



Heartland Mediators Association

## Newsletter for Midwest Mediators

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2012 Heartland Mediators Association

## A Message From the President: HMA Wants to Hear From Its Membership

Nearly 100 members and friends attended April's annual conference at the beautiful new K-State Olathe campus. Dr. Tricia S. Jones kept us engaged, entertained and advancing in our conflict resolution skills – giving us new “lenses” for viewing conflict, new ways to work through the conflict, new methods for sharing that knowledge with others.

Few of us carry the title of “Conflict Coach,” but opportunities for

coaching are everywhere.

As your new president, I am a mediator and attorney in Salina, Kansas, with an undergraduate degree in elementary education from K-State and a law degree from Harvard, where my formal mediation training started.

My first decade in law, as staff attorney for Kansas Legal Servic-

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## Newest to Board Member Started by Representing Unions and Workers

Prior to moving to Kansas in 1993, Sanford (Sandy) Nathan spent 24 years practicing law in California representing unions and workers.

He got his start in labor law working for the United Farm Workers Union, headed by Cesar Chavez. After seven years with the UFW (chronicled in part in Pulitzer Prize winner, Miriam Pawel's 2010 book, *The Union of Their Dreams*, <http://unionoftheirdreams.com/home.php>), Sandy entered a more traditional practice of labor law in San Francisco and Oakland, helping co-found the law firm of Leonard Carder and representing workers in all walks of life.

Following his move to Kansas, he has been “commuting” to California for the past two decades to work with some of his labor clients while also engaging in a limited practice in Kansas. Most of his Kansas work, however, has been dedicated to mediation (including domestic, civil, special education, school disputes, agriculture, etc.), case management, arbitration, and other forms of dispute resolution.

He likes to think he has evolved from creating problems to solving them.

Sandy received his undergraduate degree from Penn State and his law degree from Columbia University. He and his wife, Kirsten Zerger, have four children and two grandchildren, and currently live amidst an organic farm in rural Moundridge, Kansas.

# Bulldozer 'Visitation' Changes Perspective

Many years ago during my litigation years experience, I once represented a husband in a contested divorce proceeding.

The wife's attorney was one of those fellows who could not agree with anyone on the day of the week much less what time it was.

Needless to say, the case dragged on, discovery was endlessly costly and very slow.

The parties tired and then one day the wife's attorney filed a motion for "Bulldozer visitation" privileges. (My client was a bulldozer man in the earthmoving business).

I opposed such a motion as frivolous and opposed it with witnesses. The judge thought it amusing and held a one-half day hearing on the motion and granted it.

Then, to "punish" the attorneys, he ordered both of us to "supervise" the one-day visit during January, the coldest weekend of the year.

Both sides showed up with their posses, pick-ups and guns. The wife even brought her

new boyfriend who could not find a dipstick if you showed him where it was supposed to be.

After an hour and a half of posturing, shouting, taunting, I declared the visit was over and it was time for the attorney, the wife and her "friends" to leave the husband's dad's property. They naturally refused to do so, so, we ended up calling the law and filing trespassing charges against the wife.

I said then, "there has to be a better way". . . . There is: it is called Mediation.

That was in 1986. The rest, they say, is history.

Mediation is the wave of the future and the future is now. Mediation is, by far, a better way to manage conflict and find a positive, constructive way for people to get along.

EIGene Ver Dught may be reached at Mediation Services of Missouri, 13910 Noland Ct., Suite B-1, Independence, MO 64055 or by calling 816-836-4141 or E-mail at [EIGene@aol.com](mailto:EIGene@aol.com)

## President's Message

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es, provided many opportunities for mediation – small claims court in Wichita; then in Manhattan, Kansas Ag Mediation Service cases and Kansas Human Rights Commission complaints.

Back in my hometown for the past dozen years, my private mediation practice has kept me mediating domestic, child in need of care, higher education and probate cases, as well as facilitation of business personnel issues ([www.ezlm.com](http://www.ezlm.com)).

As a middle child in a close family of brothers, my informal mediation training began much earlier. Mediation skills are crucial tools throughout our lives.

