

HOMESTEAD

February 10-12, 2011





Mediation



Above: Bruce Delaney teaches with the Fellows the concepts of Mediation. Below: Fellows discuss in small groups personal conflict scenerios in which worked out well and why. *Photos by Candy Kaswinkel*

"Mediation is a discussion in which an impartial third party attempts to help people solve a dispute."



After Laila welcomed the Fellows back and the session began with instruction by Bruce on mediation. Mediation is a discussion in which an impartial third party attempts to help people solve a dispute. Mediation is a tool and one that is increasingly in use.

Mediation can follow two approaches: Formal, which includes the court system, diplomacy, labor relations and contracts, or Informal. Types of informal mediation include family arguments, neighborhood disputes and workplace disputes. As human beings we are likely to be involved in any of these types of mediations.

Anything can be mediated provided the disputants participate voluntarily, have the authority to reach an agreement and make a *good faith effort* to reach agreement. This tool is being used more often and as a less expensive alternative to lawsuits and this reduced cost is the main driver for the spread of mediation. There are also other savings as well such as time, energy and goodwill.

All participants in mediation can help insure a successful outcome by being prepared, treating everyone involved with respect and bargain in good faith. These were stressed in the 4 pillars of mediation which are:

- 1. Separate the people from the problem
- 2. Focus on interests and not positions.
- 3. Generate options
- 4. Insist on objective criteria

It was also noted that participants must also keep in mind their BATNA and WATNA. Some people think they have BATNA but in reality it is a WATNA or perhaps SATNA or FATNA, ending the the session on a light note.

BATNA - Best Alternative to a Negotiated Agreement WATNA - Worst Alternative to a Negotiated Agreement SATNA - Silliest Alternative to Negotiated Agreement FATNA - The size of the check you can expect to write to your lawyer, win or lose, if you litigate.

NRLI PROJECT TEAM

Jonathan Dain Bruce Delaney Marta Hartman Bob Jones Burl F. Long Laila A. Racevskis

REPORT CONTRIBUTORS:

Writers: Sherri Kraeft

Leslie Corcelli

Layout: Candace Kaswinkel

2010-2011 NRLI CLASS X FELLOWS

Thomas Abbott
Michelle Atkinson
Eric Bush
Leslie Corcelli
Joshua Craft
Craig Diamond
Katherine Diersen
Sherri Kraeft
Lisa Krimsky

Luke Langford Holly Ober Brooke Saari Debra Segal Micah Thorning John Valenta Nichole Wulff

This report forms part of a series written by current NRLI Fellows. Reports represent and are a product of the experiential learning process that is a highlight of the NRLI program and have not been formally peer reviewed.

Deliberative Forum: An Optional Approach to the Stakeholder Panel

Pollowing Bruce's instruction on mediation and a quick break, Laila led an informative and helpful Deliberative Forum on Climate change and sea level rise. Following Bruce's instruction on mediation and a quick break, Laila led an informative and interactive Deliberative Forum on Climate change and sea level rise. Deliberative processes are a great way to get the public involved in an issue. Forums that are inclusive and participatory usually foster community driven action. (Zelma Bone, 2006) Public forums can become conten-



tious for several reasons: different values and perceptions, varying position and interests of stakeholders, and benefits and costs. After framing the issue and convening diverse stakeholders, a key to successful deliberation is moderating and facilitating to manage conflict and tensions.

Dr. Racevskis explained to the Fellows what a Deliberative Forum would look like. An issue guide is given to the participants prior to the forum listing several possible alternatives. At the beginning of the meeting, a set of ground rules are set and a moderator leads the discussion with a recorder listing suggestions and comments. Participants are encouraged to speak freely during the deliberation and a time is given at the end to reflect on what was discussed seeking common ground and identifying trade-offs.

The Fellows practiced their skills in a real-life scenario on Climate Change. Dr. Racevskis acted as moderator of the forum and Marta Hartmann acted as the recorder. Two alternatives were given, one focusing on the built environment and the other on farms and forests. After a lively discussion of the pros and cons of both scenarios, the Fellows better understood the usefulness of this tool.

After a break, fellow Eric Bush guided us, via PowerPoint presentation, through our field trip for the session. He covered the extensive process of water management in South Florida, and the process and practices of the US Army Corps of Engineers in cooperation with South Florida Water Management District.

After a break, the Fellows joined together in a delicious dinner of gourmet pizza. After dinner, a lively discussion on the session reading, "Solving Tough Problems" by Adam Kahane was led by fellow Kat Diersen. Through his narrative about his life's work, Kahane identifies three types of complexities with problems:

- 1. Dynamically complex- "cause and effect are far apart in space and time, and so are hard to grasp from first-hand experience." (Kahane, p. 1)
- 2. Generatively complex- they unfold in unfamiliar and unpredictable ways. (Kahane, 2007)
- 3. Socially complex- "the people involved see things differently, and so become polarized and stuck". (Kahane, p. 2)

Kahane also identifies the "Wack method", aptly named after Pierre Wack. The method involves "breathing in": where the world is observed broadly, with an eye out for underlying trends. Once this phase of work is complete, "breathing out" occurs, wherein all observations, etc are evaluated and synthesized, and scenarios are agreed upon.

