



Heartland Mediators Association

Newsletter for Midwest Mediators

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2012 Heartland Mediators Association

A Message From the President:

Fall Means Plenty of Training

It's fall! What a relief to have survived the withering summer heat and now savor the brisk air of fall.

As the calendar days rush by, mediation across the heartland keeps heating up.

Heartland Mediators Association is co-sponsoring (with the Kansas Bar Association) six hours of continuing mediator education Friday, Nov. 16, at the Kansas Law Center (the KBA office), 1200 Harrison, Topeka. Topics include mediating issues of

aging, inheritance and health care, Fair Labor Standards Act cases, new state court ADR initiatives, and ethical issues for mediators. Heartland has cooperated often with the KBA's ADR Section. These trainings are densely packed with useful information. Non-attorney HMA members get a big discount off the attorney prices. Don't miss this great chance to advance your mediation knowledge!

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November Training Just the Beginning of Year of Great Opportunities

Every November, on the Friday before Thanksgiving, the Alternative Dispute Resolution Section of the Kansas Bar Association presents a CLE/CME program.

The section executive committee strives to provide continuing education for a diverse group of attorneys and mediators. This year's program, scheduled for Friday, Nov. 16, is no exception.

The year has brought many statutory and court rule changes that impact mediators and Art Thompson and Trip Shawver are going to update us on those initiatives.

If you have an interest in healthcare dispute resolution, you will want to hear about the opportunities in that specialty area. At 9:50 Kathy Perkins, past president of HMA and a member of the ADR Committee of the KBA, introduces a panel including Patrick Nichols, Karen Shumate and Eunice Lee-Ahn, all of Lawrence, to discuss opportunities for conflict resolution in healthcare.

For those who have an interest in labor law, Larry Rute, Michael Hodgson, and Heather Lake will provide a panel discussion on Fair Labor Standards Act Case mediation.

Another area of the law that holds real opportunity and interest for mediators is elder law. A panel of experts on elder law, including Molly Wood, Trip Shawver, Cathleen Gullidge, and the Hon. Richard T. Ballinger, will host a panel discussion that will illuminate some of the ways that mediators can help seniors and their families.

As always, there will be an ethical review for the last session to keep us aware of our responsibilities and duties as mediators and attorneys. "Unraveling the Negotiator's Ethical Paradox" will be presented by David S. Rubenstein, Washburn University School of Law.

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Mark Your 2013 Calendars: You Won't Want to Miss This Regional Conference

A better way to ask questions and talk with the people we as mediators work with might be something all of us could use most of the time.

And the Heartland Regional Conference of Mediators coming in April 2013 may just be what we've always wanted.

The keynote trainer for the regional conference is Sharon Strand Ellison, author of "Taking the War Out of Our Words," and creator of the "Powerful Non-Defensive Communication" process. The conference will be April 25-26 at KU's Edwards Campus, Overland Park, KS.

Ellison believes we interact in ways that systematically create and accelerate conflict. Communicating with non-defensive power is crucial to our capacity for solving problems. She describes the "rules of war" we typically use, at a physiolog-

ical level, to instant defensiveness at the slightest provocation. Ellison's non-defensive model is built on methods of communication that speak clarity, power and compassion without being dependent on others for cooperation. Because control and manipulation are no longer part of the process, we are freed from power struggles. Using these skills, we see a different side of human nature and create a different reality.

Ellison inspires audiences by modeling what she teaches with honesty, humor and integrity. She has worked with a number of major corporations to offer an overview of the process and workshops on these components of non-defensive communication.

Make sure to have this on your new calendar and look for more in the HMA newsletter.

President's Message

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Full registration information is available now from the KBA, www.ksbar.org, and from Janet at HMA who passes it along to you by email.

Your HMA board is busy planning future training opportunities.

We are planning a 3-hour CME session in Wichita in February. Watch for that in your next HMA newsletter.

Following our Wichita winter training will be the 2013 biennial Heartland Regional Conference in Overland Park in April, spearheaded this year by the Association of Missouri Mediators (AMM) – see the preview in this newsletter.

