

MEDIATION CASE HISTORY, CONT.

mediator. Settlement agreements recorded in over 40 papyrus documents from the third to seventh century A.D. demonstrate the wide popularity of using a third party in the process of resolving disputes in ancient Egypt. In fact, using a mediator became so common and private settlements so frequent that there is hardly any positive evidence for use of the courts to settle disputes after about A.D. 500 in Roman Egypt.

Just as is the case today, the primary factors motivating parties to choose dispute resolution were the threat of heavy costs if the courts got involved and the judges had to be paid, the anxiety of facing a total loss if the judge found for the other side, and the desire to deal with the relationships that often existed between the parties. Many of the mediated agreements concern disposition of property after death of the family patriarch, with the consequence that women often appeared as equal parties in the settlement.

To find mediators, disputants turned to people who were knowledgeable and respected in the community. The mediators in this case are called "good friends," which implies some different standards of neutrality may have applied. It was expected that the mediators would offer suggestions, but it was understood that the parties themselves created the agreement even if it was based on those suggestions. A notary wrote down the agreement often resorting to a standard boilerplate form.

Although enforcement might be enhanced by stipulating penalties for breaking the agreement, the power of the settlement seemed to rest more on social expectations than on references to legal injunctions. The witnesses who

signed the document did so as an affirmation that they had heard the agreement read and heard the disputant's verbal acceptance. Because this document is only signed by one party (Nicantinous), it is presumed that the other party had their own document which they signed.

To those of us involved in the field of dispute resolution, the wisdom and advantages of crafting your own solution to a conflict may seem obvious. These ancient records show that resolving disputes with the aid of a third party has been a natural choice through the ages. Even the Bible contains the advice that mediation may be the best answer:

"And why do you not judge for yourselves what is right? Thus, when you go with your accuser before a magistrate, on the way make an effort to settle the case, or you may be dragged before the judge.. I tell you, you will never get out until you have paid the very last penny." (Luke 12:57-59)

(The case from Roman Egypt is the subject of a book by Traianos Gagos and Peter Van Minnen, called Settling a Dispute: Toward a Legal Anthropology of Late Antique Egypt, University of Michigan Press, 1994.)

PITTSBURGH MEDIATION CENTER UNDERTAKES STRATEGIC PLANNING PROCESS

By: Irene McLaughlin

The Pittsburgh Mediation Center has seen some dramatic changes over the past several years. In 1992, the blustery winds of change began to sweep through the organization. PMC was in its 12th year of operation - there was a strong history, tradition and culture as in any long standing organization. In

STRATEGIC PLANNING PROCESS, CONT.

October of 1992, then Executive Director Deidre Levinsky wrote to the members of the Board of Directors: "The Pittsburgh Mediation Center is facing an interesting and challenging future. The issues involved in change have been discussed by numerous individuals over the past months. With "change" comes chaos and sometimes gridlock, but also new opportunities and possibilities for creativity. Traditional practices, structures and procedures must mature into a solid, well-rooted agency, creating a future rather than waiting for it to happen". Director Levinsky recommended that the members of the Board of Directors reexamine the role of the Board in directing the future of the agency and in furtherance of that recommendation applied to the Bell of Pennsylvania Institute for Non-Profit Excellence and was accepted to participate in the November, 1992 Institute. The two and one half day seminar was attended by then Board Chair, Jim Yahner, Director Levinsky, then Board Members Muiga Kwanza and Marina Piscolith, and myself, which, up until that point, my involvement was as a volunteer mediator. The Institute had cream of the crop consultants present on the critical areas of viability for non-profits, "Fundability", "Developing Effective Boards", "Team Approach to Planning", "Fund Raising" and "Volunteers".

The Institute had designed our participation so that the majority of our time emphasized planning. William Bennington, a member of the Institute faculty and a consultant in the areas of planning and communication, tutored us in the techniques of strategic planning. We came to appreciate that strategic planning is a participative process of defining the desired character and identity that the organization will seek to develop and maintain, and determine the kinds of

activities the organization will pursue in service of that desired character and identity. The result is measurable goals, objectives and action steps. It is through planning that the Board of Directors translates the purpose and the essential values of the corporation into consistent policies and targets which can guide the staff in consistent action. The plan does not become a finished document, instead strategic planning becomes an ongoing process. As such, planning is inherently a creative process.

