

Mediation can help families deal with the issues that are preventing them from moving forward with the transition. Mediation can improve communication and repair relationships. Once the parties are able to focus on the substantive issues of the transition, the mediator can help identify whether they need additional information such as a financial

consultant or tax advisor. Then armed with the information they need and with the baggage put away, the family can effectively address the transition.

Non-family farm transitions are often more straightforward. But not always. If a long-term partnership is breaking up, in some respects, it is like a business divorce. Anger, frustration,

and other emotions can cloud your judgment. A mediator can help the parties address the emotional issues so that once the parties are able to communicate better, they can turn to the substantive issues of the transition.

If you are facing a farm transition that involves farm loans and other challenges, contact the agricultural mediation program for assistance.

How to Suggest Mediation?

Often the agricultural mediation program is contacted by a farmer who is interested in mediation but reluctant or unsure how to suggest it to the other party. The benefit of the agricultural mediation program is that the agricultural community has a resource in place with experience in agricultural regulatory and financial issues. In most cases, the mediation is covered by existing funding sources. While this removes some of the typical obstacles to mediation in general, namely how to cover the costs of the mediation and finding a mediator who has familiarity in working through the kinds of issues you and the other party are wrestling with, it still does not get all the parties to the table.

In cases involving USDA programs, requesting mediation is easy because USDA has already agreed to try and resolve many kinds of disputes through mediation. However, in non-USDA cases all the parties must be approached and agree to participate in the mediation.

We are regularly contacted by a party who is interested in mediation but nor sure what to do next. Often, we don't get the call from the farmer or the creditor until there has been a serious communication breakdown between them. Sometimes it is the result of an awkward phone call, harsh email or threatening letter. Sometimes, it's the result of a total lack of communication that has been going on for far too long. Usually, each party is so wary of opening a can of worms that they ignore the problem.

No one is naïve enough to think the problem will solve itself, but everyone has had that

experience of not opening the mail or responding to a difficult conversation or indefinitely putting off making that phone call. In those situations, it can be very difficult to make the call for fear of having another unproductive conversation that shuts down the communication even before you can ask the other person to mediate, or because you fear the other side will say no.

Raising these issues with the mediator can be very helpful. The more background information you can supply to the mediator, the better prepared both you and the mediator can be for the initial conversation.

A mediator can help brainstorm how best to start the conversation with the other party, suggest ways to explain why you are asking the other person to mediate, and role play how the conversation may happen to better prepare you for the work ahead. Sometimes, the conversation is relatively easy. Each side has been waiting for the other to raise the issue of how are they going to tackle the problem they are facing and it is a relief to know that the time has finally come to talk about the issues and try and find solutions.

Sometimes, there is skepticism about whether the mediation process is going to be a good fit or can lead to resolution. In those cases, we encourage parties to read our website where you can find information about mediation, the benefits of the process, learn about the mediators on our roster, read case studies of farmers in similar circumstances, and even watch a video demonstrating how mediation works. Each party is encouraged to contact us with any follow up questions.

Sometimes, however, it becomes clear that

the party is not going to be able to make that initial call to the other side. In those cases, there are other options. For example someone from an agency or non-profit that works closely with the farm may be familiar with all parties and in a good position to raise the concept about using mediation and provide background information about the agricultural mediation program. Another option is a trusted advisor or family member or friend as a good resource to break the ice.

The mediation program is also always available to make the call. Mediators may not know the parties, but they are best able to explain the process of mediation to the other side. Mediators are experienced in not only explaining the process and the reasons why it can be successful, but also in providing a neutral perspective to the current situation. Often learning that the other person involved in the situation made the call and wants to start a dialogue lays the groundwork for having the discussion. Just as the farmer has been trying to figure out how to address the situation, the other party has been thinking about it as well. Having an open ear to explore options and bounce ideas off of to address the situation can be just as much of a relief to the other side as it is to the party who reached out to the program in the first place.

