immediately distinguished this program from the other twenty-one law school mediation projects in existence at the time it was created: it was intercollegiate and interdisciplinary, drawing upon student participation from undergraduate, graduate, and professional schools representing six colleges and universities in partnership with the Albany Law School. Now at the end of its fourth semester, a total of eighty-two students from seven local academic institutions have participated: Albany Law School (46); State University of New York at Albany (15); The Sage Colleges (9); Union College (5); College of Saint Rose (3); Siena College (3); and Hudson Valley Community College (1).

From its inception, the program offered a unique hybrid educational experience: court-certified mediation training with a quasi-clinical fieldwork apprenticeship; a seminar-style classroom component meeting throughout the semester including eight modules on related topics; an extensive reader accompanying all of the program areas; and, a reflective learning journal that provided the students with an analytical opportunity to integrate the learning experience.

A further dimension of the program is experiential learning through direct service to those living and working in the Albany Housing Authority. The GLC and the Mediation Assistance Program began offering its dispute mediation services in January 1995. Thirty-nine (39) cases have received intervention services in all ten of the Authority developments as well as residents living in free-standing Authority facilities. The GLC has also served 5 individuals who have subsidized housing assistance. The breakdown by developments is as follows: Ida Yarbrough Low Rise–9 cases; Creighton Storey–6; Corning Homes–5; Townsend Park–3; Westview Homes–3; Steamboat Square–3; Ezra Prentice–2; Robert Whalen Homes–2; Lincoln Square–1; Ida Yarbrough High Rise–1. These thirty-nine (39) cases have served one-hundred and fifty (150) individuals. (Additionally, as part of their dispute mediation apprenticeship, student mediators conducted hearings in Albany Police Court which both prepared them for intervening in a wider range of conflicts, and assisted individuals who live under the auspices of the Authority, but have directed their complaint to the Albany City Police, rather than to representatives of the Authority).
Thus, the program is an intercollegiate, interdisciplinary service-learning program with two unusual and unique features: 1) training and educating a mix of undergraduate, graduate and professional students; and 2) delivering direct conflict resolution services to people in public housing. These two aspects create an environment where students from a wide variety of cultural and educational backgrounds with different academic goals and understandings of conflict come together to learn, reflect, understand, and serve a community with diverse demographic characteristics and a particular need for direct conflict resolution services.

This best practices manual is organized into eight chapters covering all phases of the project from pre-program planning and development through evaluation. Interspersed throughout the manual are lessons learned and recommendations based on the first three years of our project. As a way of further enlightening the reader to the service-learner's experience, student quotes can also be found at the beginning of most of the sections. Finally, the appendix offers examples of many of the forms and materials utilized during the administration of the Mediation Assistance Program.
I. Pre-Program Planning and Development

Rationale

Why a Service-Learning Academic Program

The integration of service and learning has proven to be a very effective, powerful and dynamic approach to acquiring knowledge, skills, and values that will reside with the student participants well beyond their formal education. In fact, the McCrate Report (Legal Education & Professional Development—An Educational Continuum Report of the Task Force on Law Schools & The Profession: Narrowing the Gap, American Bar Association Section of Legal Education & Administration to the Bar, July 1992) encourages law schools to emphasize and provide opportunities for skills training. The following sections introduce the reader to the acquisition of knowledge, skills and values that are the centerpiece of any service-learning project.

1. Knowledge—Service-learning allows students the unique educational opportunity for action and reflection while addressing identified human needs within a community. This is accomplished by engaging students in conscious reflection and critical analysis through structured learning goals and activities. These activities may include pre-service training and orientation, seminars and in-service programs, group discussions, required and optional readings, reflective learning journals, and post-service debriefings that enable the student to learn more effectively from the service experience.

Utilization of co-mediation—a two mediator intervention model—wherein the student mediators can learn from each other by both working together and debriefing each other following the mediation, further enhances both the process and student learning. Students learn how to work with different styles, approaches and orientations towards media-
tion intervention, as well as gain insight into how their student colleagues analyze and perceive conflict and its appropriate resolution. Service recipients develop a more balanced and sensitive approach to the resolution of social and interpersonal problems. Experiencing two very different individuals (at least upon appearance) working together can be very dynamic, and may assist disputants in the management of their differences.

2. Skills—Skills training and development is most effective in clinical settings where considerable supervision and feedback can occur. By applying skills in a real-life setting, students are better able to test, assess, and develop them. Personal, academic, and professional development may evolve more meaningfully with the opportunity for self-reflection. The service-learning environment enables the student to engage in skills development in a structured format where personal goals and objectives can be identified, measured, and evaluated as part of the on-going learning process.

3. Values—Service-learning fosters student understanding of the larger social issues and the context in which human and community needs arise: especially important are the historical, sociological, economic, political, environmental and cultural frameworks. This larger framework enables service-learning programs to instill a level of commitment to and responsibility for community development and human needs that traditional educational paradigms may not. Social responsibility is more likely to develop in the “community classroom” rather than the school classroom, as students have an opportunity to apply theoretical learning in the context of “real people, real problems.”

Specific to law schools (and future lawyers), a community service-learning program can provide students with an opportunity to engage in pro bono activity, something ethically (and in some jurisdictions legally) required upon admittance to the Bar. (The Lawyers Code of Professional Responsibility, Adopted by the New York State Bar Association, Effective Jan 1, 1970. As Amended Effective July 1, 1993.)
I wish to participate in the Mediation Assistance Program for many reasons. I believe a mediator's skills are valuable for anyone living in today's world, a world which seems to become more violent and confrontational with each passing day. I would like to take some personal steps to reverse this trend.

—State University at Albany Student

Why a Program in Alternative Dispute Resolution

1. There is a growing need for Alternative Dispute Resolution (ADR) opportunities for students enrolled in the study of law. The increasing demand by both the courts and the private sector for ADR methods far outweighs the supply of trained mediators (and the even smaller percentage of lawyer-mediators).

2. Many law schools offer basic courses in ADR (e.g., Alternative Dispute Resolution, Advanced ADR, and negotiation); yet, these offerings are typically classroom or seminar-style courses covering a variety of mechanisms including negotiation, mediation, arbitration, summary jury trials, mini-trials, private judging and various hybrid processes. Although the courses cover such topics as the lawyer-advocate's role in ADR, case evaluation, enforcement of settlement agreements, and ethical dilemmas, they normally do not immerse the students in intensive skills training in the manner a hands-on negotiations course may offer. A skills course would likely involve the introduction of theory, such as negotiating strategy and behavior, then place the students in constructed role plays where they have an opportunity to practice, evaluate, and refine their skills. The added advantage of most clinical programs is that students have an opportunity to apply their new skills to real life situations.

3. The number of law schools offering clinical mediation programs is growing. These programs allow students to receive training, observe mediations and provide mediation services under the supervision of a clinical professional. Prior to the implementation of our interdisciplinary program, twenty-one clinical programs existed at ABA-accredited law schools with another twelve under development. Of these programs, only seven were in operation before 1990, indicating that these programs are a relatively recent addition to the law school curriculum (Appendix I). While there are many similarities and differences among each of the programs, the Mediation Assistance Program
continues to be unique in several respects: students are recruited from several academic institutions; students receive certified mediation training; and the services are provided directly on-site in public housing facilities, alleviating the need for those requesting services to find private or public transportation to use them.

Even though only a handful of students will continue to provide mediation services either as a significant part of their law practice, or pro bono for the courts, all participants receive an in-depth understanding of the benefits and limitations of a process that is increasingly being utilized by disputing parties with (and without) legal counsel. This enables students to better serve the needs of their clients when practicing law, because they have directly experienced the strengths and weaknesses of a process that is becoming an integral component of the judicial system.

The clinical programs at Albany Law School have been in operation for nearly twenty years. Founded in 1978, the programs are set up in a manner that provides students with the opportunity to apply theoretical learning to real problems presented by real clients. The goal of the clinical program is to provide the opportunity for students to learn systematically from experience while simultaneously educating them in lawyering skills. Students work for real clients on real cases that have significant impact on clients’ lives. Though they work under supervision, the students have primary responsibility for each case. The clinical programs have two decades of experience in providing direct service to economically and socially disadvantaged persons.
Goals, Objectives, Values, and Philosophy

The first step for emerging programs to take is to develop core values, programmatic objectives and goals, and a philosophy that conditions the activities of the project. Identifying clearly measurable goals and objectives based on the project’s values and philosophy will enable your project leadership to review and evaluate your program more effectively. Project decision-making will likely become easier as you will have ideals upon which to base your decisions. Examples excerpted from our program’s initial plan are provided below:

- **Philosophy:** Activities of the program, including training, in-service programs, and reflective learning components, will be designed to further the educational goals of individual students.

- **Values:** The provision of high quality mediation services to the currently underserved public housing community.

- **Goals:** The development of a long term program to provide mediation services in the community service setting.

- **Objectives:** The program will train forty students in mediation techniques each year.

The articulation of a clear philosophy, values, goals and objectives is particularly helpful when managing the often vexing problem of quantity versus quality.

Mediation intervention work is such that experience is gained through actually intervening, and the more experienced your mediators, the more effective their intervention—and your service—is likely to be. Thus, program planners should seek to find a middle ground so that sufficient numbers of students are trained to attract support from potential sponsors, provide case managers logistical flexibility when scheduling mediation sessions, and, that the number of trained mediators is small enough so that the program participants receive adequate experience as mediation practitioners.
To attract institutional and financial support, the Program was initially designed to recruit, train, and apprentice 80-100 student mediators over the course of four semesters, a rather substantial number given the nature of the project. While locating 20-25 students interested in receiving mediation training each semester is rarely a daunting task, providing that number of mediators with enough actual experience proved difficult, if not impossible. Upon reviewing student evaluations of the program, it soon became clear that reducing the numbers of students enrolled in the program each semester would enable those students that were enrolled to have more opportunities to observe and conduct mediations.

**LESSON LEARNED**

Developing goals, objectives, core values and a program philosophy is essential to the design, development, implementation, and evaluation of the project's activities. Most importantly, the program needs goals and objectives that are measurable and attainable, as well as core values and a philosophy upon which consistent decision making can be based. The student’s experience with our Program improved significantly after reducing the total number of participants each semester. This decision was made consistent with the goals, objectives and values of the Program.

**OUR RECOMMENDATION**

Carefully assess the number of students who will participate in the program so as to allow each student the fullest opportunity to take advantage of all program activities.
Internal Knowledge & Support

Experience shows the benefits derived from the creation of a Planning Committee to get the Program started. The initial Committee members involved in the Mediation Assistance Program all had training in mediation as well as local intervention and administrative experience.

Including all internal constituencies (faculty, administration, students) in the activities of the program is a positive and useful method of generating initial and ongoing support.

Since ADR may not be embraced entirely as central to the core law school curriculum, support for the program among the academic faculty should not be neglected. We have offered mediation training to faculty and administrators several times, resulting in greater support for the activities, objectives and values of the program (Appendix 2: Faculty Letter). This was evidenced by the strong support the faculty gave to the program when approving its submission for institutionalization as part of the regular clinical offerings.

Support for the Program was also enhanced by publishing articles in the law school student-run newspaper (Appendix 3) and the GLC newsletter (Appendix 4). Both of these efforts were effective as a means of informing the law school community about the Program's activities as they unfolded.

---

LESSON LEARNED

Internal support is the foundation upon which your program will be built. The academic institution seeking to develop, re-invent, or upgrade a service-learning conflict resolution opportunity must build a sturdy foundation upon which to erect a quality program. The institutionalization of a service-learning program is directly related to the amount of internal support generated in the formative stages of the project. Thus, internal support has not only no limits, it is a dynamic process requiring constant focus and attention.

---

OUR RECOMMENDATION

Offer training to faculty and administrators in basic mediation skills so that everyone may develop a greater appreciation for the time, effort, importance, and challenge of a conflict resolution program. Utilize internal publications to inform the institution of the emerging program's activities.
Building a Collaborative Partnership

In addition to internal support, external collaboration with community stakeholders is critical for this type of initiative. Our first step was to identify all entities who potentially may be involved in the project, including current and other viable service providers, direct service recipients, and agencies and organizations that support those who may avail themselves of the service. The following list is illustrative of the broad range of external support developed in the planning stages of the project: the Albany Housing Authority; Tenant Leadership Council; Albany Center for Alternative Dispute Resolution; Peace Studies Program of Siena College; Legal Studies Program of the Sage Colleges; Community and Public Service Program of the State University at Albany; and the Political Science Department of the College of Saint Rose.

Many academic institutions already collaborate in a variety of ways (joint degrees, educational exchange) and you may be able to build upon this existing relationship. For example, Albany Law School offers a joint degree program (J.D./M.B.A.) with the College of Saint Rose, the Sage Colleges, and Union College. A joint degree (J.D./M.P.A.) is offered with the State University at Albany.

With the enormous growth of Alternative Dispute Resolution during the last two decades, it is likely that a pre-existing community dispute resolution program, whether court-connected or free-standing, can be found in most communities. The presence of such a program may pose both a potential obstacle and an opportunity for an academic-based service-learning project.

If a dispute resolution program currently exists in a proposed service learning geographic area, contact the program early to communicate ideas, rationale and goals. Ideally, the existing program will be willing to collaborate with your project in a way that is mutually beneficial.

There are many ways pre-existing ADR and service-learning programs can be mutually beneficial. For example, immediately after training student mediators there is often a strong inclination on the part of the students to develop their intervention skills in a real-life setting. A pre-existing community mediation program can satisfy the need for immediate skill-testing and development by providing an instant caseload for student mediators. At a minimum, pre-existing programs may allow student mediators to observe more seasoned mediators conducting mediation sessions. Optimally, the community-based program administrator will “share” a portion of their case load, at least for apprenticeship purposes.

Failure to work with a pre-existing service provider can lead to the risk of stepping on someone else’s turf. While most mediation centers are cooperative, their caseload and presence in the
community is often the basis of their funding, and thus their very existence. When competition for funding is tough, good partnerships and creative solutions often provide the greatest benefit.

Early discussions on how to structure a collaborative relationship between an academic program and an existing dispute resolution program might include: the program's need for case load and how this can be accomplished; how a school-based program can enhance the existing infrastructure; how joint training and in-service programming can provide financial savings through creation of scales of economy and efficiency; how the academic institution can serve as a resource for the community; the use of caseload statistics for future funding; future funding aspirations; development of a mentoring program; and, the possibility of a more diverse mediator pool.

Linkages with an academic institution have many advantages for the pre-existing community or court-based program. Typically, academic institutions enjoy prestigious reputations in the community. Partnering with an academic institution may add to a non-profit's presence and credibility in the community. In addition, schools have resources that can be brought to bear on their program such as libraries, computer networking, etc. Schools often have the ability to access funding mechanisms which may prove beneficial to the non-profit organization. Also, since the community-based mediation field typically relies on volunteer resources, a ready pool of student-mediators helps to ensure that all requests for services may be honored.

In the case of our Program, the Albany Center for Alternative Dispute Resolution, a court-affiliated not-for-profit, provides mediation services within Albany County. Our Planning Committee worked with this service-provider to secure the Albany Housing Authority as its identified community for the new Program. In fact, early outreach, including the solicitation of advice and cooperation, earned a letter of support for the project by the Executive Director of the Albany Center as part of the FIPSE grant application. Part of the arrangement called for the Albany Center to provide assistance with the training and apprenticeship of the student mediators. Thus, we developed a strong working relationship with a pre-existing dispute resolution service, and the Albany Center continues to enjoy a working relationship with the Program. We share caseload statistics, offer some joint in-service training programs, and are now working together to secure ongoing funds for the cooperative program. Some graduates of the Program who have stayed in the area have been invited to join the Albany Center's panel of mediators permanently.
LESSON LEARNED

A working relationship with external entities will largely influence the viability of providing these services to an identified community, as well as offering a service-learning opportunity to students from multiple institutions.

OUR RECOMMENDATION

In addition to community ADR agencies, arrange meetings with local court personnel, police department administration, municipal and public housing officials, religious leaders or other individuals who may be in a position to assist in program development. All of these entities may be a source of support, whether it be financial, or as a referral agent at least in terms of the service provision and its benefit to the community.
Public Housing

A program will benefit when a targeted service-group in the community is identified. Then, once defined, developing the external support required to assist that targeted group in resolving conflicts becomes much easier.

Our Program was based on the premise that individuals living in public housing 1) often had legal disputes that went unresolved because residents did not have access to legal services; and, 2) most of these disputes could be appropriately referred to mediation, including: complaints of loud noise or other disruptive behavior between residents; consumer disputes with local merchants; family relations matters often involving criminal accusations such as harassment; disagreements over how shared public space was utilized that often resulted in considerable interpersonal distress; and landlord-tenant matters appropriate for negotiation. All of these situations and more occur inside an environment that already possesses structural, systemic, and economic difficulties exacerbating these conflicts.

