



Heartland Mediators Association

## Newsletter for Midwest Mediators

October 2009, Vol X, No. 3  
P.O. Box 14971  
Lenexa, KS 66285  
913-956-7620

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2009 Heartland Mediators Association

## Fall HMA/KBA Event on Land Use, Facillitated Dialog, Ethics

Breaking the Gridlock: ADR for Public Policy and Land Use is a part-nered CME/CLE presentation Nov. 20, 2009 by HMA and the ADR Com-mittee of the Kansas Bar Association.

The agenda on Nov. 20 begins with registration and continental break-fast at 8:30 a.m. The first session begins at 9 a.m. with "Collaboration, Consensus Building and Environmental Mediation 101: Alternative Solu-tions for Moving Forward" with Steve Zikman of South Pasadena, Calif.

This session will explore the spectrum of dispute resolution approach-es and strategies that have been successful in addressing these conflicts, ranging from 'upstream' consensus building to mediation of the litigated case. Zikman will use highly interactive techniques to capture the wisdom of the room and to create a robust dialogue among attendees regarding issues close to home."

After a break Zikman continues the session at 10:30 a.m. with lunch on your own at 11:20 a.m.

At 12:30 p.m. the next session begins with "Structuring Facillitated Dialogue in Public Disputes" by Gary Flory, North Newton. This session will outline and review key elements in a collaborative problem-solving process for intervening as a neutral in public disputes.

At 1:45 p.m. Kathy Kirk will talk about the "ADR Component in Jordan Constitution." The Lawrence attorney/mediator discusses her experience helping draft alternative dispute resolution provisions in the Constitutional Monarchy of Jordan.

"Confidential & Good/Bad Faith in Mediation: Statutory Requirements, Case Law & Ethical Rules Important to Mediators" with Larry R. Rute,

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## Zikman Shares Collaborative Strategies and 'World Cafe'

Steve Zikman's focus for his KBA/HMA presentation may seem specific but he believes he offers a spectrum of different ways of looking at techniques in consen-sus building. Most mediators or practitioners of dispute resolution will find some-thing of interest.

"It's more dialog and deliberation," he said in a recent call from his South Pasadena office. "I use the un-conference so-to-speak method to bring about bet-ter communication and collaboration."

He said he often uses the "world café" method to break down and allow those at a large public meeting to be heard.

Steve Zikman, founder of Zikman Collaborative Strategies, has more than 25 years of experience helping people and organizations communicate more effec-tively. He has also traveled to more than 50 countries and written two "Chicken Soup for the Soul" books.

Zikman brings his ideas to Wichita for the KBA/HMA Fall CLE/CME Train-ing Nov. 20. From designing more robust models for public engagement on land

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## HMA/KBA Partner

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Topeka, begins at 2:50 p.m. Confidentiality and good/bad faith issues can muddy the waters for mediators and the parties involved. Confidentiality is often said to be a cornerstone of mediation, but what ethical responsibilities are incumbent upon the mediator relating to confidentiality? In court-ordered mediation, there is generally an obligation to participate in "good faith." The states and the courts have attempted to address good/bad faith mediation either by statute or court rule. This session will look at some of the issues surrounding confidentiality and the mediator and issues of defining

and proving good/bad faith.

At 3:40 p.m. the group will participate in "Mediator Ethics Jeopardy (Professional Responsibility)" with Arthur J. Thompson, Topeka; Patrick R. Nichols, Lawrence; Kathy Perkins, Lawrence. Presented in a lively game show setting, this presentation will cover the effort to uphold the court rules designed to insure a consistent ethical provision of mediation services until 4:30 p.m.

To register go to: [www.ksbar.org](http://www.ksbar.org). Cost is \$80 for non-attorney mediators who are members of HMA. Attorney HMA members rate is \$159 (\$179 after Nov. 13). For more information contact HMA's Executive Director, Janet Lhuillier.

