

Peacemaking as Business Development

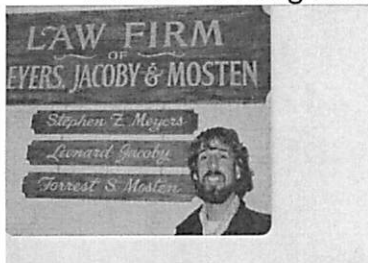
Forrest (Woody) Mosten

NEVADA DISPUTE RESOLUTION
COALITION

DO YOU WANT TO
RUN TO THE OFFICE?

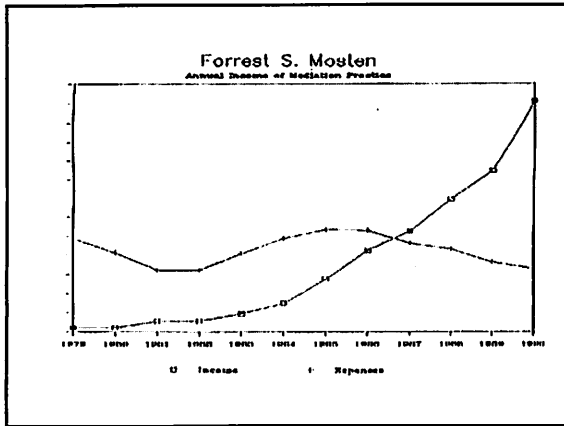


It's Been a Long Road!!



My
Personal
Journey
38 years
of
practice

LAWYER – MEDIATOR--PEACEMAKER



**FULL TIME
PEACEMAKING PRACTICE**


- Mediator
- Collaborative Attorney
- Consulting Lawyer Representing One Party in Mediation
- Unbundled Coach for Self Represented Party
- Transaction Lawyer for Family Relationship Agreements

**TREAT YOUR MEDIATION PRACTICE
AS A SERVICE BUSINESS**

MEET NEEDS OF PUBLIC

PROVIDE COMPETENT AFFORDABLE SERVICES

MAKE SERVICES AVAILABLE TO CONSUMERS WHO
NEED AND WANT THEM



ONLY TWO TYPES OF MEDIATORS
ARE GUARANTEED WORK



RETIRED JUDGES
OR HIGH PROFILE
LITIGATORS



PRO- BONO
COURT MEDIATORS

THE ABILITY TO SETTLE A CASE IS
ONLY THE BEGINNING OF YOUR
PRACTICE BUILDING



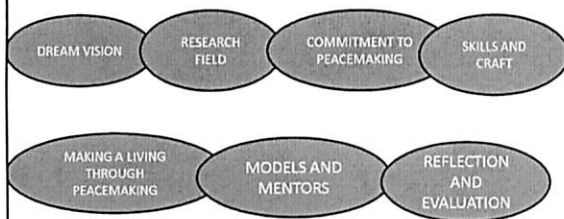
MARKETING IS OVERRATED



THE ROAD FROM MEDIATION TO PEACEMAKING CAN LEAD TO A PROFITABLE PRACTICE



MAKING PEACEMAKING YOUR DAY JOB



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PEACEMAKERS CAN SELL:



- PEACE
- RESOLUTION
- BETTER RELATIONSHIPS
- EMPOWERMENT
- FAIRNESS
- HOPE

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ARE YOU A PEACEMAKER?



Or Are you Just Dressed Up
in Mediator Clothing?

*What Makes a
Peacemaker?*

SEN. GEORGE MITCHELL





What Is Peacemaking? Ken Cloke

- "Peacemaking is the search for the invisible bridge that connects every living being with every other... It is a fierce life and death struggle of each person with himself and herself. It is a design for creating a different future. It is a gentle, responsive exploration of the space between us. "

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PEACEMAKING ROLES

- Client Educator
- Manager and Designer of Dispute Resolution Choices
- Unbundled Advisor and Coach to Pro Se Litigants
- Client Representative in Mediation
- Collaborative Professional
- Preventive Legal Health Care Provider

PRACTICE TIPS

- Include mediation and CL clauses for future disputes in every settlement and transactional agreement that you prepare



PRACTICE TIPS

- Give personal legal wellness check-ups to your clients when they first come into the office and throughout your relationship with them;



**TOOLS FOR BUILDING
YOUR PRACTICE**

- SELF-SURVEY
- MEDIATION SIGNATURE
- MISSION STATEMENT
- BUSINESS PLAN
- BOARD OF ADVISORS
- PROFESSIONAL SUPERVISION
- REFLECT-REFINE

SIGNATURE AS A MEDIATOR

How would you describe your mediation style at the table?



