



Heartland Mediators Association

Newsletter for Midwest Mediators

February 2008, Vol XIII, No. 5
8826 Santa Fe Drive, Ste 208
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Experience Goes from Work to Victim Offender Research

*Join us for the Heartland
Mediators Association (HMA)
February Training on Friday,
February 29, 2008 in Topeka,
Kansas.*

Lunch will be from noon to 1pm at the Topeka & Shawnee County Public Library, 1515 SW 10th Street, Topeka, followed by two training sessions for 3 hours of continuing mediation education.

CME sessions are **MEDIATION IN THE WORKPLACE** from 1 to 2:30 pm and **VICTIM OFFENDER RESEARCH** from 2:45 to 4:15 pm. Cost of the CMEs is \$35 for HMA members and \$45 for non-members.

Larry Rute and Michelle Minor will present Mediation in the Workplace. People bring their unique values, experiences, ambitions, and personalities to the workplace. This mix can often result in innovative ideas and a flexible team environment. However, if not managed properly, it can also result in conflict.

Unresolved conflict creates frustration and distraction in the workplace. These dynamics prevent an organization from meeting its business goals as well as negatively impacts employee morale. Other costs include sabotage, health costs, poor decision-making and an excessive amount of time spent on managing disputes at the managerial level.

Some organizations view conflict as a problem that needs to be eliminated. Unfortunately, trying to eliminate conflict is futile and the attempt to do so can actually be detrimental to the team.

“Dispute wise” organizations learn to accept and respect workplace conflict and work to maximize its benefits while minimizing its negative effect.

An effective Alternative Dispute Resolution (ADR) system can offer a constructive approach to managing a wide range of organizational conflicts. These systems provide an integrative and comprehensive way to minimize conflict and resolve disputes as soon as they arise.

This program will provide an understanding of: the nature of workplace conflict; the costs associated with hidden conflict; the need for an ADR program; the role of mediation in the ADR program; and how to sell an ADR program to business executives.

The final training will be on Victim Offender Research by J.J. Choi, a Ph.D. candidate at Kansas University who is conducting research on restorative justice.

For more than a year J.J. has been observing mediations of the Topeka Victim Offender Mediation Project who have conducted hundreds of mediations between victims and juvenile offenders.

In addition to observing the mediations, his research also involves interviewing victims, juvenile offenders (and their parents), mediators, and referral sources.

The structured interview process is designed to reveal the different perspectives of participants regarding the same incident. Was the process helpful? Did the victims receive answers to their questions? Did the juvenile offenders

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From the President

2008 To Bring Great Training Options

by Ronnie Beach, President

I'm not sure if I'm ready for a new year but here we go!

As we head into 2008, many of your Board members are working to provide you several great training options. We are very pleased to offer you training in Topeka on February 29 with outstanding local talent.

Larry Rute is an attorney / mediator, long time member of HMA and a former board member. Michelle Minor is a mediator, humorist, and also a member of HMA that brings years of experience in dealing with employee / employer challenges.

We picked this topic because many of our members mediate these kinds of cases and others expressed

an interest of incorporating workplace mediation in their practice. Learn and enjoy from two gifted speakers.

Victim / offender mediation is some of the most difficult and rewarding. The second session in Topeka will feature J.J. Choi, who is a Ph.D. candidate at Kansas University and is conducting research on restorative justice.

For more than a year J.J. has been working with the Topeka Victim Offender Mediation Project as they have conducted hundreds of mediations between victims and juvenile offenders. Find out why this is interesting research with surprising results.

Robert Benjamin is coming, WOW!!

If this is a name you are not familiar with, just Google him or go to mediate.com. He is an international renowned mediator, author and trainer.

We are thrilled to have him as our keynote presenter at our annual conference in Overland Park on April 24-25.

We are thankful to our Board member Patrick Nichols, a personal friend of Mr. Benjamin's for helping make the initial arrangements. Our goal is to bring our members high quality training opportunities, so I hope to see you in Topeka and Overland Park! ♦

February Training

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leave the mediation process with a more empathic understanding of how their actions affected others?

Additionally, J.J.'s research is based on arguments forwarded by leading figures in restorative justice who believe victim offender mediation in the United States is a well kept secret with the general public unaware of the availability of victim offender mediation as well as what is involved in the victim offender mediation process.

The afternoon looks to be an interesting continuing education experience.

