

ADR UPDATE

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Featuring

"In one way or another, we have all been yanked from our comfort zones and made to deal with the worldwide shocks to our systems. Some of these shocks have been a long time coming and needed to happen." – pg. 04

"More than ever, dispute resolution professionals need to make the effort to understand the systemic nature of racism and white privilege." – pg. 07

"I see an opportunity for elder mediators to support seniors and families in planning personal, financial and healthcare decisions, by collaborating with others who initiate several of these types of conversations." – pg. 13

"Learning to listen to inconvenient truths about the power and privilege we wield is important and often personally challenging work. Learning to *truly* hear about realities that we may not have given much consideration to previously is critical." – pg. 15

...and much more!

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UNPRECEDENTED PRESIDENT'S MESSAGE

JOAN CASS, MSW, RSW, Q.Med

Unprecedented. This word has been used over and over to describe the times we are in. The world has not seen a pandemic this far-reaching since 1918; the financial, social, health, business and vocational consequences are massive. I would venture to say that we have not seen this level of worldwide political and social protest since the 1960s. The effects of climate change are being felt in ways that can no longer be ignored. The need for conflict management and healing has never been greater, certainly not in our lifetime.

To be President of the Board of ADRIO at this time is challenging, to say the least. I felt qualified to take on the role of President because I believe that what I lack in board and governance experience I make up for in enthusiasm, optimism and a deep love for ADRIO. The pandemic made it necessary to change so much—how to meet, hold events, communicate—it changed almost everything! As an extrovert, I counted on in-person events and hanging out at the head office to energize me. As a person with depression and anxiety, I was sideswiped by the impact of the pandemic on my mental health. The very qualities I feel confident about offering to ADRIO have been so difficult for me to access due to the effects of isolation, plummeting mood and skyrocketing anxiety. How to bring a sense of wellbeing, groundedness and optimism about the future when I don't feel these things? The answer is that we, the board and staff, have had to pull even closer together in new ways to support each other in getting through these times. The joy felt in overcoming the obstacles to successfully deliver our programs and benefits to our members has created a new kind of optimism and confidence. In this way, the challenges have become a pathway for growth.

In one way or another, we have all been yanked from our comfort zones and made to deal with the worldwide shocks to our systems. Some of these shocks have been a long time coming and needed to happen. We are now forced to confront some of our unsustainable practices



and create real change, not just "tick off the box" performative gestures. We are called upon to examine our time-honoured inequities. This year the composition of our board has become more diverse by some measures, e.g. age, experience, gender, educational/professional background, but leaves much to be desired by other measures of diversity such as race and ethnic background. Addressing the systemic racism within our own profession and organization, in meaningful and sustained ways, is a primary goal of ADRIO. The board and staff have been working diligently to create lasting positive change in the structure of the organization to transform ADRIO into a welcoming place of belonging for all practitioners of ADR. We have a wealth of skilled, creative, knowledgeable members of all backgrounds—it is time to highlight and showcase those who have been disadvantaged by a racist society.

The challenges we face in these seismic times have presented opportunities as well. The need to use online platforms for ADR processes has led to improvements and increased facility with online practice. For many, this means expanding and diversifying their service offerings. We have also had to face the importance of connection, caring and looking after ourselves and others as the losses, restrictions, anxieties and burdens cannot be denied.

As we navigate these unprecedented times, let's stay true to the values of fairness, cooperation, respect and care for each other as human beings. In this way, we will emerge as a stronger, healthier and better ADRIO.

Stay well and safe,

Joan Cass

VOICES OF STUDENTS AND ASPIRING PRACTITIONERS



EXECUTIVE DIRECTOR'S MESSAGE

JUDY SHUM, BA, MPA

In August 2020, ADRIO brought back, for a second year in a row, the Aspiring ADR Practitioners Week (formerly titled ADR Students Week). The interactive activities held throughout the week of August 24 to 28 focussed on learning, mentoring and networking. The week wrapped up with a podcast - *Real Representation and the ADR Student Journey*, with <u>Victory Dickson</u> and <u>Shaneil Stewart</u>.

This first ever ADRIO podcast project was developed and brought to life by a group of aspiring ADR practitioners, in collaboration with ADRIO staff. The primary vision for this project is to amplify diverse voices in the ADR community in Ontario. The first couple of episodes will unpack matters related to the ADR student journey, representation, the power and implications of discomfort, bravery and self-worth.

For ADRIO, engaging and supporting the up-and-coming champions of the ADR sector goes beyond one week a year. In fact, it is a priority in ADRIO's 2020-22 strategic plan to "enhance support for new ADR practitioners and students."

