



Heartland Mediators Association

Newsletter for Midwest Mediators

April 2008, Vol XIII, No. 6
8826 Santa Fe Drive, Ste 208
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Spring Conference to Incite Thought and Offer Insight on Mediation and Law

Special time with "guerilla" negotiator

Heartland Mediators Association plans its spring conference for April 24 - 25, 2008 on the KU Edwards Campus Overland Park, Kansas, that will bring discussion and offer insight into the profession of mediation and collaborative law.

Thursday afternoon offers training for both attorneys and non-attorney mediators with a look into the future. After a social hour with food, Robert Benjamin offers lawyers and others some of his tactics.

Details of the day include: **Thursday 1:00 pm sessions: Collaborative Law** (CLE-eligible) with Terri Clinton Dichiser and Sharon R. Lowenstein. This presentation introduces collaborative law as distinguished from traditional practice. Learn what the role of coaches is in collaborative law and how this is different than therapy. Understand what the boundaries are for coaches, what the unique challenges are

for this role, and whether there can be an ongoing relationship after the conclusion of the divorce. Finally, understand the costs associated with this role and how the effectiveness is measured for the clients.

Terri Clinton Dichiser, MA, JD, LCPC, NCC, is in private practice as a therapist, approved mediator and trainer. With more than 18 years of experience in mediation, she holds a Juris Doctor and a Master of Arts in Counseling Psychology from the University of Missouri-Kansas City. She is the founder of Take Charge, Inc. She specializes in relationship counseling, divorce counseling, and individual counseling.

Sharon R. Lowenstein, JD, PhD, is a collaborative family law attorney, mediator, and mediator trainer. She opened her own office 15 years ago committed to viewing clients as whole persons with relationship and emotional as well as financial needs. A lifelong learner, she has hundreds of continuing professional education hours, including 20 hours with Harvard's Negotiation Project.

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Mediation isn't what we think

Robert Benjamin has done plenty of study of evolutionary psychology and neuroscience looking at rational humanistic enterprise and has come to the conclusion that mediation isn't what most of us think it is.

"I've come to know that mediation has as much to do with peacemaking as courts do with justice," he said in a call from his Portland, Oregon, area office.

"Mediators aren't as much peacemakers as they are shaman or shape-shifters getting to solutions through their own biases and negotiation."

"A guerilla mediator must be familiar with the natural terrain," he said. "The best mediators are those who understand the place their clients are in and they should be activists promoting change."

Benjamin suggests that mediators must be protean meaning "Exceedingly variable, taking on different forms, even being competitive."

"A mediator is a dealmaker who can manage the nature of deception," he said.

He believes the field of mediation recently has slipped to being Pollyanna-ish — where negotiation has waned.

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Spring Conference

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Also at 1:00 pm Thursday Art Thompson will present “**Kansas Supreme Court’s Self-Representation Study/Office of Judicial Administration’s Domestic Situations Recommendations.**” The Kansas Supreme Court recently approved a number of recommendations on how to improve court services to domestic high-conflict cases. These are cases that stay in conflict for great lengths of time and can do serious harm to the children, as well as increase the cost for the parties, courts and taxpayers. This presentation assesses how this may affect the provision of dispute resolution in Kansas Courts. The Court also is currently studying the phenomenon of the increasing number of people who choose to file a case in state courts without the use of an attorney. A committee established by the Court is evaluating the potential uses of dispute resolution with these cases.

Art Thompson is the Dispute Resolution Coordinator with the Kansas Office of Judicial Administration. Prior to this, he spent 16 years with the Kansas Bar Association and as Public Services Director. He served two Kansas Supreme Court committees concerning alternative dispute resolution and on a Kansas Legislative-authorized Advisory Council on Dispute Resolution. He currently mediates employment disputes and volunteers with juvenile and small claims cases.