My mediation practice is not full time, which leaves me flexibility, first, to be a professional singer-songwriter, writing songs and playing about a hundred performances a year in and outside of Kansas ([www.annzimmerman.com](http://www.annzimmerman.com)), and second, to help my equestrian husband run our horse boarding stables ([www.ebarz.com](http://www.ebarz.com)).

Is mediation growing in your area? Let us know.

In my town, a group of mediators and community members is working toward a juvenile victim-offender mediation program for our courts.

In the state of Kansas, several HMA members under leadership of board member Wayne Olsen are

busy working toward a more reliable mediation credentialing system, finding ways to distinguish mediators who reach a level of excellence from those with less skill or commitment.

Do you have ideas for the credentialing committees? Let us know.

The HMA website ([www.heartlandmediators.org](http://www.heartlandmediators.org)) is a valuable resource – for finding mediators, for promoting mediation, for connecting you with colleagues. Be sure to use it.

How can HMA help you promote your practice? Let us know.

Our board of nine mediation professionals meets quarterly. Outgoing President Kathy Perkins, Lawrence, finished her presidential term at the annual conference but, fortunately, remains on the board for another year. Linda Laird, President Elect, wears many hats now as she continues to edit this newsletter. Wayne Olsen, Overland Park, is our new Secretary; Becky O'Donnell, Manhattan, our Treasurer.

Check the list in this newsletter for the other Board of Directors members – Diane Oakes, Verdell Taylor, Terrie McCants, and welcome our newest board member Sanford Nathan from Elyria, KS. And our Executive Director Janet Lhuillier keeps us all together.

# Living and Working With a Mediation Attitude

Mediation is not always the answer. Yet, a mediation attitude is more often an appropriate response. As the eldest girl among seven siblings, I discovered early in life that asking the following question was crucial to an effective and enduring settlement: “To help resolve this situation, what do you want me to know that I do not know now?” Whether the dispute concerned bedtime negotiations, toy distribution, or chore completion—mediation skills were necessary.

Later, as a public high school language arts, behavioral and social science teacher, I served on a faculty committee to advocate for at-risk students. To empower them and their peers, we supported a student-to-student mediation program in the 1980’s in Los Alamos, New Mexico. Bullying and victimizing decreased in the student population as a result.

Formerly, as the chairperson of an academic department and as the director of a Kansas City charter school, I continued to use this. Another time, working with federal mediators in facilitating

## HMA Honors Community and Its Own members

Heartland Mediators honored a number of its members and non-members at its April 27th annual meeting.

Roxanne Emmert-Davis accepted the Acorn Award during HMA’s lunch meeting. The Acorn Award recognizes an HMA member for their contribution to the field and to the association. Roxanne has served on the board and as President and Past President. A longtime mediator and trainer she has spent time in family group conferencing and parent-adolescent work.

The President’s Award was given to Katy Nitcher, court trustee of Douglas County for her work with the domestic relations program in her county. This award honors individuals or agencies (government, business, media) that have contributed to increasing public awareness pertaining to conflict resolution.

Joan Donnelly of Topeka was presented the Margaret ‘Peg’ Nichols Volunteer of the Year Award for her work in the Kansas Children’s Service League’s Family Mediation Program. Donnelly also has worked assisting in HMA conference training.

No School Peer Mediation Award was given this year but HMA is interested in helping schools establish and maintain these programs.

a union contract with a utility company, I participated in a series of group mediations over a long sequence of human-resource issues and employment benefits. Clarifying and summarizing were continuous as the new contract evolved. Currently, I coach and train corporate clients in communication and leadership strategies. The mediation attitude is the foundation for those strategies, including questioning and listening skills, conflict resolution techniques, conversation and caucus facilitation, the “and” statement to avoid the “but”-dismissal, and the “I” statement to avoid accusation and to increase accountability. As a business owner, I know the mediation attitude is a huge part of vendor relations and customer service.

What I know to be true, more often than not, in life and work...

Mediation attitude requires conversation.

Mediation attitude requires sharing factual and emotional information.

Mediation attitude requires asking open and clarifying questions.

Mediation attitude requires listening without interrupting.

Mediation attitude requires the words “and” and “I.”

Mediation attitude requires time for an agreement to emerge.

Mediation attitude requires commitment to interest and fairness rather than positions and egos.

