
Subject: The Mediation Society Newsletter



TMS Winter Newsletter -- Happy 2018!

**LEARN FROM LUMINARY PEACEMAKER
DR. MARTIN LUTHER KING**

Annual Dinner in Honor of Peacemaker
Dr. Martin Luther King:

Tuesday, January 16, 2018 at 6:00 PM
at Palio d'Asti Restaurant

Special Speaker: Chief Judge Karen Clopton

Acting in L-o-v-e: Leadership of Valuing Everyone

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Incorporating the ethos of Dr. King with social science,
psychology, genetic advancements and neuroscience into
dispute resolution techniques

Please join your peacemaker friends and colleagues to
celebrate the teachings and accomplishments of luminary
peacemaker Dr. Martin Luther King.

Learn and be inspired by Dr. King's life. We are honored to have
a special speaker, Chief Judge Karen Clopton, the first African
American Chief Administrative Law Judge for the California
Public Utilities Commission, the only African American woman
member of the State Bar of California's Commission on Revision
of the Rules of Professional Conduct and 2017 recipient of the
ABA prestigious Robert B. Yegge Award for judicial excellence.

Judge Clopton will speak on incorporating the ethos of Dr. King
with social science, psychology, genetic advancements and
neuroscience, into today's dispute resolution techniques. In a
time when words and acts of hate are increasingly pervasive, we
are charged with recognizing the triggers of hate and effectively
handling them when we mediate. Come, listen, learn and share
your thoughts and experiences.

[More about Judge Karen Clopton](#)

Dear Janet,

For me, 2017 came and went quite quickly. I was honored to
become TMS President. My private mediation practice grew,
both in the number of cases I was privileged to mediate, and
also in revenue. I hope it was the same for you, too. As to the

Hot Topic

The Five "Stages" in
Mediations

by Richard Collier

*(If you would like to be featured
in our TMS Mediator's Corner,
please read submission details
at the bottom of this Newsletter)*

Sign up now!

Limited seats are still available
for our Annual TMS Dinner in
honor of Dr. Martin Luther King,
Jr. with special speaker Chief
Judge Karen Clopton

Tuesday
January 16
at Palio D'Asti

Upcoming TMS Events

TMS Society Session
Monday January 8
Mediation Follow-Up
with Hon. Judge John True (ret.)

TMS MCLE Roundtable
Friday January 12
Competence Issues
with Cameron Stout

[View the full Calendar](#)

Special Alert:

*Please note --TMS Member
dues for 2017-18 are now
considered late. Late dues are
\$200.00 as of 01/01/2018. If
your Membership is not
renewed by 3/31/18 you will,
with regret, be removed from
TMS Membership. Renew now.*

latter, I believe this resulted from a combination of things. For starters, I became more proficient, able to handle an increasing variety of different, more complicated and challenging cases simply by doing them. In other words, the old adage applies: "practice makes perfect," although I'd be the first to admit that I've still got a long way to go to come even close to achieving anything approaching perfection.

Secondly, after every mediation, I reflected on why it settled, or didn't. What did I do or say, or not, that contributed to or got in the way of a resolution of the dispute. In this exercise, I'm hard on myself, even though, intellectually, I know that I don't "own" the disputants' problem; they do and they'll resolve it if they want to and they won't if they don't. In fact that's what I tell them at the beginning of every session and try to get them to commit to each other and to me that such is at least their goal and that they'll work hard toward achieving it. The conversation becomes a handy weapon, (no, I didn't mean that, I meant "reminder") when things aren't going well!

Beyond gaining proficiency and maintaining detachment and neutrality as to the outcome at mediation, I think the other single most important thing I learned this year was to be a better and more empathetic listener. It was hard. In almost every case, I noticed that the parties, and even counsel, were more virulent, more strident, unkind and more hurtful in what they said and how they said it, whether in writing or speech. It was as if the boorish behavior of our political leaders and the revelation of hitherto unknown scandalous conduct by people in industry, the entertainment world and elsewhere somehow invaded the psyche of parties and counsel.

I found myself asking many more open-ended questions, eager to learn what made them express their feelings as they did. By year's end, I concluded that during last year, people in conflict had experienced elevated degrees of anxiety and angst in their personal, financial, professional and business lives and relationships. What they saw or heard in the media either emboldened them to act likewise, or simply "rubbed off" on them. Maybe this resulted in the unusual degree of lashing out at each other that I witnessed. We mediators may call it "venting," but we know that, if we allow it to go unchecked, it is seldom productive in mediation.

Absent a meteor from space, I don't see this phenomenon dissipating any time soon. So, I'm going to continue to work extra hard at active, empathetic listening and hope I do no harm. I hope you'll do so, too.

Blessed are the Peacemakers.

Malcolm Sher, Board President

Don't forget, TMS Members can now update their own areas of expertise. Please click here to login and edit your own information in our Members Only section.

(You should have received a password for the Members Only section of TMS' new website, but if you have not, please contact info@mediationsociety.org to receive your password.)



TMS's Mediators Corner seeks thoughtful short pieces on topics of interest to the membership and other practicing mediators: Best practices, new trends or legal developments, recent war stories with pearls of wisdom embedded within.

Length is flexible, but mostly we look for pieces in the 600-1,200 word range. They run for a month on the home page, then remain available in the archives for some time.

Contact Matt Geyer with questions or expressions of interest:
(mjg@GeyerLawandADR.com).