

# HEARTLAND MEDIATORS ASSOCIATION

FALL, 2018 NEWSLETTER

HMA is a not-for-profit organization bringing together people who share a common interest in mediation. HMA advocates for and provides continuing education about mediation and provides a network for information, skill sharing, and referrals.

## Save The Dates

Upcoming HMA Training Dates. Training material and registration will be forwarded

### Friday February 15, 2019

Topeka & Shawnee County  
Public Library 1515 SW 10th  
Ave Topeka, Kansas 66612  
1-430pm

<http://www.heartlandmediators.org/event/2019-hma-winter-training/>

### 2019 HMA Winter Training

### How to Create Mediation Programs in Kansas

### 2019 HMA Annual Spring Conference

KU Edwards Campus  
BEST Center  
12600 Quivira Rd.  
Overland Park, KS 66213  
April 11 Noon - April 12 5pm

<http://www.heartlandmediators.org/event/2019-hma-annual-spring-conference/>

HMA Annual Membership  
Meeting April 12 at Noon

### Conflict Coaching Training

### 2019 Biennial Heartland Conference

Kansas, Iowa, Missouri and Nebraska  
Mediation Associations

**May 2 & 3, 2019**

Mid-America Center  
Council Bluffs, IA

<https://t.e2ma.net/click/qjp6rz/6u1cke/m3ehops>

HMA is co-sponsoring this four  
state conference

### Facilitating Conversations of Consequences

Advanced Mediation & Conflict  
Training

## A Quick Note From Jim

HMA would be nothing if it were not for the volunteerism of its members and its board. The board is currently laying out its goals and objectives (see the caption at the top right corner of this page) and will work to prioritize them in our budget. On parallel tracks we are expanding our efforts and venturing into new areas (see the trainings listed above, the page 4 Press Release, and the Page 3 Annual Awards articles).

Your ideas and assistance are always welcome.

**HMA Membership** is open to any person interested in mediation or interested in pursuing a career in mediation or alternative dispute resolution. Membership goes from June 1 to May 31. If you become a member after January 1 then your membership will go to May 31 of the following year.

## HOW I BACKED INTO AN APPRECIATION OF MEDIATION

One of my most memorable victim/offender mediation cases involved a young girl of eleven, who with a friend climbed into a neighbor's RV and set a small fire. They said they wanted to see so they could play house. The fire caused not unsubstantial damage to the vehicle and caused the neighbors to miss the use of the vehicle during that summer. The girl's father attended the mediation but admitted that he was struggling as a single dad and was between jobs and couldn't pay for the damage. After mediating with the neighbor, the restitution stipulated that each day on her way back home from school, the girl was to visit the neighbors and tell them how her day was going and how school had been. The girl cried and hugged the neighbors. These people showed wonderful kindness and generosity and an awareness of all that was happening to the girl. I learned again that mediation has the power to not only heal, but to enrich people's lives, mine included.

I was introduced to mediation in 1983, as a new staff person at the Kansas Bar Association, I was assigned to the newly formed Alternative Dispute Resolution Committee. My primary job was to raise money for legal services for the poor and help with public service programs. My first impression was that ADR was something to benefit people with money and that the legal system would eventually be left for poor people. Events temporarily changed my mind but, as they say, the jury is still out on this.

I was also assigned to the Committee on Children's Legal Issues which was studying, among other things, how to keep children from having to testify in court when a family was going through a divorce. You can imagine a young child being led to the witness stand, having their little hand put on a bible, sworn to tell the truth, and asked questions about who was the better parent. My own kids would have undoubtedly picked their very kind and generous mother in such a circumstance.

I found that a small number of courts across the country were also trying to correct this poor practice and were experimenting with



the use of mediation in parenting disputes. A Court Service Officer in Johnson County, Gary Kretchmer, had been looking into the process for his court in cooperation with his chief judge, Herbert Walton. We began talking with other people across the state who had been taking training in mediation. There were joined with others and formed into an ad hoc group which eventually became the Heartland Mediators Association. It became a vehicle for advocating a significant use of dispute resolution in Kansas.

My real mediation education, notwithstanding all the wonderful training, was primarily being allowed by mediators across the state to let me sit in on a wide variety of types of cases and I was continually impressed that they were able to resolve what seemed to be very difficult and sometime intractable disputes. One of my first co-mediations was a divorce with children in which both parents had been abused as children and they were terribly frightened that the other parent might do the same to their children. That was one of the cases that made me realize how much I had to learn.

And now, hundreds of disputes later, I never stop learning. I volunteer with the K-State sliding scale program which serves lower income people and military at Ft. Riley. The domestic cases I see there are wrapped up in low incomes, addictions, post-traumatic stress, multiple children with different sets of parents, parents representing themselves with poor results, and many good domestic lawyers, mediators, conciliators and others who continue to improve services to these families. They are significantly different than the private domestic mediations I take.

