

# **ELDER MEDIATION: Challenges for the Pilot Project in Ireland**

**GEOFFREY CORRY**

**Presentation to**

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# Challenge 1

- Will the extended family affected by terminal illness work with external third party facilitators?
- To date, the family has protected its privacy from intervention by outsiders
- Patriarchal resistance?
- Protestant culture protects emotional expression

## Challenge 2

- Broadening out family mediation practice from the present areas of marital separation and divorce mediation to embrace issues affecting the whole family
- FM must no longer be synonymous with divorce mediation



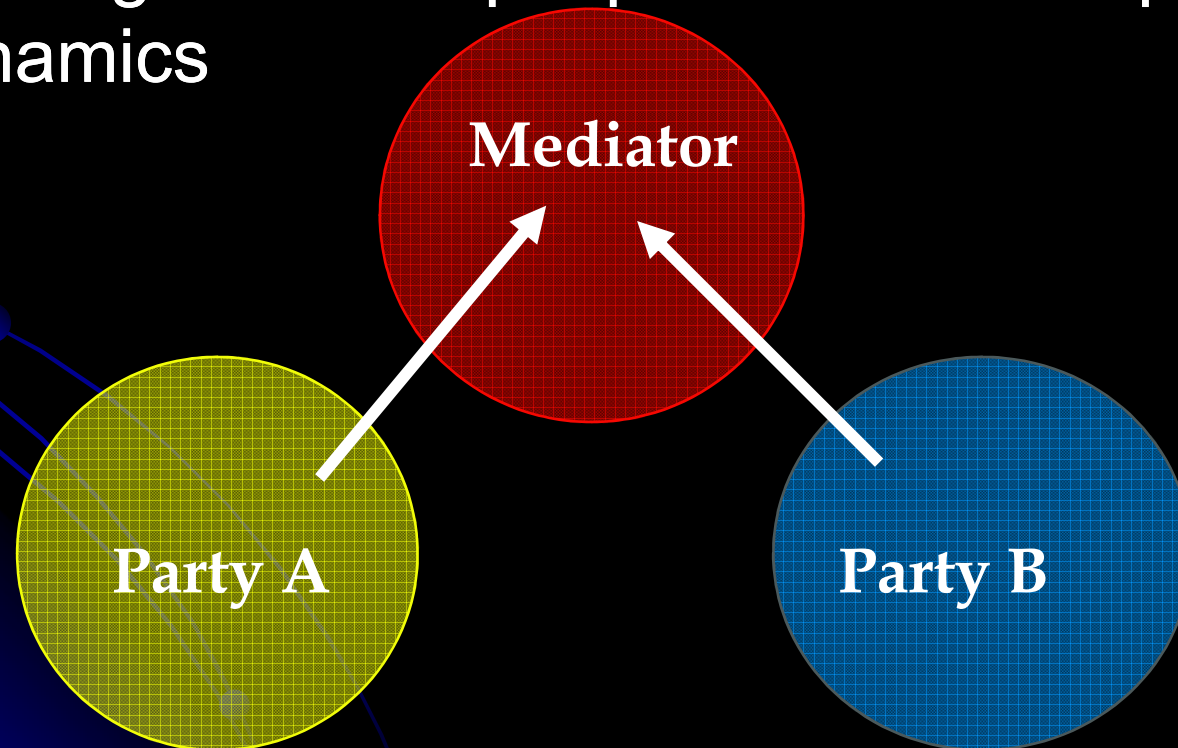
**Family Support Agency**

## Family Mediation Service

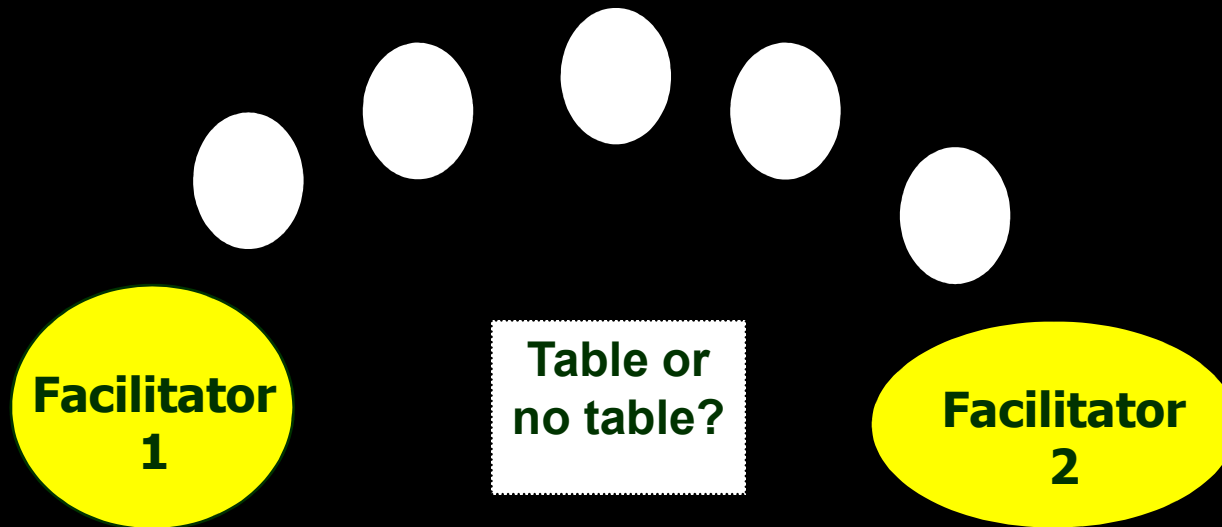
- Provides a free, professional, confidential service for married and non-married couples who have decided to separate or divorce
- Comprehensive all issues model including the Parenting Plan
- Pilot set up in 1986 for three years
- Service mainstreamed in 1993
- Nationwide network of regional centres and part-time offices

# Challenge 3

Shifting from working as a mediator with two parties in the room to being a facilitator and working with multiple parties and complex dynamics