My own time between mediations in Salina has been packed with preparation for the new SIRJ victim-offender program. I hope you will read the full article about SIRJ elsewhere in this newsletter. Similar "restorative justice" programs across the country and around the world have shown phenomenal results in improving the lives of victims, offenders and whole communities and especially in keeping young people from getting stuck in the criminal justice system. It is tragic that such programs are the first to die from lack of funding! Despite the value of these programs, our

laws, traditions and limited money sometimes gives them a short life.

In your own community, what work are you doing to advance mediation, restorative justice and other forms of alternative dispute resolution? We at Heartland Mediators Association want to help you promote those efforts and succeed in them. Let us hear from you. Better yet, write an article for the next newsletter. Editor Linda Laird is happy to publish your news and ideas.

Let's work together to show that the skills of mediation and conflict resolution are the essential tools of today's world.

**We Want to Know How
You Became Interested
in Conflict Resolution**

Send your stories to Janet
at hmaorganization@everestkc.net

Restorative Justice Pilot Begins in Salina

New research shows that young people in the judicial system for juvenile offenses often never fully get out of the system. They become repeat offenders, familiar faces to court personnel, missing school to spend time in court and in juvenile detention centers.

A group of Salina citizens is giving local youth a better option. The Salina Initiative for Restorative Justice, or SIRJ (pronounced “surge”), will soon begin facilitating victim-offender dialogues in juvenile offender cases.

The project is in its infancy in Saline County juvenile court. The planning committee has been meeting for about a year and a half to determine how the new option will work. October will bring its first cases.

SIRJ has enormous community support. Throughout the planning period, the committee has worked to foster that support – from the Saline County Attorney’s office, the Saline County Sheriff’s Department, the Salina Police Department, local judges, and Community Corrections.

The first six months of the program will be supported by a grant from the Salina Regional Health Foundation, the charitable arm of the local hospital. The National Institute of Corrections enthusiastically provided funding for a 12-hour mediator training provided by Bethel College’s Kansas Institute for Peace and Conflict Resolution (KIPCOR) in August.

At that training, eight core-trained mediators

and 13 local non-mediator citizens were trained in the particular skills and processes needed for the victim-offender dialogues.

The SIRJ process will begin with a referral from juvenile court. The cases will initially include property crimes and other non-person felonies and misdemeanors. A mediator and a local citizen trainee (referred to as the co-mediator) will be assigned to the case.

The mediator will contact the juvenile offender first. Mediator and co-mediator meet with the youth to be sure the youth is willing to participate in the SIRJ program. Participation comes with a requirement the youth sign an admission of fault and pay a \$50 fee.

Once the youth completes these requirements, the victim is contacted for the first time. If the victim were to be contacted first, and then the offender decided not to participate, this would “revictimize the victim” by resurrecting, to no purpose, the memories and emotions of the original crime. If the victim, at a meeting with the mediator and co-mediator, is willing to participate in a dialogue, the victim and offender are brought together for the joint meeting.

The victim is allowed to speak first, relating in blunt terms how the victim experienced the crime, in all its surprise, shock, fear, anger and loss.

Only at this point is the offender allowed to try to explain his or her actions. The victim and offender then try to find a means to make right the harm done by the crime.

If the parties can reach agreement and the youth successfully completes the agreed actions, the juvenile prosecutor dismisses all charges against the youth.

Past research with such programs shows a high degree of success in resolving cases at this point and a sharply lower recidivism rate for the offender compared with juveniles who simply go to court. Restorative Justice programs are based on the idea that a crime is not only an offense against the state (as the court case name might suggest), but a tear in the social fabric, a harm done both to the victim and the community.

SIRJ is just starting. Salina mediators and participants hope for significant results which convince local court personnel and law enforcement officers that continued funding is essential to community well-being.

--Ann Zimmerman is a SIRJ Mediator

KBA/HMA Joins for CLE/CME

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We think this will be another interesting and timely education program. It provides a great opportunity to pick up both Kansas CLE and CME credit. It is also a wonderful place to network with other mediators and learn about new areas where mediators are providing helpful intervention.

KBA Alternative Dispute Resolution CLE will be from 8:30 a.m. to 3:30 p.m. on that Friday co-sponsored by Heartland Mediators Association.

