



Heartland Mediators Association

Newsletter for Midwest Mediators

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2013 Heartland Mediators Association

A Message From the President:

Oh, What You've Been Missing

If you have not gotten around to attending Heartland Mediator Association seminars over the past year, my, my, my – the amazing ideas you've missed!

Make up for lost time at our Feb. 15 half-day training in Wichita and the regional conference in Overland Park April 25-26.

Let me review a few gleanings from these fascinating events:

What is your conflict style? Topeka mediator Bob Williams asked that question at the winter 2012 event in Topeka. He defined the many ways in which people deal with conflict, from competition to collaboration, compromise, accommodation and simple avoidance. We took a quick test to find our own style, since how a mediator resolves his or her

own conflicts affects the mediation process.

Williams discussed how to deal with the styles of clients participating in dispute resolution processes, explaining that each style has its own benefits and weaknesses.

Domestic violence (DV) was the often-disturbing second topic of the winter 2012 training. An ongoing debate questions whether cases involving domestic violence (DV) should be mediated, and Dorthy Stucky Halley, Director, Victim Services, Kansas Attorney General's office, and formerly a women's shelter director in south-east Kansas, presented the latest research on DV.

Many of us had heard of the
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Impasse and Parent Coordination Explained at Feb 15 Training

Heartland Mediators Association is offering mediation training Friday, February 15, at the Wichita Public Library's Lionel D. Alford Branch, 3447 S. Meridian in Wichita, KS,

The time is set for noon with lunch provided. Three Kansas Continuing Mediation Education hours will be available for the cost of \$50 for HMA members and \$75 for non-members. Students may attend for \$35.

The first section is 1 to 2:15 p.m. with Jeanne Erikson, PCC, BCC, PhD, presenting "Pulling for Settlement: Impasse Prevention Skills for All Types of Neutral Interventions."

The second presentation will be at 2:45 pm with Art Thompson, Dispute Resolution Coordinator of the Kansas Office of Judicial Administration, explaining "Parenting Coordination as a New Domestic High Conflict Process."

A view of parenting coordination will be offered and it will be compared to case management. A role play of a case will be included with questions that frequently come up in these cases; and a comparison of

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AFCC Looks at Parent Coordination

Association of Family Court Conciliators, in collaboration with Loyola University Chicago School of Law's Civitas ChildLaw Center is offering two new training programs on parenting coordination.

Nuts and Bolts of Parenting Coordination: Helping High Conflict Parents Resolve Disputes is an initial training with Joan B. Kelly, PhD, will be March 4-5.

This two-day core training program for parenting coordinators, mediators, custody evaluators, lawyers and other professionals who work with high-conflict families, will focus on the parenting coordination (PC) structure and process, including effective court orders, sources of authority, the hybrid model used, range of disputes resolved, practical and ethical issues, case exam-

ples, and case analyses in group exercises.

When Nuts are Loose and Bolts Don't Fit: Advanced Practices in Parenting Coordination with Debra K. Carter, PhD, is title of the advanced training on March 6-7.

This two-day advanced training program for parenting coordinators, mediators, custody evaluators, lawyers, judges, and other professionals who work with high-conflict parents, will focus on dealing with the most difficult issues in the PC process, including allegations of alienation and abuse, visitation resistance and refusal, and personality disordered parents.

AFCC may be contacted by mail: 6525 Grand Teton Plaza, Madison, WI 53719 or Phone: (608) 664-3750. or website www.afccnet.org

President's Message

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"wheel of violence" – an insidious cycle in which a domestic partner is warm and loving but gradually becomes controlling and hostile, followed by a period of violence, quickly followed by apologies, warmth and gift-giving, and the cycle repeats and worsens. We learned here that this version of DV just one of several types of batterers. Stucky discussed batterer motivations, especially three types: terror of being left, entitlement to being served, and sadistic enjoyment of others' suffering.

