



Heartland Mediators Association

Newsletter for Midwest Mediators

February 2012 Vol XI, No. 3
P.O. Box 14971
Lenexa, KS 66285
913-956-7620

BOARD OF DIRECTORS

President

Kathy Perkins
kathy@kathy-perkins.com

President Elect

Ann Zimmerman
ann@ezlm.com

Secretary

Linda Laird
paliaison@yahoo.com

Treasurer

Becky O'Donnell
bodonnell@ksu.edu

Past President

Patrick Nichols
pnichols@sunflower.com

Directors at Large

Terrie McCants
terrie@ksu.edu

Diane Oakes

doakes1200@yahoo.com

Wayne Olson

Wayne_olson@msn.com

Verdell Taylor Jr

cps@cpskansas.org

Robert Williams

kansasdo@aol.com

Executive Director

Janet Lhuillier

HMAOrganization@everestkc.net

2011 Heartland Mediators Association

A Message From HMA President: Training Opportunities – Learning Skills, Expanding Practice, Teaching Others

HMA is pleased to offer upcoming training on Feb. 17 with two related topics: "Motivations of Batterers" presented by HMA member Mickey Hanna, Steve Halley and Dorthy Stucky-Halley and "Bullies, Batterers & Brooders: Exploring Conflict Styles" by HMA board member Bob Williams.

This program continues HMA's training themes of 2011. The first theme of the training offered by HMA in 2011 was improving skills to become more effective mediators. With growing numbers of people trained in mediation, it's important to maintain the quality of mediators to protect the integrity of the profession. It's also important that good mediators are able to make a living to allow them to continue to provide services.

Therefore, the second theme: and broadening our horizons with re-

continued on page 2

High Conflict, Bullies part of February HMA Training

HMA is presenting mediation training Feb. 17 at the Topeka & Shawnee County Public Library,

Lunch will be served at 11:30am to 12:30 with two 90-minute workshops offering three Kansas CME Hours beginning at 12:30pm in the Marvin Auditorium of Topeka & Shawnee County Public Library, 1515 SW 10th Ave., Topeka,

Cost is \$50 for members; \$75 for non-members and \$25 for students. Participants may sign up online at www.heartlandmediators.com

First workshop from 12:30 to 2 pm will take a new perspective on battering behaviors and reveal different types of motivations for battering and the implications for mediators, case managers and conciliators.

Presenters are Steven M.S. Halley, LSCSW, of Family Peace Initiative; Dorthy Stucky-Halley, MSW, Director of Victim Services of the Kansas Attorney General; and Mickey Hanna, co-facilitator with Family Peace Initiative, who is an approved Domestic Mediator, case manager and HMA Member.

Final workshop of the day "Bullies, Batterers and Brooders: Exploring Conflict Styles" is presented from 2:30 to 4 pm. by Robert R. Williams, MS,

Williams will explain the inescapable fact that conflict seems to be pervasive in our culture. Unresolved conflict can wreck havoc within any organization, but understanding the dynamics of conflict, one's re-

continued on page 2

President's message

continued from page 1

spect to opportunities to utilize our mediation skills.

"Expanding the Universe" was the title of our April 2011 program in Lawrence in conjunction with the HMA annual meeting. We offered presentations on Mortgage Foreclosure Mediation; Special Issues in Resolving Workplace Conflict; the Parent/Adolescent Mediation Model at the Kansas Children's Service League and a Panel Discussion on Developing a Successful Mediation Practice. Thanks to HMA members Patrick Nichols,

Ann Zimmerman, Linda Laird, Aline Cole Barrett, Melanie Worsley and Ronnie Beach who prepared and gave presentations along with me. And a special thanks to Michael Thompson, Executive Director, Iowa Mediation Service who traveled to Kansas for the program.

October 2011 brought Conflict Coaching training in Salina, presented by Terrie McCants, an HMA board member and Program Coordinator and Instructor in Conflict Resolution at K-State along with Art Thompson, Dispute Resolution Coordinator with the Kansas Office of Judicial Administration. In

April 2012, HMA will have its annual meeting which will offer more expertise on Conflict Coaching.

Finally, I would like to extend an invitation to HMA members to offer their insights into the practice and its improvement. A wealth of knowledge and experience lies in our own members and we would love to hear from anyone who would like to present on their own area of special emphasis or expertise – or any suggestions you might have for other speakers.

Kathy Perkins, an attorney mediator, will be president of HMA through April, 2012.