Echoing Joan's message as ADRIO's President, these unprecedented times are posing challenges, in many ways, to ADRIO and the ADR sector. The support of new ADR practitioners and students cannot be a "tick off the box" performative gesture, as it requires ADRIO to both reflect inwards and look outwards, in order for this identified and agreed upon strategic priority to be

implemented in meaningful, measurable and sustained ways.

I'm particularly excited about our Fall 2020 newsletter, with its focus on articles submitted by new ADR practitioners and students. Let's hear these diverse voices by giving their contributions in writing a good read!

Stay safe and keep well, Judy Shum

DID YOU KNOW...?



You can use the ADRIO Dispute
Resolution Professionals
Directory to search for ADR
Practitioners in Ontario who
offer Online Dispute Resolution

www.adr-ontario.ca/directory



MEMBER APPRECIATION

Join us in celebrating our 2020 President's Circle Members and ADRIO STAR Award Recipients

Thursday, November 26, 2020, 12:00 pm – 1:30 pm | Online

All members are invited to attend for free

Advance registration is required

CELEBRATION GRATITUDE COMMUNITY FUN ABUNDANCE

For over thirty years, ADRIO has been a leader in providing meaningful and valuable educational and networking opportunities for ADR professionals throughout the Province of Ontario. We recognize and deeply appreciate that the foundation of our success is built upon our members' engagement and commitment. On November 26, join us as we reflect on a landmark year of dynamic changes in the ADR community in Ontario. This will be our 3rd annual end-of-year Member Appreciation event. We will be celebrating and honouring our 2020 President's Circle Members for their 20+ years of commitment to the Institute. We will also be recognizing the recipients of the 2020 ADRIO STAR Awards for their leadership, support and dedication this year. This will be a fun event for new and expert ADR practitioners to network and build meaningful connections.



To view the complete list of President's Circle Members, visit: www.adr-ontario.ca/presidents-circle

THANK YOU FOR 20+ YEARS 2020 PRESIDENT'S CIRCLE MEMBERS

We would like to recognize and honour the following members for their commitment of 20+ years to the ADR Institute of Ontario

Christopher A. Baines

Dean C. Benard

David Bennett

James Clairmont

Andrew Freedman

Angela Gill

Diane Harrison

William Horton

Bruce Lee

Harland Lindsay

Register: http://www.adr-ontario.ca/memberappreciation2020

Cancellation Policy: This event is free. Space is limited. Advance registration is required. Please try to register before November 20. If you would like to cancel your registration, please email finance@adr-ontario.ca as soon as possible.

Photo Policy: In registering for this event/webinar, you acknowledge that photos/screenshots and video recordings of you may be taken during the course of the event/webinar. You further acknowledge that these photos/screenshots and videos may be used for promotion of this and future events/webinars and in the production of the newsletter. They may be used solely for ADRIO purposes.

A MEDIATOR'S BOOKSHELF

JEANETTE BICKNELL, PhD, C.Med

No matter what I'm reading, I try to see if it can help me better understand conflict. Insights can come from unlikely places if we are open to them. None of these books is specifically about mediation, although one is co-authored by a mediator. All have informed my thinking about conflict and my dispute resolution practice.

White Fragility: Why it's so Hard to Talk to White People about Racism by Robin DiAngelo

Calls for white people to educate themselves about racism have come in the wake of police shootings and violence against African American men and women. While this book is flawed, it is a good place to start.

DiAngelo is a sociologist, and so her perspective on racism is a welcome change from psychological or individualistic accounts. She offers a clear explanation of structural or systemic racism. Racism is not simply a matter of racist or ignorant individuals; it is also something embedded in our laws and practices. She draws on years of experience as a corporate "diversity trainer" to provide vivid examples of what she calls "white fragility" – the defensive manoeuvres that some individuals undertake to resist the idea that racism is real, and that their actions might support it.

White Fragility is written from an American perspective. (Canadian readers may be amused that participants in DiAngelo's US-based workshops have told her, "I'm not racist. I'm Canadian.") While Canadians are not immune to racism, its contours are different here than in the U.S. DiAngelo's focus is anti-black racism and she has little to say about anti-indigenous racism.



In my experience as a Toronto-based mediator, race is a complicating factor in many conflicts and failing to understand this can be a barrier to resolution. I have seen race play out in different ways in personal injury mediation, community disputes, workplace conflict and restorative justice conferences. More than ever, dispute resolution professionals need to make the effort to understand the systemic nature of racism and white privilege. White Fragility deserves a place on the mediator's bookshelf.