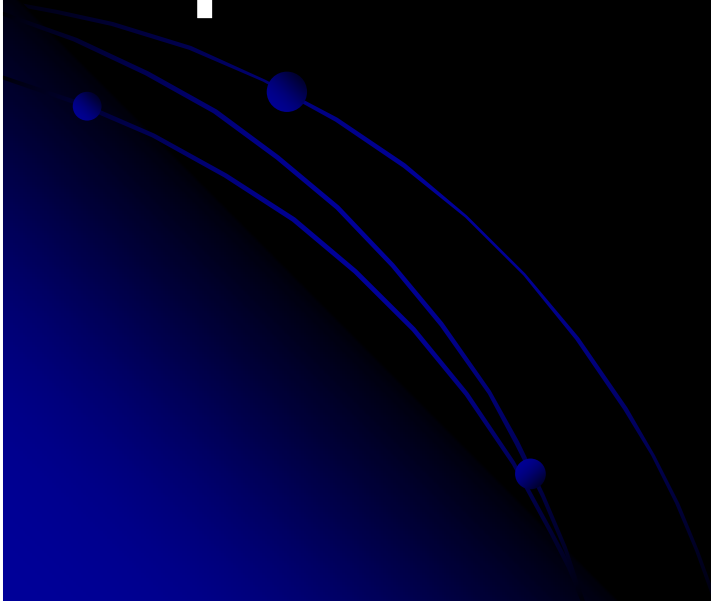
# The ageing parent or Advocate and the caregivers from inside the family



The external caregivers, medical and  
Healthcare professionals

# Challenge 4

- **What level of mediation resources will be required to support the pre-mediation phase?.....and the follow-up**



# Architecture of the Mediation Process

## 1. The Pre-Mediation Phase

Getting parties to the table

## 2. Mediating the dispute

Managing the interactions and the negotiations

## 3. The Post-Mediation Phase

Implementing the agreement

## 1. The Pre-Mediation Phase

Used in

- community disputes
- Victim-offender
- workplace mediation

## 2. Mediating the dispute

Go straight into mediation without pre-sessions

- Family disputes
- Commercial disputes

## 3. The Post-Mediation Phase

Used in multi-party disputes where complex agreements require sustained implementation and monitoring

# Mediation Northside in Coolock



- **Co-mediation**
- **Trained volunteers**
- **Case development at the pre-mediation phase**

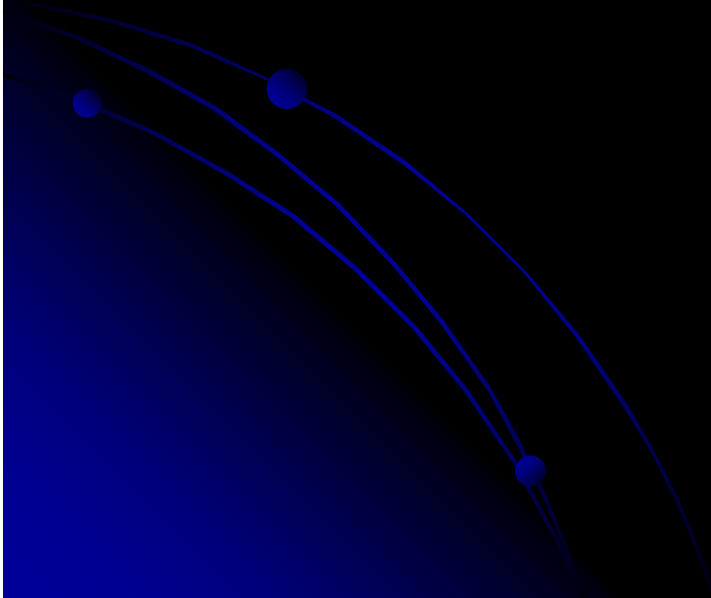
# Challenge 5

Who should be at the table [or in the circle]?

