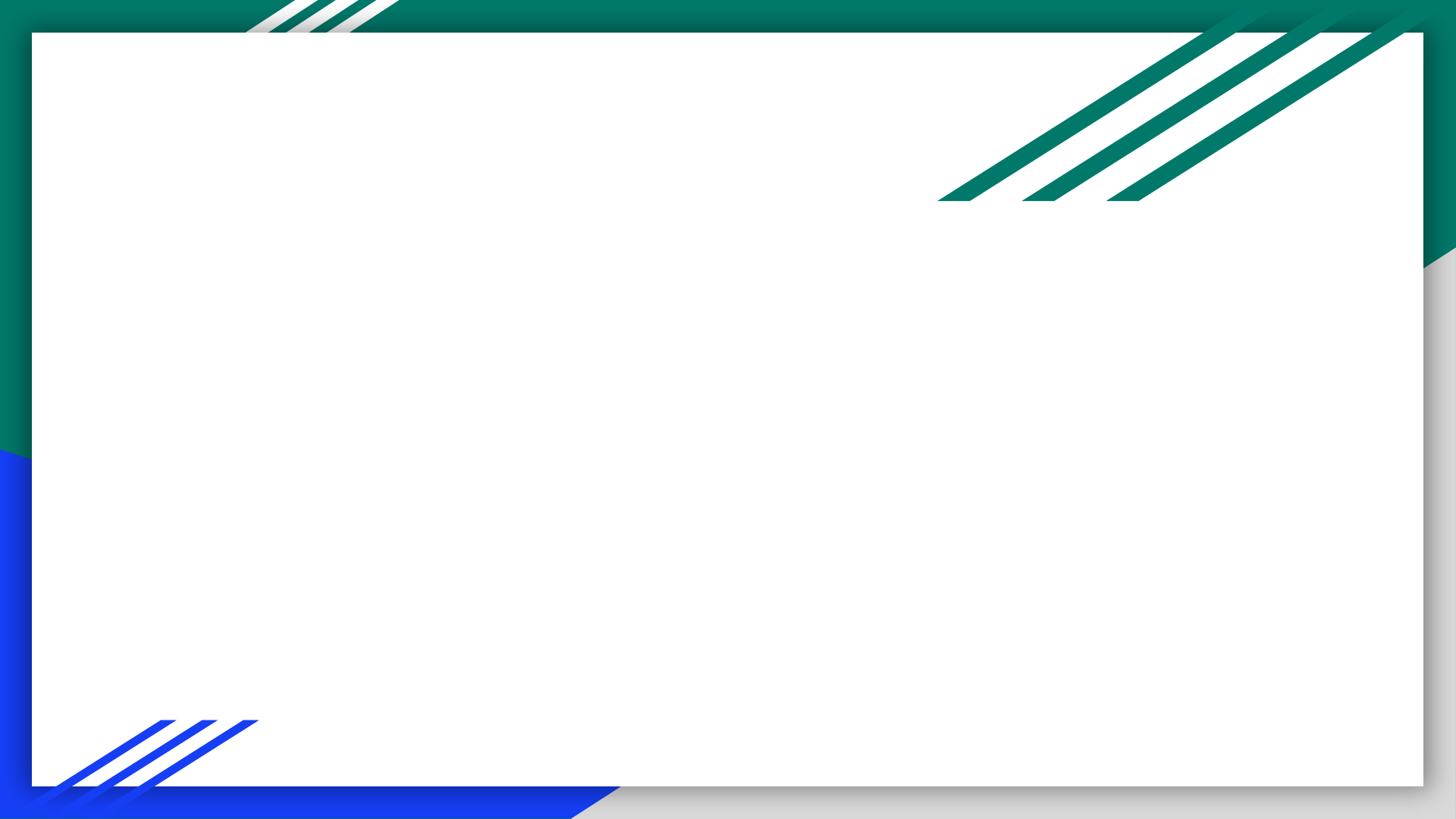


MA Agricultural Mediation Program

USDA-sponsored program providing low and no-cost mediation services to the Massachusetts farming community since 2002.

The program promotes the use of mediation as a tool to prevent or minimize escalation of conflicts and to resolve conflicts at the earliest possible stage.

MA is one of 42 states in the US with a USDA-sponsored Mediation Program.



Covered Issues

Agricultural loans made by USDA or other commercial lenders

Action on farm & conservation programs

Wetland determinations

Pesticides

Crop insurance

The National Organic Program

Lease issues, including land and equipment

Family farm transition

Farm/neighbor disputes

Farm/employee disputes

And more!

What kinds of conflicts might arise in agricultural projects and operations?

Mediation Yes or No?

- **Communication would help**
- **Both parties want to work things out**
- **You want to retain your power to decide**
- **There's a future relationship to preserve**
- **You've tried on your own**
- **Some interests align**
- **You want to understand better**
- **You are willing to be creative**
- **Conflict topics can be decided by participants**
- **A neutral, professional facilitator could help**

Mediation Yes or No?

- One or both parties are unwilling to mediate
- A legal ruling is desired and legal costs are not a factor
- Cognitive abilities for a participant are a factor
- You worked it out yourself.