Starting the process can be the hardest step either party will take. Finding a way to engage the other party in the process of mediation may take some brainstorming with the mediator but in the end, we have found that most parties are very open to using mediation as a way to address their situation. When in doubt call us, if we can't help you, chances are we know who can.





We Grow Solutions

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New Hampshire Agricultural Mediation Program

Director's Greeting

When I meet a farmer for the first time, typically we begin our conversation by talking about the weather forecast or how the crops are growing. Then they often ask what I do. I know they are really asking me, "What do you grow?" I'm not a farmer, frankly, outside our little garden out back, I used to think that I really didn't grow anything. I'm a mediator, I help parties resolve problems and I focus on issues in the agricultural community. But now, thanks to a colleague's ability to simplify and reduce what we do to a few words, I can be succinct. And it turns out, I was wrong all this time.

NHAMP grows something every bit as important as the hay and corn and vegetables a farmer grows. *We grow solutions* and we have been doing that for the past couple of years. When farmers face the inevitable problems and challenges due to unpredictable nature of farming, they turn to us and *we grow solutions*. That simple three-word motto sums up what we do.

Over the past couple of years, we have helped dozens of farmers, lenders, feed dealers, and state and federal agencies grow solutions to resolve their problems. Most of the situations we have worked on involved loans or other credit issues such as debt to feed and equipment dealers. But we have helped farmers in other situations such as an eligibility or compliance issue concerning a

USDA program. We have also helped many farmers deal with complex loan and other financial issues concerning partnerships or transitioning the farm to the next generation.

Notwithstanding predictions about the price of inputs, no one knows whether next year will be profitable and what challenges farmers will face. But one thing is certain, if your farming operation is facing loan or other credit trouble, problems with USDA programs, or other typical farm problems, contact NHAMP. *We grow solutions*.

We hope you will find this edition of the newsletter both interesting and useful. There are articles on the importance of feeling like you have been both heard and understood as well as tips on how to become a better listener. These skills should be useful to communicate more effectively at work and with your family. There are also two articles about time. The first article is about when is the right time to try mediation and the second article is about how mediation can save you time. Finally, there is an article about how to suggest mediation to another party because we recognize that it is not always easy to take the first step to resolving



problems by suggesting mediation. We look forward to working with you and helping you grow.

Matt Stinson

NHAMP is the official USDA certified mediation program in New Hampshire. NHAMP provides free mediation services to farmers and other members of the agricultural community in New Hampshire. NHAMP is a program of the non-profit Environmental Mediation Center.

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Mediation Can Help Farm Transitions

Life is full of transitions. Agricultural businesses are no exception. Whether it is a family farm trying to pass the farm down to the next generation or a business partnership facing dissolution, transitions are challenging. They also often involve farm loans, which make the process even more complex.

Businesses are complicated and dynamic entities that present no shortages of opportunity for conflict. Looking at it that way, businesses are a lot like families. Mixing family and business together naturally increases the chances of conflict. When you add farming to the mix with its narrow financial margins, tight credit market, and other challenges, the likelihood of conflict increases yet again.

When you are attempting to pass the farm down to the next generation, many questions arise concerning financial and loan issues, management issues, and family issues. In a family farming operation, family dynamics and business relationships are intertwined and impossible to separate. "Baggage" from family dynamics becomes the baggage of the business. Mediation can be helpful in several ways.

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Importance of Being Understood

A colleague once asked me if mediators had super powers, what would your super power be? I'm not claiming any super powers, but one skill that good mediators have is the ability to listen well.

When you are completely devoted to listening to someone talk, you are not thinking about your response or just waiting patiently for your turn to talk. And you certainly are not distracted by thinking about the errands you need to run later in the day.

Most people do not devote their full attention to listening to a conversation. In fact some researchers concluded that people often only remember 25 to 50 percent of what they hear. That means that most people are not taking in half of what the other person is trying to say. Don't take our word for it, the next time you are in a conversation where someone else is trying to tell you something, monitor the inner conversation going on in your head. The second you start thinking about what you want to say when they finally finish talking, or about the chores you need to get to, or about how loud the dog is barking, you have just proven the research about how hard it is to keep your attention focused on what the other person is saying.