Thursday afternoon 3 pm sessions:

When Lawyers Play Hardball: Recognizing and Responding to Hard Bargaining Tactics with Martha Halvordson and Stephanie Sloggett-O’Dell. Often lawyers enter the mediation process for combat instead of resolution, preferring victory over diplomacy. What then? A crucial first step is to be able to identify adversarial tactics and to know how they

work. Lawyers and neutrals alike need to be prepared to deal with hard bargaining tactics in a way that keeps the mediation on track. A range of tactics and potentials are considered here. (*See article on HMA member Halvordson in this newsletter*)

Also at 3 pm Dr. Bud Dale presents “Evolving Case Management Models in Kansas”

Domestic case management is becoming a frequently used alternative dispute resolution strategy for Kansas courts dealing with high conflict domestic situations and families under stress. Evolving case management models often combine elements of arbitration, education, evaluation, mediation and parent coordination. Most case managers adapt strategies from the above models based upon the needs and stage of the case as well as the needs and the legal jurisdiction making the referral. This presentation will review the principles underlying each of the models, the benefits and the risks unique to each approach and the issues raised when hybrid models are used.

Bud Dale, PhD, is a licensed psychologist with a clinical and forensic practice in Topeka, Kansas. He conducts case management and has co-sponsored training seminars bringing together case managers from across Kansas. He will complete his law degree and certificates in advocacy and family law at Washburn University School of Law in May 2009.

Social Hour Thursday will be from 5-6 pm with heavy hors d’oeuvres followed by the session with Robert Benjamin from 6-9 p.m. — **The Limits of “Legal” Mediation.**

Thursday evening’s interactive seminar looks at mediation practice in the legal context. How it has become formalized and often looks like a case settlement conference. Does that serve the integrity of the mediation process? Is the mediation process, holding to this model, as effective as it could be? Are mediators limiting their

market? Why is this model so attractive to lawyers? Is there a realistic alternative?

Friday is all day with Robert Benjamin – 9 to noon he will talk about “**Mediation in the Mean Streets of Tough Conflicts and Hard Negotiations**” and from 1:30 to 4 p.m. “**Activist Mediator: Rethinking the Place and Role of the Mediator.**” A lunch buffet will be served at noon and awards will be announced at 1 p.m.

Cost of the entire conference is \$200 for members and \$274 if paid after April 5. Fees are prorated for those who can only attend portions of the conference.

For more information on Heartland Mediators Association’s Spring 2008 Conference contact Janet Lhuillier at 913.888.3050 or 913.226.0719 or email JanetL312@everestkc.net. You may also look up the HMA web page at www.HeartlandMediators.org.

Benjamin

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“Man has always negotiated with his enemies,” he said. “Mediators range from those who do little negotiation to those who mediate like what lawyers used to do in a settlement conference.”

The evolving belief in the profession has created the nature and personality of a mediator to be too simple and bland.

“The conventional wisdom in the field is that a mediator is humanistic, compassionate, patient, empathetic,” he said, adding that being a rational listener, slow to anger and frustration. They must be eternally optimistic that all issues can be resolved and have a right and proper resolution.

Benjamin admitted most of us fall short on having all those traits. What is

From the HMA President

Ronnie Beach

Details are in the final stages for the annual conference in Overland Park on April 24-25. Roxanne Emmert Davis, Janet Lhuillier and Bob Williams have been working diligently for over five months to offer an annual conference that will be a great value and have remarkable content.

You should have received your brochure sharing with you the conference schedule. The program on Thursday afternoon features four different options. The six talented speakers will provide varied topics that should afford all of us the opportunity to learn. There will be an optional bonus presentation for Thursday evening from 6 to 9 p.m. featuring Robert

Benjamin. We are so pleased to have a nationally known conference speaker of his stature. He has been a major force in mediation for a number of years.

Mr. Benjamin will begin on Thursday evening with a discussion on “The Limits of Legal Mediation.” Friday morning the title of his presentation is “Mediation in the Mean Streets.” All of us know the challenge we have serving others! His final topic, “Activist Mediation” will be provocative and create significant discussion.

The tradition of our association is for the current Vice-President to become President after our annual conference. We

will be emailing you a ballot prior to the conference. Each year we always have new Board members. If you are interested in serving on the Board or if you know someone who you think can be a talented contributor, please let me know. The commitment is quarterly meetings and the occasional conference call. It is a great way to be involved in policy decisions and setting the future direction for the organization.

I hope you have a glorious Spring and travel safe to Overland Park!

*See you at the conference,
Ronnie Beach*

Benjamin

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important is that other than being a “caring individual and a good listener” the personality traits that best serve mediators may not be the most obvious or commonly presented.