Public housing residents had not utilized pre-existing court-connected mediation services in our community. This under-utilization was found to relate to a number of factors including: lack of outreach and education efforts designed to increase awareness and availability of the service; lack of transportation to the mediation program offices which were located out of convenient reach of the housing developments; limited staffing that could address the above-stated problems; and conflicting priorities for the local mediation center.

Our Recommendation

Locate an identifiable, manageable, and under-served segment of the community on which to focus your attention. Attempting to mediate disputes for the criminal courts, civil courts, family courts, public housing, and community at-large simultaneously is probably too large a task for the emerging academic program to manage; it also runs the risk of creating problems with pre-existing mediation services. By virtue of the fact that the chosen community group lacks adequate access to existing resources, there is a better likelihood of willing cooperation from all.
After securing the opportunity to provide dispute resolution services for the Albany Housing Authority (Authority), the Planning Committee developed a working relationship with the appropriate individuals and organizations in the community and at the Authority. Critical to the program’s success was involving the executive director of the Authority in the initial planning stages. He was involved from the review and revision of the original grant proposal through the interviews and selection of the project manager. Not only was the executive director engaged, but he assigned staff to work with the Program and provided entree to the tenant associations.

We next determined where the Authority’s cases were litigated; the information gathered was used to reach out to city court judges, attorneys from the Legal Aid Society, Senior Services of Central New York and other groups to inform them of the new program. Our staff spent considerable effort and time educating the local legal aid staff as to the benefits (and limitations) of the mediation service, and in time, garnered the support of its executive director and staff.

Most critically, the administration and the leadership from the housing tenant organizations were involved with the project. Upon reflection, it was initially the staff of the Authority and the tenant leadership from the Tenant’s Leadership Council that provided the support, and most significantly, the referrals for our Program. Planning Committee members, and then Program staff, met with key administrators from the Authority, including the executive director, director of community relations, assistant director of operations, and each of the individual development managers to develop their support. Additionally, presentations were made to the Tenant’s Leadership Council comprising the presidents from each of the tenant’s associations. Be aware that residents of public housing have informal methods of communicating that can be both an asset and a challenge to providing services in the public housing community. The credibility, or lack thereof, of the service provision will potentially spread quickly through these channels.

**LESSON LEARNED**

*Resistance to mediation services is most likely to come from legal service providers who may hold forth a rights-based orientation to resolving tenant problems and perceive mediation as inconsistent with their role as vigorous advocates for those traditionally dis-empowered.*

*Simultaneously, the informal leadership within public housing complexes, as within any target community group, needs to become vested in your initiative. Their ability to undermine credibility for the program is considerable.*
OUR RECOMMENDATION

Educate key leaders from the targeted service-community. In the case of public housing, make presentations to the authority’s central administration and management staff. The legal community will need to be educated in order to become allies of the effort. From the outset, involve client groups in the planning components of the project. Work with the leadership from constituent organizations and include them with features of the program they show a particular interest in.

Intra-Institutional

If the host school is part of a large university, there may very well be a ready caseload within the campus community. If so, work with departments of student life, judicial affairs, residential housing, human resources, security, or student legal services to develop the caseload by offering a mediation alternative to other administrative procedures. Most medium and large-size universities will have enough interpersonal and quasi-legal disputes to provide a sufficient caseload for the program’s interests. This is evidenced by the 124 campus-based mediation centers presently located throughout the United States and Canada (Appendix 5).

LESSON LEARNED

Programs depending on walk-ins or word-of-mouth will have minimal caseloads, at best.

Without external support and cooperation, a program is in danger of providing conflict resolution services without any conflicts to resolve.

OUR RECOMMENDATION

Establish communication with all potential collaborators so that misinformation regarding program requirements, confusion over student participation, territorial questions regarding the service provision, and other matters of concerns are reduced or avoided. Develop relationships with entities that can act as referral agents for your program. Work collaboratively with pre-existing community and court-based mediation services. Be aware of formal and informal mechanisms for communication flow within targeted communities.
Participating Schools

Members of the Planning Committee met with representatives from each of the independent participating schools to develop support for the project in a number of important ways. The schools wrote letters of support and involvement for the grant application. The Planning Committee also developed contacts that would be helpful later on in student recruitment. An identifiable support person from each school also assisted in navigating each institution's unique administrative culture. A discussion regarding the pros and cons of this unique approach is discussed in the following chapter.

LESSON LEARNED

Without substantial and significant internal and external support as a proper foundation, the program is likely to meet barriers or obstacles, and thus, will have an inherent inability to resolve the various issues associated with these impediments.
II. The Interdisciplinary Approach

A. Inter-collegiality

As mentioned earlier, the Mediation Assistance Program at the Government Law Center of Albany Law School is a unique and unusual project, primarily because of the Planning Committee's decision to create an interdisciplinary and inter-collegiate effort. This arrangement was intriguing as a national model for multi-school community service-learning programs. While a single academic institution is responsible for the administration and funding of the Program, in fact, the following seven (7) separate and autonomous educational institutions have had students enrolled at various times and derive benefit from the program: Albany Law School; College of Saint Rose; Hudson Valley Community College; The Sage Colleges; Siena College; The State University at Albany; and Union College.

There are both benefits and limitations, however, to an inter-collegiate and interdisciplinary model. Typically, these benefits and limitations flow in all directions for the participating entities. Initially, Albany Law School, the host school, established working relationships with four other regional colleges and universities that allowed the Program to have a broader academic influence and a more diverse pool of mediators. These schools are both public and private, large and small, religious and secular, two year and four year. Since the program's inception, two additional colleges have joined the project. It is important to note here that law schools have not traditionally encouraged students not enrolled in a law school degree granting program to participate in any of their formal activities. Most law schools are insulated from other academic institutions. We discovered one key institutional benefit to Albany Law School: the Program served to recruit potential students.

Albany Law School, the independent participating schools, and students all benefit by the association. For example, three (3) students who participated in the Program as undergraduates have since graduated from their host institutions, applied, were accepted, and have subsequently
enrolled as full-time students at the law school. For our Program, we have benefitted by retaining three (3) students whose academic affiliations have merely shifted from their undergraduate schools to Albany Law School. For the participating schools, they communicate publicly that their graduates are now enrolled in law school.

The benefit to undergraduate students is their ability to list a law school-based academic/community service activity on their graduate or professional school application. These students bring experience and commitment to the Program and are able to serve as mentors for newly trained student mediators. Benefits to participating institutions include enhanced academic offerings at non-law schools; learning from students with varying cultural backgrounds and mixed academic disciplines; and opportunities to learn about conflict from different perspectives.

The most obvious limitation of opening “seats” to students in other schools is that for every non-law, or non-host, school student that is invited to enroll, a law or host school student is denied the opportunity to participate. Denying host school students opportunities in favor of students from other academic institutions may prove to be an internal political problem.

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**LESSON LEARNED**

To mitigate these particular concerns, the program has made two fundamental decisions.

First, we have decided to limit the number of participating schools to seven, inclusive of Albany Law School. While other schools in our sixteen-college area have expressed interest, participation has not been granted. Additional schools may increase administrative costs beyond accrued benefits. The program has decided to create student-mediator groups comprised of one-half law students and one-half students from the other academic institutions. In this way, significant numbers of law students have been allowed to participate while still maintaining our core value of an inter-collegiate community service model.

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**OUR RECOMMENDATION**

When developing and implementing a multi-school interdisciplinary model, design a program that carefully balances internal interests with the benefits of a regional or inter-collegiate approach.

It is much easier to add schools to the program at a later date than to eliminate schools already participating. Include all institutions within the Planning Committee and its activities.
Academic and Administrative Concerns

Initially, we questioned the potential ability of undergraduate students (including those pursuing Associate's degrees as well as Bachelor's degrees) to interact in an academic setting with graduate and professional students. It is difficult to ascertain why this early concern has been—fortunately—unfounded. Commentary from student journals sheds some light, indicating that program training was conducted with the undergraduate, graduate, and professional students simultaneously; this may have promoted an atmosphere of equal treatment and team-building. Another answer may be that the program manager had significant experience interacting with all three student groupings in the past and was able to draw upon these experiences.

The inclusion of students from different academic disciplines clearly affected the nature of discussions, in-service programs, reading assignments, and other academic components integrated into the project. For example, had the participants been solely law students or social work students, the academic components would have been constructed specifically for their future careers. On the other hand, the diversity of academic and professional interests provided students with an opportunity to discuss conflict resolution from a variety of perspectives, allowing participants to explore a broader view of the emergence, management, and resolution of conflict in a more global context.

Another challenge lies in the Program administration. Typically, each school will function within a varying academic and administrative culture and with different values influencing the life of the school. While it is difficult to imagine a school's values being inconsistent with the values of a mediation training and service-learning project, managing seven different school's administrative protocols can be a challenge. For example, one school offered credit for our mediation program to students through its Peace Studies Department, another institution through its Community Service Program, and another school through its Career Services Department.

Candidates for the Program may be recruited using a variety of methods. Some schools may nominate candidates through faculty recommendations, other schools through a community or public service program, and still others through their career planning office. Accordingly, each school has different academic credit requirements, monitoring and reporting expectations, and as suggested, different nomination and selection methods or protocols.

**OUR RECOMMENDATION**

Carefully select the number of participating schools, as each institution will bring differing administrative requirements that can be burdensome. Select only those schools that fully support the project and limit the number of schools in a way that makes administrative tasks manageable.
III. Program Implementation

My reason to participate in the mediation program is twofold. The first reason consists of my childhood dream of quite possibly going to law school and becoming a lawyer. The second reason was to give back to the community in which I live. This program presents me with an opportunity to begin to accomplish my dream to some degree and function, and learn the art of mediating. I look forward to the chance and opportunity this appointment will give to me.

—Hudson Valley Community College Student

Student Recruitment

Student recruitment and selection will likely reflect the formal institutional policies and informal procedures of each participating institution. The Program has recruited students through virtually all available means. At the law school, we have advertised through the school newspaper, posted fliers throughout the campus (Appendix 6), given presentations at student group meetings, encouraged faculty to make recommendations, and relied upon students enrolled in the program for referrals.

The same has held true for recruiting students from the other participating institutions. Some schools conducted the process solely through academic means, while others relied upon administrative departments to recruit students. The State University invited us to set up a display table at their semi-annual Community and Public Service Fair (Appendix 7). State University students who are accepted into the Program must register through the University's Office for Community and Public Service to receive academic credit, and there are additional requirements imposed by that school's own institutional policies. Union College, a local liberal arts college, invited us to submit information for listing in their Career Development Center, as well as to give presentations at information meetings sponsored by that office. Another school refers students from their Legal Studies Department as part of their internship requirement. At the encouragement of a faculty member, fliers were posted at The College of Saint Rose, a private Catholic college (Appendix 8).

Our Program utilized faculty members from all of the schools as a major resource to identify interested students and make referrals. During one semester, we had over one hundred students express interest for only twenty spaces in the Program!
Selection

Difficulty rarely comes in recruiting interested students. Selection of students, however, can pose more challenges. While there are many approaches to this process, we chose an approach reflective of our values: diversity. It was important that the panel of student mediators/service providers reflect the diversity of the community served. Because our targeted service population is comprised of large percentages of people of color, females, and an aging population, our mediator panel was chosen to reflect the service population's diversity. Practically, the program's credibility within the service population, as well as its ability to intervene effectively in community-based disputes, requires that the mediators not be viewed as strict "outsiders" and part of the dominant social systems.

Students interested in the Program must complete an information sheet (Appendix 9) and compose a statement of interest. One idea is to develop a "job description" for student-mediators (Appendix 10). Non-law students are required to submit a letter of reference from a faculty member as well. Also reflective of the Program's values, each and every student who submits a completed application package is invited to a personal interview with the program manager. The program manager then selects students for admittance to the Program, and invites a number of others to serve as alternates, in case an opening occurs. The drawback to having one person select is that the group of service-learners may not be as diverse as the Program needs and desires. A mixture of individuals, whether they be Planning Committee members, staff or faculty, will ensure that the candidates are viewed through more than one lens, and in the end, will provide protection from accusations by unhappy students who were not selected.

The Program based selection on identified criteria, including: diversity; motivation; interpersonal communication skills; and past experience.

Diversity relates to age, gender, ethnic background, and ability to speak other languages. In addition, consideration was given to home institution and course of academic study so that diverse academic perspectives were represented. Motivation focuses on students who had a sincere desire to learn about mediation and the community the program serves. In reviewing interpersonal communication skills, the interviewer paid careful attention to how the student candidate interacted during the course of the interview. Of particular interest was the student's listening skills, since these are vital to effective mediation intervention.

The Planning Committee should also be aware that individual academic institutions may have their own criteria for selecting students. These criteria may include academic standing, course of study, faculty sponsorship and internship requirements, among others. Because the students from other academic institutions would be, in essence, representing their institutions at the law school, many were careful to select students who would make good ambassadors.
LESSON LEARNED

1. First-year law students and freshmen typically are not prepared to engage in a service-learning program of any magnitude; requirements for the first year of study and adjusting to a new environment are usually too demanding. Additionally, we found that last-semester students did not give us "returns" on our programmatic investment. Last-semester students are typically focused on completing their required course of study, graduation activities, resume development, and job or graduate school identification and selection. Further, once they graduate, they become unavailable to participate.

2. In this era of non-traditional students, limiting the program to juniors and seniors may be doing a disservice to the students and the program. Some institutions may want to consider an academic pre-requisite for entry into the program. This affords the program additional criteria for selecting appropriate candidates. If the pre-requisites are too limiting, the process may result in a diminished applicant pool. The planning committee may also want to implement a process for dealing with complaints or concerns from students not selected.

3. Past mediation experience was included in our selection criteria, and we invited experienced students who met our other criteria to participate in the Program. Our assumption was that experienced students would provide clients with a level of quality service from the beginning that we might not otherwise have had the benefit of offering. One drawback of selecting students with prior mediation experience is that it denies another student, without training and experience, the opportunity to receive it. Having experienced student-mediators reduces concern during our initial mediations as to whether a quality service was being provided.

OUR RECOMMENDATION

Carefully develop selection criteria so that student service-learners are reflective of and consistent with the values and objectives of the project. Try to achieve a balance between students with prior training experience with those who might otherwise have limited opportunities to engage in service-learning. Be aware of criteria other schools use in selecting students for the program. Work with academic and administrative personnel wherever possible as they can become strong supporters of the program activities. Consider having a selection committee choose who the participants will be in order to ensure diverse and representative groups of students for the program.
**Mediation Training**

The New York State Unified Court System (NYS UCS) requires that a Certified Mediation Trainer from the New York State Unified Court System conduct the training in order for the student’s Mediation Certification to be recognized by the NYS UCS. (Additionally, a certified training program must have the training curriculum, the training manual and other materials reviewed and approved by the UCS.) Because of the opportunity to receive certification, interest in the Program was very high from the beginning. Using a certified trainer reduced flexibility in regards to who conducted the training, as less than fifty certified trainers work in New York State. One way to address this concern and to build collaboration is to sub-contract with a certified trainer through a local court or dispute resolution program to provide the training.

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*I'm very pleased with the training.

It was even better than I had imagined. I'm actually looking forward to mediating some real disputes. Now, when I communicate, I'm much more focused on where the conversation is going, and feel as if I have the ability to steer the conversation.

—Siena College Student*

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**LESSON LEARNED**

*We found it best to compress the 25-hour training program into three intensive days, rather than spread it out over many days or several weeks. This reduced potential scheduling conflicts with the students and the trainer. It also allowed the students to immerse themselves in a focused environment without the distractions of other classes and outside work. The initial training should be followed by a comprehensive in-service program and advanced training program.*
Curriculum highlights for the 25-hour course component include the following areas:

**Day One:**
- Unified Court System's Community Dispute Resolution Centers Program
- History & philosophy of Alternative Dispute Resolution
- Showing of *Mediation: A Better Way* video with Chief Judge Judith Kaye
- Relevant NYS legislation including confidentiality & dismissal applications
- Mediation applications
- Mediator impartiality
- Opening statements

**Day Two:**
- Mediation process
- Mediation skills
- Data collection
- Note taking
- Caucusing
- Significant role-plays

**Day Three:**
- Value conflicts & diversity
- Problem-solving
- Agreement writing
- Significant role-plays
- Ethical & legal dilemmas
- Domestic violence guidelines
- Child abuse guidelines
- Alcohol/substance abuse

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**Our Recommendation**

There are several options available with regard to the training, including both format and trainer. The faculty or professional staff may have qualified individuals available to conduct the training. Consider contacting a local community mediation service or court administrative office about individuals qualified to assist in the training. Also, there are a number of state and national dispute resolution organizations that can provide trainers for the program. The planning committee should consult with the trainer regarding the format of the training and what is most appropriate for the project's needs.
Apprenticeship Component

The NYS UCS Community Dispute Resolution Centers Program requires that all individuals seeking to volunteer for a court-affiliated community mediation program complete an apprenticeship component before they may be allowed to mediate without direct supervision. The apprenticeship consists of a total of three mediation hearings with at least two being under supervision or observation by a certified mediator or program staff.