Stucky showed evidence the latter may not be discovered until the victims are institutionalized for mental illness. Research shows the greatest contributing factors to abusive behavior in men are having a father who shamed, abandoned and/or physically or verbally abused them, and, less commonly, rejection by their mother. Correlation between child and partner abuse is high: 49-70 percent.

Professor Tricia S. Jones of Temple University wrote the book on "conflict coaching" and quickly engaged our spring conference audience last April in Olathe. Even if you never grab a whistle and become a conflict coach, Dr. Jones's "three-lenses" insights can unlock solutions to baffling challenges in your attempts at conflict resolution.

Each person in a conflict has a story to tell, and Dr. Jones contends that conflicts spring from three sources: identity, emotion and power. Each source

can serve as a "lens" for analyzing conflict.

If you can help individuals view their conflicts through each of these three "lenses," you may help keep them from repeating their conflicts over and over again.

The fall 2012 training event in Topeka in cooperation with the Kansas Bar Association included a day-full of topics beginning with a discussion by Art Thompson of possible new ADR pilot projects around the state including felony mediations, parenting coordinators, and others.

Personnel from Lawrence Memorial Hospital described the crucial work of dispute resolution there in increasing patient satisfaction and improving patient care. Attorneys involved in multi-party Fair Labor Standards Act cases described the special challenges of mediations in those very complex cases.

The promising area of elder mediation was the fourth topic – in conflicts over nursing home moves, health care decisions, probate cases and the many family cases involving aging parents and other elderly relatives. Finally, Washburn professor of law David Rubenstein got the audience involved as he laid out ethical dilemmas faced by mediators.

Read more in this newsletter about HMA's upcoming learning opportunities – and this time, BE THERE!

Ann Zimmerman is a Salina attorney mediator and president of HMA.

Regional Conference in Kansas City Looks at 'War of Words' and Better Communication

2013 Heartland Regional Conference of Mediators convenes April 25 at the KU Edwards Campus in Kansas City.

"Reconciling Our Border Wars: An Invitation to the Dialogue" is the title of the two-day conference Thursday April 25 and Friday April 26,

Sharon Strand Ellison, author of "Taking the War Out of Our Words", and creator of the Powerful Non-Defensive Communication process, believes we interact in ways that systemically 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 to communicate as a model which prompts us, at a physiological level, to instant defensiveness to the slightest provocation.

Ellison's non-defensive model is built on methods of communication that speak with clarity, power and compassion without being dependent on others for cooperation. With control and manipulation no longer part of the process, we are freed from power struggles. Using these skills, we will 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 Hewlett Packard, U.S. Internal Revenue Service, Lockheed Martin,

February Training in Wichita

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the two processes.

Registration is limited so please register as soon as possible for this training. Registration may be made by calling Heartland Mediators or on the HMA website. Payment may be made in advance or at the door.

There is a lot of parking at the library. The training is in the southwest part of Wichita, right off interstate I-235. Take the South Meridian Exit off I-235. Go north at the exit about 2 blocks to the library. For directions to the library you may find them at <http://www.wichita.lib.ks.us/Locations/Alford.htm>

Nordstrom, Wells Fargo, the American Bar Association, Association of Conflict Resolution, and the Association of Human Resource Managers, among others.

She will present an overview of the process and workshops on three components of non-defensive communication during this conference.

Registration for members of AMM, HMA, IAM and NMA: \$145 full conference until April 1, 2013 (\$ 175 thereafter); \$ 95 per day until April 1, 2013 (\$ 115 thereafter). Students: \$ 25 one day, \$ 45 both days. Scholarships are available.

Non-members fee: is \$115 a day. Conference materials are provided on CD. If you wish printed materials add \$15.

Payment may be sent to 2013 Heartland Regional Conference of Mediators

P.O. Box 2257, Jefferson City, MO 65102

You may pay through PayPal at the AMM Website www.mediate.com/amm but please also send in a registration form.