He will present his idea of the most important attributes of the natural mediator at the conference.

“Mediation is not about social justice but has more to do with understanding conflict,” he said.

Benjamin says he spends a lot of time with animals – both dogs and horses – and finds they are good conflict negotiators. He often uses them as topics in articles he writes.

Just as he includes the shaman and the dealmakers and the folkloric tricksters figures who have since the beginning of time confronted immovable objects and irresistible forces.

Come to the April 24-25 HMA conference and learn much, much more.

Robert D. Benjamin MSW, JD has been a practicing attorney since 1975. He was a general practitioner handling domestic, juvenile, personal injury, criminal, business, real estate, and estate planning among other matters. Early on in his law career, he became aware that many of the issues he was seeking to resolve for clients legally, reflected underlying conflicts that could be more effectively managed out of court by negotiation and mediation. After some years of trial practice, he refocused his professional direction toward mediation and now limits his work solely to negotiation, mediation and arbitration. He has been a practicing mediator since 1979.

Benjamin has both law (JD) and social work (MSW) degrees from Saint Louis University. He received his undergraduate degree from Washington University in 1969.

He presents negotiation, mediation, and conflict management workshops, seminars and training courses nationally and internationally. He is an Adjunct Assistant Professor at Washington University's George Warren Brown School of Social Work, and Adjunct Profes-



sor of Mediation in the Conflict Resolution Program at Indiana State University. He is a practitioner member and former president of the Academy of Family Mediators (AFM), a former member of the Board of the Association of Family and Conciliation Courts (AFCC), and a member of the Society of Professionals in Dispute Resolution (SPIDR), the American Bar Association Section for Dispute Resolution, and the Missouri Bar Association's Committee on Dispute Resolution.

April is Mediation Month

Conference Sponsorships Available – Opportunities for Partial Partners

Diamond Partner (\$1500)

- Conference Sponsor
- Full page ad in conference book
- Exhibit table
- Four (4) full conference registrations
- Special Recognition at Conference
- Newsletter Ad for One Year
- Website Sponsor for One Year

Platinum Partner (\$1000)

- Annual Awards Sponsor
- Full page ad in conference book
- Exhibit table
- Three (3) full conf registrations
- Special Recognition at Conference
- Newsletter Ad for One Year
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Gold Partner (\$750)

- Conference Luncheon Sponsor
- Full page ad in conference book
- Exhibit table
- Two (2) conference registration
- Recognition at Conference

Silver Partner (\$500)

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- ½ page ad in conference book
- Exhibit table
- One (1) conference registration
- Recognition at Conference

Bronze Partner (\$250)

