

# The SPIDR's Web

NEW YORK METROPOLITAN CHAPTER OF SPIDR NEWSLETTER

## NY METRO CALENDAR

February 8

Second Program Meeting:

Robert A. Baruch Bush, a

professor of law and co-author,

*The Promise of Mediation.*

At Cardozo School of Law,

55 Fifth Avenue, NYC.

Thursday, February 16

Regular Board Meeting

Tuesday, March 21

Regular Board Meeting

Thursday, April 2

Regular Board Meeting

Open meetings of the Board are held monthly from September to June and periodically during the summer at the American Arbitration Association, 135 West 50th Street, New York, New York 10020. Time: 6PM.

## METRO SPIDR HOTLINE

(212) 974-0973 Ext. 703

It is now possible for messages to be presented and received over a 24-hour hotline available to the membership. A call to this number will give access to phone numbers for committee chairs, announcements on upcoming events, and a system for leaving messages, with the promise of prompt pickups. Upon dialing, you may need to respond quickly to directions to avoid being disconnected.

## JOIN THE WEB TEAM

The *Web* could use the skills of members interested in writing, proofreading, composing or otherwise participating in the production of this newsletter. To join our newsletter committee, please contact the Web Editor at (212)-568-5147.

## CDRC AND COMMUNITY AGENCIES FORM ALLIANCE

A solid alliance between the State Unified Court System (UCS), New York City and five nonprofit agencies finally has been forged with the signing of contracts to provide community-based dispute resolution services for the criminal court. The long-anticipated announcement came from Michael Tarail, J.D., D.S.W., director of the Court Dispute Referral Centers (CDRC), which administers ADR services in the courts, after four years of planning and the submission of competitive bids through the Request for Proposal process mandated by the New York City Charter.

The plan, ushered in with the new year of 1995, has been carefully crafted to balance community interests with court responsibilities for ensuring equitable access and for the setting of minimum standards. It is being supported by a total allocation from the New York State Unified Court System and the Office of the Criminal Justice Coordinator of New York City of slightly less than \$2 million to be distributed annually over the next six years.

While the agencies involved in the plan remain intact, the segmentation of the city along geographic lines for delivery of ADR services has meant massive restructuring for a couple of the organizations, resulting in a loss of jobs or reassignment to new positions in some instances and an increase in opportunities where expansion has occurred.

"The contracts," according to Dr. Tarail, an architect of the plan, "with the exception of the Bronx, provide for community mediation services . . . in neighborhoods as well as in the downtown centers . . . Victim Services will cover Brooklyn and Manhattan south of 155th Street. Washington Heights/Inwood Coalition will cover Manhattan north of 155th Street. The Institute for Mediation and Conflict Resolution (IMCR) will cover the Bronx. Community Mediation Services will cover Queens. Young People's Information Service will cover Staten Island. . . .

"The plan should result in an increase in service to selected neighborhoods in New York City, and furthers the efforts to decentralize community dispute resolution," says Dr. Tarail. "Moreover, it may present opportunities for mediators to practice their craft in additional settings." Mediators who wish to volunteer their services should contact the agencies described on page 5.

Missing in the plan are stipend provisions for community mediators, a subject that warrants thought not only regarding the use of volunteers under CDRC auspices, but also the effects of volunteerism on the growing field of ADR. This issue should generate lively discussion for a future "Open Forum" (formerly "What If") column of the *WEB*, to which members are invited to contribute.

Since so many Metro SPIDR members have mediated with these agencies, the *WEB*, with the cooperation of Dr. Tarail and the organizations involved, has devoted a major part of this issue to information on the restructuring.

*continued on page 4*

eponymous Texas agency introduced the mother of a viciously murdered daughter, who spoke of what she had been through, why she had wished to meet her daughter's murderer after the guilty verdict, and what that had been like. We also saw a video about that encounter. Her need to ask questions of no concern to the court system but critical to a survivor, to get those answers, to hear him talk about what (if anything) he felt about his deed, to tell him of the endless pain he had caused, was overwhelming. It brought us face-to-face with the ultimate in broken community, and the deepest pain with which the field can ever work.