The Program coordinates this component of the service-learning experience with the assistance of the Community Dispute Resolution Centers in the greater Capital Region. These programs include the Albany Center for Alternative Dispute Resolution; Community Dispute Settlement Program of Rensselaer County; Saratoga Mediation Services; Common Ground Dispute Resolution of Columbia/Greene Counties; and the Dispute Resolution Program of Schenectady County (Appendix II).

The student mediators observed mediators from these programs conduct hearings involving referrals from the local Civil, Criminal, and Family Courts. Typical cases for observation included a breach of contract between a consumer and a merchant; a housing dispute between a landlord and tenant; a harassment charge between neighbors; or a visitation dispute involving separated parents. After observing at least one and often as many as four or five mediation sessions, the student mediators co-mediated with a certified mediator from one of the area centers or with another student mediator under the direct supervision of the program manager. On occasion, students mediated without a co-mediator, but continued under supervision of the program manager within the context of a single-mediator intervention model.

Even without such a requirement in other states, the benefits of an apprenticeship component are multi-fold. Students have an opportunity to observe actual mediation sessions without the stress of having to mediate in some successful fashion. Thus, when students do conduct their initial mediation session, they have a much better idea as to what to expect. Students have an opportunity to debrief the observed mediator and discuss various strategies that were employed during the course of the session. Also, students are exposed to a range of mediation styles and approaches that may augment their own orientation to mediating disputes. The apprenticeship allows the students to begin their mediation service in a structured setting where the opportunity to ask questions, receive feedback, and improve their skills is designed to make them more effective when mediating in less controlled circumstances.
LESSON LEARNED

The apprenticeship component proved to be a major challenge, as the Program had developed a pool of trained student mediators well before developing a sufficient enough caseload. The newly-trained students desired an immediate opportunity to test and develop their skills, as well as help resolve actual disputes.

OUR RECOMMENDATION

To the extent that the project can tap into local mediation resources for training and increased apprenticeship opportunities, the service-learner's experience will be enriched and the students will be more prepared to engage in the direct service aspects of the program.
Case Development, Marketing, Education & Outreach, and Public Relations

Students are actively involved in the outreach component of the program. Each student receives a tour of at least one Albany Housing Authority (AHA) apartment building. They are expected to make public presentations at Tenant's Association meetings, AHA staff meetings, and to write articles for publication in the AHA newsletter, The Public Speaker (Appendix 12), Tenants and Neighbors, and other relevant publications. The presentation is expected to include a description of the Program's services, the role of the mediator, the stages of the mediation process, issues related to confidentiality, a mock-mediation and questions and answers at the conclusion.

In addition to education and outreach activities, dissemination of marketing materials helps to achieve program name "recognition" and to build caseload referrals. The Program distributed brochures (Appendix 13) through an insert in the AHA's monthly newsletter. The Authority staff displayed bulletin board posters (Appendix 14) in each development office and public areas. And, as another example of external support, the Tenant's Association distributed door-hangers (Appendix 15) to each of the two-thousand plus (2,000+) housing units.

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**Lesson Learned**

Education and outreach activities are an integral component of the student's service-learning experience. These efforts typically result in an immediate increase of caseload referral; without consistent and-on-going education and outreach activity, caseload referrals may decline.
OUR RECOMMENDATION

The marketing, outreach, and public relations areas are opportunities for the students to refine what they are learning by educating others as to the benefits of the service, and mediation intervention specifically. The opportunity to write articles and speak publicly may be the most important component of the service-learning experience. A different set of skills (other than mediation) are developed when engaging in these types of activities, and these skills are equally important in the education of young professionals. If the students distribute posters or door hangers, they have the opportunity to meet staff and residents as well as learn more about unique community needs. The distribution of marketing materials is also an opportunity to develop and use external support. Don't under-estimate the power of "word-of-mouth" communications for establishing both credibility and cases for the program.
IV. The Academic Internship

Credit v. Non-Credit Issues and Concerns

From a supervisory standpoint, an inter-collegiate, inter-disciplinary service-learning project presents distinct challenges. The program administrator encounters differing standards and requirements for each separate school, as well as differences within the same institution but between discrete academic departments or administrative offices (e.g., the number of hours required for credit, different writing requirements and reporting requirements, etc.). Academic units sponsoring students may desire contact through faculty advisors that often have flexibility when supervising internship requirements. Career centers that refer students may have few requirements in regards to student supervision and accountability. Graduate and professional students typically have a set of more rigorous requirements and seek strong academic or professional relationships between themselves and the supervisor. Thus, each additional program or institution creates additional administrative tasks that may be distracting at best, and burdensome at worst.

LESSON LEARNED

We found that students enrolled in the project for some form of academic credit pursued the Program's requirements and activities with considerably more seriousness and enthusiasm than other students. Though they may be equally interested in the opportunity, the non-credit students are often less committed as they can opt out at any time with limited or no repercussions.

OUR RECOMMENDATION

The program administrator should meet with the students from each school at their institution in order to give them an opportunity to reflect on their experiences in a comfortable environment. This will also indicate to the students and other program participants from each school that their participation is important, valued, and on a similar scale with other participating institutions. In conjunction with each school, the program manager should develop a "fact sheet" that lists the requirements for each school and help create a profile for individuals and institutional project participation.
In-Service Programs

All participating students were required to attend each of the seven in-service seminars as part of the training program. However, as alluded to above, absent the availability of academic credit, required participation may sometimes be difficult to enforce. In-service programs are similar to seminar-style classes in that there is required reading, a featured speaker, and discussion among the students, program manager, and speaker on the topic of the program, as well as on other relevant issues as they pertain to the practice of mediation. Additionally, students are invited to discuss any observations or mediation which they conducted since the last in-service seminar. Our Program would benefit by bringing in attorneys who both provide mediation services and utilize these services on a regular basis to speak as part of the in-service component. Students who have an excused absence and are unable to attend due to a conflict are required to view the in-service seminar on video-tape. (All of the in-service sessions were video-taped for this purpose, as well as to create a library of resource material.)

The in-service programs center around three broad themes: diversity and different models of dispute resolution; special problems relevant to mediating community disputes; and, professional applications and opportunities beyond community service and court-connected mediation.

Students learn, for example, that people and cultures resolve conflict differently and the mediation intervention model in which they are trained cannot be imposed upon, nor is it effective for, all people. The students learn how to manage differences in ways that are culturally sensitive, particularly to those that feel dis-empowered by the system. The service-learners acquire a better understanding of the effects of alcohol and drug abuse and how those illnesses influence people's ability to make and comply with agreements. Professionals who mediate labor disputes or provide private divorce mediation services discuss how mediation functions in these contexts and help the students examine differences and similarities between various dispute resolution applications.
In-service topics which may be offered, by way of example, include:

- **Public Housing**—How current political, economic, legal, and social forces are shaping public housing today and in the future, including an understanding of how the local housing authority operates.

- **Domestic Violence**—How the local courts, mediation programs, and domestic violence advocates view mediation and their relationship to issues of domestic violence; how mediators should manage the dynamics of domestic violence during a mediation session.

- **Disabilities**—How the Americans With Disabilities Act effects mediation; the means and the provisions for dispute resolution contained therein; how mediators should assist when disputing parties have disabilities.

- **Cultural Diversity**—How to have increased sensitivity to cultural differences; how different cultures manage and resolve differences and the relationship to court-connected and community mediation.

- **Victim-Offender Mediation**—How this application of mediation to resolving disputes fits within the criminal courts; mediating disputes with an acknowledged offender; concepts of restorative justice.

- **Alcohol and Substance Abuse**—How the effects of use and abuse impact on relationships; the ability of substance abusers to negotiate and comply with mediated agreements; handling disputants who appear at mediation under the influence.

- **Matrimonial/Divorce**—How the growing trend to use mediation influences the resolution of domestic relations disputes; custody/visitation and support payment disputes; the professional application of divorce mediation as an alternative to litigation.

- **Labor/Management-Public Policy**—How the application of mediation to resolving contract disputes and employee grievances has evolved; land-use and multi-party mediation applications; negotiated rulemaking.

The planning committee should consider whether they will offer an honorarium to in-service speakers, or whether they can identify appropriate speakers who will participate as a way of offering external support. One idea is to invite faculty from participating schools who may have appropriate expertise to conduct the in-service programs. The in-service programs should be evaluated by the students to assess their interest in the subject, and in particular, the efficacy of the chosen presenter.
LESSON LEARNED

Practical logistics were a far more essential ingredient than anticipated. Given the inter-collegiate nature of the program, student's ability or inability to access the host school, local courts, dispute resolution centers, and the public housing facilities was crucial to their successful completion of the Program. Sometimes, lack of transportation became a nearly insurmountable limitation on the Program itself. Similarly, students may have class scheduling conflicts with the in-service programs, apprenticeship requirements, and direct mediation service opportunities.

OUR RECOMMENDATION

Have a clear understanding with each of the students as to the program requirements, as outlined both by their school and the host school. Select only those students who have agreed to enroll in the program for academic credit. Identify the student's transportation needs early so that they may be addressed before the program begins.

Reflective Learning Journal

Student mediators were required to make regular entries in a Reflective Learning Journal (Appendix 16) that helped them to organize and integrate all the service-learning program components: the certified training; apprenticeship; in-service presentations; outreach activities; required readings; and how the students are applying their new knowledge about communication and conflict resolution beyond the formal context of mediation intervention. A structured journal invites students to articulate their learning in specific areas by offering examples in a concrete fashion and discouraging abstractions (e.g., "I learned a lot today"). The journal offers an opportunity for the students to share their insights, contribute ideas to enhance the project, raise questions, and synthesize theory and practice.

The program administrator utilized the Reflective Learning Journal as a formative instrument that provided continuous feedback on the students' learning experience. The program administrator (and planning committee) used the journals to help evaluate the effectiveness of the training, reading material, and in-service programs.
The student supervisor's feedback is a critical component of the service-learning experience. The supervisor can effectively evaluate the depth, intensity, and sincerity of effort as well as the student's ability to integrate the major principles of mediation, community-service, and diversity. The supervisor can also assess the student's ability to apply the program's educational components beyond the formal modules of the service-learning project.

After completion of the program, most students find that they are capable of and competent in engaging in in-depth discussions about the merits and limitations of the mediation process, amenable applications, and the social implications of ADR within and outside of the legal system. Additionally, most feel very confident to practice mediation in a community and court-affiliated setting.

Additional Examples from Student Reflective Learning Journals:

"The first week after mediation training, everything looked like a potential mediation issue. I felt like I had a heightened sense of the conflicts between individuals and how individuals go about resolving them."
—Albany Law School Student

"During my first mediation (observation), I focused carefully on the disputants when they were presenting their case. I was trying to think of all of the strategies that we learned, and thinking about how I would handle this case if I was the mediator."
—College of St. Rose Student

"I caught myself leading a disputant down a path I thought they were taking anyway and I thought I would simply be expediting that journey, however, I now realize that my own values and preconceptions filtered my questions and may not have achieved what I originally intended."
—Albany Law School Student

"They both agreed that going to mediation was 10 times better than going back to court and were extremely happy that this issue got settled. I believe that if these people went to court they could have never gotten to the point where they are at. What I mean by this is that I could see that they had no form of communication. When they left the mediation they were talking peacefully with one another. I feel that if these two people went to court, it would have only pulled them apart."
—Union College Student
Reader

The reader (Appendix 17) is a compilation of selected reading material assigned to the students for review and reflection during the course of the program. Use of the reader makes the service-learning project more than an internship and helps bridge the gap between practical skills building and traditional academic study. Without a strong academic component, a project is in danger of slipping into a service delivery operation where student-servers function in an intellectual vacuum. The reader allows the student to review contemporary articles written by leading scholars in the field as well as background information relevant to each in-service seminar.

While there is no “magic” in selecting articles from the hundreds if not thousands in print, some rules for distinguishing among the myriad articles include: relevancy of topic matter; accessibility to students who may lack sophisticated knowledge in certain areas; influence of the author on the field; availability to reproduce; length; and value as a device to both inform and stimulate student thinking.

Along with commenting on the assigned reading in their reflective learning journals, students are asked to prepare questions, comments, or concerns about the reading for presentation at the in-service seminars. While most of the material is distributed in advance, additional reading materials are often located during the course of the semester that are appropriate for distribution. Because the field of dispute resolution and its associated research is still in its infancy, the body of relevant literature grows daily. Also, speakers often develop new material or write articles they wish the students to read and comment on. Therefore, all materials were distributed on 3-hole punch paper so that the student developed an organized resource in a binder where new or additional material could be added at a later time.

The readings we were required to read in preparation for this in-service program did not change my mind about the role mediation should play in cases of domestic violence. The articles had many good points concerning the prominent role mediation can play in cases of domestic violence. But I still believe it is an issue that should not be discussed and resolved in mediation because abuse is a pattern, it does not usually go away, it merely escalates.

—State University at Albany Student
Almost one year after completing mediation training, I was afforded an opportunity to re-visit the mediation training experience—as an assistant trainer. While assisting the lead trainer during the program, I recognized, through the skill development exercises I helped administer to the trainees, how the benefits of hands-on mediation continually enhances my insight and perspective regarding the process.

—Albany Law School Student

**OUR RECOMMENDATION**

Select articles for student review that contain differing viewpoints regarding the efficacy of mediation under certain circumstances (i.e., domestic violence) and encourage the students to think more critically about mediation and its role in society.

**Opportunities Beyond the Clinical Setting**

A number of optional activities were made available for the students to engage in and develop their communication, conflict resolution, consulting and public speaking skills. By way of example, what follows is a sampling of activities students have participated in during the last four semesters:

- Conducting intake and case-management for the Mediation Assistance Program.
- Attending an annual six-hour Advanced Mediation Skills Training.
- Assisting in conducting a Multi-Party Mediation Training.
- Assisting with facilitating strategic planning meetings.
- Assisting in facilitating a negotiated rulemaking for a New York State agency.
- Assisting in conducting a twenty-five hour basic Certified Mediation Training.
- Presenting workshops at conferences.
V. Time Requirements

The following is a break-down of the time each student spends in each of the Program's component areas:

- Court-Certified Community Mediation Training ........ 25 hours
- Apprenticeship .......................................... 18-27 hours
  (Observation .......................................... 6-9 hours)
  (Co-Mediation .......................................... 9-12 hours)
  (AHA Development Tour .............................. 1-2 hours)
  (Outreach Activities ................................. 4-8 hours)
- In-Service Program ...................................... 24 hours
- Required Reading ........................................ 23-30 hours
- Reflective Learning Journal ......................... 37-41 hours
- TOTAL .................................................. 130-147 hours

LESSON LEARNED

Student mediators found the twenty-five hour training program to be very intensive. Some would have preferred spreading it out over more than three days. All of the students would have preferred that the observation and mediation components of their service-learning experience included more hours, so they could develop and evaluate their mediation skills.
VI. The Mentoring Ideal

The opportunity to assist in training a group of new mediators was a great experience. It really enabled me to separate the "wheat from the chaff" in my own mind in terms of my understanding of mediation, what approaches and techniques had and hadn't worked for me, and in finding effective ways to communicate this information to the new mediators.

—Albany Law School Student

The Mediation Assistance Program trains students in a co-mediation model, allowing them to mediate as a solo practitioner or with another intervenor. The training program allows each student to practice their opening statement with the opportunity to role-play as a mediator twice and a disputant twice. All role-plays are video-taped for debriefing and discussion purposes. All trainees are required to complete an evaluation form used by the Unified Court System (Appendix 18).

It is expected and hoped that the student mediators will remain on the Program panel while enrolled at Albany Law School (or their institution) and conduct mediations when needed and subject to interest and availability. Finally, it is expected that those students remaining on the panel will assist in the mentoring of new students. The experienced mediators co-mediate with the new service-learners, enabling the program to simultaneously provide a quality service and train new mediators in a more comfortable setting where they can take a secondary, yet meaningful, role.

