



ADR NEWS

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IMPORTANT NEWS

Welcome New ADR Commission Members!

- Hon. George H. Brown, Jr. (Ret.) - Memphis, attorney and Rule 31 listed family mediator
- J. Eddie Lauderback- Johnson City, attorney and Rule 31 listed general civil mediator
- Edward P. Silva – Franklin, attorney and Rule 31 listed general civil mediator
- I.C. (Jack) Waddey, Jr. – Nashville, attorney and Rule 31 listed general civil mediator

These members were appointed by the Tennessee Supreme Court for a three-year term beginning January 10, 2015.

At the January 27, 2015 quarterly meeting of the Alternative Dispute Resolution Commission, the Commission adopted a new policy. Policy 21 states that an applicant for Rule 31 listing that submits an incomplete application has six (6) months from the date his/her application is received by the Programs Manager to complete his/her application. If an application is not complete after six (6) months, an applicant must submit a new application for Rule 31 listing. No application refund will be given to an applicant for an incomplete application. (Adopted 01/27/15) To see all of the ADRC policies, go to:

<http://www.tncourts.gov/programs/mediation/resources-mediators/policies>

Mediation and the Transgender Participant

By: Joseph G. Jarret, Esq.

Introduction:

Recently, the United States Department of Justice took the position that the protection of Title VII of the Civil Rights Act of 1964 extends to claims of discrimination based on an individual's gender identity, including transgender status. However, today's professional mediator doesn't need a mandate from the federal government to insure that all parties at the mediation table enjoy dignity regardless of gender, ethnicity, race, class, religion, nationality, sexuality, philosophy, and lifestyle. Nevertheless, this expansion of Title VII protection brings to the forefront people who consider themselves transgender. One of the better definitions of transgender people is offered by the Gay & Lesbian Alliance Against Defamation (GLAAD). GLAAD notes that transgender is the state of one's gender identity or gender expression not matching one's assigned sex. Transgender is independent of sexual orientation; transgender people may identify as heterosexual, homosexual, bisexual, etc; some may consider conventional sexual orientation labels inadequate or inapplicable to them.¹ The United States Office of Personnel Management (OPM) advises federal employees that "transgender individuals are people with a gender identity that is different from the sex assigned to them at birth," and defines "gender identity" as an individual's "internal sense of being male or female."² According to the American Psychological Association, it is not uncommon for transgender people to be the targets of hate crimes. They are also the victims of subtle discrimination—which includes everything from glances or glares of disapproval or discomfort to invasive questions about their body parts.³ Further, transgender people routinely lose jobs, homes and families because of their status, and as such, are increasing turning to mediation to resolve their disputes.

Training:

Most mediation certification programs are lacking in transgender diversity training. Consequently, the mediator may have to look towards other resources such as those provided by the not-for-profit entity Human Rights Campaign (HRC). The HRC suggests that "education and training about gender identity can take the form of small, informal discussions, modules that are incorporated into a larger diversity training curriculum, or full-fledged training and educational programs on transgender issues conducted by outside trainers and facilitators." Communication and diversity training regarding gender identity in the mediation setting should be comparable to other training initiatives. For instance, if a mediator decides to take an online harassment training program that incorporates race and sex, she/he should also seek one that incorporates gender identity.⁴

¹ <http://www.glaad.org>

² www.opm.gov/diversity/Transgender/Guidance.asp.

³ <http://www.apa.org/>

⁴ www.hrc.org

Mediator Awareness:

Mediators should take the time to incorporate into their mediation toolkit a basic knowledge of transgender issues, concepts, and concerns. Further, they should educate themselves about gender identity and gender expression especially in terms of persons in transition. Transitioning is the process of changing one's gender presentation permanently to accord with one's internal sense of one's gender. The issue of transitioning most often arises in employment discrimination cases. The OPM reports that gossip and rumor-spreading in the workplace about gender identity is commonplace for employees undergoing transition and that many employers fail to ensure that employees are provided with clear guidance regarding appropriate workplace behavior as well as the consequences of failing to comply with anti-discrimination policies that include gender identity. A mediator can go a long way to provide for an inclusive mediation experience for transgender participants by merely educating her/himself as to the basic terminology, language and concepts of gender variant experiences including the gender transition process.

Summary:

Mediators have a responsibility to insure that gender identity is included in their practice's non-discrimination and non-harassment policies to firmly assert the rights of trans-identified individuals who participate in the mediation process.

