

# The Muse

## Mediation and Local Churches

When there is a dispute involving divorce or family matters, labor management or public issues, most people turn to the courts to help solve their problems. However, the use of mediation is increasing in popularity.

Religious leaders recently met in Ogden, Utah to learn about what mediation entailed and how it can help their congregations. Nancy McGahey, Executive Director and Mediator with [Utah Dispute Resolution](#), said many people still aren't familiar with the mediation process.

“In our country, we’ve really looked to the court system as our method and process for resolving disputes, but we’ve seen over the years peace movements influenced by Gandhi, Quakers, Mennonites, Buddhist, and other faith communities who are looking at alternative ways to resolve disputes outside of the court system. So we are seeing mediation really explode in recent decades,” McGahey said.

“Historically, the litigation system is set up to be adversarial with a winner and a loser and parties have no control over the decision, but with different levels of mediation, parties have more control over the decision,” she said.

Mediation involves using an impartial third party who facilitates communication. The mediator is not a decision maker, nor do they offer advice, McGahey said. The mediator facilitates communication between the parties and guides them through the problem-solving effort.

She said collaborative law is also starting to gain a foothold as an option, where two attorneys are contractually committed with their clients to sit together in a foursome and try and reach an agreement for everyone. The lawyers are committed to withdraw if the parties decide to go to court.

McGahey said mediation is finally gaining more traction in the state with Utah courts often ordering mediation for contested divorces. “Judges want to get families into mediation rather than ordering them from the bench in order to give families the opportunity to make their own resolutions,” McGahey said. “It doesn’t mean it won’t be uncomfortable, or not having to work through things, but usually issues can be resolved through mediation.”

Dana Remington—Standard-Examiner Correspondent

*“Our own Mr. Verdell Taylor is a professional mediator for this type of issue.”  
ed.*



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### Mediation Interest

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# MEET A DIRECTOR



*Terrie R. McCants*

## **Reason for going into mediation**

While I was studying clinical psychology in graduate school, one of my professors and department head told me I should look into law school and then gave me a copy of the LSAT. I was stunned and really didn't know whether to feel offended, complimented, or just remain confused. Later that evening I was talking to a friend (who just happened to be an attorney) about my perplexing experience. She told me she had heard about something called mediation – not law and not psychology, but might just be something in between that I could explore. I did, and I've never looked back.

## **What do you hope to accomplish**

I would like to leave behind a solid conflict resolution program at Kansas State University moving beyond our current certificates and minor programs into a full Master's degree. I also have a vision of creating "The Collaborative" – an entity for providing comprehensive and affordable dispute resolution, therapeutic, financial planning, and educational services for families in transition in Manhattan and surrounding communities. These services would be provided in an interdisciplinary and coordinated manner, and on a sliding scale fee based off the Federal Level Poverty Guidelines. Finally, I would like to establish a student dispute resolution program run by and for students at Kansas State University.

## **Where are you from and a little bit about you**

I grew up in Salt Lake City, Utah. I have two sons, one grandson (a granddaughter on the way), and a black and tan Cavalier King Charles Spaniel named Murphy Quinn. I'm a closet reader of theoretical physics, a student of Buddhism, and a devoted fan of the TV programs, 'Suits' and "Game of Thrones." I hope to one day go hot-air ballooning over the wine fields of Normandy, and drive into Missoula, Montana on a Harley. I collect pyramids.

My Bachelor's of Arts degree is from the University of Colorado (Psychology); Master's of Science degree is from Nova Southeastern University (Conflict Analysis and Resolution). I teach both undergraduate and graduate courses in conflict resolution and serve as the Program Director for the Conflict Resolution Certificate programs and the Co-Coordinator for the Conflict Analysis & Trauma Studies minor at Kansas State University. I facilitate two faculty-led study tours; one on 'Peace & Conflict' in Northern Ireland (in even-numbered years), the other on 'From Armed Struggle to Sustainable Peace' in South Africa (in odd-numbered years). I am a state-approved mediator, mentor mediator, and mediation trainer. At K-State I am also a Facilitation Associate for the Institute of Civic Discourse and Democracy, and currently serve as the Mediation Coordinator for Kansas State University. Strengths Quest Top Five Signature Themes: Connectedness \* Strategic \* Learner \* Activator \* Input

## FOCUS ON CHILDREN OF DIVORCE AND SEPARATION: How ADR Professionals Can Make the Difference

April 29, 2016

University of Kansas Edwards Campus  
Overland Park, Kansas

Presented by: Ms. Christine A. Coates, J.D., M.Ed.