HMA will again join for this training with special non-attorney HMA fee of \$65 for the day. Lunch will be served for all coming to the seminar.

Register online at www.ksbar.org or call 785 234-5896 to register.

Aline Cole Barrett is President of the Alternative Dispute Resolution Section of the Kansas Bar Association.

JCCC Offers Many Training Classes

Johnson County Community College has already started fall classes in mediation. Study courses for approved mediators include:

Practicing Reframing Techniques - Tuesday, Oct. 30, at Regnier Center room 145. Cost is \$69 for three CMEs.

Crucial Thinking for Mediators - Thursday, Nov. 29, 8 a.m.-4 p.m. at Regnier Center room 145. Cost: \$129 for seven CMEs.

Awakening the Spirit of Reconciliation in Mediation – Wednesday, Dec. 12, from 8 a.m.-3 p.m. at Regnier Center room 144. Cost: \$129 for six CMEs.

More basic classes prepare students for a mediation practice and to be a state-approved mediator. They are: Principles of Core Mediation - Thursday through Saturday, Nov. 15-17, from 8 a.m.-5 p.m. at Regnier Center room 175; Cost: \$499. The Core Mediation Practicum is available for \$349. By appointment, call 913-469-4420 for more information.

Civil Mediation Training is Wednesday through Friday, Oct. 17-19, from 8 a.m. to 5 p.m. at Regnier

Center room 175. Cost: \$449. Civil Mediation Practicum is \$349. By appointment, call 913-469-4420 for more information.

Domestic Relations Mediation Training is Thursday through Saturday, Dec. 6-8, from 8 a.m. to 5 p.m. at Regnier Center room 175. Cost: \$449.

To register by phone, call 913-469-2323.

Mediation Begins First With Family Members

My first experience with mediation was with my stepson. After delicately attempting to resolve conflict over scheduling and importance of family activities vs. child activities; on to mediation we went. After encountering this as my first mediation experience, I was determined to help restore communication and hope to families. As most of my past professional experience was working with adolescents and families, parent/adolescent mediation was the perfect place for me to begin.

My educational background also prepared me for the mediation world, an undergraduate degree in psychology/sociology and a graduate degree in counseling. Shortly after I also received training in domestic mediation. Currently, I am approved for Core and Domestic mediation cases.

My road to mediation began while working with at-risk and adjudicated adolescents in a residential setting. After graduating with a bachelor's in psychology/sociology from Northwest Missouri State University I began working with the family as a unit supplying families with necessary skills and also providing counseling to the family and child(ren).

I went on to complete a master's in Human Services, Counseling Studies with an emphasis in Professional Counseling. I have worked with children and their families for over 11 years. I believe that families, divorced, never married, or intact, need to communicate their wants, desires, and beliefs about themselves and their children in order to give their family the best life.

I have worked with divorced families, intact families, and families with their children placed out of the home. The road to healing begins with communication. Mediation is a great way to begin polishing the skills you need to get what you need and also help meet the needs of others involved.

Danielle Brown lives at Aurora, Kansas and may be reached at danirae33@gmail.com

CME/CEU Shorts a Holiday Favorite

KIPCOR again offers its annual CME/CEU Shorts on Dec. 7 at the Kaufman House Training Facility on the southern edge of the Bethel College campus, 30 miles north of Wichita.

Mediators will explore critical professional practice issues in mediation and conflict resolution including: Considerations in Working with Military Families; Best/Worst Parenting Plans; Making Money, Really?; What If We Started Over?"

Susan Kraus reviews issues and protocols to keep in mind when working with military families. Dr. Wes Crenshaw explains why some parenting plans are better or worse for children. Ronnie Beach offers practical tips for setting up and maintaining a practice. Art Thompson leads a discussion on case management guidelines, parenting coordination, mandatory civil mediation, neutral evaluation, facilitated plea bargaining and appellate mediation.

The training from 9 to noon and 1 to 4 pm on Dec. 7 is approved for 6 hours of CME and can be used by social workers for CEUs. Cost is \$85 but enrollment is limited to 50 participants so those interested must contact Sherri Allshouse at KIPCOR at (316) 284-5217 or sallshouse@bethelks.edu.