High Conflict; Bullies

continued from page 1

sponse to conflict, and how to "strategically negotiate" one's way through conflict is key to promoting healthy change.

Objectives include taking a "Conflict Style" survey, participants will learn what their personal conflict style is and how their style impacts interpersonal relationships;

-- Participants will learn the pros and cons of five identified conflict styles and how to effectively manage conflict for a positive outcome.

-- Participants will learn "Strategic Negotiation" skills that will empower them to respond to conflicts as well as address how their individual conflict style impacts others.

-- Participants will learn to identify how conflict affects the organization/ department/ team culture.

For more information please contact Janet Lhuillier, HMA Organization, office 913-956-7620 or by email at HMAOrganization@everestkc.net

Mark Your Calendars

Also please save the date of our HMA Annual Spring Conference – April 26 & 27 – with presenter Trish Jones – Co-Author of the Book "Conflict Coaching: Conflict Management Strategies & Skills for the Individual". Location of the meeting is at K-State in Olathe. More information on the training will be coming.

Mediator Standards to be considered by HMA panel

Recently the Supreme Court's Advisory Council on Dispute Resolution asked Heartland Mediators to study standards and credentialing for mediators practicing in the state beyond the four specialized areas mentioned in Supreme Court Rule 902.

The request was made because of the growing variety of types of mediation being used across the state. There is also a concern by the Advisory Council that the public needs assurance that mediation (and mediators) are performing in a professional manner. The HMA Board of Directors discussed the request and decided that there is a need for such a study and is presently establishing a committee to determine if and how professional standards could be applied within Kansas.

Internationally, mediators perform in a range of application areas and are considered experts in their application area with additional training in relationships and mediation skill sets. In the United States, however, the consensus is that mediators are generalists who merge their mediation ability with a talent for non-judgmental listening in order to help disputants resolve issues.

Using this approach a mediator can, if they

HMA Award Nominees Wanted

Heartland Mediators honors a number of its members and non-members each year at its April annual meeting. We would like nominations for the following awards.

President's Award: honors individuals or agencies (government, business, media) that have contributed significantly this past year by increasing public awareness pertaining to conflict resolution. Focus of this award is to recognize a non-HMA member in the region encompassing the Heartland membership (Kansas and Missouri).

Acorn Award: recognizes a HMA member for their extensive contribution to the field of mediation and to the association.

School Peer Mediation Award: Kansas and Missouri schools receive the organization's Peer Mediation Awards. Nominees may be schools in grades Kindergarten through grade 12 that have active peer mediation programs. HMA is interested in identifying schools that have implemented peer mediation for resolving conflicts between its students and providing a practi-

cal educational mediation experience for them. These programs provide hands on opportunities for student mediators and students in conflict as well as others to experience or learn of the benefits of alternative dispute resolution.

Heartland Mediators Association is also interested in helping schools establish and maintain mediation programs.

Margaret 'Peg' Nichols Volunteer of the Year Award: The volunteer of the year award has been expanded to include non-HMA members as well as HMA members. The HMA Board Members believe they wanted to include all the many fantastic mediation volunteers in the area. Award winner will receive a free HMA membership for 2012 – 2013.

Nominations need to be in by Feb. 25 and include your nominee's name, address, phone and a paragraph about the person when you send it to Janet Lhuillier, HMA Organization, P.O. Box 14971, Lenexa, KS 66285 or call 913-956-7620; fax 913-825-3243 or email HMAOrganization@everestkc.net

Mediator Standards

continued from previous page

wish, use their ability in a wide range of mediation application areas as opposed to a narrow approach of mediating only in the discipline they are trained in. From a mediation standards perspective, the generalist approach to mediation can be difficult to establish performance standards for. Heartland Mediators Association feels that it's an achievable goal.

It has been decided a coordinated study group will be created that will review the need for standards, determine the scope of mediation standards and levels for individuals who are considering being credentialed in the state.

Programs for identifying credentialed mediators and

increasing public awareness of mediation as an alternative dispute vehicle are also being addressed.

A total of three development sub-committees that will report to an Oversight Committee have been proposed:

-- A standards development group to identify areas of concern and will develop criteria for credentialing mediators;

-- A program administration group to create the structure for recognizing approved levels of mediator competency and, with the assistance of the standards development group, develop viable procedures for managing the program;

-- A marketing group to establish a public relations pro-

gram for users and the public in order to advertise the ability of mediators to assist others in resolving their dispute.