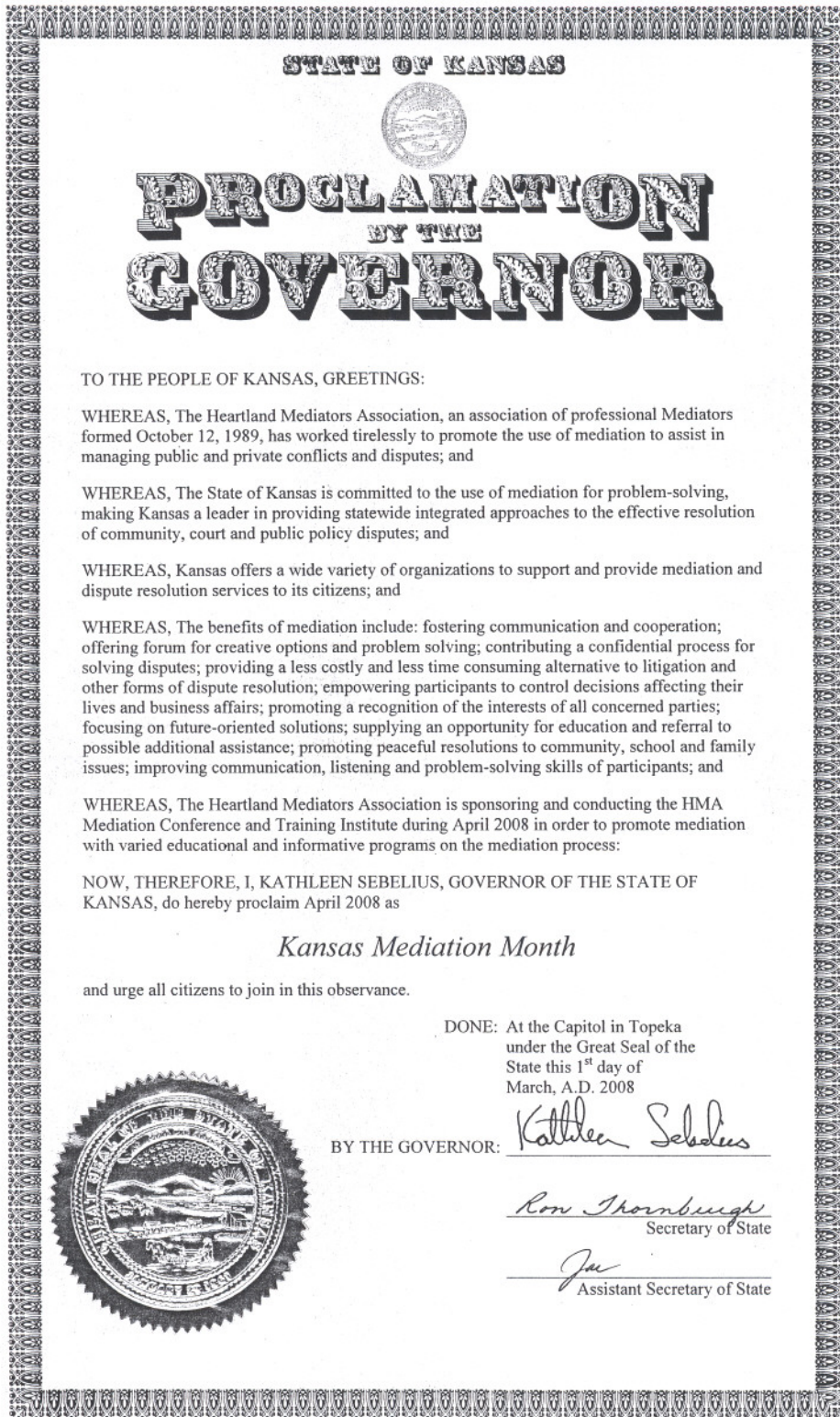
- Conference Break Sponsor
- ¼ page ad in conference book
- Exhibit table
- Recognition at conference

Honorary (\$100)

- Business card ad in conference book
- Recognition at Conference

To register for a partnership opportunity contact:

Janet Lhuillier 913-888-3050 or 913-226-0719; Roxanne Emmert-Davis 785-554-5603; Ronnie Beach 913-220-5211



Local ADR Firm Grows and Grows

When Martha Halvordson launched Civil Alternatives, Inc., a women-owned, full-service alternative dispute resolution firm based in Kansas City, she felt like almost every other business owner starting out.

"I was both excited and nervous," she said. Martha, an attorney with more than 25 years of litigation and trial experience, left her position at a Kansas City law firm to open her own business and become a full-time neutral.

Since Civil Alternatives' doors opened in late 2007, the firm has added new business associates and a Los Angeles location. Martha has been named to the American Arbitration Association's National Roster of Neutrals and has mediated more than 50 cases throughout Kansas, Missouri and Oklahoma. In May, she will complete her post-law degree (LLM) in dispute resolution at the University of Missouri-Columbia.

"I'm very happy with our progress," said Martha. "We've made some great strides." But the startup experience has not been without challenges. "In these first few months, I've confirmed some of my suspicions," said Martha. "As an attorney I've participated in hundreds of mediations. Sometimes I welcomed mediation; other times I wasn't quite so enthusiastic. Now, as an attorney and ADR practitioner, I have a slightly different perspective."

According to Martha, ADR is met with trepidation by some attorneys who view ADR as an inconvenience and a source of lost fees. "Fortunately, more and more attorneys realize by using ADR they are providing a valuable service to their clients. And a happy client is a repeat client."

In addition to reduced legal fees, there are a number of other benefits. In large markets, it can take five to seven years for a case to get to trial. "Once litigants realize they will have to go through this lengthy, costly and laborious process," she said, "they're open to looking at alternative methods to resolve their disputes. Often, though, it's incumbent upon the attorney to educate them on these options."