This day-long training is for attorneys, attorney-mediators, mediators and mental health professionals. The training will focus on acquiring an understanding of the needs of children and the effect of divorce and separation. You will learn approaches and strategies for creating useful parenting plans. The special needs of high conflict families for resolving conflict will be discussed. Kansas development of proposed Kansas Supreme Courts Rules will be addressed in an overview of the parenting coordination process with a focus on tips, strategies and best practices for parenting coordinators.

Ms. Coates is an experienced attorney in Boulder, Colorado whose solo practice emphasizes alternative dispute resolution. During her career she has brought a rich and varied background in management and education to her career law practice. She has received numerous awards for her advocacy on behalf of children from Voices for Children of Boulder, Colorado CASA program. Ms. Coates was the recipient of the John Haynes Distinguished Mediator Award from the International Association for Conflict Resolution.

Ms. Coates has been active in promoting the use of Alternative Dispute Resolution within the legal system since 1984. Ms. Coates administered a child protection mediation pilot program in Boulder County and continues to mediate child protection cases in the Denver, Colorado area.

Ms. Coates dispute resolution experience is extensive and Heartland Mediators Association is honored to have her present for us at our 2016 Conference.

You may contact Ms. Coates at: [coates@aol.com](mailto:coates@aol.com).

## Conference Schedule Part I



**Mediating Parenting Plans: What Attorneys, Attorney/Mediators, Mediators and Mental Health Professions Need to Know.**

**8:30-9:30** What we know about the needs of children and parents in divorce and separation

**9:30-9:45** Break

**9:45-10:45** Role of the attorney, attorney/mediator and mediator in helping parents create parenting plans.

**10:45-11:00** Break

**11:00-11:30** Mediating with non-traditional parents

**11:30-12:00** Attorney/mediator ethical issues in mediating parenting plans

**12:00-1:30** HMA Annual Meeting and Lunch

## Conference Schedule Part II

**Parenting Coordination: A New Frontier for Attorneys, Attorney/Mediators, Mediators and Health Care Professionals.**



**1:30-2:30** Parenting Coordination in Kansas

**2:30-2:45** Break

**2:45-3:45** Stages of Parenting Coordination

**Stage 1: Beginning the Case**

**Stage 2: Working the Case**

**3:45-4:00** Break

**4:00-4:30** Stage 3: Maintaining Momentum

**Stage 4: Ending the Case**

**4:30-5:00** Attorney/mediator ethical issues in parenting coordination

## Board Minutes (Ed. Condensed)

Board Meeting of February 5, 2016

Eight Board members were present.

Treasurer's Report: HMA now has two accounts, a money market account and a savings account for a secure PayPal connection. Treasurer's report was accepted. The Executive Director acknowledged that the accountants (My Accountant's, LLC) will provide quarterly reports for the Board. (Ed. Note: Upon Board approval a financial accounting will be available.)

Executive Director's Report: The Board decided that only three people will have access to the QuickBooks.

New Business: Student Advisory - This is an ongoing concern. Mediation is an add-on to other degrees and as such needs to have a venue to attract "emerging mediators".

Mediation Month: April is Mediation Month. A Proclamation has been sent to Governor Brownback to sign. HMA requested a photo opportunity at the proclamation signing. If HMA is chosen for a picture then the Executive Director will send an email requesting 10 people to attend the April Mediation Month proclamation signing.

Future Trainings: Fall 2016—Three options are on the table:

- 1—Mediation Arbitration Processes
- 2—How to Handle Being Called to Testify
- 3—Domestic Mediation

(Ed. If you have any topics that you would like HMA to present to the membership, please email Janet at [HMAOrganization@everestkc.net](mailto:HMAOrganization@everestkc.net)

Membership: Membership renewal date begins June 1, 2016

Program/Training—A pilot program has been considered for creating guiding principles for approval of workplace mediation certification.



