



Heartland Mediators Association

Newsletter for Midwest Mediators

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2010 Heartland Mediators Association

A Message from HMA President

One challenge of the art and science of mediation is the need to always expand our mediator's skill set. The last column from the President addressed the need to maintain excellence in mediation "doing the best mediation you can."

Pursuit of this goal requires expanding our knowledge base of dispute resolution techniques. Understanding the "difficult" personalities we encounter in our practices can unlock the mystery of certain behaviors.

At mediation, we have all encountered individuals who refused to behave rationally, act against their self-interest, won't engage in discourse on the merits, etc. Sometimes, of course, these individuals are simply emotional. However, there are certain types of personalities, "high conflict personalities," who actually fit a profile from the Psychologist's manual DSM-IV-TR.

It describes several behavior types that will simply not respond to traditional mediation techniques. Understanding these personalities, their features and motivations, can give the mediator surprisingly effective tools for communication and conflict management. Sometimes these are merely traits; other times disorders. In both cases, management tools are similar.

Four common types of personalities are addressed in this short article. The reader should search out books, including those mentioned at the end of the article, for independent study as this is only a brief introduction.

-- Narcissist. This is a person whose normal self-interest has come to dominate their personality. They are self-centered and absorbed, expect superior treatment and react negatively to criticism. They are driven by a fear of inferiority. With this understanding, the mediator recognizes to avoid direct criticism, expect a lack of empathy (but give plenty) and in any

continued on page 2

Spring Conference to Expand Our Universe in Mediation

HMA's Spring Conference is "EXPANDING THE UNIVERSE: The Sky's the Limit for Your Mediation Practice." The one-day training will be Friday April 8 at Maceli's, 1031 New Hampshire, in Lawrence, KS

Highlights of the annual meeting include sessions on Mortgage Negotiation by Michael Thompson; a look at work place mediation; family group conferencing and a panel of mediators discussing the practice of conflict resolution.

Registration begins at 8 a.m. with the first session with Thompson beginning at 9 a.m. Cost for the day is \$50 for members and \$85 for non-members.

Thompson will outline mortgage negotiation program currently being practiced in Iowa, as well as explore the differences between mandatory farm mediation and the residential mortgage program. The presenters will detail the challenges and successes that Iowa Mediation Service has experienced in the last 1 1/2 years of working with home mortgages, as well as analyze how this program has benefited both borrowers and lenders. Opportunities for mediation professionals in this process will also be addressed.

Thompson is the Executive Director of the Iowa Mediation Service, and has been since 1985. Mike is an experienced professional in the field of dispute resolution and has been for 28 years. He is well known nationally and has experience on the international level. He has mediated disputes in an array of areas includ-

continued on page 4

President's message

continued from page 1

situation focus on the benefit to that person instead of a general "win-win" approach.

-- Histrionic. These are the "drama drama drama" personalities. Presentation is exaggerated, emotions are mercurial and lacking in insight and understanding fluctuating from passivity to anger and back. They are theatrical and need to be the center of attention. Their fear and driving force is that of being ignored. As a result, the mediator should listen respectfully, empathize with their feelings (but not with their allegations), avoid overreacting to their intense emotions and while focused and respectful, maintain a healthy skepticism. Recognize that the dramatic presentation does not require a response, in fact, this will only cause the behavior to worsen.

-- Borderline. These personalities, more often women, also suffer frequent mood swings, but can become angry, impulsive and self-sabotaging. They idealize and then devalue the professional and seek to control, becoming dependent, emotional and at times seductive. This personality is driven primarily by a fear of abandonment. As such, an appropriate response provides moderate reassurance, is modest and matter-of-fact (when they tell you that you are the greatest mediator, the biggest help, etc.) and listens with a calm passivity, avoiding overreaction to their intense emotions, anger or criticism. Be careful not to ignore them or terminate the relationship abruptly, but maintain a healthy distance and skepticism. Identifying and reinforcing realistic expectations and boundaries provides security to this type of person

as they can be assured that they will continue to be heard.

-- Anti-Social. These are people (more often men) to whom the rules mean nothing. They will consistently (and surprisingly) disregard the Court's rules, the statutes and even the standards and conduct of your practice. Such a person, to survive, must be charming and are frequently quite likeable. They have contempt for authority, lack of remorse and present lies and extreme distortions in the most believable manner possible. When a story sounds so awful that it's hard to believe, it probably should not be. The anti-social personality fears being dominated. They respond by dominating others. They are very difficult to deal with as their lack of respect for rules and consequences is completely beyond the social norm. Maintain skepticism, recognize the behavior so that you can be unfazed by their charms and avoid doing them favors, something that will frequently be asked early. Obtain corroborating information, but do not expect great success in the management of the anti-social personality.

Of course, the above categories are typically continua of behavioral traits. They are more or less extreme in different cases. As a mediator, it certainly is not our function to diagnose these individuals, but rather to use behavioral traits that we observe as a way of changing our communication and conflict management style to enhance our effectiveness in assisting them in resolving their conflicts.

Enhance your understanding of high conflict personalities with a Google search of "managing high conflict personalities" and by reviewing the work of William Eddy, one of the foremost authors and experts in this area, at HighConflictInstitute.com.

Mediation at Right Time

I was fortunate to get into mediation by being at the right place at the right time in 1980. Soon after we moved back to Kansas the church we attended decided to start a victim-offender mediation program.

The program sounded very interesting and, after I expressed interest in becoming a volunteer mediator, I was asked if I would consider becoming the program's coordinator. I appreciated being asked, but declined the offer because I did not consider myself qualified: I was not a mediator.