As a result of our experience at the Institute, the participants committed themselves to be the PMC Strategic Planning Preparation Team (SPPT). On January 5, 1994, the PMC Board of Directors approved undertaking a Strategic Planning Process in order to restructure and redirect PMC in an effort to improve its ability to capture opportunities for promoting collaborative dispute resolution services. Invitation letters went out to all Board members, staff, volunteer mediators, trainees, trainers and every person who had had any involvement with the Center that we had an address for, and many who had never been involved in the Center were recruited to participate. Between February 11, 1993 and March 25, 1993, the Strategic Planning Process participants engaged in an intense series of large group and focus group sessions.

Affinity Diagrams and Relations Diagram exercises (tools borrowed from the Total Quality Management boom) were used to identify the five key areas needing attention in the organization, (1) Setting Direction (2) Improving Management (3) Working with those who work with us (4) Promoting PMC (5) Funding PMC, and that Direction Setting and Improving Management were the key areas that would be prioritized in the planning process. Mr. Sala Udin, management consultant who emphasizes diversity issues, spoke with the participants

STRATEGIC PLANNING PROCESS, CONT.

on cultural competency. The participants engaged in PMC program prioritization exercises and force-field analysis of those priorities. Focus groups hammered away at building a consensus on the goals and objectives of their area. Ultimately, we had a plan which was presented and approved by the Board of Directors on April 20, 1993.

Over the next year and a half, the Center has continued its emphasis on Direction Setting and Improving Management. In June, 1993 a slate of Board of Directors was approved. The constitution of the newly seated Board reflected the strong history of the organization, with many longtime members remaining on the Board, and the current change process, with many participants of the Strategic Planning Process assuming Board positions. The first six months of the work of the Board involved reorienting itself to the role of a Board member. The Board developed and signed a Board member agreement, restructured the Board committees, reviewed and amended the Bylaws, re-oriented themselves to the current work of the Center, and struggled to develop financial information for use by the Board. Kathleen Kelly, a Business and Management Consultant, volunteered her time to consult with the Board on the issues of volunteer management. The Board decided a day long retreat was necessary to fully adopt its appropriate role of guiding the P.M.C.

On February 12, 1994, a Board Retreat took place with sound facilitation provided by Community College of Allegheny County's Building Better Boards. The Board had two objectives for this Retreat, (1) to set the programmatic agenda of the PMC and (2) to set an organizational structure necessary to support the programmatic agenda. The result was that two program areas were identified, Education and

Training, and Dispute Resolution Services, and it was decided that each area would be headed by a Director, and the Executive Director would provide managerial and administrative oversight of the two program directors. It was at this time that Deidre Levdansky opted to seek the position of Director of Education and Training. Thus began our Executive Director search committee process which resulted in the hiring of Cindy Goodman-Leib in September, 1994. (see BIO)

I believe everyone in the center should be proud of the strategic planning process and its results to date. During the past two years there has been much turmoil as the change process has proceeded. It has been especially challenging for the PMC staff and they deserve much credit in hanging tough through the transition, because truly we could not have gotten where we are today without their support and collaboration. There were a series of interim agreements that had to be developed to provide emergency guidance as the work of the Center had to continue while the realignment of the leadership of the organization took place. A long time staff member, Mike Nash, resigned his position. At crisis points, when there was no policy or procedure to look to for guidance, the involved parties looked to the tools and techniques of collaborative dispute resolution. We used the mediation process to get us through the crisis and, of course, the process served us well.

The strategic plan continues to evolve. The Board reevaluated the accomplishments and outstanding goals of the Strategic Plan at its most recent meeting. The Board and the staff can now move its emphasis from Direction Setting and Improving Management to Promoting PMC and Funding PMC. We look forward to the continued challenge of building the Pittsburgh Mediation Center to be a strong and stable player in the promotion and provision of conflict

management services in the greater Pittsburgh area.

PCM BIOGRAPHIES

IRENE MCLAUGHLIN

City Magistrate Irene McLaughlin is a member of the Pennsylvania Minor Judiciary serving on the bench of the Pittsburgh Magistrates' Court. Judge McLaughlin has been Chair of the Board of Directors of the Pittsburgh Mediation Center since June, 1993. She has been instrumental in the development and implementation of the Center's strategic planning process over the past several years.

Irene attended CUNY Law School at Queens College located in Flushing, New York and was admitted to the Pennsylvania Bar in 1988. Prior to her appointment to the bench, she served as Executive Assistant to Pittsburgh city council member Jim Ferlo. She began her involvement with the Pittsburgh Mediation Center in 1991 when she received mediation training and became a volunteer mediator with the Center.