Martha has been pleased with the support and feedback she's received from her clients, typically attorneys. In the types of cases she mediates – civil cases in litigation or on a litigation path – she says attorneys often look for ADR specialists who are evaluative subject matter experts.

"They look to me as their negotiation coach," she said. "They feel confident

"Once litigants realize they will have to go through this lengthy, costly and laborious process they're open to looking at alternative methods to resolve their disputes."

knowing I have both the mediation experience and the subject matter expertise to help guide them through the process."

Martha's background in employment law matters has been invaluable to her as an ADR professional. "I can evaluate my clients' cases and offer solid assessments. I think attorneys and their clients feel good knowing they're dealing with a neutral who knows the ins and outs of the legal system, who has trial experience, and who has jury-verdict knowledge."

Martha and her business partner, Maurine Kierl, have learned some valuable business lessons along the way. Maurine, who has more than 15 years of management experience, is responsible for the firm's marketing, strategy and business operations. "Every day we learn more about managing our business and promot-

ing ourselves," she says. In addition to conventional marketing efforts, she and Martha make an extra effort to make direct connections with their contacts, and to talk about their business as much as possible. "This approach definitely has opened some doors," she says.

Civil Alternatives is also attracting ADR professionals who are interested in working with the firm. Earlier this year, Stephanie Sloggett-O'Dell, an attorney and labor relations expert, joined the firm. "Stephanie's experience in labor negotiations – representing both unions and management – is an excellent fit with our business model," says Maurine. Stephanie's extensive background in the health care and transportation industries has helped Civil Alternatives expand its geographic footprint. In addition to the Midwest, Stephanie handles business on the West Coast.

Martha is optimistic about the future of Civil Alternatives. "I think we have the right pieces in place to make this a successful venture," she says. Martha is especially proud of the business' women-owned status. "As far as I'm aware, Civil Alternatives is the only women-owned firm in Kansas City that is 100 percent dedicated to ADR." That, Martha says, is an added benefit for clients. "The attorneys that select ADR professionals from our firm don't have to worry about conflicts. Although we're attorneys, we're full-time neutrals, so we don't have ties to existing cases that might create problems. In addition, the fact that all we do is ADR demonstrates our commitment. We're completely focused on dispute prevention and resolution, and we exist to make the practice better and better."

For more information, contact Martha Halvordson or Maurine Kierl at 913.766.4201 or visit www.CivilAlternatives.com.

Heartland College Recognizes Training Accomplishments

The Heartland College of Mediators was formed to confer recognition upon those mediators who have pursued continuing education at various levels. Commencing with the first Heartland Regional Conference in 1999, mediator organizations in the Midwest have joined together periodically to provide quality training and continuing education to dispute resolution professionals in addition to training offered by each organization.

The College has a board composed of representatives from statewide mediator organizations in Iowa, Kansas, Missouri and Nebraska.

Mediators interested in acknowledgment of their educational attainments may apply for recognition in three categories. A "member" of the College has completed six hours of eligible training. A "scholar" has completed 20 hours of training and a "fellow" has completed more than 50 hours of training.

Eligible training includes plenary sessions and workshops offered at Heartland Regional Conferences, training on conflict theory, mediation skills, or substantive issues offered by member organizations (AMM, IAM, HMA, NE Mediation Center) and other training co-sponsored by a member organization with approval of the College Board. An application for membership is available on page 7 and the HMA website.

Mediators may become associated with the College upon completion of the minimum hours designated. Applications may be submitted to the registrar with the registration fee of \$25 at any time. The Board will maintain a record of eligible training completed by each associate. Associates may note their category of association with the College as "(category),

Heartland College of Mediators" and will receive a certificate for each level of attainment. Associates will be recognized by the College Board at each Regional Conference.

KACSO Conference Features Restorative Justice

Kansas Association of Court Services Officers (KACSO) has its upcoming conference May 7-9, 2008 in Olathe, Kansas at the Holiday Inn on 151st St.

Keynote speaker is Russ Kelly from Canada. "Russ is an ex-offender who has overcome the challenges of a punitive society by succeeding to turn his life around," said Wanda Backstrom, KACSO Training Chair and member of HMA.

