



REMEMBERING WHAT'S IMPORTANT AND WORKING IT THROUGH



Special Interest Articles:

- Remembering What's Important and Working It Through.
- Co-Parenting.
- Budgeting
- General Civil Mediation Training Program.

Individual Highlights:

Co-Parenting	2
Non-Verbal Communication	2
Activity	2
ADR Word Search	3
General Civil Mediation Training Program	3
About Us	4
Up Coming Events	4

Division of property does not always bring out the best in families, even ones who were once close. When loved ones die, grief is shown in different ways. Death can cause old jealousies, resentments, and tenuous relationship issues to resurface. Family members with relationship issues have a tendency to act out by being possessive, greedy and/or argumentative.

Sometimes relationships never recover. Relatives who were once close never speak again. This can occur whether the dispute concerns issues of no material value to issues worth millions of dollars.

Ignoring the wishes of previous generations, wills, or contracts some heirs seem to only be motivated by what they can get and began to take steps to maximize their positions.

Most disputes however are not about money. It is about the sentiments, memories, or other emotional attachments associated with the issues.

Many times families find themselves in court trying to settle an estate and forgetting about the really important things:

- Relationships
- Communities
- Friendships
- Families

The Dispute

The dispute began the day of the funeral services for the family matriarch. The property had been in the family for six generations. It was originally purchased for \$10 and was now worth over \$15 million. There were seven living heirs, most of them wanted to sell the property to the highest bidder and a few who wanted to continue to keep it in the family for generations to come.

The property had originally been farm land. Parts of it was still used for farming but a large part of it was open to the community for special events such as picnics, weddings, fall harvest, Halloween, and sleigh rides. There was also an open air barn that served as a restaurant that opened on the weekends that featured live music.

Unfortunately, those who wanted to continue the family ownership did not have the money to buy out the other heirs. Since they were at an impasse the heirs filed suit asking the Court to issue a ruling on selling the property.

The Lawsuit

The case had been going on for over two years and the lone holdout was now representing themselves. The family had easily already spent a million dollars in attorney fees and

court costs and were no closer to resolving the dispute.

The Judge had repeatedly urged them to communicate with each other to resolve the matter. He was saddened by the fact that this once close knit family was being torn apart over a property dispute.

Some people in the community were concerned that this case could end up like the case in Mark Twains' *Bleak House*. In Twains' story after years of litigating the case ended with the whole estate absorbed in costs. No decision was ever reached and there was nothing left for the heirs to divide.¹

The Judge informed them that he would rule in two weeks but encouraged them to find a way to resolve their issues.

Needs

Interests / needs are desires, aspirations, fears, hopes, and concerns. Positions are what parties disagree over. The interests / needs are the reasons behind the positions. In looking for areas of agreement parties need to:

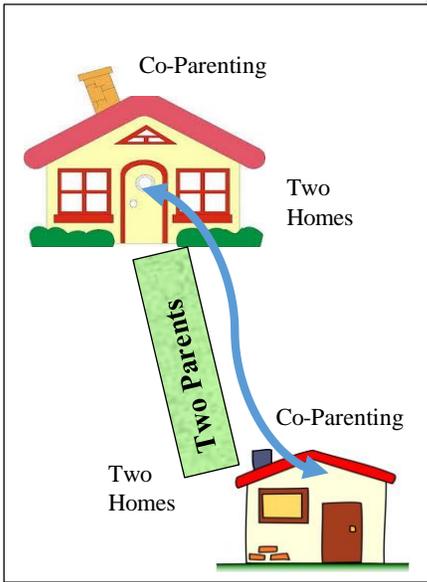
- separate positions and needs
- shift positions to needs
- clarify needs based on shared information and attitudes
- attack the problems not each other.

Alternatives

What is really important to the heirs? Is it possible to give the one heir either the farm or the land currently being used for commercial purposes? If there is no immediate buyer could the heir serve as the property manager. Is there similar property for sale they could purchase to satisfy the current unmet needs? What else?

Mediation is a process that can be used to assist in resolving disputes, maintaining relationships and reopening the channels of communication.

¹ <http://files.asme.org/ProfessionalPractice/Communications/Negotiation/18672.pdf>



T. C. A. §36-6-401 through §36-6-414 Tennessee Parenting Plan Law. The law is a reminder to parents that the most important part of a family is the children.²

Co-Parenting

Parents have the responsibility to make decisions that facilitate the care and development of their children. When relationships end children can be adversely effected if there is inconsistency and instability in their environments (home, school, and community).