LESSON LEARNED

Using a co-mediation intervention model allowed our Program to utilize more service-learners during the project. This model has the important benefit of providing an experienced mediator to the targeted client community, while simultaneously eliminating, or at least reducing, the stress on the program participants to perform effectively in their role as a student-mediator. This model afforded students a new and differentiated role during the course of the service-learning experience.
VII. Program Operation Issues

Confidentiality

Confidentiality is the most important legal and ethical area of concern. Assuming the service-learning project will provide direct services (as opposed to providing simulated learning opportunities), this issue should be well thought out with worst-case scenarios thoroughly conceived. Many mediation programs serving the community align themselves with the courts or a community-based program in order to receive the protection of state statute or court rule in regards to confidentiality.

Most court-affiliated mediation services consider the substance or content of mediation hearings to be private, confidential communications similar to that of attorney-client privilege (Article 21-A, New York State Judiciary Law). Additionally, most mediator codes of ethics spell out a similar stance (Appendix 19). This means that the records and the mediator are protected from being subpoenaed into a subsequent court action, whether related to the matter at mediation or not. States may have exceptions to this confidentiality (e.g., child abuse or domestic abuse). By affiliating with the local court-connected mediation center, the program and the student/mediators may be shielded by this protection. It is essential to note that each state's law on this matter will be different. A new program must ascertain the state of the law and proceed from that understanding.

The service-learning program that isn't affiliated or protected by statute or rule will need to develop programmatic protocols to mitigate potential problems. The program may want to limit the types of cases considered suitable for the program's parameters. Another option is to perform extensive case evaluation during in-take to determine the appropriateness of a particular case for mediation. Many programs ask their clientele to sign a consent form waiving liability on the part of the

—SAGE JCA Student
program and its participants. Typically, these consent forms acknowledge the parties are mediating voluntarily, the session is confidential, the mediators are trained mediators and will not make any substantive decisions, and that the written agreement will be the only record of the session. Most programs destroy notes taken during the course of the mediation once the case is closed. Mediators will usually keep their notes locked with the file if it is a multi-session mediation.

The project manager will also have to develop protocols regarding the confidentiality of case files, telephone correspondence, and the need to sometimes meet privately with both disputants and student-mediators.

**OUR RECOMMENDATION**

The planning committee and the program administrator should understand existing confidentiality statutes from their state as well as local rules and practices. Equally important is covering the program's confidentiality policy thoroughly during the training component, and in-service seminars on critical issues should contain considerable discussion of the confidentiality issue so that program staff and service-learners have a comfortable understanding of protocols, both internal to the project and in relation to relevant laws.
Initial Client Contact

Typically, our Program received background details on a dispute from staff of the Authority and information on how to contact the disputants to arrange a mediation. Contacting clientele, while not legally as challenging as the issue of confidentiality, can create considerable difficulty when providing services to the target population. Contacting clients, or potential clients, is a touchy area because this has a direct relationship to people's privacy. Our planning committee developed programmatic protocols with those external organizations that supported the projects' objectives.

When contacting a potential client, where is the information coming from? Has permission been giving to release this information? Who will do the contacting, a program administrator or student service-learner? Will the contact be made through telephone, postal service, or in-person? What information will be released to the potential client? Does confidentiality pertain to these pre-mediation hearing discussions? If a potential client refuses to mediate, what will be communicated and to whom? Answers to these questions with respect to individual’s privacy, autonomy, and relationships need to be determined before a program can provide services.

If not, the program participant making contact may be faced with a "Where did you get my phone number?" “Who gave you my address?” or some similar and unsettling scenario. This response can potentially grow into a groundswell against your program's goals as the credibility of your project is seriously called into question.

I was very surprised regarding the entire mediation process. The proceedings were very laid back and informal. I did not feel any tension between either the disputants or the mediators.

—State University at Albany Student
Case Management

When providing direct mediation services, our Program was mindful that the clients were real people with real conflicts, and the program had novice (student) mediators. The program's clientele expect and deserve the highest quality of service possible. Because of this, we espoused a mentoring relationship between the new and experienced students so that a cadre of confident and competent service-learners were continually available. The program administrator responsible for case assignments considered the circumstances and needs of each case independent of the needs of other cases while simultaneously balancing the needs of a service-learning environment.

What follows are step-by-step case management procedures used by the Program with an explanation of each of the forms included in the appendix.
Case Intake

Considerable research and experience indicates that case management procedures and activities prior to the convening of a formal mediation session is a critical factor influencing the outcome of the mediation itself. In sum, this portion of the case management process should not be taken lightly and should generally be treated as part of the mediation. This means that telephone conversations or in-person interviews should be conducted in private and any notes should be considered part of the parties' confidential file. Most programs use a simple Intake Form (Appendix 20) to collect important contact information and a summary of the issues so far identified. Other pertinent information would include demographic information, availability to mediate, relationship (neighbors, family members, consumer/merchants, etc.), and prior attempts to resolve the conflict. These may include efforts by housing authority staff, police or court intervention, or even mediation among others.

Who performs intake is a program decision that should be well thought out. Pre-mediation discussions can often be emotionally charged and difficult. A program has several options including: staff of a local mediation service; professional staff of the program; or the service-learners/student mediators. Our Program used the project manager, an experienced case worker, to perform or supervise all of the case management functions. As this stage of the intervention process can be very time consuming and labor-intensive, a local mediation service may be called upon to free up limited staffing for other project activities. Presumably, the mediation center's staff are professionally trained and experienced in this challenging, and critical, activity. Using our in-house staff or students under supervision allowed more internal control over each of the intervention stages, as well as more areas for reflection and discussion on the part of the students and staff. If students are incorporated into this component of the program's operation, they should receive appropriate training and supervision.

The intake person also spends significant time debriefing the parties on the nature of their dispute: how long they have known each other; when the difficulties began; what they have done to try and resolve the situation; how they see the situation being resolved; what they would be willing to do to resolve the situation; and willingness to attend a mediation session to resolve the matter. These conversations can vary in length, and there are established approaches as to how they should be conducted. The disputing parties' willingness to attend mediation may range from an enthusiastic embrace to entrenched resistance. Typically, the parties fall somewhere in the middle of this range. The referral agent (housing staff, police, neighbor, friend, etc.) may have induced a desire to attend mediation, thus reducing the need to encourage the disputant's
participation. Regardless, the intake person will need to inform and educate the parties about the mediation process and who the mediators will be. Many New York community-based programs schedule about fifty percent of their referrals for a formal mediation session. (Community Dispute Resolution Centers Program, New York State Unified Court System Annual Report, March 31, 1994.)

Intake is also an opportunity to screen for factors that influence the appropriateness of a case for mediation. While appropriateness is largely a programmatic issue, many state laws or guidelines screen cases involving domestic violence (Appendix 21) or other forms of abuse (Appendix 22) and refer these matters to other intervention services. If the matter meets the Program's criteria for mediation suitability, a session is scheduled at the convenience of the parties. The Program schedules all of its mediation sessions in a private room located at the disputing parties' development, or a central office, if appropriate. On the occasion of assisting parties who live in subsidized housing and not in an Authority development, the mediation may be scheduled at the Law School.

**Mediation Scheduling and Convening**

Once the disputing individuals agree to a date, time, and location for the session, letters (Appendix 23) and a brochure are mailed reminding them of the date, time, and location, educating them more about the session's goals, and informing them of their rights. In New York State, these include the right to have an attorney present at all times and the right to have witnesses appear on their behalf. Copies of these letters are kept in the file and sent to appropriate individuals, usually the referral agent and development manager.

Next and with the assistance of the student's availability calendar (Appendix 24), two student mediators are scheduled to conduct the session. It is important that ample time be given to the students and disputants to resolve the dispute, and this should include mediation session preparation and set-up, the session itself, and post-mediation debriefing of the students.

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**OUR RECOMMENDATION**

This time allotment should be at least three hours. Avoid scheduling a student who may want to squeeze a mediation in between two classes not far apart.
Most Mediation Agreement forms (Appendix 25) contain little more than a place for their names and date, many blank lines to list the details of their agreement, and a place for the disputants and mediators to sign. Assuming the parties reach an agreement, the disputants should always leave the session with a copy of the agreement. The Program uses four-part NCR paper available through most printing companies, and always keeps the original, and most legible, copy for its files.

If an agreement is not reached, the mediators should explore whether the parties would like to come back to another session and continue their work. If the parties reach an impasse, the mediators can explore other options with the disputants. Our Program has found considerable success at enabling the parties to reach agreement on at least some of the identified issues. Most New York community-based mediation programs have 70-90 percent agreement rates (Community Dispute Resolution Centers Program, New York State Unified Court System Annual Report, March 31, 1994.)

As a program affiliated with the Albany Center for Alternative Dispute Resolution, which in turn is affiliated with the New York State Unified Court System, case profile information is collected so that individual programs and the courts have data on who is using the service as well as other case information. When mediating in court as part of their apprenticeship, the students use the Albany Center's information form to collect this data (Appendix 26). For the public housing cases, this data is collected through the assistance of Authority staff during the intake process.

**Post-Mediation Management**

After the mediation is adjourned, the student-mediators complete the Post-Mediation Report (Appendix 27). This form collects and organizes pertinent information relative to the mediation session itself that assists the Program and courts in understanding who is participating in the sessions, the nature or kinds of complaints mediated, the length and number of sessions, whether any financial restitution was involved, and any referrals that were made. These referrals could include alcohol or substance abuse counseling, other social services, or even referral of the matter back to court. The report always contains a field where student-mediators can provide information for the program administrator such as unresolved issues, a desire to return to mediation, or simply an indication that the matter was resolved and the details are contained within the Mediation Agreement form.
VIII. Evaluation

Evaluation of our Program was one of the most important features of the project. Formative and summative evaluation measures allowed us to not only monitor the Program and make technical adjustments when necessary, but assisted the GLC in its overall evaluation of the Program. Most of the established evaluation protocols focused on the service-learning experience of the student-mediators. These measurement instruments included a student self-evaluation administered before the training component and at the beginning of their service-learning experience; a training evaluation required by the NYS UCS; the student's reflective learning journals; student interviews; and a self-evaluation administered at the conclusion of their service-learning experience. Additionally, eight student, two from each semester of the project, were interviewed as to their experiences after their involvement had concluded. In order to accumulate valid quantitative and qualitative data, the GLC contracted with The Evaluation Consortium at the School of Education of the State University at Albany (Evaluation Consortium) to conduct most of the measurement protocols and analysis.

LESSON LEARNED

Using experts external to our institution allowed the Program to collect impartial and objective data. The data analysis and feedback assisted the Program in focusing its efforts in particular programmatic areas on a quarterly basis, creating an environment where the project could improve from one semester to the next.

OUR RECOMMENDATION

Locate and use an independent agency to assist your project with collecting, analyzing, and reporting through formative and summative evaluation protocols. Use this information to improve your project on an on-going basis. Work closely with this organization so that the kind of information helpful to the project's staff is collected and analyzed.
Student Self-Evaluation

The Evaluation Consortium administered a pre-test instrument (Appendix 29), post-test instrument (Appendix 30), and a selected sample of student interviews to determine the impact of the Program on the students' attitudes regarding community service, and mediation in particular. Student perceptions of the Program's effectiveness were also assessed. The pre-test instrument was administered at the beginning of the semester to each of the participating students. The post-test instrument was administered to each of the participating students, but with varying return rates. Interviews with students were conducted at the conclusion of the first three semesters. The students were randomly selected and stratified by college, ethnicity, and gender.

The results of the data and its analysis were compiled and submitted to the Program by the Evaluation Consortium after the conclusion of each semester. With this information, the Program made technical adjustments to improve the service-learning experience. Features of the Program that were widely acclaimed were used to further develop support for the Program's goals and objectives.

Training Evaluation and Reflective Learning Journal

Each of the student-mediators was asked to complete an evaluation of the training component at the conclusion, using a form (Appendix 18) developed by the NYS UCS Community Dispute Resolution Centers Program. The results of these evaluations largely confirmed that the training aspect of the program was well received by the students. It also allowed the Program to focus its energy on other features of the project that needed improvement.

The students' Reflective Learning Journal proved to be an invaluable avenue for monitoring their service learning experience. Because the students were required to make regular entries and submit them for review, the program manager was able to take a constant pulse of the Program through the students' eyes.
Best Practices Manual

An Interdisciplinary Approach
to Service-Learning

and Mediation Assistance
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APPENDIX 2

Best Practices Manual

An Interdisciplinary Approach to Service-Learning and Mediation Assistance
GOVERNMENT LAW CENTER
MEMORANDUM

TO: Deans, Directors, and Faculty
FROM: Philip Moses
DATE: June 15, 1996
RE: Mediation Training

A number of faculty members and staff at ALS have inquired about mediation training. If sufficient numbers of people sign-up, I would be happy to conduct a training for the school.

The training program would be a three-day, twenty-five hour court certified training conducted in mid-July or early August. Trainees would need to commit to attend and participate in all components of the training. The training is similar to that completed by the 2000+ mediation practitioners who presently mediate for the Community Dispute Resolution Centers Program of the NYS Unified Court System. Those who complete the training are eligible to serve an apprenticeship with the courts. I believe that you will find the training a great opportunity to acquire new skills as well as gain a better understanding of the relationship between mediation, the law, and social justice.

I encourage those that are interested to contact Patty Salkin or myself if you would like additional information. Also, I encourage you to speak with those Faculty members who have already completed the training: Dave Markell, Pamela McKinney, and Nancy Soonpa. Incidentally, the GLC provides this training (not the apprenticeship) to area alumni and other community members for considerable cost. Of course, there is no fee to those presently working for ALS.

Because of the highly interactive nature of the training program and the personal attention afforded each participant, the training class is limited in size. If you are interested in the training, please list your name and preferred dates below (choose either July or August or both) and return to the GLC office. Thank you in advance for your interest.

_________________________________________ 7/14, 7/16, 7/18
name dates

_________________________________________ 8/7, 8/8, 8/11
dates

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An Interdisciplinary Approach
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and Mediation Assistance
Students Mediate in Albany Civil Court

The Mediation Assistance Program trained its second group of community mediators with 10 Albany Law School students joining nine other students in the community service program. As part of their training, students mediate commercial claims disputes under supervision of program manager Philip Moses.

The classroom training, which is the first step towards receiving a certificate as a community mediator, was conducted by Moses, a certified mediation trainer for the New York State Unified Court System. Moses is also on the training staff for the Albany Center for Alternative Dispute Resolution.

The classroom training consisted of 25 hours of classroom instruction and focused both on the student's role as an impartial mediator and the formal process of mediation as practiced by most court-affiliated mediation programs in the State of New York. The training was highly interactive with all of the participants taking turns as disputants and co-mediators.

Now that they have completed the classroom component of the training, they are required to serve an apprenticeship at one of the court-affiliated community mediation centers in the greater Capital Region. Completing the apprenticeship is the second step in receiving a certificate of a community mediator.

The apprenticeship requires the students to observe at least one mediation, co-mediate with a certified mediator, and then mediate under supervision. The apprenticeship is critical to making the classroom learning come to life. One student, William Hurst '97, said, "The observation made real the concepts learned in the training. As the disputants unloaded their stories, I could see opportunities to use strategies we had learned to spur productive communication."

Many of the students are observing their first mediation at Albany Civil Court where small claims disputes are adjudicated, and mediated. As normal procedure, Judge Madonna Stahl refers at least one case each morning to mediation where a certified volunteer from the Albany Center for Alternative Dispute Resolution conducts a mediation session. Students observe these mediations as an initial step in their apprenticeship, or observe at one of the other five court-affiliated mediation centers in the greater Capital Region.

Another student, Patricia Beaubrun '97 said, "Observing a mediation at the Civil Court in Albany? I was impressed by the mediator's patience in resolving the dispute. The mediator had opportunities to throw in the towel and allow the judge to decide the case, but the mediator worked for two hours until the dispute was resolved."

To date, students trained by the program have observed 20 mediations this semester, while three students have each successfully co-mediated a civil claims dispute. Observing a mediation allows the student mediators to view the process at work and see first-hand the skills required to be effective mediator.

Under an arrangement with the Albany Center for Alternative Dispute Resolution, the Mediation Assistance Program is responsible for conducting mediation sessions during the commercial claims calendar which is called every Thursday afternoon at 1:30 p.m. While Moses and other certified mediators are conducting most of the mediations as students observe, Moses expects the students currently enrolled in the program to be conducting all of the commercial claims mediations by November. In the coming semesters, students now enrolled in the program will become mentors for subsequent students accepted into the program.
GLC: Mediation

The Mediation Assistance Program, one of the latest projects of the Government Law Center, trained its inaugural group of community mediators with fifteen Albany Law School students joining a total of 32 students in the training program. Students from SUNY Albany, Siena College, College of Saint Rose, and Sage JCA are included in this unique and innovative community service project.