The last concurrent session I attended was "Spirituality and Mediation--Beyond Technique." What a thrilling session! The room was *packed* with people "coming out of the closet" about their own connections between spirituality and mediation, about their sense of this being unwelcome, of being embarrassed to raise such issues, of something being missing within SPIDR. It closed with people exchanging cards, vowing to form a new sector. Since a number of us are locals here, we are hoping to meet soon and get something started.

So the conference was not just a wonderful opportunity for me to learn more about the field and its practitioners, it was an opportunity to help have a possible impact on SPIDR.□

## **CDRC CONTRACTS** *continued*

### **Implications of CDRC Support**

Since the contracts hammered out by the CDRC with the agencies have such far-reaching implications for the future of dispute resolution in New York City, the WEB asked Dr. Tarail to comment on some of the issues that have been raised. Here are excerpts from his response.

WEB: The result of the decentralization process appears to be a hybrid taken from practices tried elsewhere, some of which avoid court involvement. This plan appears to be attempting to empower communities with strong involvement from the court. Is this an appropriate assessment?

TARAIL: The system of delivering community dispute resolution services in New York City has always been community-based with the court providing leadership, assistance with funding, and consultation. We are now in the process of helping to make these services more accessible and thereby empowering communities, by requiring more indigenous mediators, more intakes and more mediation hearings in neighborhoods where parties reside.

WEB: What effect do you perceive the current plan will have on reducing the court caseload?

TARAIL: The State, the City and the contract agencies divert as many cases as possible from the court that are appropriate for ADR. In the past year about 13,000 such cases were diverted.

WEB: Will those agencies selected provide ADR services exclusively for the court and how much autonomy do they have?

TARAIL: These agencies are basically funded to provide ADR services for disputes that members of the public bring to the Court Dispute Referral Centers located in each borough's criminal court building. Centers may, in addition, provide ADR services for disputes that are not referred by the CDRCs. For example, the police may refer disputes directly to a Center. Moreover, Centers may accept appropriate mediation cases directly from the courts, such as district attorney offices and walk-ins.

The legislature provides funding under Article 21-A of the New York State Judiciary Law (§849) for the Unified Court System's Community Dispute Resolution Centers program. In order to monitor and provide technical assistance to the contract agencies, the UCS sets guidelines, published in the New York Rules of the Court §116. UCS therefore determines, through these guidelines, certain specific policies governing ADR in the CDRCs. . . .

WEB: Could you describe a typical flow of complaints?

TARAIL: After an incident, a complainant goes to the precinct to make a formal police complaint. The police provides the complainant with the number of the complaint and the name of the officer or civilian taking the complaint. The complainant is referred to one of the following:

- a) A CDRC [at the courthouse] in the borough where the incident occurred. The CDRC evaluates the case for mediation and refers it to the appropriate dispute resolution center. For the most part, a dispute center staff person is on duty at the CDRC to perform the intake, to schedule the mediation session and to provide the complainant with a "Request to Appear" to be served onto the responding party.
- b) Or to a local Community Dispute Resolution Center, where very much the same process occurs. It is anticipated that the Centers will do intakes at each of the neighborhood resolution centers (*see next page*).

WEB: Will mediation sessions in Manhattan take place in the communities or will all mediation be done at 346 Broadway?

TARAIL: In addition to sessions occurring at local CDRCs, some Manhattan mediations will also be heard at 346 Broadway. It is expected that many hearings will occur in other Manhattan neighborhoods, including Harlem, East Harlem, the West Side, Chinatown, and the Lower East Side.

WEB: Is there any way being contemplated whereby a skilled volunteer, or professional for that matter, could advance to handling more complicated or more specialized cases?

TARAIL: Although mediation is becoming a process in which many disciplines are including mediation skills in their training, there are no distinctions made for community

mediators between "professional practitioners" and "skilled volunteers." All are considered "skilled volunteers" although some may be social workers, lawyers, counselors, etc. With the new standards, mediators must receive specialized training before they can mediate, for example, child visitation cases.

WEB: How do you anticipate ADR in New York City will look five years from now?

TARAIL: [It] will include an expanded use of mediation for a variety of disputes and it is anticipated that ADR will be delivered more on a neighborhood or local level. The current contracts are for six years with [approximately] two-year renewals.