However, within fifteen minutes, the church's pastor had convinced me that no one else was a mediator either, that I could get mediation training, and that I had the other experience and education that they were looking for. (Later, I realized that although my experience in program development and education were relevant and I liked working with people, they were ecstatic that I was willing to work almost full time for a low halftime salary so I could have the flexibility I wanted as the mother of two young children.)

Victim Offender Mediation Services was a viable mediation program for about 10 years until it was discontinued due to a lack of funding.

For years I utilized my mediation skills in other positions but in 2000 I became the manager of the Kansas Institute for Conflict Resolution's Community Mediation Center and, now, am involved primarily with domestic mediation.

Barbara Schmidt is treasurer of Heartland Mediators.

Fall Training Deals With Communication

Small talk before the hard topics in a mediation can make agreements come together better, according to research.

We all know that communications lies at the heart of conflict management.

And that mediation is an art as well as a science.

Laura Janusik the McGee Chair of Communication at Rockhurst University, Kansas City and president of the International Listening Association, said this comes from research she has done on the mediation process.

Her "Applied Interdisciplinary Research: The Key to Better Understanding Communication in Mediation" was offered as part of KBA Alternative Dispute Resolution Seminar "Mediation With Intelligence: Making Wise Decisions as a Mediator" on Nov. 19, 2010 at Topeka's Ramada Inn.

The all-day seminar also included other presenters during the 6-hour CLE/CME co-sponsored by HMA.

Regional Conference Set for May 5-6

Time to make plans for the 2011 Heartland Regional Conference of Mediators that is set for May 5-6 in Ankeny, Iowa, a suburb of Des Moines.

The Heartland Biennial Regional Mediation Conference is titled "Mediation in the Age of Connectivity."

Four state mediation associations work together to bring conflict practitioners current mediation training.

The Iowa Association of Mediators will host the conference and the three other state associations -- Heartland Mediators Association, Association of Missouri Mediators and Nebraska Mediation Association -- are co-sponsoring the two-day continuing mediation education conference.

The speaker Jim Melamed is founder of mediate.com and has much information to share with those interested in conflict resolution.

More information will be available soon.

Her research into listening and behaviors could add tools for mediators to use.

Once we have the knowledge from this research we can be able to pick the right tool.

She continued to explain that brain chemicals are involved with communication research and that rapport is established through common ground.

She calls this the communication accommodation theory.

"You find common ground through small talk," she said. "You establish priorities and seek novel and creative solutions and then synchronize non-verbal behaviors when possible."

She lead an exercise where participants took the last word spoken by the person speaking is used to begin the next sentence spoken by the other person in answer.

By doing this, she said, it links the conversation and sets priorities.

"It confirms what others are saying and helps tie things together."

Listening, she said, is the key to success in mediation, showing empathy and acceptability.

Listening she said is the process of receiving, constructing meaning from and responding to spoken and/or nonverbal messages.

And this is our challenge as mediators because it is a cognitive activity and is perceived behaviorally.

Our biggest challenge may be hearing what we want to hear rather than what is actually meant.

Those who attended were able to add a few new tools to their mediation tool box.

Linda Laird is secretary of HMA and edits this newsletter.

We Want to Know How You Became Interested in Conflict Resolution

Send your stories to Janet at hmaorganization@everestkc.net

Expanding Our Universe: Sky's the Limit for Your Mediation Practice

continued from page 1

ing: farmer creditors disputes, family issues, public policy cases, truancy, victim offender cases, business cases, labor relations, and school disputes.

Besides mediating Mike has significant experience as a trainer in the field of dispute resolution, and he is also known as an arbitrator and fact-finder. He has a Masters Degree in Public Administration and a BA Political Science.

The second morning session "Avoiding Black Holes: Special Issues in resolving Workplace Conflict with Kathy Perkins, Kathy Perkins LLC Workplace Law & Mediation will talk of the workplace as the archetypal melting pot.

People of different cultures, ages, socio-economic backgrounds, races, national origin, religion, gender, physical and mental disabilities, personalities (and personality disorders) spend more waking hours together than most people spend with their family and friends.

Workplace conflicts - whether a dispute between two coworkers as part of an ADR program or a litigated claim of discrimination, harassment, or retaliation - have unique characteristics that require special mediation skills. Perkins will provide an overview of employment conflicts and claims and insight into strategies for resolution.

A graduate of Kansas State University and Harvard Law School, Kathy is a frequent speaker and a published author on employment law, discovery and mediation. She serves as an executive committee member of the Management Labor & Employment Roundtable.

The period from 11:45 a.m. to 1 p.m. will be HMA's annual meeting with introduction of new officers and honoring annual award winners over lunch.

"Within Your Galaxy: Family Group Conferencing" begins at 1:15 pm with Roxanne Emmert-Davis. Family group conferences have application in child welfare and in juvenile justice settings (often linked to restorative justice programs/victim-offender mediation). This workshop will provide an overview of family group conferencing, including: brief history; use as a collaborative decision-making process; traditional structure of the process; typical role of coordinator/facilitator. Case examples will be provided, along with time for discussion of the strengths and challenges of family group conferences.

Roxanne Emmert-Davis has more than 20 years experience as a mediator and mediator trainer, focusing primarily on parent-adolescent and child welfare issues. She has experience in Family Group Decision-Making (FGDM) and has provided FGDM training to Kansas child welfare practitioners through the University of Kansas School of Social Welfare. Roxanne maintains a private

practice of mediation, facilitation and child welfare education in Topeka, KS.

The final session on Developing a Successful Mediation Practice includes Patrick Nichols, moderator; Ann Zimmerman and Ronnie Beach. This panel of successful mediators will discuss their observations, experiences, strategies and recommendations for building a sustaining mediation practice.

Materials for the seminar will be provided by email so it is important to register early.

Award Nominees Wanted

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. The 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 practical 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 2011 – 2012.

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