Email Janet Lhuillier with questions at JANETL312@everestkc.net. ♦

CALENDAR SAVER!

Heartland Mediators Spring 2008 Conference April 24-25, 2008

You won't want to miss the Heartland Mediators Spring Conference on Thursday afternoon and evening, April 24, and all day Friday, April 25, 2008, at the University of Kansas Regents Center in Overland Park. Robert Benjamin, internationally known mediator and educator, will be a featured presenter on both days. His publications include The Guerilla Negotiator and Effective Negotiation and Mediation of Conflict: Applied Theory and Practice Handbook.

For more information regarding Robert Benjamin, see his website: www.rbenjamin.com

Be sure to mark your calendars and look for more information regarding workshops and registration coming soon.

As always, you can expect great opportunities for learning and networking with colleagues from around the region!

Great Mentors Help New Member

By Jim Silke

I received my initial training from the Regional Community Policing Institute in the late 1990's. In 2001, North Patrol Division I assisted in initiating the first organized Police Mediation Program for the Kansas City Police Department.

Great Mentors for me included Joanne Katz (Missouri Western University), Rhonda Harris (KCMO Human Relations), Merrell Bennekin (KCPD OCC) and John Hamilton (Park University).

I have really enjoyed working with citizens in the Northland area. I am also involved with the Aim 4 Peace Program being administered by the City of Kansas City, MO. I look forward to becoming involved in the Heartland Mediator's Association.

Feel free to call me if I can be of assistance.

Officer Jim Silke is KCPD Police Mediator, North Patrol Division. He may be reached at (816) 506-1670. Jim has been a police officer for Kansas City, MO Police for 22 years and a Police Mediator since 1998. He is the Mediation Program Coordinator for North Patrol Division. He has a MA in Mental Health Counseling and a BA in Social Sciences with emphasis in Social Welfare, as well as an associate degree in Liberal Arts with emphasis in criminal justice. He is an RCPI Police Mediation Trainer, adjunct mediation Instructor for Missouri Western University and mediation instructor for Regional Training Academy.

"First Friday" Kansas City Mediators Forum 2008 Schedule

Kathleen Bird (Kathleen.Bird@courts.mo.gov) and Ed Taetsch (taetsche@aol.com) are volunteer coordinators for 2008 and welcome comments or program suggestions.

First Friday Forums are co-sponsored by the Association of Missouri Mediators and qualify for 1.00 hour of continuing mediation education for Supreme Court Rule 17 and 88 mediation requirements.

2008 "First Friday"

<u>Schedule</u>	<u>Topic</u>	<u>Location</u>
Feb 2, 2008	Mediating with the Faith Community - Larry Sullivan	Baker University 7301 College Blvd Overland Park
March 7, 2008	Richard Rubin/Conflict & the Media	Children's Justice Ctr. 351 E. Kansas, Liberty
April	none (HMA Conf April 24-25)	KU Regents Center, Olathe, KS
May 2, 2008	Stephan Brazill/Motivational Interviewing for Mediators	KS - TBA
June 6, 2008	Mediator Contracts Drafting Guide - Elgene Ver Dught	Independence
July 11, 2008	Forum Picnic Lunch	Loose Park, Kansas City
August	none (vacation)	
September	September 5, 2008	TBA - MO
October	none (AMM Conference on Oct. 18, 2008 in Columbia, MO)	
November	November 7, 2008	TBA - KS
December	December 5, 2008	TBA - MO

Mediating in South Africa

by ElGene Ver Dught*

How satisfied are you with your Risk-taking skills? Your author faced this issue in August of 2007 when he received an e-mail inquiring if he would be interested in traveling to Cape Town, South Africa to serve in a mediator, facilitator, capacity as well as a human resource consultant.

ElGene Ver Dught was selected by Florida A&M University (FAMU) because of his expertise and unique experience as a mediator, facilitator, human resources consultant, trainer, attorney, and an active Missouri farmer to participate in the Farmer to Farmer Program. FAMU is a land-grant university dedicated to stimulating economic growth in emerging and developing world markets. FAMU takes a multi-faceted approach to promoting rural developing countries, training farmers and members of farm organizations at the grass-roots level.

The university promotes entrepreneurship and small enterprise development, and fosters environmental and natural resource conservation. Many people in the world's poorest areas derive their livelihoods from agricultural related activities.