Parent's Role

Parents teach children right from wrong, respect for others, and the value of hard work and a good education. Most children do best when they receive support from both parents.

Parenting Plans

Each parent should try to set aside their differences and

focus on the best interests of the child (ren). For example, creating parenting arrangements that maintain the child's emotional well-being, health, and safety is a must.

Parenting plans include:

- *Providing physical care*
- *Providing emotional stability*
- *Encouraging intellectual, and moral development*
- *Establishing authority and responsibility for each parent*
- *Ensuring that your actions protect the best interest of the child*
- *Minimizing the child's exposure to any harmful parental conflicts*

Parenting Class

Parenting classes assist parents understand the impact terminating the relationship has on the children. Educating parents on the benefits of co-parenting helps them recognize the importance of organizing activities, making sure that children receive consistent types and styles of discipline, and ensuring that both parents are made aware of the issues in the child's life.

The relationship between the child and each parent should be fostered unless it is not in the child's best interest, i.e. child abuse.

Co-Parenting centers around the ability to instruct, inspire, and encourage the child to prepare for life in today's society and to become a successful adult.

Non-Verbal Communication



Only **7%** of how we communicate comes from spoken words. **55%** of what we communicate is non-verbal. Non-verbal communication includes sound (tone of voice, laughter), gestures, facial expressions (smiling), body language (movement, position, eye contact) as well as individual perceptions based on cultural and environmental exposures (touch, distance).

“The most important thing in communication is to hear what *isn't* being said.”

- Peter F. Drucker

Non-verbal communication is used to send messages. Occasionally the message is planned, like giving someone a 'thumb's up' or high five signs, and sometimes the message happens automatically, i.e. turning red in the face when someone becomes angry.

Through nonverbal communication people project:

- confidence
- insecurity
- urgency

Non-verbal communication functions to expand verbal communication by reinforcing the message being sent.

Exercise

Rank from most important to least the following forms of nonverbal communications as the best indications of what a person may actually be communicating:

- ___ Body language
- ___ Position of arms and hands
- ___ Eye contact

(The answers are two (2), three (3), and one (1) respectively.)

Count the number of “Fs” in the paragraph.³



Communication Activity

TWO OF
THE MOST POWERFUL
AND EFFECTIVE
OF ALL HUMAN FEARS
ARE
THE FEAR OF FAILURE
AND THE FEAR
OF SUCCESS

² <http://www.tn.gov/sos/acts/100/pub/Pub0557.HTM>.

³ <http://files.asme.org/ProfessionalPractice/Communications/Negotiation/18672.pdf>.

Alternative Dispute Resolution Word Search Puzzle

E	M	P	I	Z	I	P	K	U	D	R	H	I	E	B	B
U	V	Q	L	A	R	T	U	E	N	C	B	S	M	E	N
I	Y	I	F	U	F	R	E	O	O	C	I	C	N	T	O
Q	K	Q	T	E	U	E	M	N	J	M	C	Q	N	A	I
X	N	N	J	A	S	S	F	T	O	R	L	H	E	I	T
V	N	O	H	K	N	L	P	R	E	Z	N	Y	P	D	U
B	I	E	Q	J	I	R	P	U	B	T	V	C	T	E	L
J	P	B	G	C	Q	M	E	W	A	X	U	L	E	M	O
C	E	Y	T	O	O	T	C	T	D	W	A	P	N	F	S
Y	A	S	A	C	T	A	I	B	L	U	C	H	S	T	E
E	C	U	C	F	S	I	A	I	T	A	B	D	J	I	R
L	E	W	Y	S	W	I	A	U	U	B	T	P	C	W	D
O	F	D	Q	Z	K	G	M	T	T	J	C	K	O	F	R
H	U	Y	B	S	D	A	G	R	E	M	E	E	N	T	K
K	L	T	N	I	A	C	W	D	T	D	X	F	Z	J	E
Y	V	I	N	X	R	S	H	E	O	W	D	L	J	T	H

- ✓ Agreement
- ✓ Alternative
- ✓ Compromise
- ✓ Conflict
- ✓ Dispute
- ✓ Mediate

- ✓ Mutual
- ✓ Negotiate
- ✓ Neutral
- ✓ Peaceful
- ✓ Resolution

General Civil Mediation Training Program

Mediation...