## Zikman

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use and environmental matters to the resolution of highly charged issues in the workplace, Zikman's persistence, creativity and reassuring approach have produced a roster of positive results.

As a collaborative attorney and advocate, Zikman is seen by his clients and peers as a natural problem solver. He has represented a wide array of individuals and organizations in the land use planning, environmental and public policy arenas. His clients have included developers, municipalities, public agencies and stakeholders, private individuals and interest groups, community and neighborhood associations, as well as museums and other public institutions.

As a land use and environmental mediator, his practice is focused on issues related to land use planning and zoning, conservation and the environment, energy and natural resources management, infrastructure and transportation planning, historic preservation, as well as civic engagement and other public policy matters.

He is also a leader in transforming the quality of communication and level of audience interactivity at conference events worldwide. By helping meeting planners unconference, he is dedicated to guiding clients away from 'traditional, boring panels' and toward audience-centered engagement methodologies that capture all of the wisdom in the room.

As a best-selling author and award-winning journalist, Steve Zikman's latest book is "Doing Good for Goodness' Sake." His other titles include "The Power of Travel," "Chicken Soup for the Traveler's Soul" and "Chicken Soup for the Nature Lover's Soul." He is currently working on a novel set in South Africa and a book about the adoption of his son, Joaquin.

Born and raised in Canada, Steve Zikman has visited more than 50 countries on six continents and has lived in Germany and South Africa. He views travel as a unique and powerful path toward greater understanding and world peace. He makes his home in South Pasadena, California and can often be found hiking in the nearby San Gabriel Mountains.

## AMM Oct. 31

The Association of Missouri Mediators (AMM) is having its 11th Annual AMM Conference Oct. 31 in Columbia, MO at the MU School of Law.

For conference brochure and registration forms please email [mo-mediators@mediate.com](mailto:mo-mediators@mediate.com) or call Jane Rippeto at (573) 442-8904 or Kathleen Bird at (816) 736-8402

The AMM annual conference topic is "How to Make Mediation Your Day Job Using the Skills You Already Have" based on the book by Dr. Tammy Lenski.

## Symposium Nov. 13

Restorative Justice in Adult Criminal Courts Symposium is Friday, Nov. 13 from 9:30 a.m. to 4:45 p.m. at the Memorial Union, University of Missouri, Columbia, MO. Co-Sponsors include Restorative Justice in Adult Courts Committee of the Missouri Restorative Justice Coalition.

CLE and CME Credits are available. The Symposium will be in the Student Memorial Center on the campus of the University of Missouri-Columbia.

Contact: Janet Thompson, Wood-rail Centre, 1000 West Nifong, Building 7, Suite 100, Columbia, MO 65203

**Have you renewed your membership for the coming year? Be sure to respond to the recent letter so you may be able to continue receiving the newsletters, notices, and HMA website access.**

**A dues form may be found on the webpage at [www.heartlandmediators.com](http://www.heartlandmediators.com)**

# President's Message -- 'Mediate That Conflict!'

I don't know about the rest of you mediators, but frequently when I am watching the news regarding some type of a conflict I find myself thinking "They need to mediate that". Yet, seeking mediation for conflict does not seem to be something individuals seek.

Instead, it appears their first reaction is to seek litigation. While litigation might be appropriate... in many cases mediation can resolve the conflict in less time and for less money.

Most of my mediation experience has been in the victim offender arena involving juvenile offenders. On numerous occasions when I called the victim regarding their participation in a mediation, there was reluctance on their part to participate.

In some cases their reluctance was understandable, the offense occurred so long ago the victim had moved on and didn't want to take time from their busy schedule to participate. Other times the victim would rant about how the "delinquent" disrupted their life and how "easy" the justice system is on juvenile crime ("In my day....."). To this I would respond, "You need to let the juvenile hear your comments. That's what this mediation is all about".

When the victim did participate... more often than not... they were pleased with the process and grateful they participated.