For me it comes back to that initial effort to improve how the courts serve children. And I challenge us all to continue to do this one dispute at a time.

## HMA Annual Awards

The HMA Board members are requesting your nominations for the annual awards HMA bestows at the 2018 Annual Meeting on April 12th. This will be in conjunction with the HMA Annual Spring Conference April 11 & 12, 2019 at KU Edwards Campus BEST Center. The conference presenter will be Tricia Jones. Please write a paragraph explaining why the individual qualifies for the award. You can e-mail or fax the names of your nominees and supporting materials to Janet at [HMAOrganization@everestkc.net](mailto:HMAOrganization@everestkc.net) and fax# 913-825-3243 at your earliest convenience.

**The deadline is December 31, 2018.**

For a list of those who have already received these awards, please click this link: <http://www.heartlandmediators.org/awards> Current HMA Board of Directors cannot be nominated for an award.

### HMA Award Descriptions

#### The President's Award:

Heartland Mediators Association annually bestows The President's Award, which 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.

#### The Acorn Award:

Heartland Mediators Association recognizes a HMA member for their extensive contribution to the field of mediation and to the association.

#### The Scholastic Award:

Each year Heartland Mediators Association seeks nominations from Kansas and Missouri schools to receive the organization's Scholastic Conflict Resolution Award. The nominees may be schools in grades kindergarten through grade 12 that implement and utilize conflict resolution skills or have active peer mediation programs. Heartland is interested in identifying schools providing an alternative dispute resolution experience for their students.

#### The Margaret 'Peg' Nichols Volunteer of the Year Award:

The volunteer of the year award includes non-HMA members as well as HMA members. The winner of the award will receive a free HMA membership for 2019-2020.

## Heartland Mediators Association

P.O. Box 14971  
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### 2018-2020 Executive Officers

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For Immediate Release:

## Talking Out Our Differences

Much is being mentioned lately about the divide in American politics. The Heartland Mediators Association's (HMA) Speakers Bureau is available free of charge to organizations wanting to know more about mediation and other forms of alternative dispute resolution methods.

HMA is made up of individuals who mediate in the Midwest, primarily in Kansas, many of whom are Approved Mediators by the Kansas Supreme Court. The process involves discussions that establish a foundation to better understand each other's positions and values. Thousands of cases have been successfully mediated in Kansas over many decades.

More information can be found at [www.HeartlandMediators.org/Speakers-Bureau/](http://www.HeartlandMediators.org/Speakers-Bureau/)



The Heartland Mediator Association's quarterly newsletter welcomes submissions of articles about mediation and news of mediation activities in the state of Kansas.

HEARTLAND MEDIATORS ASSOCIATION

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## The Unlikely Mediator

By Kathleen Bird, JD

I was a family law specialist in the Dallas, Texas area when I was broadsided by mediation. I wasn't a particularly good negotiator and most of my contested cases went to trial (Texans have the right to a jury in most family law matters, and I subjected my clients to that in about half my contested cases). Although one judge I appeared before regularly tried to cajole me toward working things out (he is now a renown mediator in Dallas), I was suspicious and resistant. After five years of intense adversarial practice, however, I was starting to wear down. Nonetheless, in Fall 1987 I marched into a judge's office in the Dallas County Courthouse to see the clerk about setting a divorce for a jury trial. She asked me if my client had been to "mediation" yet. When I looked clueless, she explained that this was a court pilot project and a meeting with the mediator was required before obtaining a trial setting. "When do my client and I need to show up?" I asked. "Oh YOU don't get to be there, just your client" came the reply. The effrontery of a process, court sponsored pilot or not, coming between lawyer and client was enraging. I decided then and there to attend a mediation training, find out what they were up to, then take that to the Bar and kill the idea.

About half way through the 40-hour training, I got the sneaking impression that there might be something to this mediation business that I could use in settling cases. In fact, after several family law practitioners came and spoke to the trainees about the benefits of mediation for their clients and their practice, I was a convert. They say that there are no more passionate advocates than the converted. Although I did not leap into mediation as a profession immediately, I did start using some of the tools with success. As fate would have it, my family transferred to Arkansas and I worked with the court system to establish mediation there. Then fate intervened again and I relocated to the Kansas City area. At this point I decided to embrace a mediation career in earnest and have never regretted it.

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*Kathleen Bird is a licensed attorney in AR, MO, TX. She established The Conciliation Center, a non-profit organization that received a federal grant to provide victim offender dialogue services in the Northland. She has recently retired after 20 years as administrator of the Office of Dispute Resolution for the Seventh Judicial Circuit of Missouri.*