The transformation of agriculture and food systems is therefore an essential aspect of broad-based economic growth. FAMU is committed to the empowerment of indigenous people, with a special focus on the role and participation of women. Assistance is channeled to make improvements in their economic status, nutrition, and health through market-driven entrepreneurial development. Translators are provided as necessary to volunteers during their training programs. Most assignments are 21 days in length.

The timetable was moved up when university personnel realized that the author was also an active Missouri farmer. Therefore, in less than 2 weeks, I began preparations for shots, travel arrangements, outlines for training and being flexible to whatever the situations on site presented themselves. I learned that it was winter season in Cape Town, South Africa. It was more than 17 hours of connecting flights to get there.

I took a risk in taking a 21-day leave of my mediation practice to

When I asked Senator Mitchell what one attribute as a mediator served him best during the whole peace-negotiating process, he replied, "Patience." To that I would add "flexibility" and "situational awareness."

travel around the world to mediate with some folks in South Africa. I was asked to assist a small farmer tea-packing company in Cape Town, South Africa. The company needed direction to build capacity and skills in human resource planning and management, conflict management, leadership and advocacy, strategic planning with cooperative agriculture development and export of agricultural products. Rooibos Tea is an organic specialty crop raised in the mountains approximately six hours north of Cape Town near the towns of

Wuppertal and Hiveldt. The company ran several shifts. I trained corporate leaders, staff and personnel in human resource planning and development.

It was an honor to serve in this capacity. I met and worked with people from varied cultures and backgrounds. They experience many of the same needs, desires, goals, anxieties, and problems as Americans in the work place. We worked very hard to develop collaborative working relationships designed to solve problems in creative ways while respecting local customs, cultures and traditions. There were obstacles to overcome but I am confident that the fine South Africans I worked with are equal to the task.

The experience was "cultural enrichment to the 9th degree." I welcomed the open, honest and genuine spirit of friendship and cultural sensitivity of the multitude of people, tribal customs, 11 official languages of South Africa and the people's keen awareness of the long history of apartheid policies and their repeal.

I recalled recently meeting Senator George Mitchell of Maine who was asked by several nations and their representatives to mediate the Northern Ireland Peace accord. When I asked Senator Mitchell what one attribute as a mediator served him best during the whole peace-negotiating process, he replied, "Patience." To that I would add "flexibility" and "situational awareness."

From my experiences in South Africa, flexibility and awareness were important to adapt to different expectations, customs, and traditions. As I met with the President and other corporate officials of a tea packing company, I was challenged to assist

them to develop a human resources policy that assured the facility with fair and equitable policies and procedures.

Guidelines for benefits, leave, termination proceedings, conflict management procedures and implementation of a training program was a significant part of the challenge. The policies were designed to accomplish the goals for a modern, integrated tea-packing company as part of the Small Farmer/Fair Packers Rooibos regional organic tea initiative. I trained extensively with the CEO on policy making, development, coordinated marketing, planning, personnel and human resource growth. Many mediation skills in communication, active listening, were shared along with exploring problem-solving methods in various languages, while respecting tribal customs and local traditions.

As I ponder the significance of the particular timing of my selection to do this training, mediating, consulting and counseling at this particular time and place in the world, I am struck by a powerful sense of providence or some higher force having a hand in this great life-changing and empowering experience. At the least I expected resistance to an outsider coming into their country and telling them what to do. Instead, I witnessed first-hand warm, gracious and genuine acceptance of a kindred spirit that binds all mankind in all parts of the earth. I am amazed at the openness, multi-cultural acceptance of so many creeds, beliefs, values, languages and races of the people of South Africa.

As a mediator and trainer of several years, I have many times preached and taught principles of voluntary settlement processes which enable people to learn ways "to get along". As one South African gentleman observed after our lengthy visit, "You

are doing peace-making. You are planting seeds of hope that we can solve our own problems if we but try to overcome fear, anxiety, distrust, lack of communication and embrace strong family values of active listening, cooperation, collaboration, communication and a sense of community through mediation." I smiled and nodded affirmatively at his observations.

I came to South Africa with a sense of anxiety as a stranger in a large city, far away from home. I wondered what difference can I make? But, by the time I arrived and my first communications with people from many areas of Cape Town and Wuppertal, Hiveldt of South Africa as well as other nations on this continent, I learned we are all individuals who come from families in various communities, villages and cities. We all share common problems, challenges, abilities, fears and hopes. My purpose as a mediator-trainer was increasingly clear: to be a hope builder.