The reluctance wasn't just with victim offender mediation. I have received the same resistance with employment mediation. "I don't see how this will help" or "My attorney has advised me not to participate in this" were frequent comments.

As with the victim offender mediations, following the mediation process, participants found the process to be very helpful and beneficial.

Despite the positive benefits of mediation, the process does not seem to be embraced on the edge of the prairie (as it were).

Heartland Mediators Association (HMA) has decided to take this issue on. The first step was to organize a retreat to "Explore ideas to advance alternative dispute resolution (ADR) in Kansas and the role of the Heartland Mediators Association."

The retreat was conducted on September 11, 2009 in Berryton, Kansas. As a result of the retreat, three priority areas involving advocacy were identified; Legislative, Marketing, and Credentialing/Training. Task Forces are in the process of being created to deal with these issues.

The Legislative Task Force will identify what legislation needs to be in place to encourage and support the use of mediation in the state of Kansas. The Marketing Task Force will identify areas in which HMA can focus to broaden the

public's understanding and perceptions of mediation. The Credentialing and Training Task Force will focus on evaluating the current mediation training processes, define training/credentialing standards, and work toward the development of a certification program for Case Managers.

HMA would like to hear from you regarding the areas outlined above and invite (ENCOURAGE) you to participate in the process.

Like the rest of Kansas, the court system is under financial pressure to cut back. It appears now is the time to push the positive aspects of mediation forward.

If you would like to help and/or participate in one of the Task Forces, please contact HMA by email at [HMAOrganization@everestkc.net](mailto:HMAOrganization@everestkc.net) or by phone at 913-956-7620. The office address is HMA Organization; PO Box 14971, Lenexa, Ks., 66285.

*"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."*

*Margaret Mead (1901-1978)*

**Bob Williams, President HMA**

## KIPCOR's Shorts Dec. 4

Explore key developments in problem-solving, mediation and conflict resolution at KIPCOR's CME/CEU Shorts on Dec. 4 from 9 a.m to Noon and 1 to 4 pm at KIPCOR's Kaufman House Training Facility, 2515 College Ave., North Newton, KS, on the south edge of Bethel College campus.

Topics include: "Conflict Coaching: Innovation in the ADR Continuum" with Terri McCants, coordinator for Graduate/Undergraduate Certificates in Conflict Resolution;

"Compassion Fatigue: What It Is and Why It Matters to Your Practice" with Robert Yutzy, KIPCOR coordinator of Congregational Ministries;

"Genes, Evolution and Conflict: Are Your Clients Really Altruistic at Heart?" A Wayne Wiens, professor of biology at Bethel College;

"The Hard Cases: Continuums of Mediation and Case Management" with Sandy Nathan, Joe Robb and Marilyn Wilder, mediators and case managers.

Cost is \$85 if postmarked or emailed by Nov. 20; otherwise cost is \$100. Maximum enrollment is 60. Price includes all materials and refreshments; lunch on your own.

Session is approved for 6 hours of CME. Certificate of attendance will be provided social workers for re-licensure.

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P.O. Box 14971  
Lenexa, KS 66285

**HMA MEMBERSHIP RENEWAL FORM**

**Name:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City: State: ZIP:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **eMail:** \_\_\_\_\_

**Individual dues- \$65      Retired/Volunteer Mediator - \$50      Corporate (3 people) - \$160**  
**Web listing - \$10 per person**

**HMA will send a renewal notice to all paid members in June of 2010**

**Amount to be paid: \$** \_\_\_\_\_

**Payment Method**

**Check Enclosed Amount: (payable to Heartland Mediators Association)**

**Visa, Discover or Master Card    Amount to Charge: \_\_\_\_\_    Expiration Date: \_\_\_\_\_**

**Card #:** \_\_\_\_\_ **Name of Cardholder:** \_\_\_\_\_

**Mail to Heartland Mediators Association, P.O. Box 14971 Lenexa, KS 66285**