Relationships, schools, and the workplace—all improve in an environment in which the alternative dispute resolution exists and mediation attitude resides.

*Karen L. Anderson, M.A., CTD, a KS Supreme Court-Approved Core and Civil Mediator; President of ACTS-ion Solutions, LLC; Principal Owner of Outdoor Construction, Inc. and Adjunct Professor at Johnson County Community College.*

We Want to Know How  
You Became Interested  
in Conflict Resolution

Send your stories to Janet  
at [hmaorganization@everestkc.net](mailto:hmaorganization@everestkc.net)

# New Conflict Tools Added for Mediators

People in conflict will repeat that conflict over and over if they don't understand the nature of the conflict.

Tricia Jones was able to sell more than 100 mediators and conflict practitioners that it's the story that counts.

Mediators almost always try to empower parties in a dispute but Jones showed her rather large attentive audience how to help others to understand how they can say and do things differently with calmness. And still have fairness for all parties.

Jones was teaching Conflict Coaching and while she believes only one of the participants should be coached she also found that some offer empowerment to both parties.

"When they see where they want to go, that's just the beginning," she said. "Mediators must own the process of conflict coaching."

She continued that unless you are trained as a mental health professional some conflicting parties should be sent to a professionally trained person.

People in conflict have many emotional experiences such as lack of sleep, heightened vigilance, threatened identity, bad feelings and loss of power.

All these can trigger conflict and it may be the mediators or conflict coaches' job to foster desired identity, develop positive feelings and expand that sense of power so a person may be able to negotiate conflict.

And it is in this "best story" that the mediator can

assist the party being coached to find the emotions they are most comfortable with so they might be able to work with the conflict.

Helping a client understand conflict requires that the conflict be considered through three major perspectives of identity, emotion and power.

Participants were invited to engage in short activities to help them understand how a conflict coach works with a client on these issues. In addition to helping a client understand his or her own identity, emotion and power concerns, conflict coaching encourages the client to take the perspective of the other party.

Conflict Coaching is the fastest-growing area in the dispute resolution/conflict management field and HMA shared this expertise during its 2012 annual conference April 26 and 27 at K-State Olathe.

Dr. Tricia S. Jones, in her first time presenting in the Kansas City area, revealed the one-on-one process during her day and a half training.

Jones co-author of the 2008 "Comprehensive Conflict Coaching Model" introduced applications of coaching for mediation during the workshop.

The conference added tools for anyone who faces conflict in their work and allows for greater confidence in working with people. The two-day conference offered an opportunity for us to network and develop new acquaintances who are in the same arena of assisting those in conflict.

## *KCSL Family Program Marks 25 years*

The KCSL Family Mediation Program is celebrating its 25th Anniversary this year. The program was developed to assist families with adolescents who were having school attendance or performance problems or were in conflict with their families.

In its celebration the program is seeking to find some of the former volunteers, coordinators and families who have been through the program for their anniversary in August at KCSL Topeka.

Volunteer mediators, who have a minimum of 30 hours of Kansas Supreme Court Approved Mediation Training, have continuously offered this service to Topeka area families since 1987. In 2011 more than 85 families came to KCSL for mediation, either parent adolescent or parenting plan mediation.

Parent Adolescent Mediation is a solution based process that offers teens (ages 10-18) and their families a safe ground in order to learn better communication skills to reduce conflict in the home.

One of the greatest benefits of the program is that the families make the decision on how to resolve the

conflict so they aren't left with a decision to make.

Coordinator Linda Laird has supervised the Family Mediation Program since 2003, and since then 400 families in the Topeka metro area have received services. "It is exciting to see the success of the program since I joined nearly 10 years ago. It's a tremendous blessing to see all the lives touched by the work of the volunteers."

As part of the Anniversary Celebration, KCSL would like to get in touch with the volunteers, coordinators and families that have participated in the program over the past 25 years. "We would truly enjoy hearing the stories of the families who have been through the process," said Laird. All those who have participated in the program are encouraged to contact Linda Laird at (785) 215-6439.

The program will be offering Core, Parent Adolescent and Domestic Relations mediation training in Sept. 28-29, Oct. 5-6 and Nov. 8-10. Please call the program if you are interested in the training.