In conclusion, mediation is fast becoming the preferred method for assisting people involved in conflicts or disputes. Mediation is affordable to the public, quick, constructive and preferred to litigation because it allows the participants to seek their own level of justice, both here and in South Africa.

**Well-known mediator-attorney, ElGene Ver Dught, J.D., founder and director of Mediation Services of Missouri with offices in Independence and Higginsville, Missouri., is a Practitioner Mediator with the Association of Conflict Resolution,*



a member of the Association of Family and Conciliation Courts, and a member of the National Association for Mediation in Education (NAME). He is an approved Alternative Dispute Resolution Services Provider with the Kansas City Metropolitan Bar Association, the 16th Judicial

Family Court and The Missouri Bar for Domestic and Civil Case and Fee Dispute Resolution. He is Past President of HMA (Heartland Mediators Assoc.) and AMM (Association of Missouri Mediators). ElGene is a frequent lecturer on the subject of mediation and its application to problem-solving and dispute-resolution. Mr. Ver Dught may be reached at 816-836-4141 or 1-800-637-751.

Training Dates

The Mediation Project of the Topeka Center for Peace and Justice will offer core training in March and Parent Adolescent Mediation training in April.

Those interested in participating in the core training March 1 (8:30-5:30) and March 6 and 12 (5-9) may contact Ron Robinson at the project, 785 232-4144. Cost of the training is \$200.

Parent adolescent training will be offered April 5 (8:30-5:30) and April 8 and 10 (5-9). Cost is \$200. Call Ron for more information.

Faculty for the trainings is Rozanne Emmert Davis, Linda Laird and Ron Robinson. ♦

Why Do Research About Restorative Justice

The interview process is heading toward the end for J.J. Choi but there's still a long ways to go. Still, this student of social work practice, policy in juvenile justice and qualitative research methods continues to look into this phenomenon called restorative justice.

He will be presenting some of the information he has gathered at the Feb. 29 training. He took time after an interview with a mediator to talk about his research.

He said he chose this project while looking for a dissertation topic. "I came across the fact that many leading figures in restorative justice such as Mark Umbreit, Gordon Bazemore, and Howard Zehr put an emphasis on a phenomenon that restorative justice became "a black box" because even though there are so many VOM programs in the US, we don't know or don't have enough information about what's happening inside of the programs.

An article published by Dr. Umbreit regarding the restorative justice programs throughout the US identifies four VOM programs in the state of Kansas but the Topeka program was

not even included in the list. He said, "That means, the Topeka program is a real black box for outsiders and that's why I contacted Bob (Williams, who was then coordinator of the project)."

Since the research project was started Bob has left the Project and Ron Robinson has become coordinator, bringing other ideas.

JJ didn't have any previous experience in terms of mediation, he said. He really didn't expect anything from the project at first, but he tried to observe what's actually happening in the program.

"I also have focused on how much the project is compatible to the restorative justice principles," he explained. "That means I guess I expected the program and the mediations to be executed in the restorative justice traditions."

What JJ noticed was that the program has been evolving ever since he started his observations.

"Many features have been changed but the changes always have been based on the restorative justice philosophy," he said. "For example, the program has tried to be more sen-

sitive to victims' needs and adopted a caucus to allow an opportunity for victims to not feel burdened to accept the apology right in front of offenders and putting their input in the decision-making process."

He said he has also observed some insensitivity as well, especially since the program is more offender-focused.

"I didn't know what to expect in terms of performing restorative justice in practice. I expected a deep level of victim sensitivity based on my understanding of restorative justice."

JJ will be offering some insight into his research at the spring training, even though his research is far from complete.

JJ Choi is a PhD candidate in social welfare at the University of Kansas. His dissertation will be "A naturalistic case study of restorative justice: The experiences of actors and decision-makers in a victim offender mediation." He holds a MSW from the University of Wisconsin -Milwaukee, WI, Emphasis: Children and Families; and MSW in family therapy from University, Suwon, South Korea. He also holds a bachelor's degree from this university graduating Magna cum laude.

Presenters from the Fall Training in Wichita —



The How Much Easier than the Why for This New Member

By Wayne Olsen

HOW I became a mediator is a lot easier to answer than **WHY** I became a mediator.