Less than Human: Why We Demean, Enslave, and Exterminate Others by David Livingstone Smith

If you looked at the title and thought, "That sounds depressing," you're right. Philosopher David Livingstone Smith draws on research in social science, history and evolutionary psychology to explain why human beings de-humanize others (i.e. how we can come to see our fellow human beings not as creatures like ourselves but as some kind of lesser beings). Dehumanizing others in this way is all too often the first step on the path to mistreatment.

Livingston provides a wealth of examples. The chapter on the dehumanization of North American native peoples by European colonizers is particularly relevant. These events seem far in the past, yet their reverberations extend to the present time. As I knew not much more than the outlines of this history, the material here was particularly eye-opening.

This book reinforced for me how important it is to

listen to how people talk about those with whom they are in conflict, and whenever possible to reinforce the humanity of those on the "other side."

Virtuous Violence: Hurting and Killing to Create, Sustain, End, and Honor Social Relations by Alan Page Fiske and Tage Shakti Rai

These authors offer a radically different analysis than Livingstone Smith, and indeed from most others who have thought about conflict and violence. Fiske and Rai argue that the motive for much violence is the regulation of social relations, and that people who commit violence feel that their cause is righteous — even morally required. They provide evidence from a variety of different cultures and historical eras.

People in conflict are rarely at their best, and as mediators we're sometimes required to understand the perspective of people who hold positions that we may find offensive. This book helped me understand how actions can look "right" from the inside while being morally problematic to those on the outside.

Feast: Why Humans Share Food by Martin Jones

Did you know that human beings are the only animals to share food outside of our immediate social groups? Jones, an archeologist of food remains, investigates the history of the meal in order to understand why. He takes us from a prehistoric communal butchery of a wild horse after it is felled by a hunting party, to the emergence of the restaurant in 18th century Europe, to a contemporary solitary diner with a newspaper and TV dinner.

Feast prompted me to think about the ways in which humans come together, cooperate and celebrate. Attention to the social dimension of food (as opposed to its nutritional value) gives us a new perspective on lavish buffets set up in mediation spaces.

Brainfishing: A Practice Guide to Questioning Skills by Gary Furlong and Jim Harrison

If you've had the pleasure of being in one of Gary Furlong's courses, it will be no surprise that *Brainfishing* is lively, engaging and full of practical wisdom. Asking questions is at the heart of mediation. We ask questions

to unpack parties' positions, understand their interests and build rapport. The authors draw on recent research in neuroscience, as well as their years of experience in mediation, negotiation and consulting.

Brainfishing is well worth reading, and also having at hand as a refresher.

Jeanette Bicknell is a workplace mediator, investigator and coach in private practice. She is the founder of Bicknell Mediation.

Membership in ADRIO provides us with opportunities to participate in amazing professional development programs and to meet committed, like-minded and dedicated individuals. There is an openness in sharing ideas, expertise, experiences and knowledge and we are kept up-to-date on happenings in the ADR world including information on opportunities.

ADRIO has gone to great lengths to adjust and accommodate to these changing times. This has been done seamlessly while continuing to stay in touch and in offering valuable sessions on Zoom. Thank you to the wonderful staff and Board who have worked so hard to facilitate this adjustment.

What does one get as a member of ADRIO? Friendships, knowledge and professional development.

www.adr-ontario.ca/join



Lynn CatzmanBA, MA, C.Med
ADRIO Member since 1998

UPDATE ON ADRIO'S SPECIAL INTEREST SECTIONS

NATAI SHELSEN, Q.Med, LLB, BCL, BA(Hons)
CHAIR OF SECTIONS COORDINARTING COMMITTEE



Exciting things are happening with ADRIO's Special Interest Sections program! Despite the challenges presented by the pandemic, our Section Chairs have been hard at work to provide ADRIO members with relevant and practical content.

Section meetings are a great way to stay on top of trends in specific areas of interest, to network, to get engaged and be inspired. They usually include an informal and engaging discussion among participants and speakers. Section meetings have something for everyone, and all ADRIO members are encouraged to attend a meeting (or 2, or 10). Not only are they free for all members, you also get 2 CEE points for attending.

Here are a few highlights from recent Section meetings:

The **Med-Arb Section** hosted a meeting titled "An Open Forum on Enhanced Med-Arb & Technology – the ODR Option." Participants attended from all over Canada (as well as one from Australia). Participants discussed a number of hot topics, including how to conduct online med-arb, med-arb process considerations, drafting and negotiating med-arb agreements and online med-arb security. The Med-Arb Section is hosted by Marc Bhalla and Colm Brannigan.