The training, which is the first step towards receiving a certificate as a community mediator, was conducted by Program Manager Philip S. Moses, a certified mediation trainer for the New York State Unified Court System. Moses, who is also on the training staff for the Albany Center for Alternative Dispute Resolution, was assisted by Amy Rebecca Gay, the coordinator for the Conflict Resolution Consulting Group at Syracuse University.

The training program consisted of 25 hours of classroom instruction and focused both on the student's role as an impartial mediator and the formal process of mediation as practiced by most court-affiliated mediation programs in the State of New York. The training was highly interactive with all of the participants taking turns as disputants and co-mediators.

Most of the students acknowledged that mediation is clearly a different perspective than their traditional legal training. Law student Richard Sandor '95 is glad to be participating. "I thought the mediation training program was outstanding. It refocuses my outlook on problem-solving in order to assist people in resolving their disputes," Sandor said. Marilee Niemi '95 also found the mediation process to be empowering. "Law school teaches how to advocate but the training taught me how to help people resolve their own problems without resorting to an adversarial process," Niemi commented.

Along with a broader perspective, students found the training and the process to be challenging as well. Much of the behavior appropriate for a lawyer has to be set aside when mediating. "I learned how to be a facilitator, rather than an active participant, to assist people in resolving their own disputes. I just will need to control my body language!" said Lyn Molesworth '96.

Still, the students will be mediating actual disputes in the community. Now that they have completed the classroom component of the training, they are required to serve an apprenticeship at one of the court-affiliated community mediation centers in the greater Capital Region. Because the students will be applying their new skills in a community service setting, the training expanded far beyond the theoretical side of alternative dispute resolution. The students learned the nuts and bolts of the mediation process and how to facilitate this problem-solving model. Commented Garth Slocum '95, "I found the training very, very practical. The focus seemed to be on 'how to' rather than the abstract."
Students Observe Court Mediations
Mediation Assistance Program

Having completed the twenty-five hour classroom portion of their training, the students enrolled in the Mediation Assistance Program are engaged in the apprenticeship component of the training. The apprenticeship consists of observing and mediating under observation at least three actual mediation sessions referred by the local courts.

Observing a mediation allows the students to view the process at work and see first-hand the distinction between mediation and litigation. One student, Deusdedi Merced '95 said, “The one thing I took away with me after having observed the mediation was that participants find it preferable to come up with a resolution themselves rather than have the judge impose upon them her decision.” The apprenticeship also allows the students to think more discriminately about mediation as well as prepare them for actual intervention work. “Observing a live mediation provides students with the opportunity to visualize as well as to critically analyze the theories presented during mediation training,” commented Brenda Stadel '95.

Participants have also visited various facilities managed by the Albany Housing Authority where the students will eventually utilize their training. The building tours offer the students a realistic look at how residents of public housing live and more insight into the types of disputes are likely to mediate.

In addition to the apprenticeship and building tours, the students have also attended in-service programs on public housing and domestic violence. On February 1st, Steven Longo, Executive Director of the Albany Housing Authority, spoke about the history of public housing both nationally and locally. Longo also discussed some of the problems facing public housing nationally, and some of the issues confronting those who live and work in the Albany Housing Authority facilities.

On February 15th, Lisa Frisch from the New York State Office for the Prevention of Domestic Violence, presented a program around issues of violence in the home, and the appropriateness of mediation in these situations. While conflicts involving domestic violence are not considered appropriate for mediation, it is important for the students to have a greater understanding of the dynamics affecting people in these situations.

In the coming weeks, in-service programs will cover people with disabilities and alcohol and substance use/abuse. The in-service programs are an important part of the Mediation Assistance Program. “Through the in-service presentations, students are introduced to those people out in the community providing services. This introduction broadens student’s perspectives before they become certified mediators,” said Vicki Speciale '95. All of the in-service programs are videotaped for those students who absolutely cannot attend the actual presentation.

Students will soon be making presentations about the Mediation Assistance Program to Tenant’s Association meetings and it is anticipated that actual mediations will begin shortly.
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and Mediation Assistance
Government Law Center Awarded Multi-Year Federal Community Service Grant

The Government Law Center has been awarded a grant by the U.S. Department of Education's Fund for the Improvement of Post Secondary Education (FIPSE) to develop and implement a mediation program which will be staffed by student volunteers to service residents of public housing. Known as the Mediation Assistance Program (M.A.P.), the program will train students in the capital region in practical mediation skills and will further their knowledge with actual experience in a community service setting.

Residents of public housing may be denied access to both the legal system and mediation services for a variety of reasons. For example, since the public housing population is largely without private transportation, their ability to access traditional community-based mediation services is somewhat limited. Furthermore, beyond police reports and small claims court actions, these individuals often have a difficult time accessing legal services, especially where income levels may disqualify them for Legal Aid assistance, and where the type of dispute for which a resolution is sought may not be a priority as compared to evictions and other pressing matters.

Public housing tenants live with a number of unique housing conditions. For example, public housing often exists in concentrated areas, including high-rise buildings. During the winters and at other high stress times, the close proximity of housing may contribute to interpersonal disputes. Rather than allowing disputes to escalate, leading to arrest warrants and clogging up city courts, and rather than waiting and letting the conflict erupt into violence, public housing residents will be educated about, and encouraged to participate in, voluntary mediation to resolve differences.

Initially, the types of conflicts which will be mediated will focus on interpersonal disputes. Eventually, the GLC hopes to work with the housing authority to begin to assist with landlord-tenant issues which may stop short of legal enforcement proceedings, and then to work with Legal Aid to determine appropriate situations where some of the traditional court caseload could be mediated on a pilot basis.

Colleges and universities are beginning to offer mediation courses to students. Many times these courses address only the theoretical aspects of dispute resolution, stopping short of providing actual hands-on experience. These two needs, the need for an opportunity for students to gain practical experience with mediation skills, and the need of public housing residents to have these services provided on-site, combined to form the basis for the Government Law Center's development of M.A.P.

Students participating in M.A.P. will receive training from a mediation trainer certified by the New York State Office of Court Administration, which oversees the local dispute mediation centers program in New York. Once trained, students will provide mediation services, under the supervision of the M.A.P. Program Manager, on-site at facilities managed by the Albany Housing Authority. In addition to the initial training, students will participate in ongoing seminars covering topics such as: multi-culturalism; domestic violence; drugs, and AIDS. Students will also participate in outreach and education efforts related to mediation and dispute resolution.

Participants will be selected from applicants attending a number of area colleges, including Albany Law School. Commitments to participate were received from Siena College, the College of Saint Rose, Sage Junior College of Albany, and the University at Albany. A panel of advisors, including representatives of tenant associations, the housing authority, the institutional participants, and experts in dispute resolution programs, will help to guide the development and implementation of the program. A program manager will be hired to oversee the initiative.

We anticipate that the first wave of students will be trained beginning in January 1995, and that mediation services will be available shortly thereafter.

Support for and involvement with the project from the Albany Public Housing Authority and the Tenant Leadership Council has been present from the beginning. For more information, please contact the Government Law Center.

M.A.P. participants (from left): GLC Senior Staff Attorney Robert Beverley; Tenant Leadership Council President Arthur Goodman; Albany Mayor Gerald Jennings; GLC Director Patricia Salkin; Albany Housing Authority Executive Director Steven Longo.
Best Practices Manual

*An Interdisciplinary Approach to Service-Learning and Mediation Assistance*
Campus Mediation Centers
by
William Warters*

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Eastern Connecticut State
Evangel College
Evergreen State College, WA
Fanshawe College
Franklin and Marshall College
George Mason University
George Washington University
Georgia State University
Gettysburg College
Grinnell College
Hampshire College
Hartwick College
Haverford College
Indiana University, Bloomington
James Madison University
John Jay College of Criminal Justice, CUNY
Juniata College, PA
Keen College
Kent State
Macalster College
Manchester College
Massachusetts Institute of Technology
Michigan State University
Middlebury College, CT
Monmouth College, NJ
North Adams State College

North Central College, IL
Northeast Missouri State University
Northern Illinois University
Nova Southeastern University
Oberlin
Ohio Northern University
Ohio State University
Oregon State University
Owens College, Ontario
Pace University, NY
Pacific University, OR
Penn State
Portland State University
Queens University, Kingston, Ontario
Richard Stockton College, NJ
Rider College
Russell Sage College, NY
Rutgers
Saint Olaf College
Salisbury State College, MD
Santa Clara University
Siena College
Sinclair Community College, OH
Southern Illinois University
St. Francis Xavier University,
Antigonish, Nova Scotia, Canada
St. Mary's, TX
SUNY Albany
SUNY Buffalo
SUNY Geneseo
SUNY New Paltz
Swarthmore
Syracuse University
Temple University
Texas A & M University
Towson State University, NJ
Tulane University
University of Alberta
University of California at Los Angeles
University of California San Diego
University of California Santa Barbara
University of Central Florida  
University of Colorado, Denver  
University of Connecticut  
University of Hawaii  
University of Idaho  
University of Illinois, Chicago  
University of Illinois at Urbana-Champaign  
University of Kentucky, Louisville  
University of Manitoba  
University of Maryland, College Park  
University of Massachusetts, Amherst  
University of Michigan  
University of Minnesota  
University of Missouri  
University of Nevada, Reno  
University of New Mexico  
University of North Carolina, Chapel Hill  
University of North Dakota  
University of Oregon  
University of Pennsylvania  
University of Puerto Rico  
University of Tennessee  
University of Texas at Austin  
University of Texas at San Antonio  
The University of Texas Health Science Center - Houston  
University of Washington  
University of Waterloo  
University of Western Ontario  
University of Windsor  
University of Wisconsin, Madison  
Utica College  
Valley City State University (North Dakota)  
Washington State University  
Wellesley  
West Chester University  
West Virginia  
Weselyn  
Western Michigan University  
Western State College (Colorado)  
Woodbury College (Vermont)  

Clark University Clarkson (under development)  
Mount Ida College (under development)  
Tufts University (under development)  
University of Delaware (under development)  

* Program on Mediating Theory and Democratic Systems  
Wayne State University
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to Service-Learning

and Mediation Assistance
Do You Have What It Takes...

...to sit with people experiencing a conflict and assist them in negotiating a settlement acceptable to both them and the courts?

...to tell an attorney that the formal rules of evidence don’t apply?

...to help neighbors talk and listen to each other for the first time?

...to remain calm, patient, flexible, and resourceful in the heat of battle?

...to unlearn years of communication patterns and learn an entirely new way of communicating, resolving problems, and assisting people in getting their needs met through the fastest growing arena of the legal system: mediation?

The Mediation Assistance Program of the Government Law Center at Albany Law School is presently accepting applications for the Spring 1996 semester.

Law students who are accepted into the program will be trained by a New York State Unified Court System Certified Trainer under the auspices of the Community Dispute Resolution Centers Program.

Students will serve an apprenticeship at a court-affiliated mediation center in the greater Capital region, which includes observing mediation sessions, co-mediating with experienced mediators, and eventually mediating disputes under supervision for the Albany Housing Authority. Upon completion of the program, students will become certified mediators through the New York State Unified Court System’s Community Dispute Resolution Centers Program.

There are limited opportunities for students to participate (10 to be exact). Albany Law School students who are interested in applying or would like more information should contact Program Manager Philip Moses at 445-2313. Applications can be picked-up at the Government Law Center or the Mediation Assistance Program office, room L-03 in the library. Applications are due Thursday, December 7, 1995 by 5:00 p.m.

*Funded by a grant from the U.S. Department of Education's Fund for the Improvement of Postsecondary Education*

(Students who applied in previous semesters are encouraged to apply again. Sorry, 1L’s are not eligible for this program.)
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HIGHLIGHTS

* Mediation training certified by Community Dispute Resolution Centers Program of the New York State Unified Court System
  - 25 hours of classroom instruction
  - apprenticeship served at court connected mediation center

* In-Service Program Topics
  - Public Housing
  - Cultural Diversity
  - Domestic Violence
  - Disabilities
  - Alcohol & Substance Abuse
  - Family & Divorce Mediation
  - Environmental Mediation

* Advanced Conflict Resolution Workshops

* Co-Mediate Disputes in City of Albany Civil Court

* Mediate Disputes for the Residents of the Albany Housing Authority

* Public Speaking at Tenant’s Association Meetings

* Tour Albany Housing Authority Facilities

Students who complete the program will become Certified Mediators for the Community Dispute Resolution Centers Program, New York State Unified Court System

Funded, in part, by a grant by the U.S. Department of Education, Fund for the Improvement of Postsecondary Education
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and Mediation Assistance
Real People
Real Conflicts
Real Settlements
Right Here, Right Now
at the
Government Law Center
of Albany Law School

The Mediation Assistance Program is presently recruiting College of Saint Rose students wanting to acquire experience in community dispute resolution techniques.

The students who participate will be trained by a New York State Unified Court System certified trainer as certified mediators under the auspices of the Community Dispute Resolution Centers Program. This certification is recognized throughout the State of New York.

Students, as volunteer mediators, will conduct actual mediations with the task of helping people settle disputes through the facilitated negotiation process.

Positions in the program are limited. If you are interested, we encourage you to contact the Government Law Center immediately.

Philip Moses, Program Manager
Mediation Assistance Program
Government Law Center, Albany Law School
Phone 518-445-2313
APPENDIX 9

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*An Interdisciplinary Approach to Service-Learning and Mediation Assistance*
MEDIATION ASSISTANCE PROGRAM
STUDENT MEDIATOR APPLICATION

NAME: ____________________________________________

SCHOOL ADDRESS: ____________________________________________

________________________________________ TELEPHONE: ____________________________________________

PERMANENT ADDRESS: ____________________________________________

________________________________________ TELEPHONE: ____________________________________________

EMPLOYMENT: ____________________________________________

________________________________________ TELEPHONE: ____________________________________________

EDUCATION -
HIGH SCHOOL: ____________________________________________

COLLEGE: ________________ MAJOR/MINOR: ________________

GRADUATE SCHOOL: __________________________ DEGREE: __________________________

TRAINING/COURSES/SEMINARS/WORKSHOPS/EXPERIENCE RELATED TO MEDIATION
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

SPECIAL INTERESTS, ABILITIES, SKILLS: ____________________________________________

________________________________________________________________________

FOREIGN LANGUAGES YOU SPEAK FLUENT: ____________________________________________

GRAPHIC ART SKILLS: ____________________________________________

PUBLIC SPEAKING/TRAINING SKILLS: ____________________________________________

PREVIOUS VOLUNTEER/COMMUNITY SERVICE EXPERIENCE: ____________________________________________

________________________________________________________________________

HOW DID YOU HEAR ABOUT THE PROGRAM: ____________________________________________
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*An Interdisciplinary Approach to Service-Learning and Mediation Assistance*
THE MEDIATION ASSISTANCE PROGRAM (M.A.P.)

Students in Community Service, Students in Mediation

What is M.A.P.?

The Mediation Assistance Program is a community service educational program created and administered by the Government Law Center of Albany Law School. The program trains students as mediators, then utilizes the student mediators at various public housing sites managed by the City of Albany Public Housing Authority. The program strives to provide students with practical mediation experience while empowering public housing residents by providing them with an alternative to the traditional methods of resolving disputes. MAP volunteers come from a consortium of five colleges and universities within the Capital Region.

What would I Do If I Signed Up?

- Be trained as a mediator by a state certified mediation trainer
- Undergo a mediation apprenticeship period under the supervision of experienced mediators
- Conduct mediations at City of Albany Housing Authority sites
- Assist in the operation and administration of M.A.P.
- Design and present MAP information to Public Housing tenants.
- Participate in mediation outreach & educational efforts
- Attend scheduled "in service" training to expand your mediation skills
- Participate in regularly scheduled group sessions with other MAP volunteers
- Submit papers and essays on your experiences
What Requirements Are There For Me to Participate?

- 10-12 hours per week (total hours/weeks is dependent upon respective institutional reqs)
- Full semester commitment
- Ability to be flexible in scheduling
- Sincere Interest in Community Service
- Sincere Interest in Dispute Resolution

Why Should I Do It?

- To obtain an educational experience in a community service setting
- To receive formal mediation training
- To get practical experience in Dispute Resolution

What Do I Do To Sign Up?