About the Author

**Joseph G. Jarret is a Rule 31 Listed General Civil Mediator, a Federal Mediator and an Attorney who lectures full-time for the University of Tennessee, Graduate School of Public Policy and Administration. He has lectured across the country on various mediation issues and is a past-president of the Tennessee Valley Mediation Association, and a member of the Tennessee Association of Professional Mediators, the Tennessee Bar Association, and the ADR Section of the Knoxville Bar Association. Mr. Jarret is also an award-winning writer who has published over 85 articles in various professional journals and a former active duty United States Army Combat Arms Officer and Air Force Special Agent with service overseas. He holds the Juris Doctorate degree, the Masters in Public Administration degree, a Bachelors degree, and a Post-Graduate Certificate in Public Management. Joe Jarret can be reached at igjlaw1@gmail.com*

~ Roll Call ~

Congratulations to the following Newly Listed Rule 31 Mediators!
These mediators were approved for listing at the ADRC Quarterly Meeting on January 27, 2015.

Ms. Audrey L. Anderson, Family
Ms. Suzan B. Baker, General Civil
Mr. Robert L. Bowman, General Civil
Mr. Aaron E. Bridgers-Carlos, Family
Mr. Edward L. Brundick, III, Family
Mrs. Tonya R. Craft, Family
Mr. Jason C. Davis, General Civil
Ms. Delain L. Deatherage, General Civil
Ms. Dona E. Diftler, Family
Ms. Julie M. Dombrosky, Family
Mrs. Genette E. Dugger, Family
Ms. Christina H. Duncan, General Civil/ Family
Mr. Jerry N. Estes, General Civil
Mr. Michael T. Fort, Family
Dr. Deborah S. Gentry, General Civil
Mr. Steven W. Grace, General Civil
Mr. Darryl D. Gresham, General Civil
Hon. Nolan R. Goolsby, General Civil
Ms. Shawna B. Hembree, Family
Mr. James R. Hickman, Family
Ms. Leah L. Hillis, General Civil
Ms. Michele D. Hodges, General Civil
Mr. Timothy J. Howell, General Civil
Ms. Georgina K. Hughes, Family
Mr. Jeffrey D. Irvine, General Civil
Ms. Jasmine L. Johnson, General Civil/Family
Ms. Karen D. Johnson, Family
Ms. Bonnie C. Jones, General Civil/Family

Mr. Joshua D. Jones, General Civil/Family
Hon. Michael R. Jones, Family
Mr. Leland D. Jordan, General Civil
Mr. Daniel E. Kidd, Family
Mr. Byron K. Lindberg, General Civil
Hon. John J. Maddux, Jr., General Civil
Mr. John E. Mason, General Civil
Mr. Charles W. McElroy, General Civil
Mr. Thomas F. Mink, II, General Civil
Mr. John H. Morris, General Civil
Mrs. Patrice A. Moses, General Civil/ Family
Hon. Buddy D. Perry, General Civil
Ms. Adonia L. Phillips, General Civil
Mr. Patrick L. Rice, Family
Ms. Sherri M. Stinson, General Civil/Family/DV
Mr. Billy J. Stokes, Family
Ms. Lauren G. Strange-Boston, Family
Mr. Gerald Taylor, Sr., Family
Ms. Hannah R. Tippet, General Civil
Mrs. Olivia M. Wann, General Civil
Mr. Timothy L. Warnock, General Civil
Mr. James F. Watson, Family
Ms. Robbie A. Welch, General Civil
Mr. Robert W. Wilkinson, Family
Mr. Gary R. Woodall, Family
Mr. Peter Yakimowich, General Civil
Ms. Katherine A. Young, General Civil

Important ADRC Dates

April 28, 2015.....ADR Commission Meeting, Administrative Office of the Courts, Nashville
June 2, 2015.....Rule 31 Mediator Applications Deadline for ADRC review on April 28, 2015
July 28, 2015.....ADR Commission Meeting, Administrative Office of the Courts, Nashville

We Would Like to Hear From You!

In an effort to encourage education and communication between and for Rule 31 listed mediators, the ADRC accepts proposed article submissions from Rule 31 listed mediators and others in the *ADR News*. All submissions may or may not be published and are subject to editing according to the Program Manager's discretion. If you are interested in submitting an article for possible publication in the *ADR News*, please contact Claudia Lewis, AOC Programs Manager, at Claudia.Lewis@tncourts.gov.