Finally, an oversight group will pull together the product of the sub-committees in order to create a coherent product that will be useable to the Court, the public and consumers.

The committees are presently being formed and membership has not yet been solidified. If you would like to participate or if you have thoughts on standards and credentialing you would like to share please contact the committee coordinator: Wayne Olsen, he can be reached by email at mediatekansas@hotmail.com or by phone at 913-660-4090.

HMA Co-Sponsored Fall Seminar

How do you respond when your mediation clients are not rational? The truth is, nearly all of us act irrationally when it comes to conflict.

Mediator and attorney Patrick Nichols, Lawrence, revealed many mysteries of human behavior in “Cognitive Obstacles to Conflict Resolution,” as part of the Kansas Bar Association’s Alternative Dispute Resolution seminar November 18 in Lenexa. HMA co-sponsored the all-day event, which also included current issues in family and employment law and mediator ethics.

Nichols, citing psychological and legal studies, emphasized people tend to overestimate the strength of their own case and underestimate the other party’s. Why? Parties know more about their own side of the case, don’t notice the gaps in their own case, and generally believe what they want to be true. A mediator must help each side understand the weaknesses of their own position.

Washburn Law professor Linda Elrod gave a fast-paced seventy-five minutes of family law review, beginning with international laws on child abduction, children’s rights, adoption, child support and adult guardianships. Elrod noted the larger world is increasingly part of Kansas family law. New U.S. rules deal with deployed parents.

In Kansas, divorce/parentage laws are being reorganized, and major changes are also coming to the child support guidelines, changes not yet finalized and still open to revision. One new Kansas case makes court approval less likely for parties agreeing to child support lower than the guidelines unless the parties can show the lower amount is in the child’s best interest.

Elinor Schroeder, Professor at KU Law School, reviewed employment law for mediators. Recently, the U.S. Supreme Court broadened the definition of “retaliation” against employees. Retaliation used to mean firing or demoting an employee after a discrimination complaint. Now retaliation can mean firing the employee’s close family member or fiancé instead.

The Family and Medical Leave Act was modified in ’08-’09 with the Military Family Leave Amendments, expanding the FMLA’s 12 workweeks of leave per year to an employee whose family member is being deployed.

Schroeder’s next topic: new legal issues surrounding email, Facebook and other social media in the workplace. One national case found that, even in non-union states, employees have the right under the National Labor Relations Act to do “concerted activities for the purpose of ... mutual aid or protection.” Examples include walking off the job to protest

cold working conditions; sending email to coworkers criticizing proposed vacation policy changes; and complaining on Facebook about employer’s failure to issue paychecks on time.

Finally, HMA President Kathy Perkins led a panel discussion (with Larry Rute and Art Thompson) on an audience role play. The panel and audience debated the mediator’s options.

Ann Zimmerman is President-Elect of Heartland Mediators Association and is on the KBA’s Alternative Dispute Resolution Committee.

Mediation Useful Anywhere

Currently I’m an Advocacy and Member Services Liaison with the Association of Community Mental Health Centers of Kansas. We are a trade association for 27 licensed community mental health centers in the state, with more than 4,300 employees, serving more than 131,000 Kansans last year. In my position I work in the legislative and policy arenas, including as a lobbyist for the group. Believe me, mediation comes in handy with policy makers as well as in negotiations with 27 different member organizations!

I am also a retired member of the Kansas Air National Guard, having served for several years as a Personnel and Equal Opportunity Officer for the 190th Air Refueling Wing based in Topeka.

In the field of personnel and particularly in the field of EEO, conflicts and disagreements are par for the course. It was critical I have the skills to bring two or more members of my Air Guard unit together to help them resolve their issue so those members and others in their unit could work together.

It always surprised me when an airman merely wanted an apology from a co-worker, or some similar remedy as easy to produce as that. I am certain I learned more than any of those with whom I mediated. During my tenure in the personnel unit, I completed the core training and got my certification as a mediator in Kansas. It gave me more credibility, and gave confidence to those with whom I mediated.

From that start, what I found is mediation is a skill that can be used anywhere, anytime -- in politics, in parenthood, in marriage, in the workplace — just about everywhere. Mediation allows resolution for problems that seem insurmountable until a third, unaffiliated party becomes involved in the mix.

Michelle (Sheli) Sweeney may be reached at the Association of Community Mental Health Centers of Kansas, Inc., 534 S. Kansas #330, Topeka, KS 66603 or by calling (785) 234-4773. Webpage is www.acmhck.org