Column: Mediation an opportunity to be proud of

Former Ward Six Norman City Councilman Bill Scanlon | For The Transcript
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"Mediation" is defined (per Webster) as "intervention between conflicting parties to promote reconciliation, settlement or compromise." I'm a mediator, certified by the state, and proud to serve.
Impressed by my credential, or disgusted by my bravado? Let me explain.

The Supreme Court of the State of Oklahoma administers a program under the "Disputes and Resolution Act" that provides for a mediation program to facilitate early settlements of disputes, under the auspices of district and municipal courts.

The Supreme Court conducts periodic training sessions and demands the successful demonstration of mediation skills and evaluation of those skills as condition of certification.

At the prompting of Jessie Jackson, who coordinates the program for Norman, I volunteered for this training. At the first session, I ran into Phil Johnson, who runs the certification program for the Supreme Court. Johnson is an old friend from Holdenville, and once we finished singing "Blue and Gold Forever" (the Holdenville fight song), Phil put me to work.

Knowing the teacher was no help; if anything, my road to certification was tougher, but I endured. I now have a certificate identifying me as a "Certified Mediator." That certificate has led me to interesting experiences. Mediation (or "early settlement") may be assigned by the court or may be requested by individuals who are party to a dispute. Mediation is simply a meeting of two parties, moderated by a disinterested third party.

A session goes something like this: 1) introduction of parties involved, 2) a review of ground rules, 3) discussion, leading (hopefully) to an agreement. Usually, the parties involved know each other, so "introduction" is really the mediator introducing them self and asking if there's any objection to their serving as mediator. "Ground rules" are simple: each party must agree to talk only to the mediator and not talk over each other.

The mediator offers no legal advice; their role is to ensure both parties are heard.
The most important ground rule is this: all proceedings are confidential and may not be discussed outside the meeting room. "Discussion" then proceeds, first centering on understanding the problem, then focusing on desired outcomes. To my mind, this is the most important aspect of mediation: it's an opportunity for both parties to influence the outcome.

If a mediation has been court ordered, failure to reach agreement means that the court decides, with consequences that may or may not be acceptable to parties involved.
If agreement is reached, it's documented, then reviewed by the court. End of story, no cost to the city or the parties involved (I'm a volunteer).

I can't talk specifics (that confidential thing), but I've mediated cases that involve property disputes, assault and battery, disturbing the peace, small claims, loose dogs, etc. Most cases are settled amicably, but there have been exceptions. During mediations, either party — or the mediator — can stop the proceedings if no progress is being made. I've stopped a couple, but that's the exception.

While my service has been with the municipal court, the district court has a very ambitious program of early settlement — mostly small claims. A recent week saw about 120 cases eligible for mediation at the district court.

Back to the bravado thing: I'm really proud of my role as mediator. Proud that I've been able to help people resolve problems. I've learned that most folks are looking for an opportunity to be heard.

My role is to listen and be patient. Most of the time that leads to a happy ending.