The **Workplace Section** has been especially active this year. Recently, it hosted a panel on "How to get to the Heart of the Issue," which provided perspectives and strategies from a mediator, investigator and conflict coach. It also hosted a meeting on how to conduct virtual workplace investigations, an important and

timely topic given the current circumstances. The Workplace Section is chaired by Suzanne Sherkin.

The **Restorative Justice Section** hosted an inspiring evening with Jeffrey J. Wilkinson, co-author of *Overwhelming Deafness: A Listener's Guide to Jewish and Palestinian Narratives*. The discussion focused on memory and forgetting, and how to better understand ourselves using brain research and philosophy to build deep dialogue with people and cultures holding disparate views, opinions and beliefs. The Restorative Justice Section is co-chaired by John Becker and Bunny Macfarlane.

The **Conflict Management Coaching Section** was joined by Liane Davey, author of the New York Times best-seller, *You First: Inspire Your Team to Grow Up, Get Along, and Get Stuff Done*. In this session, Liane Davey provided participants with tools and techniques to create a culture of productive conflict, including how to help people overcome their conflict aversion and teach them practical strategies to work through any issue — without the drama. The Conflict Management Coaching Section is co-chaired by Cinnie Noble and Shelley Stirling-Boyes.

ADRIO's Special Interest Section program is committed to providing dynamic and engaging content next year. We recently released a survey on members' experiences with the program and hope to use the results to keep the program relevant and responsive to members' needs. Thank you so much to everyone who responded.



THE CONFLICT DYNAMICS PROFILE ASSESSMENT ASSESSING CLIENTS' BEHAVIOURAL REACTIONS TO CONFLICT

An Interactive Online Workshop with Practical Assessment Tools

Tuesday, December 1, 1:00 pm – 4:45 pm | 8 CEE Points \$525 for Members | \$575 for Non-Members

The Conflict Dynamics Profile (CDP) is an assessment instrument that helps individuals better understand their emotional and behavioural responses to workplace conflict. This tool is available as a 360 assessment and as a self assessment. This program focuses on the latter (Individual Assessment). After completing this workshop participants will be able to explain the dynamic conflict model underlying the CDP, analyze and determine key issues in CDP reports, learn how CDP is being used by DR practitioners and conduct feedback sessions with clients to help them understand and act on their results to improve their ability to engage in conflict. See the full flyer at: www.adr-ontario.ca/conflictdynamics



This online workshop will be led by:

Cinnie Noble BSW, LLM (DR), C.Med & Craig Runde JD

This online workshop is ideal for mediators, coaches, trainers, government employees and HR professionals.

Many practitioners may find an assessment tool of behavioural responses a welcome addition to their toolboxes.

Please note: While registration will be open until November 27, to obtain the optimal experience of the assessment tool (i.e., to receive and do it yourself) we highly recommend you register before November 17.

Register: www.adr-ontario.ca/conflictdynamics

* +HST on all rates. Cancellation/ Refund Policy: If you are unable to attend, your registration is fully transferable to another person in your organization. If you must cancel, notice must be received in writing. All refund requests received on or prior to November 10, 2020 will receive a refund less a 20% administrative fee; those received on or before November 16, 2020 will receive a refund less 50%. No refunds after November 16, 2020. Sessions, speakers and times are subject to change. Registrations are tentative until November 30, 2020. Should ADRIO need to cancel this event, you will receive a full refund. Once payment has been processed, this refund policy applies under all circumstances.

EVENT SUMMARY: "MEDIATOR MASTERMIND: LET'S TALK ABOUT MEDIATION MEMOS"



MARY KORICA, BA, MA VOLUNTEER WRITER

On February 25, 2020, the Mediator Mastermind peer-to-peer mentoring and coaching group of the ADR Institute of Ontario ("ADRIO") held a live and webinar interactive discussion "Let's Talk About Mediation Memos," with moderator Marshall Schnapp (BA, JD, LLM (ADR)), whose photograph is displayed on the banner above.

Marshall Schnapp led a discussion where participants from a wide range of mediation areas – insurance, personal injury, commercial, environmental, workplace (private/public and police services) – talked about practical aspects of working with mediation memos, or "briefs." But the conversation also went well beyond that topic. There were many incisive comments on mediation practice in general and suggestions for artful techniques developed through substantial experience.

The practitioners agreed that briefs are generally helpful. They tend to highlight the issues in the dispute, identify positions and interests, and save valuable time by reducing the amount of "fact-finding" that needs to be done with the parties during the mediation session. Marshall noted that in some areas of practice memos are used instead of pre-mediation meetings.