The obvious purpose of a conversation is to tell someone else what they need to know to understand your point of view or your situation. But there is more to a conversation than just telling someone else what you wanted to communicate to them. Of equal importance, we want to feel like we have been heard. Time and again, we hear from parties who are frustrated that the other side simply does not "get it." That feeling of being heard and understood creates a connection that can be as important as the conveyance of the information itself.

Mediators know that one key foundation of

success in a mediation is that each party must believe that the other person has heard what they had to say and understands what they are feeling and thinking about the situation under discussion. Yet, as the research shows, this is not happening. Clearly, the ability to listen well is not a skill set that comes naturally to most people. In the column to the right you will find some tips on listening effectively, sometimes called active listening.

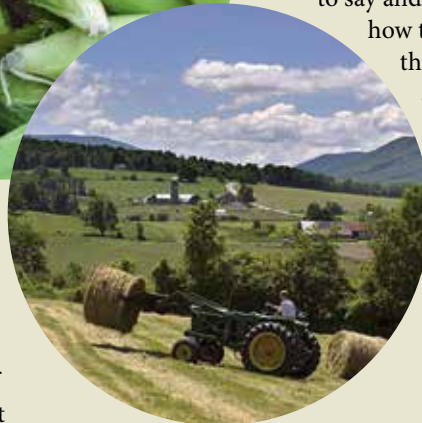
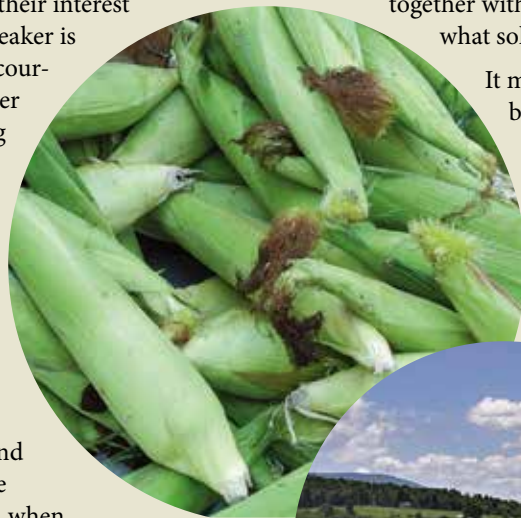
A good mediator thoughtfully listens and focuses on not only the words but also the feelings that are being expressed. The mediator demonstrates their interest in what the speaker is saying and encourages the speaker to keep talking by using body language such as nodding. The mediator may also ask for clarification so that they fully understand a point you are making. Then, when the speaker is finished expressing the thought, the mediator may paraphrase what the speaker said to let the speaker know that they were truly heard and understood.

It may sound complicated, but it is part of the natural flow of a conversation. Often it

starts with something like "I think I get it. You are feeling this because ..."

This is one of the reasons why mediation can be so effective. The mediator helps each party feel understood and heard and in turn opens each party up to hearing and understanding the other person. When a person feels heard, there is often a sense of relief because someone understands their situation and what they are feeling. Since they feel understood, often they are more open to understanding the other party's situation. Once that happens on both sides, the parties are ready to work together with the mediator to brainstorm on what solutions are most appealing.

It may not be a superpower, but being able to listen well is an important skill. Mediators use their listening skills to not only hear what people have to say but also to give them the comfort of knowing that someone heard what they had to say and understands how they feel. And that opens up the superpowers in all of us to solve problems and grow solutions.