### CDRC in the Five Boroughs

The effects of the CDRC awards vary significantly among the five agencies contracted to provide dispute resolution services. For two, mediation is only one of a wide array of social programs being offered, and this support is welcomed primarily as a way of assuring continuity; for a couple, it means wrenching changes, while for several it means a geometrical expansion of ADR services to additional communities in their locales.

**The Institute for Mediation and Conflict Resolution (IMCR)**, 391 East 149th Street, Fourth Floor, Bronx, NY 10455; (718) 585-1190. Arthur Toole, Director.

IMCR is the agency most profoundly affected by the changes. The loss of sites in Manhattan at 346 Broadway and in West Harlem has meant a parting for mediators and staff who not only have worked together, but who have trained together and made longterm friendships. All is not lost by any means. IMCR is now the sole provider for CDRC services in the Bronx, a section of the city from which many of its cases have traditionally come. All mediation is done from the one central location at "the Hub," which could mean it is ripe for development of satellite services. This process is, in a sense, already underway. In the summer of 1994 it ran training programs for secondary school teachers and staff who now, in turn, will train students in peer mediation. Plans for satellite services at three schools are in progress. In addition, IMCR will retain a presence in Manhattan as a training institution.

A recent call to IMCR in the Bronx found Arthur Toole, a seasoned hand in negotiating the New York City criminal justice system, relishing the task of creating order out of chaos, as the critically reduced staff attempted to cope with a backlog of cases and mediators attempted to engage suitable slots. "Mediators planning to continue service with IMCR should call the site and be 'slotted' for a particular day and hour," states Toole in a recent notice. "Slots will be assigned on a first come, first served basis."

#### Current Mediation Schedule:

|                      |                |
|----------------------|----------------|
| Monday and Tuesday   | 12 noon to 8PM |
| Wednesday-Friday     | 9AM to 5PM     |
| One Saturday a month | 9AM to 3PM     |

**Victim Services**, main office at 2 Lafayette Street, New York, NY 10007; (212) 577-7700. Lori Goldstein, Esq., Mediation Program Director.

Only marginally less profound than the changes at IMCR are those this agency is undergoing as it relinquishes its mediation services in Queens in exchange for not only the geographic area of Manhattan below West 155th Street, but Brooklyn as well, where it already has mature programs. Victim Services has by far the most highly developed infrastructure for delivering dispute resolution services. It will provide the bulk of Manhattan mediations under the name of the Manhattan Mediation Center at 346 Broadway. In addition, it will "coventure" with several community-based agencies to establish a local presence and provide convenient dispute resolution services in selected neighborhoods: Harlem, in conjunction with the Rheedlen Foundation for Services to Children; Lower East Side, in conjunction with ASPIRA of New York; Chinatown, in conjunction with Asian Americans for Equality (AAFE); East Harlem; and Midtown, in cooperation with the Midtown Community Court.

At the same time the agency will expand its Brooklyn services, continuing to operate the Brooklyn Mediation Center and establishing four new community-based coventures: East New York/Bedford Stuyvesant in cooperation with the Cypress Hills Local Development Corporation Beacon; Crown Heights/Fort Greene at the Youth Service Coalition Fort Greene Beacon Center; Flatbush at the Flatbush Beacon Project run by Medgar Evers College; and Red Hook in conjunction with the Red Hook Community Court and Justice Center.

Victim Services graciously extended an invitation to IMCR mediators to apply to mediate at its centers. It will waive the normal 25-hour basic mediation training plus a three-month apprenticeship for experienced mediators in exchange for a one-day orientation to its model that "probably" will be held in February. Interested mediators should send resumés with covering letters to Jessica Brooks, Victim Services, 2 Lafayette Street, New York, NY 10007.

**Washington Heights/Inwood Coalition**, 652 West 187th Street, New York, NY 10033; (212) 781-6722. John Swanger, Director.

The primary change in programs anticipated by the contract award at Heights/Inwood, according to Director Swanger, is that now they will be able to serve two police precincts instead of one. This full-fledged social service agency has an established constituency of primarily Spanish-speaking neighbors and supports the community work of the NY Police Department. Mediation sessions are held two or three times a month on Wednesday evenings and at other times by appointment. Volunteers should be proficient in Spanish. Mediator training in Spanish is conducted periodically. Mediator contact person: Mary Gratereaux.