- The family caregivers or the whole family?
- The ageing parent or their advocate?
- Their friends, pastors, neighbours or close community supporters?
- The external healthcare and medical professionals?

# Challenge 6

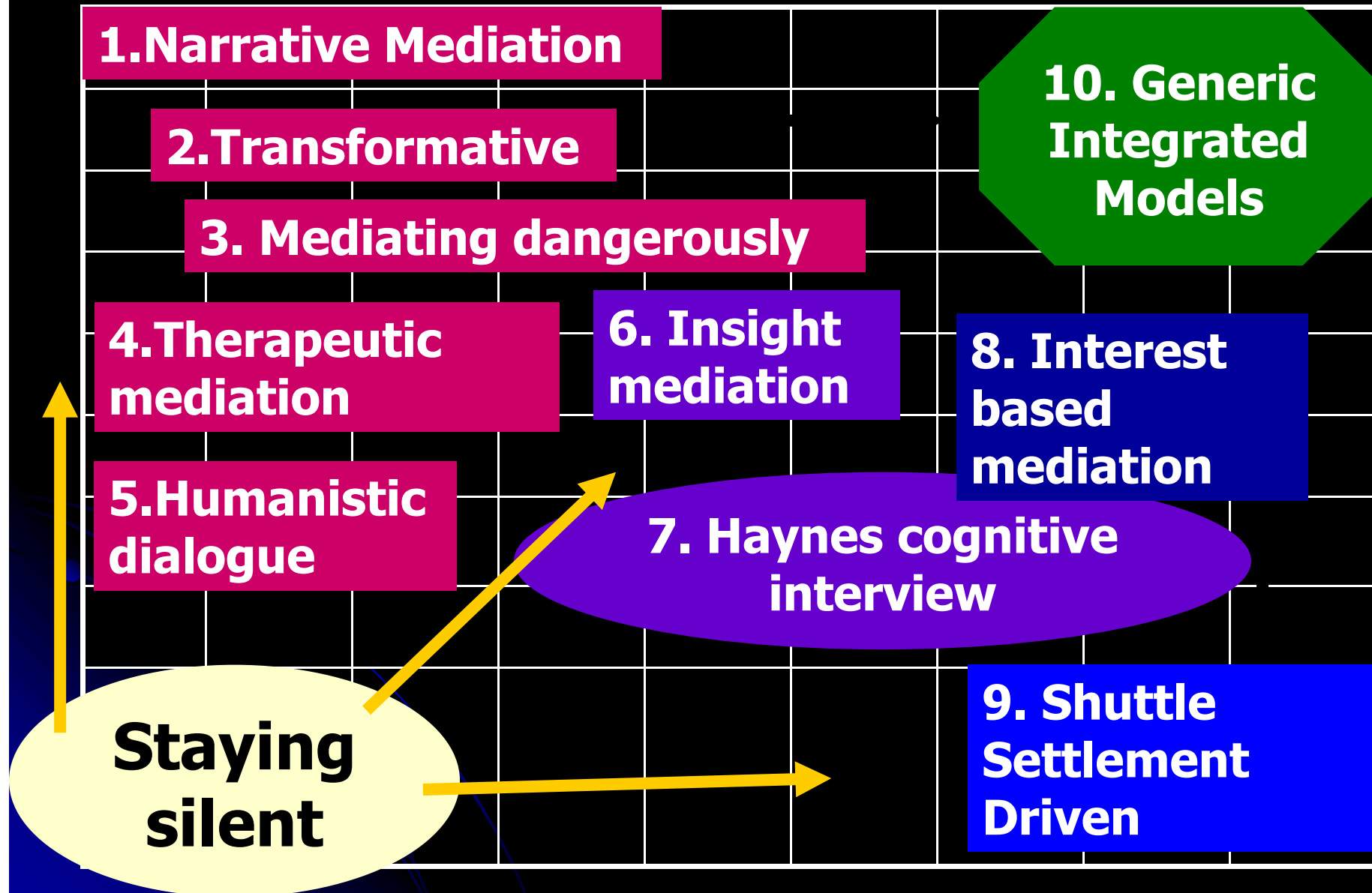
- **Which mediation process is most appropriate to use given there are different models to choose from?**