Fill out the form on the back of this informational packet and forward it to the Government Law Center. Also, contact the Government Law Center at 445-2329 to determine other steps you may need to take on your campus to obtain academic credit for participating in the program.

M.A.P. is funded by a grant from the U.S. Department of Education’s Fund for the Improvement of Post-Secondary Education.
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APPRENTICESHIP SITES

Albany County
The Center for Alternative Dispute Resolution, Inc.
130 Ontario Street
Albany, New York 12206

Mediation Assistance Program at the
Government Law Center of Albany Law Center
80 New Scotland Avenue
Albany, New York 12208-3494

Columbia County
Common Ground Dispute Resolution, Inc.
331 Allen Street
Hudson, New York 12534

Fulton/Montgomery Counties
Tri-County Mediation Center
1 Kimball Street
Amsterdam, New York 12010

Greene County
Common Ground Dispute Resolution, Inc.
11 William Street, Suite 2
Catskill, New York 12414

Rensselaer County
Community Dispute Settlement Program
17 First Street
Troy, New York 12180
Saratoga County
Saratoga Mediation Services
368 Broadway, Room 17
Saratoga Springs, New York 12866

Schenectady County
Dispute Resolution Program
Law, Order & Justice Center
144 Barrett Street
Schenectady, New York 12305

Schoharie County
Tri-County Mediation Center at
Schoharie County Community Action Program
Shoppers Mart Plaza
East Main Street
Cobleskill, New York 12043
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and Mediation Assistance
Jose Nunez Has a Field of Dreams

by Ben Neidl

Jose Nunez, of AHA’s Edwin Corning Homes, is no stranger to a little hard work and determination. At age 15, he is a captain of the Albany Field of Dreams program Albany Housing Authority baseball team, a position that requires him to be a leader as well as an athlete. Jose practices with his teammates regularly during the summer months, often helping the younger kids improve their games through instruction and demonstration. In fact, assisting other players is one of Jose’s favorite parts of playing baseball, but maybe not quite his very favorite part. “I really love making a good play. I think that’s the best,” says Jose.

Baseball is certainly a passion of Jose’s. A pitcher and second baseman, he dreams of playing professionally one day, perhaps for his favorite team — the Atlanta Braves. In any event, that’s a long way off and for now, Jose wants to concentrate on playing where he can. He says, “Field of Dreams is a good program. It gives you something to do and gets a lot of people interested in a great game. I’ll play with them as much as I can.” Due to the team’s hard work, they have seen a great deal of improvement, and Jose’s coaches point to his example as a major contribution.

Jose is considering going out for the team at Albany High School this year, where he is now a sophomore. Although all of his school courses are important to him, Jose has no trouble naming his favorite. “I definitely like Global Studies. I’ll take more classes like that.”

What is Happening to Our Youth Today?

by Robert A. Watson

Correctional and youth detention facilities are heavily populated with young people who violate the law, drop out of school, and are ill equipped to meet the needs of the modern day work force. Consistent with this trend, violence on the streets and criminal acts committed by youngsters appear to be on the rise.

According to the NYS Department of Corrections, the recidivism (return to jail) rate for the 16–21 year old incarcerated population of New York State approached 71%.

Acknowledging this increase in recidivism, the Urban League began sponsoring the Adolescent Employability Skills Plus Program (AESPP). This program reduces the recidivism rate by providing simple, cost-effective service to help incarcerated youth. AESPP’s purpose is to remove barriers to training and employment for adolescents involved with the criminal justice system. Adolescents who become involved in this program: avoid re-incarceration, return to school, learn a trade and/or become employed, increase self-esteem and a sense of self worth, and access community services and resources.

AESPP conducts pre-release programs in the Albany County Correctional Facility and a post-release program held at the Urban League. The pre-release program provides assessment, individual counseling, mini-group sessions and referral to appropriate adult learning center classes in the correctional facility. The post-release program entails one year of weekly peer group meetings, and monitoring referrals.

If you are interested in more information, or have any questions regarding AESPP, please contact Victor Brown, Program Manager at (518) 462-2215 or 462-2610.
Dear Friends,

I'm sure many of you can remember the World War II posters of Uncle Sam pointing his finger and saying: "Uncle Sam Wants You!". Now, in 1995, it is not Uncle Sam but the Albany Service Corps that wants you.

If you are between the ages of 17-25, and looking for an exciting opportunity to earn a $4,725 scholarship as well as serve your community, the Albany Service Corps might just be what you're looking for. The Albany Service Corps is affiliated with AmeriCorps, the new national services program. Corps members assist in hospitals and day care centers, renovate buildings, plant gardens and trees, and recycle bicycles - to name just a few of the activities. At the same time, corps members work on their own goals and personal development in order to prepare themselves for a successful life.

If you are interested in committing a year to the Service Corps, which includes a weekly stipend ranging from $100-$145, a basic health plan, access to child care and a $4,725 education award, please contact Mary Harris or Deborah McClung at 434-2677.

You may also attend open orientation at Corps Headquarters every Wednesday at 10:00 a.m. at 88 North Lake Avenue in Albany. I hope you will give serious consideration to joining the Albany Service Corps - I know how rewarding it has been for those who have already graduated.

Gerald D. Jennings

ALBANY SERVICE CORPS!
A chance to help your community and yourself!
Cont. from Page 4

Unlike the court system, all mediation sessions are conducted in a private and confidential setting. No one else need know that they are experiencing difficulty with somebody. The participants also learn how to communicate more effectively so that in the future, they may feel more comfortable and prepared to speak with someone with whom they are having a problem.

Finally, and perhaps most importantly, the participants reach an agreement that spells out specifically what the future will look like regarding the situation that brought them to mediation. The mediation process is future oriented and focuses on what people will do in the future, rather than trying to place blame for why they are having a problem.

The Mediation Assistance Program is developing an outreach campaign to promote the service for those living at Housing Authority facilities, in the hope that even more people use the program. Anyone seeking more information or needing mediation services should contact:

Program Manager Philip Moses at 445-2313 between 9:00 a.m. – 5:00 p.m., Monday through Friday.

Robert Whalen Homes
295 Colonie Street
445-0756

Westview Homes
680 Central Avenue
445-0743

Edwin Corning Homes
1 Maguire Avenue
445-0758

Ezra Prentice
625 S. Pearl St.
445-0750

Steamboat Square
20 Rensselaer St.
445-0745

Creighton Storey
158 Third Ave.
445-0762

Ida Yarbrough High Rise
260/270 N. Pearl St.
445-0744

Lincoln Square
4 Lincoln Square
445-0739

Townsend Park
45 Central Ave.
445-0764

Ida Yarbrough Low Rise
Livingston Ave. Arbor Dr.
445-0753

Albany Housing Authority
4 Lincoln Square
Albany, NY 12202
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An Interdisciplinary Approach
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and Mediation Assistance
Types of Disputes We Handle

Neighbor
- Noise, nuisances, common areas, property problems, trash removal, harassment

Juvenile
- Fights, vandalism, school related

Domestic
- Family matters, roommates, friends, (not divorce)

Consumer/Merchant
- Services, contracts, repairs, deposits, exchanges

Small Claims
- Money, personal property

Employer/Employee
- Co-worker disputes, wages, dismissals

How Can the Mediation Assistance Program Help?

If you or someone you know is having a dispute, call the Mediation Assistance Program at 445-2313. There, someone will listen to you, determine if we can be of help, and ask if you would like to try mediation.

If so, we will contact the other people involved with the situation and determine if they are willing to try mediation as well. Once both sides are willing to mediate, a mediation session will be scheduled at a time that is convenient for all of the participants.

Who sponsors the Mediation Assistance Program?

The program is operated by the Government Law Center of Albany Law School.

The program is funded by a grant from the U.S. Department of Education's Fund for the Improvement of Postsecondary Education.

The program is offered in cooperation with the Albany Center for Alternative Dispute Resolution, the Community Dispute Resolution Centers Program of the New York State Unified Court System, the Tenant's Leadership Council and the Albany Housing Authority.

MEDIATION ASSISTANCE PROGRAM

A free service for members of the Albany Housing Authority Community

445-2313
What is Mediation?

Mediation is a process which enables two or more people to come up with a solution to their problem.

Mediation sessions are conducted in an environment that is safe for all of the participants to share information, listen to and be heard by the other, and work towards an agreement that is acceptable to all.

At the conclusion of the mediation session, the participants will get a copy of their agreement which specifically states what steps will be taken to resolve the issue(s) presented.

Who are the Mediators?

The mediators are students enrolled in the Mediation Assistance Program at Albany Law School (Mediators are not lawyers). They have completed extensive mediation training and are supervised by professional staff.

The mediators are volunteers and provide this service as part of a Community Service Internship Program. The Mediation Assistance Program uses co-mediators, or two volunteers, who work together to assist you in resolving your problem.

What is a Mediator?

A mediator is an impartial person who helps parties:
- talk about the situation
- clarify the specific problem(s)
- identify possible solutions
- develop an agreement that is acceptable to all involved

A mediator does not take sides, offer advice, or make decisions on behalf of the people involved. A mediator does help people work together to talk constructively, make informed decisions about the issues, and develop their own agreement.

Confidentiality

All mediation sessions are confidential and private. The mediators will not talk about your situation with anyone after the mediation.

Scheduling

All mediation sessions will be held at a convenient location at the Albany Housing Authority and at a time convenient for all participants.

Benefits of Mediation

- Can be used rather than going to Court or using lawyers
- Participants are treated respectfully
- Mediations are arranged to fit your schedule, no need to miss work
- The matter can be handled quickly
- It is a voluntary process, no one is forced to participate if they don’t want to
- The process is cooperative and creative, rather than competitive and adversarial
- It improves communication between people
- Mediation builds a stronger, safer community for all who live there
- Mediation services are free

What Mediation Cannot Do

- Decide who is “right” and who is “wrong”
- Make decisions on your behalf
- Force you to agree to things you don’t want to do
# Mediation Assistance Program

A free service for members of the Albany Housing Authority Community

## Types of Disputes We Handle

<table>
<thead>
<tr>
<th>Types of Disputes</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEIGHBOR</strong></td>
<td>- Noise, nuisances, common areas, property problems, trash removal, harrassment</td>
</tr>
<tr>
<td><strong>DOMESTIC</strong></td>
<td>- Family matters, roommates, friends, (not divorce)</td>
</tr>
<tr>
<td><strong>CONSUMER/merchant</strong></td>
<td>- Services, contracts, repairs, deposits, exchanges</td>
</tr>
<tr>
<td><strong>JUVENILE</strong></td>
<td>- Fights, vandalism, school related</td>
</tr>
<tr>
<td><strong>EMPLOYER/employee</strong></td>
<td>- Co-worker disputes, wages, dismissals</td>
</tr>
<tr>
<td><strong>SMALL CLAIMS</strong></td>
<td>- Money, personal property</td>
</tr>
</tbody>
</table>

Brochures are available in your management office.

**445-2313**

Mediation Assistance Program
Government Law Center of Albany Law School
80 New Scotland Avenue
Albany, New York 12208

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Mediation Assistance Program
A free service for members of the Albany Housing Authority Community

Types of Disputes We Handle

NEIGHBOR
- Noise, nuisances, common areas, property problems, trash removal, harrassment

DOMESTIC
- Family matters, roommates, friends, (not divorce)

CONSUMER/MERCHAND
- Services, contracts, repairs, deposits, exchanges

JUVENILE
- Fights, vandalism, school related

SMALL CLAIMS
- Money, personal property

EMPLOYER/EMPLOYEE
- Co-worker disputes, wages, dismissals

Tips For Resolving Conflicts

LISTEN ACTIVELY
Listen first to what the person is saying and what seems to be most important to them. The other side is more likely to listen to you, if you listen carefully to them.

AVOID NAME-CALLING, THREATS AND OTHER FORMS OF HOSTILITY
Stay calm when frustrated. Rather than attacking the person, attack the problem. The other side is more likely to meet your needs if you work on problem-solving together.

CLARIFY NEEDS, DESIRES & CONCERNS
Acknowledge their interests and then share your interests with them. Recognize that all people have the same basic needs: security, well being, a sense of belonging, recognition, and control over one's life.

IDENTIFY SHARED INTERESTS
Common ground usually exists between people in conflict. Recognize that things you want the other person wants, too. Understand that all people have different values, beliefs and priorities in their personal lives.

CREATE OPTIONS OR CHOICES
Believe in your personal power to invent many different solutions to each problem. What specific steps could be taken to address each problem or meet particular needs?

EVALUATE ALL OF THE OPTIONS
Ask questions that will allow both of you to determine which of the choices will work best for you. Try to be open-minded and flexible towards what you want and what you are willing to do for others.

Brochures are available in your management office.

445-2313
Mediation Assistance Program
Government Law Center of Albany Law School
80 New Scotland Avenue
Albany, New York 12208

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Journal Requirements:

This is your major written work for the internship. In your journal you will have different kinds of entries:

1) Your learning goals, which should include several subsections.
   A) A clear articulation of your learning goals.
   B) An initial assessment on your current abilities (your communication, listening, problem solving, mediation skills). In your assessment, how do you think and feel about these skills and what currently happens (or what do you fantasize will happen) when using these skills.
   C) Sensory evidence that will let you know when you have achieved your goals. What will you see, feel, and hear?

During the internship you should occasionally revisit your learning goals in order to monitor your progress on skill acquisition and your thoughts/feelings on the topic.

2) Thoughts and feeling about material and exercises presented, practiced and experienced during basic training, in-services, and advanced trainings. What specifically enhanced your learning? What was a barrier to learning? What might you, or the instructors, do differently to maximize learning? Make sure to include the most significant learnings for you from each of these sessions.

3) Notes, thoughts, and feelings about reading suggestions. What excites you, what infuriates you, confuses you, or confirms some of the structured learnings? (Please include citations of specific ideas in the readings to which you are referring). Again, most significant learnings are needed in this section.

4) A written record of how you are using or applying the material. Relate specific examples of cases where you observed or mediated. Share examples of where you used your skills in less structured settings such as with friends, family, co-workers, etc. (Include bits of dialogue in your examples). What skills are you using successfully? Which skills are you choosing not to use or are not able to use? Why? What do you need to do to demonstrate improvement? When you practice the skills, what specifically are you doing and what results are you getting? What might you do differently to achieve better results?
5) Thoughts and feelings about community service and the residents in public housing which the Mediation Assistance Program serves. Have your feelings changed about the unique population we serve? How so? In the future, will you continue to volunteer your time to either a mediation program or within public housing specifically? Be explicit about your experiences and feelings in this area. Include comments regarding conflict and human behavior, and how your thoughts about these have changed since you became trained as a mediator.

Your task in the journal is to be reflective and analytical. It is your opportunity to give the Mediation Assistance Program staff and the U.S. Department of Education feedback on what is working and not working for you. Even more importantly, it is an opportunity for you to chart your own progress with skill competency and to integrate some of the major concepts that are being presented.

Journal entries should be concise and thoughtful rather than rambling or mere generalities (i.e., "I liked the in-service" or "I learned a lot today" are not appropriate). Journals will be most helpful to you if they include ideas that are important to you, conclusions you have drawn, lessons to remember, questions that trouble you, and a synthesis of theory and practice. For us, your journal should help us to evaluate the effectiveness of the training, reading material, and presentations, as well as the depth, intensity, and sincerity of your effort and learning in this educational process.

Try your best to make journal entries promptly at the end of each relevant experience. Entries are best and easiest when they are fresh in your mind. We will review the journals at least month once a month so you will receive prompt feedback. Final journals will be submitted at a date consistent with your school’s final exams.

You should be making several entries in your journal every week, especially for items 2, 3, and 4 above. Entries should typically average a total of 3-5 typed, double-spaced pages per week.

Please label each of your entries clearly. Additionally, no hand written journals will be accepted. This journal may be shared with your professor at your home college. Additionally, your journal may be shared anonymously with other members of the Mediation Assistance Program, Albany Law School, the Albany Housing Authority, the Evaluation Consortium at SUNY Albany, and the U.S. Department of Education.

Contact program manager Philip Moses (445-2313) if you have any questions or concerns regarding this journal.
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MEDIATION ARTICLES

General Mediation/Legal Profession Articles


Public Housing Articles


Domestic Violence Articles


"Why Doesn't She Leave?", Mirabella, November 1993.


New York State Office for the Prevention of Domestic Violence Handouts:
  Domestic Violence Data Sheet
  Chapter 222 At A Glance
  Interviewing Battered Women
  A Power and Control Perspective
Disabilities and the ADA Articles


"What Every Manager and Job Applicant Should Know About The Americans with Disabilities Act (ADA of 1990), Clifton Perez. Capital District Center for Independence.