Lodging is available at Hawthorn Suites Executive Village, 11400 College Blvd, Overland Park, KS. Phone: (913) 344-8100. Rates are good April 24 through April 28: \$89.00 King, \$109.00 suite. Registration is required by April 2. Late reservations honored based on availability.

We hope to see you are 8 am on April 25 for the fun of learning a new way to communicate and two whole days of networking. The conference ends at 5 p.m. that Friday,

For more information or to register go to www.mediate.com/amm

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

Send your stories to Janet
at hmaorganization@everestkc.net

Long List of Good Reasons to Begin to Think About Elder Work

Many of us have seen it in our families – Mom has dementia and the brothers and sisters are fussing over who is responsible for her care; creditors still must be paid; Mom may need to be moved to a safe place and she doesn't want to move.

Conflicts dealing with aging family members and the responsibility of those who may be responsible are ripe for mediation. And more interested and trained in this area are needed.

"You can Lead an Old Horse to Water, But How Do You Get Him to Drink? The Use of Mediation in Elder Cases" was one of four segments at the recent fall ADR continuing education session Nov. 16 at Topeka.

The panel included Richard T. Ballinger, Sedgwick County District Court Judge, who discussed the use of mediation in elder cases. Others on the panel were Trip Shawver and Cathleen Gulledge of Wichita and Molly Wood of Lawrence.

With the emotional conflict involved, Judge Ballinger said, it seems harsh "to draw on a family's resources to play out someone's psycho drama."

One needs to understand the psychology of a family and the needs of the attorney and the client.

It's important to understand and take care of relationship issues so life can go on.

An understanding of probate law is essential to being able to mediate these cases.

Sometimes it comes down to dollars and cents but also it can be property and evaluation. It can also be about guardianship or conservatorships for elders.

It's important to know if the people coming to mediation are interested in control or families issues. It might come down to birth order.

With these cases the mediator must be proactive as there may be a limited number of dollars to work with.

"Why pay out \$20,000 to tackle an estate that isn't even worth litigation," he said.

Mediators are in the business of being paid but why draw it out?

And it's good to realize that any interested party can submit a plan for the settlement agreement as long as it can be certified.

In cases where the person at issue is deemed incompetent, the ward may need a guardian *ad litem*. Wood said it is important for them to be a part of the mediation as much as possible.

She urged interested mediators to offer the book

"Mom Always Liked You Best: a Guide for Resolving Family Feuds, Inheritance Battles & Eldercare Crises" By Arline Kardasis, Rikk Larsen, Crystal Thorpe and Blair Trippe.

She said she always has the book available to assist families in these situations.

Attendees of the CLE left with Judge Ballinger's step-by-step summary and forms for his county's probate court.

This is one of the best reasons for coming to HMA trainings.

Linda Laird may be reached at kmediation-concepts@gmail.com

Mediation Great Find for Graduate

Mediation is not a career I had ever thought of pursuing. I graduated from Kansas State University in 2007, with a degree in Family Studies and Personal Financial Planning. I took a job with a bank in Kansas City. Unfortunately, with the economy the way it was at the time, the bank closed my branch. Moving from banking to building management, I found myself not challenged and unhappy with where I was in life.

I soon found Baker University's Conflict Management and Dispute Resolution Graduate Program. That is where the thought of mediation as a career, as "what I wanted to do with my life" reared its head.

The program at Baker has been wonderful. I realized I was already using some of the mediation tactics I was learning about in my current job and mediation is a benefit to anyone willing to use it. The program at Baker has introduced me to several people in the field, and gave me a taste of mediation.

The teachers in the program deal with conflict management on a daily basis and show us how they use it to their benefit.

While I have only been a member of HMA for a short time, I have found several benefits. I find HMA a great resource for meeting people in mediation and learning more about it. HMA gives me a chance to get out and meet people currently doing mediation. Hopefully this will be a good stepping stone to when I graduate and start a career.

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