# The Generic Mediation Process

1. The opening
2. Story-telling
3. Framing the issues
4. Problem solving
5. The agreement

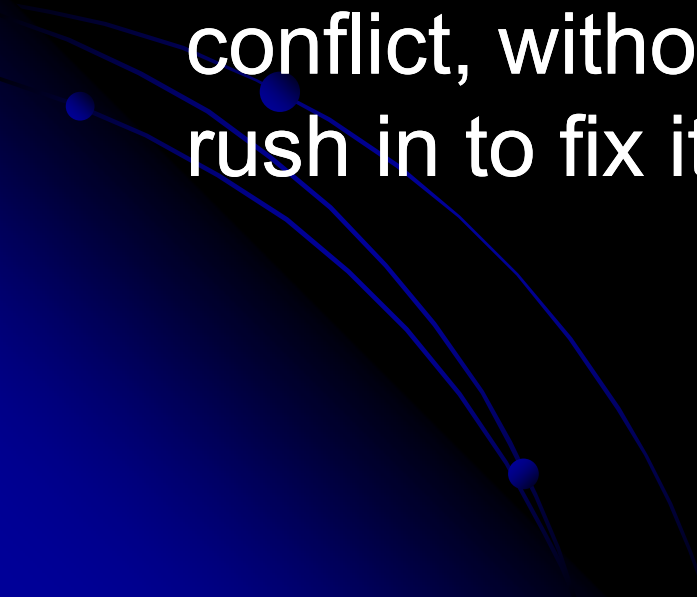
# Process Grid of Mediation Schools



# Challenge 7

- Working with emotion and hurt
- Emotions are often overlooked, feared, avoided and misunderstood
- Mediators need to become fluent and adept at recognizing, understanding and addressing emotional issues
- To have the ability to empathize with strong emotions, such as grief and anger, and yet, somewhat paradoxically, also remain detached and objective.

# Developing a tolerance and appreciation for emotional expression

- As mediators, we frequently sit in the middle of intense emotional cross-currents.
  - We must be able to allow the tension of conflict, without needing to suppress it or rush in to fix it.
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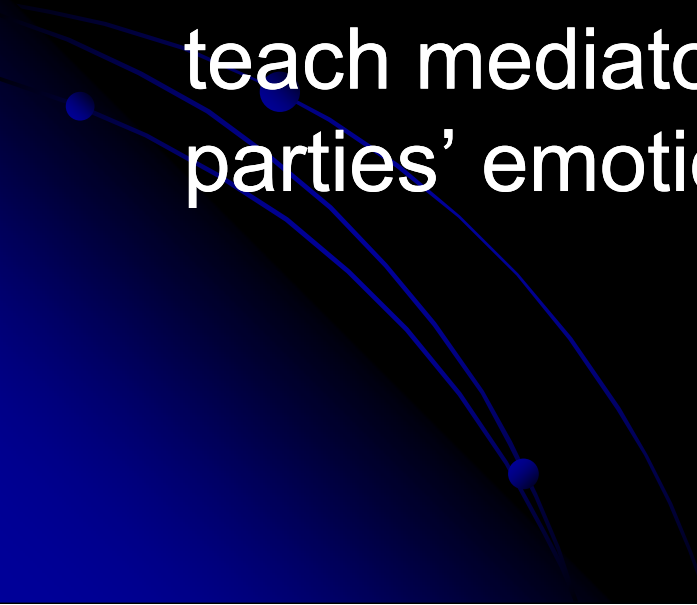
# The tipping point in emotional expression

**CONSTRUCTIVE AND  
POSITIVE STORMING**

**DESTRUCTIVE AND  
NEGATIVE STORMING**

**Mediator intervenes to  
acknowledge negative emotion  
and bring it back into positive  
storming**

## Walk the “narrow path” and pull back from the tipping point

- Failure to adequately address the emotional issues can result in ineffective mediation.
  - Mediation training does not sufficiently teach mediators how to address the parties' emotional reactions.
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# Challenge 8

- The need to train mediators in substantive knowledge on the ageing process and dementia
- For the MII to recognise an Elder Mediation specialism after the 60 hours basic mediation training as part of Practitioner membership

# My contact details



**Geoffrey Corry**  
**Athena Mediation**  
**95 Stillorgan Wood,**  
**Stillorgan,**  
**Co Dublin**

- **Phone: (01) 288-4190**
- **Mobile: 087-2351792**
- **E-mail:**  
**[corry@indigo.ie](mailto:corry@indigo.ie)**