Kahane also reviews several different processes that Natural Resource Leaders have learned to use, like small group breakouts for brainstorming, or scenarios/role playing. Kahane also used his facilitation skills in some of his life's work. (Kahane, 2007)

EVALUATING YOUR NRLI PROGRESS

Day 2 of Session 6 was very busy! It began first thing in the morning with a group project led by Marta called "Assessing our NRLI Progress". Based on the Fellows' Expectations list compiled in our first session, the fellows evaluated their individual progress with the assistance of their group fellows. Each individual identified objectives that had been met, and objectives that need future focus (a system of evaluating "most" and "least). Four components of evaluation were used: factors, efforts, adjustments and plans. After the group break-outs, the entire group discussed the outcome.

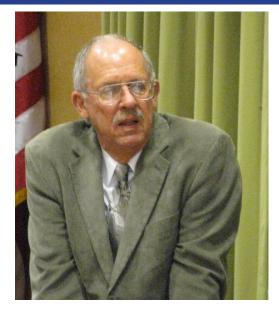
Bruce Delaney sits with Deb Segal, Nichole Wulff and Lisa Krimsky to review their progress and objectives in the NRLI program.

C-111 South Dade Project

Later in the morning of day 2, the Project Team and Fellows headed out to visit the C-111 South Dade Project, and the C-111 Spreader Canal Western Project, a water management system in south Dade County. The enormity and complexity of such a project was evident, as Eric Bush and Mike Hollis (Project Manager of the C-111 project, US Army Corps of Engineers) graciously led the group through the canal system, even stopping at a pump station along the way. Throughout the trip, it was evident how complex water management can be in south Florida. The canal itself, in part, abuts Everglades National Park. During the trip both Mike and Eric pointed out the technical issues of such a project like running the water away from both Everglades and Biscayne National Parks. They also shared the challenges in collaborating with different entities like the municipalities, the National park system, etc, and the efforts involved to get everyone coordinated.



Climate Change and the Future of Florida



Dr. Hal Wanless answers questions regarding Climate Change and Sea Level Rise with the Fellows. *Photo by Candy Kaswinkel*

fter the field trip and a delicious lunch at the White Lion Café in Homestead, the Fellows headed back to the hotel to hear a presentation on climate change and sea level rise by Dr. Hal Wanless. Dr. Wanless is chair of the University of Miami's Department of Geological Sciences and one of the nation's leading experts on climate change. His presentation was so detailed and informative, no Fellow walked away from the presentation without learning something new about sea level rise and climate change. Dr. Wanless covered climate change and sea level rise on a global scale, but also specifically on how south Florida would be affected. Basically, since the 1990's, sea level has been rising due to ice melts in Greenland and Antarctica. Ice melts are a direct result of anthropogenic climate change. With just a 6 foot sea level rise, 44% of Florida will be underwater, including south Florida. In some parts of Florida, especially south Florida, there is already some instances of regularly occurring salt water intrusion.

Dealing with Difficult Dynamics

Following Dr. Wanless' informative presentation, the Fellows took instruction on "Dealing with Difficult Dynamics", led by the project team. In this exercise, each fellow was asked to recall 3 things they have heard someone say that really bothered them. The Fellows then split into groups and picked their three most common/popular annoyances. Each fellow also had to state something they, as individuals, do that could be difficult for others to deal with. After a brief period, the groups reconvened and discussed the outcomes of their break-outs. The Iceberg Theory was discussed, and how there is always much more "invis-

ible data", like hopes, need, assumptions, culture, etc, under the surface of observable data like behaviors and positions. A handout was given to the Fellows detailing suggestions for dealing with difficult people. A few examples are:

- 1. Keep Conversations Neutral
- 2. Know what's under your control
- 3. See the best in people
- 4. Let go or get space if you need it

Another important component of dealing with difficult people in facilitation is managing yourself first.



Day 3 of Session 6 began with an in depth meeting by Fellows with their practicum mentors. Each Fellow related progress made on their practicum, any issues they were having, and new directions they had taken. Fellows were also encouraged to give feedback to each other following their mentor meeting.

Debrief and Feedback Panel

Ball











Photos above: NRLI Fellows try their hand at bat during the Debrief session. *Photos by Candy Kaswinkel*

After the practicum session, a lively debrief was led by fellow Holly Ober, who devised a game of trivia baseball to test the Fellows on their retention of material from the session.

The Feedback Panel: Michelle Atkinson, Micah Thorning and Leslie Corcelli led the Fellows in a game of charades followed with a brief discussion on session feedback.

Laila wrapped up the session and all Fellows and Project Team Members headed home with their sights set on Session 7 in Clewiston in March.



Micah Thorning, Michelle Atkinson and Leslie Corcelli give feedback during the closing moments in Homestead. Photos by Candy Kaswinel