Another practitioner said that briefs allow her to get a sense of the parties' biases. She also uses briefs to look

for signs of an uneven playing field. One workplace mediator uses briefs to find instances where a party has taken responsibility for something. He asks such a party to consider saying this to the other side during a joint session, which can positively impact the course of the mediation. Another participant said that the references in briefs are helpful to him as a guide to the case law he must review to prepare for the mediation.

More than one practitioner recommended reading briefs to get a sense of what is "missing." As Marshall pointed out, there may be a lack of backup material for some position. Another practitioner said that often the "good stuff" about the relationship between the parties is not mentioned in the brief (and that helping the parties recognize the good between them can generate more open-mindedness).

A practitioner mentioned that very large briefs can be a waste of time. Many around the table appreciated his approach, which is to simply ask the party how much of their voluminous brief they want him to read and whether they are willing to cover the cost for the time. Attendees also valued another participant's comment that he uses parties' briefs to write up his own memo which is more helpful to him during the mediation.

This article continues on the next page.

Marshall pointed out that reading a brief prompts the mediator to make assumptions. However, it is important not to be overly influenced by those early assumptions because often the strategy taken in the brief is different from how the party approaches the mediation session. Another participant agreed: "Things can and likely will change once you get in the room and so you must be ready to respond quickly."

One participant was curious to know his colleagues' ideas about what to do when the brief identifies an issue that he, as the mediator, thinks is important to address but neither of the parties brings it up in session. Many around the table recommended he bring up the matter in caucus. Another practitioner, who said she avoids caucusing almost entirely, suggested the mediator try to intimate it in full session.

Over the course of the discussion, participants shared phrases that they have found help move a mediation forward. These included one practitioner's stock "three questions": "What don't I understand about your position?"; "What do you really want me to know about this?"; and "What do you really want the other side to understand?" Another mediator's recommendation was to guide parties towards sharing more or better information by introducing an idea with "I think what would really be helpful here is..."

Conversation then turned to how common it is for an underlying relationship issue or emotional issue to be the true driver of conflict underneath whatever interests or positions the parties are preoccupied with on the surface. The hidden issue can, in fact, be unrelated to the matter that has nominally brought the parties to the mediation table. Many of the practitioners agreed that uncovering that hidden issue can be key to "shifting" the parties onto a more constructive path.

In some cases, the work is made harder by a long history of conflict. But as one person said, that long history should be recognized as "the continuing emotional residue of the relationship transgression." In other cases, the work of overcoming conflict is made harder because a party is not thinking past their need to be heard, and mediation or potential court or other processes offer them a captive audience.

In response to these sorts of challenges, one practitioner shared that she has developed a policy of only doing mediations if the parties are willing to include conflict coaching as part of the mediation package. She uses the conflict coaching component to help people become more aware of their emotions in advance of the mediation. Another contribution that was interesting to those around the table came from a workplace mediator who tries to uncover the emotional centre of longstanding conflicts so that he can help the parties realize that many of the issues they are seized with can be managed or even put aside as long as the core matter is addressed.

The diversity and level of experience in the room was impressive. Generous contributions from the participants made for unexpected and worthwhile turns to the discussion. Marshall closed with his thanks for the thought-provoking session.

Mary Korica is a speechwriter. Since 2004 to the present, Mary has written and edited hundreds of communications products for non-profit and international organizations, in intern, volunteer and professional roles. Read more about Mary at:

http://marykoricaspeechwriting.com/

My ADRIO Membership has provided me with many opportunities and benefits over the years. When I first joined years ago it opened up the diversity of the ADR world and offered me both knowledge and practical tips on how to become an ADR practitioner. It also provided me with consistent learning opportunities to grow and maintain my knowledge and skill set. Most importantly, being an ADRIO member allowed me to meet fellow ADR colleagues who I can learn from and collaborate with over the years. ADRIO has provided me with a community and resources to help me achieve my dispute resolution practice goals and a place where I can give back and help others achieve their goals.

I Get More Engagement and Learning with Membership

www.adr-ontario.ca/join



Marshall Schnapp
BA, JD, LLM (ADR)
ADRIO Member since 2012

VALUES-BASED MEDIATION IN ELDER CARE – A FACILITATIVE APPROACH



ROSANNA MACRI

CONTRIBUTIONS FROM ADR STUDENTS, INSTRUCTORS & NEW ADR PRACTITIONERS

Values-based mediation is a facilitative approach that focuses on the unique values of the individuals involved. This process-oriented approach requires the mediator to remain value-neutral, in order to listen to each party and unpack the personal values in conflict at the centre of the dispute.