Capital District Center for Independence Handouts:
A Guide to Legal Documents
An Advocate's Guide to Negotiation
Context of ADA Outline
Disability Right Education & Defense Fund Overlap Between Titles Outline

Cultural Diversity Articles

"Mediation and Cultural Diversity on College Campuses", Maria R. Volpe and Roger Witherspoon.


"Care and Conflict in Nursing Homes", Oscar Goodman and Nancy Hanawi. NIDR Forum, Summer/Fall 1991.


Human Resources Training Systems Handouts

Victim-Offender Mediation Articles


"Restorative Justice for Victims, Communities and Offenders". Center for Restorative Justice & Mediation, School of Social Work, University of Minnesota, 1996.

Victim Offender Mediation Program Handouts.

Alcohol & Substance Use/Abuse Articles


CROSSROADS Handouts
Labor/Management - Public Policy Articles


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Mediation Assistance Program
Training Evaluation

Date: _______________

Name: ____________________________

For each item below, indicate your feeling by circling the appropriate number and make written comments.

1. Please comment on the length of the training.

   Overall, I was:

   1........2........3........4........5........6........7

   Very dissatisfied
   with length of training

   Very satisfied
   with length of training

   Comments:

2. Please comment on the relationship of theory and practice.

   Overall, I was:

   1........2........3........4........5........6........7

   Very dissatisfied
   with relationship

   Very satisfied
   with relationship

   Comments:

3. Please comment on the amount of information.

   Overall, I was:

   1........2........3........4........5........6........7

   Very dissatisfied

   Very satisfied

   Comments:
4. Have you achieved any personal insights or made any changes in the way you communicate?

Overall, I achieved:

1. No insights at all
2. Many insights

Comments:

5. What would you change to improve the training?

Overall, I would:

1. Change a great deal
2. Change virtually nothing

Comments:

6. Please comment on the training leadership.

Overall, I was:

1. Very dissatisfied with the leadership
2. Very satisfied with the leadership

Comments:

7. Please write a short statement that expresses the way you feel about the training.
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APPENDIX E

THE STANDARDS OF CONDUCT FOR MEDIATORS

[These standards were approved in 1994 by the American Arbitration Association, SPIDR and the American Bar Association Section on Dispute Resolution.]

INTRODUCTORY NOTE

The initiative for these standards came from three professional groups: the American Arbitration Association, the American Bar Association, and the Society in Professionals in Dispute Resolution.

The purpose of this initiative was to develop a set of standards to serve as a general framework for the practice of mediation. The effort is a step in the development of the field and a tool to assist practitioners in it—a beginning, not an end. The standards are intended to apply to all types of mediation. It is recognized, however, that in some cases the application of these standards may be affected by laws or contractual agreements.

PREFACE

The standards of conduct for mediators are intended to perform three major functions: to serve as a guide for the conduct of mediators; to inform the mediating parties; and to promote public confidence in mediation as a process for resolving disputes. The standards draw on existing codes of conduct for mediators and take into account issues and problems that have surfaced in mediation practice. They are offered in the hope that they will serve an educational function and to provide assistance to individuals, organizations, and institutions involved in mediation.

Mediation is a process in which an impartial third party—a mediator—facilitates the resolution of a dispute by promoting voluntary agreement (or "self-determination") by the parties to a dispute. A mediator facilitates communications, promotes understanding, focuses the parties on their interests, and seeks creative problem solving to enable the parties to reach their own agreement. These standards give meaning to this definition of mediation.

I. SELF-DETERMINATION

A MEDIATOR SHALL RECOGNIZE THAT MEDIATION IS BASED ON THE PRINCIPLE OF SELF-DETERMINATION BY THE PARTIES

Self-determination is the fundamental principle of mediation. It requires that the mediation process rely upon the ability of the parties to
reach a voluntary, uncoerced agreement. Any party may withdraw from
mediation at any time.

Comments:
The mediator may provide information about the process, raise issues, and
help parties explore options. The primary role of the mediator is to
facilitate a voluntary resolution of a dispute. Parties shall be given the
opportunity to consider all proposed options.

A mediator cannot personally ensure that each party has made a fully
informed choice to reach a particular agreement, but it is a good practice
for the mediator to make the parties aware of the importance of consulting
other professionals, where appropriate, to help them make informed deci-
sions.

II. IMPARTIALITY.

A MEDIATOR SHALL CONDUCT THE MEDIATION IN AN IMPARTIAL MANNER

The concept of mediator impartiality is central to the mediation
process. A mediator shall mediate only those matters in which she or he
remain impartial and evenhanded. If at any time the mediator is unable to
conduct the process in an impartial manner, the mediator is obligated to
withdraw.

Comments:
A mediator shall avoid conduct that gives the appearance of partiality
toward one of the parties. The quality of the mediation process is en-
hanced when the parties have confidence in the impartiality of the media-
tor.

When mediators are appointed by a court or institution, the appointing
agency shall make reasonable efforts to ensure that mediators serve impair-
tiality.

A mediator should guard against partiality or prejudice based on the
parties' personal characteristics, background or performance at the medi-
ation.

III. CONFLICTS OF INTEREST:

A MEDIATOR SHALL DISCLOSE ALL ACTUAL AND POTENTIAL CONFLICTS
OF INTEREST REASONABLY KNOWN TO THE MEDIATOR

AFTER DISCLOSURE, THE MEDIATOR SHALL DECLINE TO MEDIATE
UNLESS ALL PARTIES CHOOSE TO RETAIN THE MEDIATOR

THE NEED TO PROTECT AGAINST CONFLICTS OF INTEREST ALSO GOVERNS
CONDUCT THAT OCCURS DURING AND AFTER THE MEDIATION

A conflict of interest is a dealing or a relationship that might create an
impression of possible bias. The basic approach to questions of conflict of
interest is consistent with the concept of self-determination. The mediator
has a responsibility to disclose all actual and potential conflicts that are
reasonably known to the mediator and could reasonably be seen as raising a question about impartiality. If all parties agree to mediate after being informed of conflicts, the mediator may proceed with the mediation. If, however, the conflict of interest casts serious doubt on the integrity of the process, the mediator shall decline to proceed.

A mediator must avoid the appearance of conflict of interest both during and after the mediation. Without the consent of all parties, a mediator shall not subsequently establish a professional relationship with one of the parties in a related matter, or in an unrelated matter under circumstances which would raise legitimate questions about the integrity of the mediation process.

**Comments:**

A mediator shall avoid conflicts of interests in recommending the services of other professionals. A mediator may make reference to professional referral services of associations which maintain rosters of qualified professionals.

Potential conflicts of interest may arise between administrators of mediation programs and mediators and there may be strong pressures on the mediator to settle a particular case or cases. The mediator's commitment must be to the parties and the process. Pressure from outside of the mediation process should never influence the mediator to coerce parties to settle.

**IV. Competence**

**A Mediator Shall Mediate Only When the Mediator Has the Necessary Qualifications to Satisfy the Reasonable Expectations of the Parties**

Any person may be selected as a mediator, provided that the parties are satisfied with the mediator's qualifications. Training and experience in mediation, however, are often necessary for effective mediation. A person who offers herself or himself as available to serve as a mediator gives parties and the public the expectation that she or he has the competency to mediate effectively. In court-connected or other forms of mandated mediation, it is essential that mediators assigned to the parties have the requisite training and experience.

**Comments:**

Mediators should have available for the parties information regarding their relevant training, education and experience.

The requirements of appearing on a list of mediators must be made public and available to interested persons.

When mediators are appointed by a court of institution, the appointing agency shall make reasonable efforts to ensure that each mediator is qualified for the particular mediation.
V. CONFIDENTIALITY:

A MEDIATOR SHALL MAINTAIN THE REASONABLE EXPECTATIONS OF THE PARTIES WITH REGARD TO CONFIDENTIALITY

The reasonable expectations of the parties with regard to confidentiality shall be met by the mediator. The parties' expectations of confidentiality depend on the circumstances of the mediation and any agreements they may make. A mediator shall not disclose any matter that a party expects to be confidential unless given permission by all parties or unless required by law or other public policy.

Comments:
The parties make their own rules with respect to confidentiality, or accepted practice of an individual mediator or institution may dictate a particular set of expectations. Since the parties' expectations regarding confidentiality are important, the mediator should discuss these expectations with the parties.

If the mediator holds private sessions with a party, the nature of these sessions with regard to confidentiality should be discussed prior to undertaking such sessions.

In order to protect the integrity of the mediation, a mediator should avoid communicating information about how the parties acted in the mediation process, the merits of the case, or settlement offers. The mediator may report, if required, whether parties appeared at a scheduled mediation.

Where the parties have agreed that all or a portion of the information disclosed during a mediation is confidential, the parties' agreement should be respected by the mediator.

Confidentiality should not be construed to limit or prohibit the effective monitoring, research, or evaluation of mediation programs by responsible persons. Under appropriate circumstances, researchers may be permitted to obtain access to statistical data and, with the permission of the parties, to individual case files, observations of live mediations, and interviews with participants.

VI. QUALITY OF THE PROCESS:

A MEDIATOR SHALL CONDUCT THE MEDIATION FAIRLY, DILIGENTLY, AND IN A MANNER CONSISTENT WITH THE PRINCIPLE OF SELF DETERMINATION BY THE PARTIES

A mediator shall work to ensure a quality process and to encourage mutual respect among the parties. A quality process requires a commitment by the mediator to diligence and procedural fairness. There should be adequate opportunity for each party in mediation to participate in the discussions. The parties decide when and under what conditions they will reach an agreement or terminate a mediation.
Comments:
A mediator may agree to mediate only when he or she is prepared to commit the attention essential to an effective mediation.

Mediator should only accept cases when they can satisfy the reasonable expectations of the parties concerning the timing of the process. A mediator should not allow a mediation to be unduly delayed by the parties or their representatives.

The presence or absence of persons at a mediation depends on the agreement of the parties and mediator. The parties and mediator may agree that others may be excluded from particular sessions or from the entire mediation process.

The primary purpose of a mediator is to facilitate the parties' voluntary agreement. This role differs substantially from other professional-client relationships. Mixing the role of mediator and the role of a professional advising a client is problematic, and mediators must strive to distinguish between the roles. A mediator should therefore refrain from providing professional advice. Where appropriate, a mediator should recommend that parties seek outside professional advice, or consider resolving their dispute through arbitration, counselling, neutral evaluation, or other processes. A mediator who undertakes, at the request of the parties, an additional dispute resolution role in the same matter assumes increased responsibilities and obligations that may be governed by the standards of the other professions.

A mediator shall withdraw from a mediation when incapable of serving or when unable to remain impartial.

A mediator shall withdraw from the mediation or postpone a session if the mediation is being used to further illegal conduct, or if a party is unable to participate due to drug, alcohol, or other physical or mental incapacity. Mediators should not permit their behavior in the mediation process to be guided by a desire for a high settlement rate.

VII. Advertising and Solicitation:
A Mediator Shall Be Truthful in Advertising and Solicitation for Mediation

Advertising or any other communication with the public concerning services offered or regarding the education, training, and expertise of a mediator should be truthful. Mediators shall refrain from promises and guarantees of results.

Comments:
It is imperative that communication with the public educate and instill confidence in the process.

In an advertisement or other communication to the public, a mediator may make reference to meeting state, national, or private organization qualifica-
tions only if the entity referred to has a procedure for qualifying mediators and the mediator has been duly granted the requisite status.

VIII. FEES

A MEDIATOR SHALL FULLY DISCLOSE AND EXPLAIN THE BASIS OF COMPENSATION, FEES AND CHARGES TO THE PARTIES

The parties should be provided sufficient information about fees at the outset of a mediation to determine if they wish to retain the services of a mediator. If a mediator charges fees, the fees shall be reasonable considering, among other things, the mediation service, the type and complexity of the matter, the expertise of the mediator, the time required, and the rates customary in the community. The better practice in reaching an understanding about fees is to set down the arrangements in a written agreement.

Comments:
A mediator who withdraws from a mediation should return any unearned fee to the parties.
A mediator should not enter into a fees agreement which is contingent upon the result of the mediation or amount of the settlement.
Co-mediators who share a fee should hold to standards of reasonableness in determining the allocation of fees.
A mediator should not accept a fee for referral of a matter to another mediator or to any other person.

IX. OBLIGATIONS TO MEDIATION PROCESS

Mediators have a duty to improve the practice of mediation.

Comments:
Mediators are regarded as knowledgeable in the process of mediation. They have an obligation to use their knowledge to help educate the public about mediation; to make mediation accessible to those who would like to use it; to correct abuses; and to improve their professional skills and abilities.
Best Practices Manual

An Interdisciplinary Approach to Service-Learning and Mediation Assistance
MEDIATION ASSISTANCE PROGRAM

INTAKE FORM

Date __________ Building Manager ____________

Case #_________ Address ___________ Phone # ____________

Mediation Date/Time __________ Mediation Location ____________

Assigned Mediators: ____________________________________________

1st Party:
Names ___________________________________ Age ___________

Ethnicity _______________________________ Age ___________

Address ___________________________________

Phone # __________________ Availability _________________________

2nd Party:
Names ___________________________________ Age ___________

Ethnicity _______________________________ Age ___________

Address ___________________________________

Phone # __________________ Availability _________________________

Government Law Center of Albany Law School
80 New Scotland Avenue, Albany, New York 12208-3494
Telephone (518) 445-2313 FAX (518) 445-2303
Best Practices Manual

An Interdisciplinary Approach to Service-Learning and Mediation Assistance
GUIDELINES
FOR
DISPUTE RESOLUTION CENTERS
REGARDING DOMESTIC VIOLENCE

The Community Dispute Resolution Centers Program serves as a resource for the citizens and the justice system in the State of New York. We recognize the danger that a program contracting with the Unified Court System to provide dispute resolution services may be inappropriately used as a substitute for prosecution in domestic violence cases. It is not the intent of dispute resolution centers to inhibit or limit an individual's access to any legal remedy or protection.

The following guidelines have been developed by the dispute resolution centers to assist in identifying domestic violence and in taking appropriate action in these cases.

Guideline I

The Dispute Resolution Center staff must be trained in the issues regarding domestic violence. Service programs for domestic violence victims and batterers must be identified and methods for referring complainants and respondents must be developed. The programs shall work with the local prosecutor's office, law enforcement and the courts to assist appropriate case flow, enforcement and victim protection in domestic violence cases.

Guideline II

Domestic violence is not a negotiable issue.

Guideline III

All domestic cases involving actually or potentially violent or imminently dangerous situations shall be referred to court or the appropriate agency for proper action.
**Guideline IV**

It is the obligation of the dispute resolution centers to inform domestic violence complainants and respondents of their available options.

In domestic violence cases in which the complainant expresses interest in the mediation alternative, it is the obligation of the community dispute resolution center to inform the complainant that mediation is remedial and nonpunitive and that mediation cannot provide legal protection against future violence.

**Guideline V**

If both parties, having been informed by the dispute resolution center staff of all available options, still voluntarily choose to request services from the center, the center may provide assistance to both parties with services designed to inform, protect, educate and support the individuals but in no way excuse the violent behavior.

**Guideline VI**

In providing any services to domestic violence cases the following precautions should be taken:

1. Staff should speak to each party individually to obtain as much information about the circumstances as possible.

2. Staff should make every effort to obtain all legal protections available for the victim.

3. Any staff person providing services to domestic violence cases must be trained in issues regarding domestic violence.

4. Staff should never encourage a domestic violence victim to withdraw or request dismissal of pending criminal charges or to not pursue criminal, civil or social service remedies.

5. It is the obligation of the dispute resolution centers to conduct follow up services with any case in which domestic violence has been identified to assure the protection of the victim and the availability of legal and social service resources.
Best Practices Manual

An Interdisciplinary Approach
to Service-Learning

and Mediation Assistance
GUIDELINES FOR COMMUNITY DISPUTE RESOLUTION CENTERS REGARDING CHILD ABUSE

Guideline I

It is the policy of the Community Dispute Resolution Centers Program that child abuse is not a proper subject for the mediation process. All parties to a mediation shall be advised that evidence of child abuse, whether or not relevant to the issues involved, is inadmissible therein for any purpose, and that if such evidence is adduced, it shall not be deemed a confidential communication under the Judiciary Law.

Guideline II

For the purpose of these guidelines, the term, "child abuse," shall mean an act or failure to act by a parent or other person legally responsible for a child which, as to such child:

(i) inflicts or allows to be inflicted upon him or her physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or

(ii) creates or allows to be created a substantial risk of physical injury to him or her by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or

(iii) commits, or allows to be committed, a sex offense against him or her.