**The Community Mediation Services (CMS)**, 89-64 163rd Street, Jamaica, New York; (718) 523-6868. Mark Kleiman, Director.

An invitation has gone out to mediators who formerly practiced with Victim Services in Queens to apply to mediate at one of their four sites: in Jamaica, the primary site for mediation, in Far Rockaway, Flushing and in Bayside. However, the director tells us that CMS already has a roster of seasoned mediators, so finding slots may be a problem. Two additional sites are in the planning stage to cover eastern Queens: in Long Island City and Astoria.

Mediation sessions are held four days a week plus two evenings at Jamaica and two evenings a week at the other sites. Mediator contact : Jorge Mendizabal, Deputy Director.

**Staten Island Community Dispute Center**, a program of the Young People's Information Service of Staten Island, 42 Richmond Terrace, 4th Floor, Staten Island, New York 10312; satellite office: 285 Vanderbilt Ave., Park Hill; (718) 720-1910. Dominick Brancato, Executive Director; Frank Woods, Program Director.

Mediation is only one of a number of social service programs provided by this agency, which directs many of its activities toward preventing situations from escalating to the point where they reach either criminal or civil court. Emphasis here is on situations that involve young people. Program Director Wood talks enthusiastically about the successes they've had in reducing court caseloads; dispute resolution, he says, has been extremely cost-effective. Services will continue in the agency's downtown Richmond Terrace office, while a small part-time site is being opened in the Park Hill public housing project, where mediation cases will be screened and heard. With this new addition, there may be a need for additional mediators, says Wood, though the Staten Island Community Dispute Center already has a roster of qualified mediators. Intake is done at Park Hill on Thursday evening. Sessions are held by appointment at a time and place convenient for all parties. Contact person(s): Either the executive director or the program director.

### **CDRCP Sets Standards**

In an effort to set guidelines for certification, the Unified Court System's Community Dispute Resolution Centers Program (CDRCP) has issued minimum standards for CDRC mediators and trainers that will become effective as of April 1, 1995. They include: (1) Basic training for community mediation of a minimum of 25 hours of classroom training and role-playing, plus an apprenticeship of one observation and two mediations under the supervision of a program director. (2) Six hours a year of continuing education to maintain certification (these may include in-services or attendance at conferences or trainings), plus the practice of a minimum of three mediations a year. (3) In addition to basic training, special-issue mediators, such as those doing visitation/custody and adult/child mediation must receive 12 hours of appropriate training and be screened under the supervision of a program director.

Certification by the CDRCP requires that trainers in basic community mediation create a training manual and be observed and approved by the New York State CDRCP staff.

To continue active status, a certified trainer must conduct at least 12 hours of training every two years, must take a minimum of 21 hours of continuing education over three years and must do a minimum of three mediations per year. □

## **POSITIONS AVAILABLE**

### **New York City**

In anticipation of personnel needs brought about by the restructuring, two of the agencies, Victim Services and Community Mediation Services, began scheduling interviews prior to the formal signing of contracts, so many positions were quickly filled. The listings mentioned here refer to positions for which interviews were still being held when the WEB was about to be issued.

#### **Victim Services, Manhattan**

Unless otherwise stated, the following positions require a B.A. degree minimum, with either a knowledge of mediation or a willingness to be trained; bilingual skills are an advantage. Send resumé plus covering letter to Director of Human Resources, Victim Services, 2 Lafayette Street, New York, New York 10007; (212) 577-7700. Contact: Lori Goldstein, Mediation Program Director.

**Deputy Project Director**, Brooklyn Mediation Center. A minimum of three years relevant experience, including supervisory experience. \$25,000 minimum.

**Community Coordinator**, neighborhood mediation centers Harlem/East Harlem in Manhattan; Bedford Stuyvesant/Red Hook and Crown Heights/Flatbush in Brooklyn. Two years experience in community organizing or social services. Bilingual strongly preferred. Excellent organizational, writing and communication skills. \$25,000 minimum.

**Program Assistant**, Manhattan and Brooklyn. Advanced degree preferred plus one year relevant experience. To perform a wide variety of functions in support of the Mediation Program Director. Excellent organizational, writing and communications skills. \$23,000 minimum.