Values-based mediation provides individuals a chance to reflect on their value systems, helping them better understand the root of their decisions and reconsider their validity. It also promotes empathy for parties around the table, as they can better understand why a person is making a particular decision. There is often an assumption that, within families values are shared; but in many situations, values identification is unknown. Values are the foundation of who we are, and they influence the decisions we make in all aspects of our lives. During childhood, we mainly adopt the values of our parents and the dominant values of society. However, as we grow, meet new people and have diverse experiences, the values we live by grow, develop and often change. Many individuals will live a lifetime without ever truly exploring their own value system and may not be able to clearly outline and define what values they possess and live by. How we

perceive issues can vary widely depending on our values, even within a family. Ultimately, values-based mediation leads to more compassionate outcomes.

In my role as a Practicing Healthcare Ethicist (PHE), mediations like this not only strive to address the fairness of the outcomes, but fairness of the process itself. The process involves understanding the medical issues; clarifying underlying laws, policies or standards (e.g. Health Care Consent Act, Mental Health Act, Long-Term Care Homes Act, privacy legislation, etc.); helping parties understand their own positions, needs and interests; unpacking potential power dynamics; and uncovering underlying issues to help start the resolution process. Once the values underlying the points of conflict are identified by the ethicist, and validated by the participants, the facilitative process continues by identifying shared values, and helps parties develop options that respect those common value systems. Values-based mediation makes it easier for parties to start thinking about the values that need to be respected most, and ultimately allows them to decide on a direction that unites the most important values as much as possible.

This article continues on the next page.

In my experience as a PHE, age-related issues and conversations are often challenging, and typically happen once a critical health incident occurs. The main ethics issues in healthcare that lead to conflict are: consent, capacity and substitute decision-making; discharge planning and living arrangements; and understanding patient values, beliefs and goals relating to their personal and healthcare decisions. Evidence has shown that people who are able to clearly communicate and develop financial, personal and health plans for their senior years are less distressed and anxious when faced with a health crisis, and are more satisfied with decisions made.^{1,2} Evidence also shows that communication and planning can decrease conflicts within families.³ As the ratio of aging Canadians continues to grow, difficult decisions about health and well-being are more prevalent. The pandemic has also surely projected a spotlight on health-related issues associated with elder care, such as living arrangements, safety, abuse and neglect, estate planning and end of life.

An elder mediator can use values-based mediation to work proactively with seniors and their families to unpack the senior's values and help facilitate constructive discussions before a critical health incident occurs. These conversations are best had early and often, particularly encouraging the seniors to start reflecting on the values, wishes and beliefs that are most important to them as they age. Values-based mediation can be an invaluable process, especially when used to navigate complexity associated with aging and health. Facilitating elder care conversations with loved ones can be emotional and challenging, as people are faced with thinking about the final stage of life. However, these discussions are crucial to ensure that seniors' voices are heard, and all decisions are tailored to them and not others. It is important to hear and respect the values and opinions of all people involved in the process, while at the same time reminding everyone that the values and wishes of the senior are to be understood and respected above all else.

I see an opportunity for elder mediators to support seniors and families in planning personal, financial and healthcare decisions, by collaborating with others who initiate several of these types of conversations (e.g. estate lawyers, elder law practitioners, bankers, primary care physicians, retirement homes and long-term care facilities). This would provide a more holistic aging plan. It is important to start normalizing these conversations as much as possible in advance of conflict. As a PHE, I am committed to continue engaging and supporting seniors and their families through mediation to address the multiple changes and stresses that occur in later years. If families are aware of potential issues, they can address them earlier through mediation to help improve, preserve or even restore their relationships, and ensure their loved one experiences an optimal quality of life until the end.

¹Detering K.M., Hancock A.D., Reade M.C., Silvester W. (2010). The impact of advance care planning on end of life care in elderly patients: randomised controlled trial. BMJ, 340, c1345.

²Romer A.L., Hammes B.J. (2004). Communication, trust, and making choices: advance care planning four years on. J Palliat Med 7, 335-40.

³Heyland D.K., Barwich D., Pichora D., et al. (2013). Failure to engage hospitalized elderly patients and their families in advance care planning. *JAMA Intern Med.* 173(9), 778-87.

Rosanna (Rosie) Macri is a Toronto-based Practicing
Healthcare Ethicist. She is a member of the Joint Centre
for Bioethics and a Lecturer in the Department of
Radiation Oncology and the Dalla Lana School of Public
Health at the University of Toronto. She is also a
Qualified Mediator.