Mediation Principles

Informed consent

Confidentiality

Mediator Neutrality/Impartiality

Participants' Self-Determination

Participants' Voluntary Participation

MA Agricultural Mediation Program

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Preventing and Addressing
Conflict in
Ag Partnerships



Talk

Listen

Ask an open-ended question

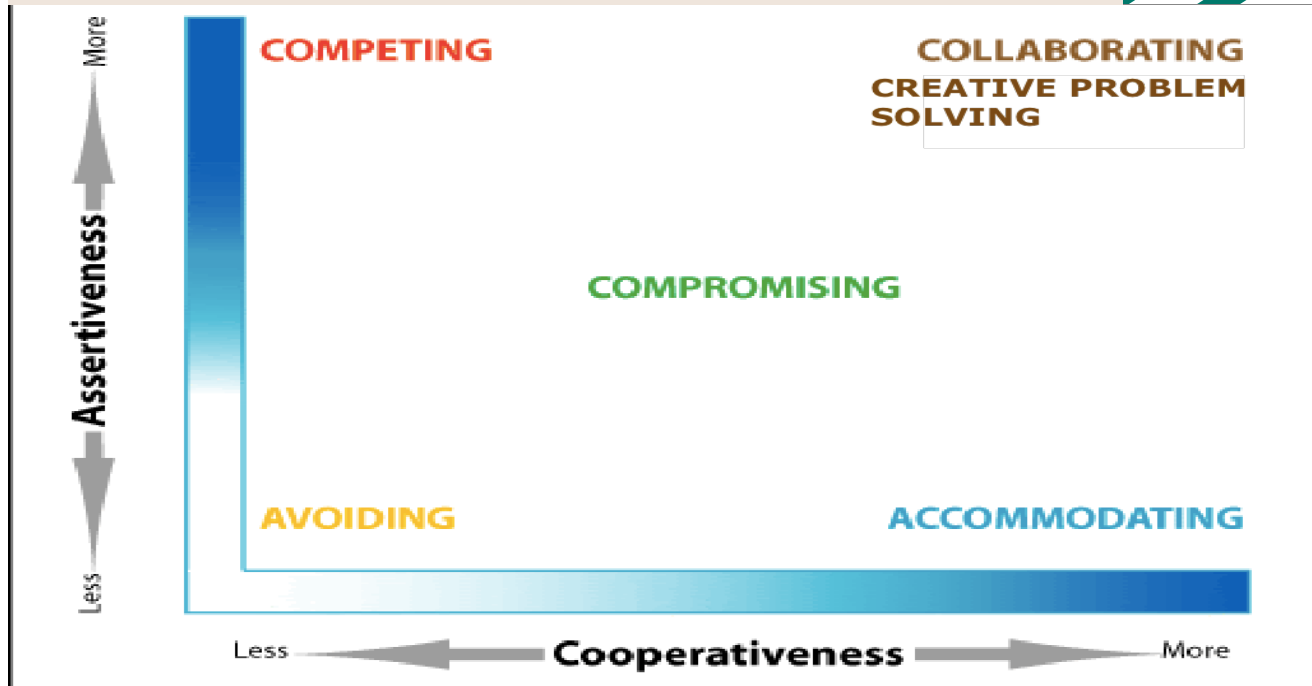
Talk

Listen

Decide together

Memorialize decisions in writing

Consider your default conflict approach—
move to upper right quadrant



Tips for a successful marriage ag partnership

Set regular time to talk

Share successes

Don't dehumanize or judge

Imagine you might be entirely wrong

Praise in public/criticize in private

Consider easy lifts—do them without being asked

Imagine yourself in the other's shoes

Seek out feedback and be responsive

Handle problems right away, don't let conflicts fester

Do not text to communicate challenging things--talk

We need a neutral mediator

“Hi I was hoping you might be willing to go to mediation. We’ve tried a lot of ways and I think someone who is neutral and professionally trained to help with Agriculture partnerships might help us to generate some new ideas. Would you agree to try it?”

Mediating conflict and how to
initiate conversations especially
with family

What might be the reasons partners or family members would resist mediation?

Outsider

Could a confidential neutral outsider help us with some perspective? Everyone needs outside help sometimes.

Confidential

Everything that happens in mediation is confidential, the mediator will not share our business. What we do in mediation can't be used in court.

MGL Ch 233 Sec 23

Neutrality

Mediators are neutral about the conflict—biased toward mediation process. Their job is to not judge. They help guide the conversation flow impartially.

Things could get worse

Mediation has a statistically high success rate and if it doesn't help we can do something else.

Can't talk to the other

Mediators can help you to figure out how to say what you want to say. They can repeat your thoughts so you know you were heard.

Emotional reactions

Mediators know that we all have feelings and can handle the process so it stays productive.

Group

Even though we are a big unwieldy group, the mediator has group facilitation skills and can keep us on track.

What happens to get mediation started?

- **Call to Ag Mediation organization – they conduct an intake to determine outline of conflict and assigns mediator(s)**
- **Participants sign an agreement to participate in mediation**
- **Mediator(s) reaches out to each individual participant to answer questions and get more detailed scenario**
- **Joint mediation session is scheduled—most by zoom right now, but some in person**
- **First mediation held—each person gets a chance to talk and listen to the other**
- **Mediator assists with negotiation and collaborates on next steps toward a mutually satisfactory agreement**

What happens in a mediation? Joint session

Mediator intro

- Mediator answers questions, sets the stage, tells order of operations, establishes tone and ground rules.
- Mediator and/or participants describe goals and established parameters of mediation

Participants describe the conflict and context

- Each participant speaks uninterrupted, other participant listens, takes notes and considers information
- Mediator probes for pertinent details, reviews only crucial related documents
- Mediator summarizes the conflict story and identifies topics for discussion
- If deemed helpful mediator may meet with parties individually to clarify story and their goals

Participants negotiate

- One topic at a time—offers, asks, agreements, details
- Mediator repeats agreements
- If deemed helpful mediator may meet with parties individually to clarify negotiation details

Mediator writes up agreement

- What, when, where etc.
- Review language
- Next steps

Final words