Judge McLaughlin's emphasis is in Housing Court, one of the three divisions of Pittsburgh Magistrates' Court which is the venue for violations of the City of Pittsburgh Code and Allegheny County Health Department Rules and Regulations. Judge McLaughlin is committed to improving the Court's role in protecting the quality of life in Pittsburgh's neighborhoods. Her past five years with municipal government has strengthened her conviction that there is a tremendous need to increase community access to alternative dispute resolution. She has become a member of the PCM Steering Committee as of June and looks forward to making a positive contribution to PCM activities over the next year.

CINDY GOODMAN-LEIB

Cindy Goodman-Leib is the new Executive Director of the Pittsburgh Mediation Center. Cindy's appointment comes after an extensive strategic planning process undertaken by the Board of Directors, staff and community. The former director, Deidre Levdansky, will be serving the organization as the Director of Education and Training.

Previously, Cindy worked with Carnegie Mellon University and the University of Pittsburgh as the Assistant Director, Acting Director and most recently as the Associate Director of the Hillel Foundation of Pittsburgh. Prior to moving to Pittsburgh, Cindy was the Assistant Director of the Philadelphia Regional office of the National Conference of Christians and Jews. Cindy brings to the Pittsburgh Mediation Center 13 years of non-profit management, program planning, diversity training, and counseling.

Cindy received her B.A. from Franklin and Marshall College where she studied French and Government and her M.Ed. from the University of Pittsburgh where she studied educational counseling, specializing in cross-cultural counseling.

As an intergroup educator and trainer, Cindy has been invited to give presentations in the United States and Europe. The topics she has addressed include: *The Challenges of Diversity: Creating Individual and Institutional Change, Alternatives to Intolerance, Effective Leadership in a Multicultural Setting, Diversity or Divisiveness: The Challenge of Multiculturalism, and Religious Search Among Youth.*

Cindy looks forward to guiding the Pittsburgh Mediation Center as it faces the exciting challenge of implementing the results of the organization's strategic planning

CINDY GOODMAN-LEIB, BIOGRAPHY,
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process. In partnership with a wide circle of supporters, Cindy will expand the Center's scope of service by developing an array of new educational opportunities and broadening the community's access to dispute resolution services.

IN MEMORY OF PCM MEMBER ANITA STRICKLAND WOMACK

By: Patricia R. Marcus

PCM would like to express its deepest sympathy to the family, friends, and coworkers of PCM member Anita Strickland Womack. Anita died tragically on October 16, 1994 in her home in Allentown, Pennsylvania. Anita devoted her life to the peaceful resolution of community conflicts and was a former director of Common Ground, a non profit group run by the Community Action Committee of Lehigh Valley which trains individuals to resolve disputes through negotiation rather than violence.

Prior to her death, Anita had accepted a position as a guidance counselor for the Allentown School District. Part of her job would have entailed spearheading and implementing a district wide conflict mediation program.

Anita was a graduate of Kutztown State Teachers College with degrees in psychology and communication. She received her master's degree in education psychology from Temple University.

Anita is survived by her mother, Jacqueline Strickland of Merion Station, Montgomery County, her father, Shelley Strickland of New Jersey, a sister, Janice Strickland-Collingham of Columbus, Georgia, and her five young children, Teckla, Shay, Alex, a foster son, Dameen and six weeks old Rebeka.

A fund has been set up for the children. Donations can be sent to the Anita Memorial Fund, Common Ground, c/o The Community Action Committee of Lehigh Valley, 520 East Broad Street, Bethlehem, PA 18018.

Anita will be sadly missed by all who knew her and had the privilege to work with her. Let each of us renew our dedication to encourage the peaceful resolution of conflicts and continue Anita's work for peace with the same courage and enthusiasm she always demonstrated.

WELCOME NEW PCM MEMBERS

The following individuals have recently joined PCM:

Ms. Charlotte E. Bartlett
Pembroke House, E3
500 W. Rosedale Avenue
West Chester, PA 19382

Constance E. Calabrese, Esquire
809 West Market Street
Second Floor
Pottsville, PA 17901

Margaret W. Charles, Esquire
9 West Court Street
Doylestown, PA 18901

Ms. Martine A. Culbertson
643 Maple Avenue
Haddonfield, NJ 08033-1129

Marc S. Drier, Esquire
227 Allegheny Street
Jersey Shore, PA 17740

Mr. John E. Huber
202 East Third Avenue
Lititz, PA 17543

David Huffman, Esquire
Huffman & Associates, PC, Suite 106
Chadds Ford Professional Center
Chadds Ford, PA 19317

Ms. Patricia E. Hunt, CPA
63 Chestnut Road, 2nd Floor
Paoli, PA 19301