How to listen genuinely and actively:

- Do not let yourself be distracted by things happening around you or by your own inner thoughts.
- Do not start thinking about what you want to say in response while the other person is still talking. This is not a time to construct your own counter-argument, there will be time for that later.
- Try not to interrupt or jump in with "your side" of the story. In active listening, the goal is to make sure you fully understand what the other person is saying first, then letting them know you have truly understood them. After that happens, you will be able to tell them your point of view.
- Maintain eye contact, and have an open and inviting posture. Do not cross your arms in front of your body or turn your chair to the side.
- Use facial expressions to demonstrate your interest and subtly encourage the speaker to continue.
- An occasional nod sends the message that you are listening. It does not necessarily mean that you are in agreement.
- Provide feedback, ask clarifying questions, share parallel experiences to demonstrate that you get it.
- If nothing else, try repeating what that person has just said to you. Start by saying something like, "What you are saying is ..." Don't worry if you have missed an important point because if it is worth repeating, the person will say it again especially because they now know you are really interested in what they have to say. Understanding someone else's point of view does not mean that you agree with it, only that you have heard what they had to say.

Good listeners focus not just on the words being said but the message being conveyed.

Listening well is one of the most important and underrated skills. Listening well to the people you work with and your family will reduce misunderstandings and conflict and result in a more successful workplace and peaceful family life.

When is the Right Time to Try Mediation to Resolve a Problem?

Mediation is an effective process for resolving many kinds of problems. Often people ask us when they should try and resolve a problem themselves and when they should use mediation. Depending on the situation, you may try to work things out on your own first.

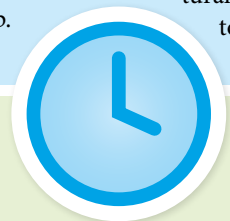
For example, if a farmer falls behind on the bill to the feed dealer, often they can work something out easily. Similarly, if you are denied a loan, you can contact the lender and try and find out why. But if you are unsuccessful, feel anxious about the conversation, uncomfortable saying what you think needs to be

said, or feel like communication has become difficult recently, you may want to give mediation a try.

Sometimes a party may be reluctant to say something or communication obstacles may prevent another party from hearing what you are trying to communicate. A mediator can help you express your message in a way the other party will more likely understand and accept.

Other times, conversations are difficult so we often put them off. That doesn't solve anything. If you know what needs to be said but are reluctant to say it, a mediator can help. For example,

it may be hard to ask a creditor to make compromises on a debt because of a long history of working with them. Or a creditor may be reluctant to cut off an account if payments are not received by a deadline. A mediator works on these kinds of issues on a regular basis and has experience on what has worked in similar situations. The mediator can help coach the parties to form reasonable offers or bring in financial experts to help figure out cash flow problems. If you are unsure whether mediation is appropriate for your situation, feel free to contact the agricultural mediation program to discuss the matter in confidence.



How Mediation Saves Time Reaching Solutions

Sometimes we hear from farmers, lenders, agency staff, feed dealers and others that they don't have the time for mediation. They perceive that mediation is a long and complex process that will take weeks or even months. In reality, most of our mediations take just a few hours, although sometimes we need to gather additional information and schedule a second session.

On the other hand, other strategies for dealing with problems, including ignoring them, usually end up taking more time. Often, we tend to put aside difficult to solve problems. You may even have a section of your desk where the problems gather (and sometimes stay there long enough to gather dust). But then something happens and they demand

your attention; by that point, usually the situation has grown more complicated and is more difficult and time consuming to resolve. Sometimes parties try and resolve things themselves and may have back and forth discussions about what they think are workable solutions. The problem is that what may be an acceptable solution to one side may not be an acceptable to the other. After a few attempts, they may reach a solution on their own or they may give up.

Mediation allows the parties to focus in on what are acceptable solutions to both sides in a fair and efficient manner. In mediation we use the term BATNA or best alternative to a negotiated agreement. We use your BATNA as a baseline to help

you evaluate options. If an option is not as appealing as your BATNA, then it is a waste of everyone's time to discuss it further. Mediation speeds up that process and allows the parties to focus on solutions that have a chance of being acceptable to all parties.

For example, if there are five possible solutions to a problem and options 1 and 2 are worse than party A's BATNA and options 4 and 5 are worse than party B's BATNA, the mediator will guide the parties to discuss option 3 in more detail since that option has the best chance of being acceptable to all parties. Back and forth discussions on the other options would likely be a waste of time, which is what we try and avoid in mediation.