"Russ was involved in the first documented case in Canada where the legal system became involved in restorative processes. The Elmira Case planted the seed and was arguably the start of Restorative Justice as it is currently practiced. Russ is a graduate of the Law & Security Administration program that is offered by Conestoga College in Kitchener, Ontario."

Kelly will be delivering the keynote on Wednesday, May 7, and presenting a morning session on Thursday, May 8. Art Thompson, OJA, will also be presenting.

"We are very excited about having Russ come. I thought maybe other programs in the state could benefit from his training, she said. "We hold two conferences a year and provide 6 hours of CME's for our court services officers that are mediators.

For a copy of the KACSO conference brochure, please contact Wanda Backstrom, KACSO Training Chair, 811 Washington, Ste C, Concordia, KS 66901 or call 785 243-8170 or email ccsbackstrom@12jd.org

Surviving and Thriving in Times of Transition

"Spiral Dynamics: From Theory to Practice" is a two-day learning experience from 9 to 4:30 and 9 to noon April 4-5 at Prairie View Learning Institute, Newton, Kansas.

"Spiral Dynamics is an advanced extension and elaboration of the biosocial systems concept originated by the late Dr. Clare Graves. Spiral Dynamics© explains deep forces in human nature which shape our values, and lays out both a pattern and trajectory for change.

Dynamic Spiral forces attract and repel individuals, form the webs and meshes that connect people within groups, communities and organizations, and forge the rise and fall of nations and cultures.

Dr. Don Beck has developed, implemented and taught Spiral Dynamics for more than 30 years. As co-founder of the National Values Center and CEO of the Spiral Dynamics Group, Inc., Beck employs the model to affect large-scale systems change in and among the world's various sectors and societies.

Registrations for the two-day experiential learning experience should be received by March 31, 2008. Mail them to Prairie View Learning Institute, PO Box 467, Newton, KS 67114-0467, fax to 316-284-6491 or e-mail janzenj@pvi.org. Call 316-284-6412.

Cost is \$145 for all professionals and \$116 for students (ID required) and general public not requesting CEUs. For more information log onto www.prairieview.org/upcoming.html. This conference is sponsored by the Prairie View Learning Institute (PVLII),

Application Form

Heartland College of Mediators

		Date:
Name:		
Home state:	Member of: (AMM, HMA, IAM, NMCA)	
Mailing address:		
Email:	Phone:	
Website:	Fax:	
Sponsor and Date of Core/Basic Mediation Training:	Hours of core/basic training obtained:	

- I am applying for membership (minimum of 6 hours of qualifying* continuing education)
- I am upgrading to “Scholar” category (minimum of 20 hours of qualifying continuing education)
- I am upgrading to “Fellow” category (minimum of 50 hours of qualifying continuing education)

* Qualifying training is provided at the Heartland Regional Conferences and training sponsored by the Association of Missouri Mediators, Heartland Mediators Association , Iowa Association of Mediators, Nebraska Mediation Center Association.

List Continuing Education Obtained:

Workshop/Course	Date	Place	Sponsor	Hrs of training

TOTAL: _____ hrs

Attach an application fee of \$25.00 made payable to “Heartland College of Mediators”, turn this completed application in to the sponsor, or send it to:

Heartland College of Mediators, 1338 S. 202nd Street, Eagle, NE 68347

Heartland Mediators Association
8826 Santa Fe Drive, Suite 208
Overland Park, KS 66212

REGISTRATION FORM

2008 Heartland Mediators Association - Spring Conference | April 24 - 25, 2008

Name: _____

Organization: _____

Address: _____

City: State: ZIP: _____

Phone: _____ eMail: _____

I am a member of HMA: Yes No

I am not currently a member though I have submitted membership fees to on (date)

I am attending: Thursday Afternoon Only Thursday Evening Seminar Friday Only Full Conference

Special dietary needs: _____

I would like my name badge to read: _____

Payment Method (see conference brochure inside of back cover for conference rates;
back cover for HMA membership levels and rates):

Check Enclosed Amount: (payable to Heartland Mediators Association)

Visa Master Card Amount to Charge: _____ Expiration Date: _____

Card #: _____ Name of Cardholder: _____

Mail completed registration form(s) and payment to:

Deborah Medlock | Domestic Court Services | 18505 West 119th Street | Olathe, KS 66061

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