The first thing I think about when I think of ADRIO is "What events is ADRIO holding this month?" This is a first career for me. Continuous learning is very valuable to me. The ability to attend numerous ADRIO events (before in person and now, online) is extraordinary. ADRIO offers a breadth of events, panel discussions, resources, workshops, conferences, a newsletter (and a podcast!), all of which I have participated in. I have only joined ADRIO as a member this year. With my ADRIO membership, I feel I have the full package.

I Get More Knowledge with Membership

www.adr-ontario.ca/join



Kayla Stephenson, BA ADRIO Student Member

ADAPTING, COLLABORATING AND LISTENING: ADR DURING CHANGING TIMES



VANESSA SLATER, Q.Med

CONTRIBUTIONS FROM ADR STUDENTS, INSTRUCTORS & NEW ADR PRACTITIONERS

I have always loved a good challenge. Launching a brand-new career as a mediator while my 50th birthday looms during a global pandemic certainly fits the bill! I returned to school to become a mediator after a 25year career in the non-profit sector. I experienced burnout and I was looking for a new way to contribute. Being back in the classroom with younger students (most of them in their 20s) forced me to adapt my thinking and attitudes. The ability to alter my thinking, evolve and then "go with the flow" is part of my innate personality. I also know my many years of professional and personal experience have enabled me to become flexible and embrace change. Like many of us, I have tapped into my own reservoir of resilience in order to endure and adapt during these strange pandemic times. I believe that the ADR community will not only survive COVID-19; we will rise to the challenge of this "new normal." Success in our calling will depend on our ability to adapt, collaborate and actively listen.

Conflict, though never comfortable, is nonetheless a natural component of all personal and professional relationships. How we manage conflict, including taking advantage of its creative potential, is what counts. Conflict is a permanent part of the human experience

and our profession as ADR practitioners relies on it. Conflict (like COVID-19) is an unwelcome visitor - we can choose how to manage it and respond to it. I believe that ADR practitioners are more essential now than ever. Society needs nimble and cost-effective conflict resolution as we face job loss, contract issues, divorce and fiscally exhausted organizations and families. It's been remarkable to see how deftly the ADR world has pivoted and adapted to our new reality. Mediations, arbitrations, conflict coaching and even reparative/listening circles have quickly moved online, operating with speed and relative ease. Our ability to adapt, and to continue adapting is part of the "secret sauce" the ADR community will use to thrive as we navigate COVID-19 and the ongoing transformation of our society.

Collaboration is essential for individuals, families and organizations to survive and maintain health during the pandemic. By working together for a common goal, meaningful achievements have been secured in record time. For example, we have witnessed unprecedented rapid collaboration among medical institutions, research teams and drug companies sharing proprietary research in the quest for a COVID-19

vaccine. On a more local level, as a board member of the Durham Community Legal Clinic (DCLC), I am proud to share an example of this kind of meaningful, expedited collaboration. Due to the pandemic, the DCLC had to quickly adapt and serve their clients virtually. The staff at the DCLC desperately needed a new and modernized intake tool for prospective clients. Through an established collaboration with Ontario Tech University, skilled students created an agile online intake portal to gather data and streamline the client intake process. The expedited launch of this online intake portal helped the DCLC staff effectively pivot to ensure their vulnerable client-base did not experience a disruption of essential legal support. Transformative collaboration between agencies, communities and institutions during this time is essential. As ADR professionals we already embrace the notion that collaboration is part of the bedrock of a successful mediation process. Now more than ever, we need to explore new opportunities for collaborative relationships outside our own silos and comfort zones.

During the pandemic and the ascendance of the Black Lives Matter and Indigenous rights movements, our society has been having difficult (and long overdue) conversations about social justice. Many of these conversations have rightly focused on white privilege, colonization, systemic power imbalances and workplace exploitation (such as migrant and long-term health care workers). Sometimes these conversations have been challenging, but through my experiences and professional training, I know that active listening is essential. We must listen deeply to each other and embrace the responsibility of being present for someone else's viewpoint – especially when that viewpoint is divergent from our own. Learning to listen to inconvenient truths about the power and privilege we wield is important and often personally challenging work. Learning to truly hear about realities that we may not have given much consideration to previously is critical. As "professional listeners" we possess unique skills to help build momentum towards dialogue and positive societal change.

When we pause and look up from the distractions and challenges of daily life, we are forced to recognize that an existential threat like climate change is going to

impose upon us even more profound disruptions than COVID-19. We must view this time as a wakeup call for the way we mitigate crises in the future. We must not look at COVID-19 as a "project" to be conquered with a scientific magic wand that allows us to return to life as we knew it. There is no going back. We are going to have to change the way we think and act foundationally in order to address the daunting challenges of climate change and other threats. As ADR practitioners, I am confident that the way we think, adapt and look for pathways forward which are outside-the-box will be essential. We can lead by building capacity across organizations and communities to adapt, collaborate and listen. As a new ADR practitioner, I am looking forward to making my contribution during these momentous times.