What core values define your practice?



Values of Mediators (Sample)

- Peacemaking
- Generate Options
- Collaboration
- Creative Solutions
- Empowerment
- Fairness of Result



PEACEMAKER PERSONALITY (Sample)

- Good Listeners
- Effective Communicators
- Tolerant and Neutral
- Handles Conflict Well
- Empathic
- Persistent
- Trustworthy
- Flexible and Creative



VALUES OF Peacemaking

- Peacemaking
- Generate Options
- Collaboration
- Creative Solutions
- Empowerment
- Fairness of Result

VALUES OF Peacemaking

- Non-judgmental
- Compassion—see with the heart
- Commitment to Peacemaking
- Being of Service
- Sharing Control
- Collaborate with Others
- Reduce competitiveness behavior

VALUES OF Peacemaking

- Stop blaming
- Party Self Determination
- Fairness
- Compromise Without Giving In
- Meet Underlying Needs and Concerns of People
- Create Rather Than Claim Value

VALUES OF Peacemaking

- Find Commonality
- Improve Relationships
- Candor
- Transparency
- Reduce Threats
- Balance Power
- Contain Escalation

VALUES OF Peacemaking

- Informed Decision Making
- Legal and Conflict Wellness
- Symptomatic and Assymptomatic Prevention of Conflict
- Forgiveness
- Harmony
- Mutual Gain

What are my most effective personal attributes?



PEACEMAKING ATTRIBUTES

Nan Waller Burnett

- Self-Care
- Peace
- Authenticity
- Practice
- Listening
- Possibility
- Finding Path
- Caring
- Humility
- Non-Judgment

PEACEMAKING ATTRIBUTES (2)

- Making System Work
- Shading Rules
- Decisive
- Acceptance
- Forgiveness
- Interdependence
- Change
- Common Ground
- Competence
- Choosing Peace
- Congruence
- Caring
- Peacemaking
- Service

PERSONAL ATTRIBUTES OF MEDIATORS

In making a selection, consider whether the mediator has some or most of the following human characteristics:

- | | |
|--------------|---------------------|
| INTELLIGENT | NON-JUDGMENTAL |
| TRUSTWORTHY | EMPATHIC |
| COMMON SENSE | CREATIVE |
| PERSUASIVE | FLEXIBLE |
| OPTIMISTIC | PATIENT |
| PERSISTENT | GOOD SENSE OF HUMOR |

VALUES OF PEACEMAKING:
Compassion



*see with the heart

VALUES OF PEACEMAKING
Commitment to Peacemaking



VALUES OF PEACEMAKING

Being of Service



VALUES OF PEACEMAKING

Sharing Control



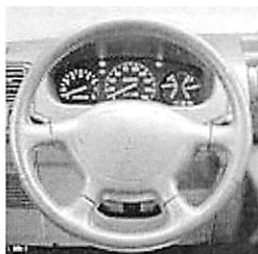
VALUES OF PEACEMAKING

Stop Blaming



VALUES OF PEACEMAKING

Party Self Determination



VALUES OF PEACEMAKING

Improve Relationships



VALUES OF PEACEMAKING

Transparency



VALUES OF PEACEMAKING

Informed Decision Making



VALUES OF PEACEMAKING

Improve
Conflict Wellness



VALUES OF PEACEMAKING

Forgiveness



INTANGIBLES

- Free Parking
- Provide Lunch
- After Session Calls
- Telephone Use
- Walk Clients to Elevator

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STRATEGIC PLANNING TOOLS

- Reflective Self-Survey
- Mission Statement
- Business Plan
- Board of Directors

MEDIATION ORGANIZATION WORK

- Contribute to Mediation Field
- Increase Knowledge of Policy and Trends
- Demonstrate Skills and Follow Through
- Direct and Indirect Referrals

MEDIATORS ARE PRIME REFERRAL SOURCES

WRITING, TEACHING, SHARING
KNOWLEDGE AND MATERIALS

- Improves Knowledge and skills
- Increases Name Recognition
- Leads to Speaking Invitations
- Reprints in Marketing Packets
- Office Decoration
- Send to your mother



Peacemaker Pledge

- I will *think* about peace, why peace is important and how it works.
- I will help *use* my peacemaker efforts to help resolve and prevent conflict:



Peacemaker Pledge

- In my own family
- In my office
- In my work with clients, their families, friends, and other professionals ;
- In the mediation profession; and
- In my local community, my country, and throughout the world
- Date: _____ By: _____