General Civil Mediation Training provides an introduction to Mediation. Mediation allows parties to find creative ways to resolve their disagreements. Participants learn to:

- Enhance their communication skills
- Develop a new skill for use in personal and professional settings
- Assist people resolve disputes
- Identify

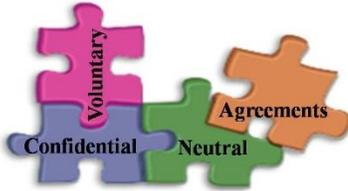
Mediation training covers the following topics: • Overview of ADR processes • Principles of mediation • Stages and goals of mediation process • The role of the mediator • Nature of conflict/behaviors in conflict • Mediation skills, including negotiation skills, interactive

listening, question-asking, use of neutral language, reframing, interest identification, addressing barriers to agreement, agreement writing • Values and bias awareness • Cultural diversity • Power imbalance • Working with attorneys and representatives of parties • Ethical issues, including confidentiality, impartiality, informed consent, conflict of interest, fees, responsibilities to third parties, advertising and soliciting, and withdrawal by the mediator or the parties.

This course is taught utilizing a range of teaching methods, including lecture, large and small group discussion, interactive exercises, and coached role-playing. To become a listed mediator in TN see

<http://tncourts.gov/programs/mediation/become-rule-31-mediator>.

To obtain mediation experience there are opportunities available on a volunteer basis, typically in small claims cases in local district courts. In some courts new mediators are partnered (co-mediation) with more experienced mediators for coaching and support to further develop their skills. This can be an effective way to build the skills acquired through training and to network with other mediators. Typically, there are no costs for participating in such a program, but interested parties should inquire about any costs or membership fees associated with volunteering.



MEDIATION CONSULTANTS

SIGN UP TODAY FOR YOUR FREE THIRTY MINUTE CONSULTATION

Today's Date: [Click here to date.](#)

Name: [Enter Name.](#)

Email: [Enter Email Address.](#)

Phone Numbers: [Choose type and enter number.](#)

What is the issue?
[Click here to enter dispute area\(s\).](#)

List item(s) individually and their value if applicable. Example, back rent, damage deposit, court costs.

What would resolve the dispute?
[Click here to enter response.](#)

Do you owe the other party? If so how much? [Click here to enter response.](#)

What actions would you like to see taken to resolve the dispute? [Click here to enter response.](#)

Other:
[Click here to enter additional information.](#)

Verify your information, i.e. email address, telephone number(s) before sending.

[Submit Confidential](#)

Remembering What's Important And Working It Through



Mediation focuses on finding the unmet needs, helping parties think outside the box and look for alternative solutions that can benefit everyone involved.

It also puts the decision making in the hands of those directly affected by the dispute versus the Court who is limited to following the "letter of the law". Don't put these decisions in the hands of people who do not know your family. Keep the control and focus on what is important.

Epilogue

People will forget what you said, people will forget what you did, but people will never forget how you made them feel.

Maya Angelou

Since the original property agreement was never set in stone, the whole situation blew up and a Judge ruled the heirs could sell. A Judge not the family made the decision.

Today, no one is speaking to each other and it looks like the fun they used to have at family reunions and other family gatherings is over. Sad that such traditions are now lost.

Things to Consider

1. If you have dependents, what would happen if you passed away? Who gets that family heirloom? Have you designated a guardian for your children?
2. The plans should be legally binding so siblings or others cannot usurp the intentions of the conveyer.
3. Unequal division of assets has the potential to cause conflict. If you are considering leaving more to one heir than another, be sure everyone knows why and has a

chance to discuss it with you. It is your decision but at least they will know your rationale whether they like it or not. When you are gone you do not want your loving family legacy replaced by a legacy of bickering children.

4. Choose your executor carefully. Potential resentment can arise because the executor is the decision maker and is perceived to have all the control. If appointing a family member may cause a problem, consider using a third party as the executor and establishing nominal fees for the service.

Lessons Learned

Most families want to resolve the conflict and preserve their relationships. Mediation can help reduce the emotions involved in inheritance disputes by creating an environment where the parties use a process to broaden their perspectives and find creative alternatives. Parties are more committed to agreements they create rather than those that are imposed or negotiated by others.



About The Organization . . .

Mediation Consultants assists in resolving employee, labor, civil, and family disputes. We offer tailored solutions to parties by working together to help them overcome perceived barriers to dispute resolution. Efforts are focused on finding the path to agreement. Mediation Consultants assists in bringing closure to the past and focus on the future by building a communication foundation to assist the parties explore and find mutually acceptable answers.



MEDIATION CONSULTANTS

Employee/Labor/Civil/General/Domestic/Family Mediator
 Telephone: (615) 428-9225 Fax: (615) 641-2809
 Email: mediationconsultantsnow@gmail.com
 Website: mediationconsultantsnow.com