**Intake Interviewer**, Manhattan Court Dispute Referral Center. A high school diploma and at least three years of experience working with people. Experience conducting interviews preferred. Ability to learn computer program operations. Excellent communications skills. Bilingual required. \$18,000 minimum.

**Compliance Officer**, Brooklyn Mediation Center. Excellent organizational, telephone and interpersonal skills. Knowledge of mediation helpful. Bilingual skills required. \$18,000 minimum.

**Secretary**, Manhattan Mediation Center. A high school diploma or equivalent related experience or education. \$15,000 minimum.

#### **Queens Mediation Services**

89-64 163rd Street, Jamaica, New York; (718) 523-6868. Contact person: Jorge Mendizabal, Deputy Director.

**Screener**, Queens Criminal Court. B.A. or equivalent. Knowledge of mediation. Knowledge of the court system a plus. Good interpersonal skills. Salary: mid-20s.

### **Out of Town**

**Assistant/Associate Professor of Dispute Resolution**, School of Social and Systemic Studies, Nova Southeastern University. Ph.D. in Dispute Resolution or related field and instructional experience

*continued on page 8*

## POSITIONS AVAILABLE *continued*

at the graduate level. To instruct at both the master's and doctoral levels, as well as to supervise students in practicum placements. A candidate who has completed all but dissertation will be considered if degree is confirmed by July 1, 1995, at which date the projected positions, pending budgetary approval, are scheduled to begin.

Send application before February 15, 1995 to Marti Borneau, Chair, Dispute Resolution Search Committee, Department of Dispute Resolution, Nova Southeastern University, 3301 College Ave., Fort Lauderdale, FL 33314; (305) 424-5700.

The National Institute for Dispute Resolution announces openings for two positions:

### **Program Director for Community Development.**

Responsible for development and overall management of the community development portion of the Institute's Public Policy Program. Strong academic background with graduate or professional study preferred, or comparable knowledge and experience dealing with dispute resolution concepts and issues, systems processes and approaches to training. Salary range: \$40,000-\$60,000, based on experience.

**Development Coordinator.** Responsible for the creation and maintenance of programs that generate revenue for NIDR's annual operating and specific program budgets. Salary range: \$30,000-\$40,000, based on experience.

Send application letter, resume and three professional references to Margery F. Baker, President, National Institute for Dispute Resolution, 1726 M Street, NW, Suite 500, Washington, DC 20036. No fax or phone calls, please.

## CRCI COMPUTERIZED REFERRAL SERVICE

Looking for a way to connect the skills you offer as a conflict resolver with the needs that are out there? Paul Wahrhaftig, editor of *Conflict Resolution Notes*, announces that Conflict Resolution Center International has prepared "the first international directory to cross-reference conflict resolution professionals by geographic region and area of practice." This is no mere membership list. It is an interactive computerized service to bring people with problems together with mediators who can help resolve them. For example, a UN official needs a Portuguese-speaking trainer. The directory is searched for providers, and a list of trainers proficient in that language will be hooked up with the customer needing the service. "We are not only linking supply and demand," says Wahrhaftig, "We are helping to generate demand."

A free listing in the directory is being offered during the developmental period and will be available at a nominal charge later. Early publication cost for the February 1995 print edition is \$75. For further information write to Conflict Resolution Center International, 2205 East Carson Street, Pittsburgh, PA 15203-2107 and include name of contact, name and address of your organization, phone number and area of mediation expertise. Alternatively, call CRCI at (800) 975-5559 (tape), (412) 481-5601 (human), or (412) 481-5601 (fax). By computer: [crcii@igc.apc.org](mailto:crcii@igc.apc.org) or via ConflictNet at [crcii](http://crcii).

NY METRO SPIDR  
445 West 45th Street  
New York, New York 10036

▲ Community Services  
of the  
**MIDTOWN  
COMMUNITY  
COURT**

BULK RATE  
U.S. POSTAGE  
PAID  
NEW YORK, N.Y.  
Permit No. 8162

Paul Wahrhaftig-s  
Conflict Resolution Center International  
2205 E. Carson Street  
Pittsburgh, PA 15203-2107