Vanessa Slater is a restorative justice practitioner and workplace Mediator. She is currently completing the LLM program through Osgoode Hall/York University with a specialization in Dispute Resolution. When she's not walking in the forest, you can find Vanessa in her pottery studio.

Being a member of ADRIO makes me feel part of a community, where all its members share a common interest, in providing the highest quality of service in ADR. ADRIO's designation has given me an opportunity to build my career and skills as a neutral. It is a brilliant platform to learn from skilled professionals but also provides an opportunity for me to teach others on important and topical issues. I have received so much value and continue to make full use of the excellent resources they provide.

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Q.Med
Mediator, Solicitor (UK),
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THE ART OF ROLE PLAY IN DISPUTE RESOLUTION TRAINING A PRACTICAL GUIDE FOR INSTRUCTORS WITH INSIGHTS FOR STUDENTS

An Interactive and Synchronous Full-Day Online Workshop

Thursday, November 5, 10:00 am – 3:30 pm | 10 CEE Points \$90 for Members | \$125 for Non-Members



This fall, Marc Bhalla's book The Art of Role Play in Dispute Resolution Training

— A Practical Guide for Instructors with Insights for Students is being released.

On November 5, the ADR Institute of Ontario is pleased to offer a special workshop by webinar in which Marc will be joined by Colm Brannigan to share best practices surrounding the use, development and maintenance of role play activities in conflict studies and skills development.

Workshop attendees are encouraged to read the book ahead of the workshop, to allow for a more fulsome discussion. The purpose of this workshop is not for Marc to present his book, but instead to delve into deeper considerations around what is offered in it, to apply key concepts and discuss them.

The Art of Role Play in Dispute Resolution Training includes 8 sample role plays and the opportunity for owners of the book to receive a licence to make use of them. Once you receive your copy, you can register with the publisher to obtain your licence and gain access to electronic, editable copies of the sample role plays offered to make them your own.

Everyone currently, or thinking about, offering dispute resolution training is encouraged to attend this unique workshop, which may also be of interest to dispute resolution students who enjoy participating in role play activities and academics who would like to give more thought to practical considerations of learning through role play. Attendees can expect to leave this workshop with a better understanding of how to run successful role play exercises and insights into what goes into creating a good role play.



This online workshop will be led by Marc Bhalla, LLM (DR), C.Med, Q.Arb, MCIArb & Colm Brannigan, LLM (ADR), C.Med, C.Arb, FCIArb

You can secure your copy of *The Art of Role Play in Dispute Resolution Training* by registering for the event. The registration fee includes Marc's book at a discounted rate. It will be shipped to attendees in advance. *

Visit the link below for agenda, learning outcomes and speakers' bios.

Register: http://www.adr-ontario.ca/roleplayadr

^{* +}HST on all rates. Cancellation Policy: If you are unable to attend, your registration is fully transferable to another person in your organization. If you must cancel, notice must be received in writing. All refund requests received on or prior to October 5, 2020 will receive a refund less a 20% administrative fee; those received on or before October 16, 2020 will receive a refund less 50%. No refunds after October 16, 2020. Sessions, speakers and times are subject to change. Registrations are tentative until November 4, 2020. Should ADRIO need to cancel this event, you will receive a full refund. Refunds will be provided less the price of the book. Best efforts will be made to deliver the book prior to the workshop, but this is not guaranteed. The above rates are intended to be for attendees who are in Canada. Once payment has been processed, this refund policy applies under all circumstances.

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ENGAGE WITH ADRIO CONTRIBUTE TO ADR UPDATE

ADR Update is a source for important, current and forward-thinking information for ADR Practitioners. We welcome article submissions relating to mediation, arbitration, conflict coaching or conflict management more generally. This is a fantastic opportunity for you to share your knowledge and ideas with the ADRIO community and contribute to the ADR discourse at large.

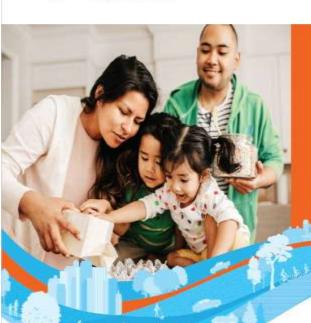
We are also looking for **volunteer writers** who would be interested in attending some of our events (for free!) and writing about what they learned; this opportunity is **ideal for students interested in conflict management**!

If you are interested in any of the opportunities noted above, please email events@adr-ontario









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