Guideline III

Each dispute resolution center (hereinafter "center") shall, during its intake process, exercise maximum care and effort to determine whether a matter for which mediation is sought involves alleged or actual child abuse. Upon any such determination, a center shall advise the parties that the matter may not be mediated. At the same time, the parties shall be informed of any resources made available by the community to victims and perpetrators of child abuse. If, based on the information learned at intake, a center reasonably believes that a child’s health or physical well-being, is in jeopardy, it shall also refer the matter to the statewide central register of child abuse and maltreatment or to a local child protective service.
Guideline IV

If the mediation process has begun and evidence of actual or alleged child abuse is adduced, the mediator shall

(i) stop the mediation process;

(ii) consult with each party individually, for the purpose of obtaining as much information about the circumstances as is possible; and

(iii) after consultation with such other persons as his or her center may require, determine whether to resume the mediation process.

In determining whether to resume the mediation process, the mediator shall consider the progress achieved by the parties before the process was stopped, the extent to which the evidence of child abuse relates to the matter being mediated and the extent to which disclosure of actual or possible child abuse by one of the parties to the mediation has affected his or her ability to conduct the mediation process in an impartial fashion. Whether or not the process is resumed, the mediator shall take such steps as are described in Guideline III herein.

Guideline V

To promote the purposes of these guidelines, and to facilitate compliance therewith, staff of each center shall receive instruction concerning the issues relating to child abuse. To this end, service programs for child abuse victims must be identified in each community and procedures developed for referral of complainants and respondents. Each center shall work closely with local prosecutorial authorities, law enforcement personnel and the courts to assure victim protection, proper case disposition and effective enforcement in child abuse matters.
APPENDIX 23

Best Practices Manual

An Interdisciplinary Approach
to Service-Learning

and Mediation Assistance
Ms. Jane Doe  
123 Plum Street  
Albany, New York 12202

Dear Ms. Doe:

A mediation hearing has been scheduled for Monday, December 2, 1996 at 1:30 p.m. between yourselves and the John Doe Family. You should come to the conference room in the maintenance office at 159 Church Street, Albany, NY. The Mediators will meet you there.

The mediation is an opportunity for you and the others to talk to each other without interruptions, hear other points of view, and clarify what the problems are you are experiencing. The Mediators are volunteers trained to assist you with the matter. The Mediators will not tell you who is right or wrong, or what to do. They will assist you in communicating with the others effectively and constructively. The mediation is an opportunity for both of you to cooperate for the benefit of all involved.

At this hearing you have the right to have any attorney present but it is not necessary. We hope to arrive at a mutually agreeable or equitable solution and we hope all parties sign an agreement to this effect. You will receive copies of this agreement at the end of the mediation. At this hearing you have the right to have witnesses appear on your behalf, if you so desire. This hearing is not a formal judicial hearing, and, any and all information disclosed at the hearing is confidential and cannot be used in any other proceeding, civil or criminal, as stated in Section 849-b of the Judiciary Law.

If you have any questions, call me at 445-2313.

Sincerely,

Philip S. Moses  
Program Manager

cc: Orville Abrahams  
Ed Carlson
Best Practices Manual

An Interdisciplinary Approach to Service-Learning and Mediation Assistance
Name: ________________________________

SCHEDULE OF AVAILABILITY

Please indicate which time slots you will be available to serve your apprenticeship, mediate, meet with others, or serve hours as required for your internship. Please do this by placing an "X" in the boxes where you are **already committed** to other activities.

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Anything we should know about your schedule of availability? __________________________________________
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Best Practices Manual

An Interdisciplinary Approach

to Service-Learning

and Mediation Assistance
MEDIATION ASSISTANCE PROGRAM

MEDIATION AGREEMENT

On the _____ day of __________, 199__, a mediation hearing was held. At this mediation, ___________________________ and ___________________________ agreed to the following: __________________________________________

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Mediator

Mediator

Government Law Center of Albany Law School
80 New Scotland Avenue, Albany, New York 12208-3494
Telephone (518) 445-2313 FAX (518) 445-2303
Best Practices Manual

An Interdisciplinary Approach to Service-Learning and Mediation Assistance
PLEASE COMPLETE THIS FORM BY CHECKING THE ANSWER THAT APPLIES TO YOU OR BY FILLING IN THE BLANK WITH THE CORRECT INFORMATION.

NAME ____________________________________________

ADDRESS ________________________________________ ZIP: ________________________________________

TELEPHONE ________________ SEX: MALE ____ FEMALE ____

AGE: ____________

RACE: WHITE ____ BLACK ____ HISPANIC ____ OTHER ______

OCCUPATION: CHECK ONE

EMPLOYED
SELF EMPLOYED
PUBLIC ASSISTANCE
DISABILITY
RETIRED
STUDENT
UNEMPLOYED

EDUCATION: LAST GRADE COMPLETED ______

INCOME LEVEL: CHECK ONE

LESS THAN $9,000 ______
9,001 - 16,000 ______
16,001 - 25,000 ______
25,001 - 35,000 ______
OVER 35,000 ______

The Albany Dispute Mediation Program, Inc. • Court-Appointed Special Assistants Program, (CASA) • Safe Schools Program Commercial Mediation • Divorce Mediation • The Shoplifter’s Alternative • Parent Education and Custody Effectiveness (P.E.A.C.E.)
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An Interdisciplinary Approach
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and Mediation Assistance
POST-MEDIATION REPORT

TO: Philip Moses, Program Manager
FROM: ________________________________, Mediator(s)

SUBJECT: Report on a mediation hearing between

__________________________________________________________ and

__________________________________________________________
on a complaint of ____________________________________________

Referred to mediation by: ______________________________________

Mediation Hearing Location: _________________________________ and Date: / /

Starting Time: ______ Ending Time: ______ Elapsed Time: ______

Hearing Participants:
Name ____________________________ Status ____________________________

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Best Practices Manual

An Interdisciplinary Approach

to Service-Learning

and Mediation Assistance
**CASE PROFILE**

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<th>Program #</th>
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**DEMOGRAPHICS**

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<td>Age (8a)</td>
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<td>Educ. (13a)</td>
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**CASE INFORMATION**

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<th>Nature of Dispute (17)</th>
<th>CASE DISPOSITION (19-34)</th>
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(Fill in exact answers to the categories below.)

(Fill in exact answers to the categories below.)

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<th>Additional Comments</th>
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<th>District Attorney (42)</th>
<th>Police (43)</th>
<th>Other (44)</th>
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<td>Remediation of Old Matter (46)</td>
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<td>Noncompliance with Past Mediation (47)</td>
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*See Coding Form for instructions/Code.

1. Enter "C" for Complainant, "R" for Respondent.
Appendix

Best Practices Manual

An Interdisciplinary Approach
to Service-Learning

and Mediation Assistance
January 11, 1995

Dear Student:

As the primary funding agency for the Mediation Assistance Program (MAP), the U.S. Department of Education requires an evaluation component of the grantee. In order to evaluate the effect of the Mediation Assistance Program (MAP), we need to know your knowledge of and experience with mediation, your views on mediation, and your expectations for this program. Based on your responses, the MAP staff may adjust the program content or learning activities. The information you provide will be used to improve training of future mediators, as well.

We would like you to take a few minutes to answer the following questions. Please complete the questionnaire and return it to the envelope provided by the program manager. Your responses will be confidential. They will not be shared with MAP staff in any individually identifiable format. Any summary reports will exclude identification of individual responses. If you have any questions about this questionnaire or its use, you may contact the Evaluation Consortium at 518-442-5027.

Thank you for your cooperation.
Student Questionnaire
Mediation Assistance Program

I. The following statements reflect reasons for becoming a mediator. After reading each statement, please indicate, by circling the appropriate number, how strongly you agree that the statement reflects YOUR reasons for wanting to become a mediator.

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<thead>
<tr>
<th>Reasons for wanting to be a mediator:</th>
<th>strongly agree</th>
<th>strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mediation is an effective way to reduce social problems.</td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
<tr>
<td>2. Working as a mediator, I can contribute more to my community.</td>
<td>1 2 3 4 5 6</td>
<td></td>
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<td>3. As a mediator, I can help improve human relations.</td>
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<td>4. I feel good if I can help people solve their problems.</td>
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<tr>
<td>11. As a mediator, I will be able to help the disadvantaged.</td>
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<td></td>
</tr>
<tr>
<td>12. Mediation is an effective way to reduce overuse of the court system.</td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
</tbody>
</table>
II. The following statements reflect reasons for participating in the Mediation Assistance Program. After reading each statement, please indicate by circling the appropriate number how strongly you agree that the statement reflects YOUR reasons for participating in the program.

1 = strongly agree  
4 = slightly disagree  
2 = agree  
5 = disagree  
3 = slightly agree  
6 = strongly disagree

Reasons for participation:

<p>| | | | | | |</p>
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1. I want to know more about mediation.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>2. The program will help me understand different theories of dispute resolution.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>3. The program will help me learn different practical strategies for solving disputes.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>4. I will improve my skills in solving conflicts.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5. I will obtain practical experience with community mediation.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>6. I will be able to talk with other people in the program about important issues in mediation.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>7. Participation will help me become more comfortable and self-confident in conflict situations.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>8. I think the program will be interesting and lead to personal growth.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>9. I will learn more about relevant law.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>10. I will obtain information about mediation services in this area.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>11. I am seeking certification as a mediator.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>12. Participation will be helpful with my present academic studies.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>13. Participation will be helpful with my future academic studies.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
III. In this section, we list some characteristics of mediators. Please indicate how important you think each characteristic is to the success of a mediator, by circling the appropriate number in the first column. In the second column, please indicate how you would rate yourself on each characteristic.

Column One - Importance:
1 = extremely important  2 = very important  3 = quite important
4 = moderately important  5 = somewhat important  6 = not important

Column Two - Personal Rating:
1 = excellent  2 = very good  3 = good  4 = not very good  5 = poor  6 = very poor

<table>
<thead>
<tr>
<th></th>
<th>IMPORTANCE</th>
<th>PERSONAL RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>extremely important</td>
<td>not important</td>
</tr>
<tr>
<td>1. Enthusiasm about being a mediator</td>
<td>1 2 3 4 5 6</td>
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<tr>
<td>2. Self-confidence</td>
<td>1 2 3 4 5 6</td>
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<td>1 2 3 4 5 6</td>
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<tr>
<td>13. Impartiality and confidentiality</td>
<td>1 2 3 4 5 6</td>
<td>1 2 3 4 5 6</td>
</tr>
<tr>
<td>14. Prior experience</td>
<td>1 2 3 4 5 6</td>
<td>1 2 3 4 5 6</td>
</tr>
</tbody>
</table>
Demographics

In this section, you are asked to provide information about yourself. Please circle all that apply

1. I am presently enrolled at: Siena College University at Albany
   College of St. Rose Junior College of Albany
   Albany Law School

2. I am a: freshman sophomore graduate student
   junior senior

3. My major is: ___________________________

4. I am: male female

5. My age is: under 20 25-30 30-35 over 30

6. I am: African American Caucasian Hispanic/Latino Native American Asian American
   Other ___________________________

7. I would describe my present knowledge about mediation with the following statement. (Circle one.)
   I am well informed about mediation.
   I am moderately informed about mediation.
   I know very little about mediation.
   I know almost nothing about mediation.

8. I would describe my present experience with mediation with the following statement. (Circle one.)
   I have extensive experience with mediation.
   I have some experience with mediation.
   I have little experience with mediation.
   I have no experience with mediation.

If you have prior experience with mediation, please describe: ___________________________

_____________________________________________________________________________

Thank you again for your responses.
Appendix 30

Best Practices Manual

An Interdisciplinary Approach to Service-Learning and Mediation Assistance
DATE: April 24, 1995

TO: Mediation Assistance Program participants
FROM: Glen Martin
Evaluation Consortium
RE: Mediation Program Follow-up Survey

As part of the evaluation of the Mediation Assistance Program, you are requested to complete the enclosed questionnaire. **Your response is very important.** The results of this survey will be used by the Albany Law School Government Law Center to improve the Mediation Assistance Program and to meet reporting requirements of the U.S. Department of Education, sponsor of the program.

This questionnaire is very similar to the questionnaire you completed at the beginning of the program. Please read the questions carefully and respond taking into consideration your recent experiences as a participant in MAP. **All responses are confidential.** We do ask that you supply the last four digits of your social security number in the upper right-hand corner of the questionnaire as a means of identifying the responses for analysis purposes. **Your completed questionnaire should be mailed to the Evaluation Consortium in the enclosed self-addressed, stamped envelope, no later than May 5, 1995.** If you have questions regarding this questionnaire or the evaluation project in general, please call me at the Evaluation Consortium, 442-5027.

Thank you for your time and consideration.
Student Questionnaire
Mediation Assistance Program

I. The following statements reflect reasons for becoming a mediator. After reading each statement, please indicate, by circling the appropriate number, how strongly you agree that the statement reflects YOUR reasons for wanting to become a mediator.

1 = strongly agree  2 = agree  3 = slightly agree
4 = slightly disagree  5 = disagree  6 = strongly disagree

Reasons for wanting to be a mediator:

1. Mediation is an effective way to reduce social problems.
   - 1 = strongly agree
   - 2 = agree
   - 3 = slightly agree
   - 4 = disagree
   - 5 = strongly disagree

2. Working as a mediator, I can contribute more to my community.
   - 1 = strongly agree
   - 2 = agree
   - 3 = slightly agree
   - 4 = disagree
   - 5 = strongly disagree

3. As a mediator, I can help improve human relations.
   - 1 = strongly agree
   - 2 = agree
   - 3 = slightly agree
   - 4 = disagree
   - 5 = strongly disagree

4. I feel good if I can help people solve their problems.
   - 1 = strongly agree
   - 2 = agree
   - 3 = slightly agree
   - 4 = disagree
   - 5 = strongly disagree

5. I think working in the community will be interesting.
   - 1 = strongly agree
   - 2 = agree
   - 3 = slightly agree
   - 4 = disagree
   - 5 = strongly disagree

6. I can meet more people in my community if I am a mediator.
   - 1 = strongly agree
   - 2 = agree
   - 3 = slightly agree
   - 4 = disagree
   - 5 = strongly disagree

7. I want to use my knowledge in real life situations.
   - 1 = strongly agree
   - 2 = agree
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8. I expect to get a job in community mediation in the future.
   - 1 = strongly agree
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11. As a mediator, I will be able to help the disadvantaged.
    - 1 = strongly agree
    - 2 = agree
    - 3 = slightly agree
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    - 5 = strongly disagree

12. Mediation is an effective way to reduce overuse of the court system.
    - 1 = strongly agree
    - 2 = agree
    - 3 = slightly agree
    - 4 = disagree
    - 5 = strongly disagree
II. The following statements reflect possible results of participation in the Mediation Assistance Program. After reading each statement, please indicate by circling the appropriate number, how strongly you agree that the statement reflects YOUR experiences in the program.

1 = strongly agree
4 = slightly disagree

2 = agree
5 = disagree

3 = slightly agree
6 = strongly disagree

As a result of participation:

1. I know more about mediation.
   1 2 3 4 5 6

2. The program helped me understand different theories of dispute resolution.
   1 2 3 4 5 6

3. The program helped me learn different practical strategies for solving disputes.
   1 2 3 4 5 6

4. I improved my skills in solving conflicts.
   1 2 3 4 5 6

5. I obtained practical experience with community mediation.
   1 2 3 4 5 6

6. I have been able to talk with other people in the program about important issues in mediation.
   1 2 3 4 5 6

7. Participation helped me become more comfortable and self-confident in conflict situations.
   1 2 3 4 5 6

8. I think the program was interesting and led to personal growth.
   1 2 3 4 5 6

9. I learned more about relevant law.
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11. Participation was helpful with my academic studies.
    1 2 3 4 5 6

12. Participation will be helpful with my future academic studies.
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III. In this section, we list some characteristics of mediators. Please indicate how important you think each characteristic is to the success of a mediator, by circling the appropriate number in the first column. In the second column, please indicate how you would rate yourself on each characteristic.

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   - Siena College  
   - University at Albany  
   - College of St. Rose  
   - Junior College of Albany  
   - Albany Law School

2. I am a:  
   - freshman  
   - sophomore  
   - graduate student  
   - junior  
   - senior

3. My major is:  
   [ ]  

4. I am:  
   - male  
   - female

5. My age is:  
   - under 20  
   - 20-24  
   - 25-30  
   - 31-35  
   - over 35

6. I am:  
   - African American  
   - Caucasian  
   - Hispanic/Latino  
   - Native American  
   - Asian American  
   - Other  

Thank you again for your responses.