After retiring for the second time I suspect I was getting on my wife's nerves as I looked for something to do other than messing around the house. When I consider the trouble men can get into when they have time on their hands it doesn't surprise me that my lady pointed me towards an advertisement for mediation training and "suggested" it might be something for me to occupy my time.

My previous work experience had been in information management and data security; jobs not known for interpersonal awareness or relationship development. But I had also managed a small business and had taught first and third year students at a large

medical school and was aware that if you want to enjoy being with people you have to know how to relate with them. Besides, my mind had to have conversation during the day with someone other than the pets.

Core mediation training introduced me to (for want of a better word) the fun of being able to help others resolve their conflicts. Additional training improved my skill at recognizing, understanding and guiding solutions in a variety of settings and still I was having fun while helping to resolve issues. Issues that I might walk away from wondering how individuals could get themselves into such situations but knowing that I had been able to lead the parties to a mutually acceptable resolution. They might not be fully happy with the final decision, but they had made the deci-

sion for themselves and I was the guy who had helped them on their way. While I often wrestle with the process of resolution I have not lost the satisfaction and the feeling of fun I get when an agreement is reached.

During my short career in mediation I have met some wonderful mediators, encountered interesting issues and come to realize that mediation never stops learning and relationships are the glue of our society. Mediation is hard work leavened by an ever widening awareness and I'm grateful that I listened to my wife when she "suggested" I needed something to keep me out of mischief.

Wayne Olsen of Dispute Mediation Services Emergency Management & Business Continuity Programs may be reached at 913-660-4090. ♦

IN MEMORIAM — Many area mediators will remember Don Zemites, who passed away December 29, 2007. A tribute to Don was in the Tuesday, Jan. 8, *The Kansas City Star*, B6, as "Lawyer's lawyer who loved to laugh."

Peg Nichols remembers Don as "a believer in mediation. A quiet guy, he would often go unnoticed, but I remember many conversations with Don at HMA events and as a JCCC mediation coach."

Don was a mediator for the Missouri Seventh Circuit family mediation program for a number of years and participated in the Circuit's ADR Demonstration project.

"Don was an intriguing character. Although he danced to his own tune

he had a great big heart," recalls Kathleen Bird, ODRS director.

Gary Kretchmer knew Don for many years when he worked in a small law office in Kansas City, Kansas.

Don had an interest in mediation long before many knew much about this intervention.

He strived to get things moving for mediation in Wyandotte County, but he found hurdles in the way. Don did remarkable work with attorneys who struggled with drugs and alcohol and he dedicated his life to this mission in his latter years.

Gary said his fondest memories of Don involved him "taking me to lunch on a number of occasions to

Lithuanian joints in KCK. Over some rather odd food choices, we had great conversations about the world of mediation."

Don was a great guy and he will be missed.

Donald Zemites was 74 and lived at Shawnee Mission, Kan. Don was graduated from Pittsburg State University in 1959 and obtained his law degree from UMKC in 1968. He proudly served his country in the Army. Don practiced law for many years in Kansas City before becoming the Executive Director of the Kansas Lawyers Assistance Program.

Don was active in numerous organizations, including the Abdallah Shriners, the American Legion, Kansas

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Trial Lawyers Association, Wyandotte and Johnson County Bar Associations, Academy of Family Mediators, Society of Professionals in Dispute Resolution and several others. He also received his Level Three Certification as an Addiction Counselor and helped countless people in that capacity.

Don was also extremely proud of his Lithuanian heritage and dedicated

many of his days to preserving and enriching that heritage in the community. In 2007, he received the Ethnic History Award for those efforts from the Wyandotte County Historical Society and Museum. He also received a similar award for his dedication from the Lithuanian American Community in 2006. Don was a man of immense faith in the Lord.

He also had tremendous passion for music, laughter and the outdoors.

His sense of humor and his harmonica will be missed by many.

He is survived by his wife Lori; daughters, Amy and Sally; stepchildren, Linda, Scott and Mark; eight grandchildren; and three great-grandchildren.

Services were Jan. 2 in Leawood, Kan. Memorial contributions may be made to the Lithuanian American Community and St. Cyril's Catholic Church in Kansas City, Kansas.

HMA February Training Reservation

Name _____

Firm _____

Address _____

City/State/Zip _____

Phone _____ Email _____

Registration Fee: \$35 members, \$45 nonmembers

Enclosed is my check

Please charge to the MC Visa credit card: No. _____

Expiration date _____ Cardholder name _____

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