



Heartland Mediators Association

## Newsletter for Midwest Mediators

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2014 Heartland Mediators Association

## A Message From the President: Moving on Up, Up, Up

More than half the HMA year has past. It has been a good year and an active one where much discussion has been about raising the level of professionalism among mediators.

The HMA Board of Directors has been busy with planning and training even into the next year.

We had a successful training at Manhattan in October with Susan Kraus explaining about how to mediate with military families.

Now we look at 2014 beginning first with training on February 21 with a panel facilitated by Aline Cole Barrett, JD, on mediating with elder clients. She will have a panel of those who work with elders. This

training will include a session on ethics for attorneys want to have this information.

Our spring training will be our annual meeting and conference. We will have Dan Simon, a Minnesota attorney, who will offer a half day Thursday and a full day Friday -- April 10-11 -- on the many facets of mediation. It will be an advanced training for all of us to enjoy.

We will also have our annual meeting over a lunch Friday at which time we will honor our past board and bring in our new one, as well as honor members and non-members for what they have done

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## February Training: Help From Neutral Will Keep It All in the Family

"All in the Family: Issues of the Elderly Client" will center on working with elderly and their families in an effort to provide a multi-faceted look at elder mediation. A panel of three will provide information on various aspects of the needs and issues that elderly persons may have and how mediation can assist them with those issues.

The three-hour continuing mediation training for members of Heartland Mediators Association and others who work with elderly and families will be from Noon to 4:30 p.m. Friday February 21 at the Topeka Shawnee County Public Library, SW 10th and Washburn, Topeka.

This training will be beneficial for anyone who may have elder clients or working with families. The training for all who are interested in learning about the help that can come from mediation will begin with a lunch at noon followed by the training. Members of HMA may attend for \$50, non-members for \$75 and full-time students \$30.

Many families struggle with settling which child will be durable power of attorney for Health Care often solving the problem by naming all of them, which actually doesn't solve the problem at all. There are other challenges such as when the necessity for a nursing facility placement comes up (when one or more children, often not the one giving care,

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# Awards, Honors Important to HMA

It is that time of year again where HMA Award nominations are solicited so HMA Board of Directors can decide on the award winners to be announced at the 2014 HMA Annual Conference at JCCC in Overland Park, KS, April 10 & 11, 2014.

When submitting a nomination, please write a paragraph describing to the HMA Board of Directors why you are nominating the individual. You can email or fax the names of your nominees including your paragraph of why you are nominating the individual to HMAOrganization@everest-kc.net or fax to # 913-825-3243.

All nominations must be received by February 20, 2014. The HMA Board of Directors will review all nominations for the award. The award will be presented at the HMA 2014 Annual Conference Luncheon at JCCC in Overland Park, KS, April 11, 2014.

The awards are: The President's Award: HMA 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.

Acorn Award: An HMA member is recognized

## President's Message

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for this organization and for the profession of mediation and alternative dispute resolution.

Also we will look for membership input on award nominations. We will honor members for their work in our community and nonmembers for the work they do to elevate mediation. We look for peer mediation groups in schools.

Nominations should be forwarded to the Executive Director, please; though I would be more than glad to hear from you as would any of the board members. I'm sure Deborah Medlock, the President-Elect, would appreciate some input by members for her board next year.

The board continues to discuss the need and importance of raising the bar on professionalism of mediators and alternative dispute resolution providers. We ask that our members be forthcoming with information on these areas.

for their extensive contribution to the field of mediation and to the association.

Margaret 'Peg' Nichols Volunteer of the Year Award: The volunteer of the year award includes non-HMA members as well as HMA members. The HMA Board of Directors felt they wanted to expand this award to include all the many fantastic mediation volunteers in our area. The winner of the award will receive a free HMA membership for 2014 – 2015.

School for the Peer Mediation Award: HMA seeks nominations from Kansas and Missouri schools for the organization's Peer Mediation Awards. The nominees may be schools in grades Kindergarten through grade 12 that have active peer mediation programs. Heartland is interested in identifying schools that have implemented peer mediation as a means of resolving conflicts between its students. More fundamentally we are interested in schools providing a practical educational mediation experience for their students. These programs provide hands on opportunities for student mediators and students in conflict as well as others in the student body 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.

The BOD continues to think ahead. They are looking at planning trainings for October 2014 and February 2015 already. We are also making arrangements to have Bill Eddy, developer of BIFF, as our primary presenter in a two-day conference in April of 2015.

Other things we are doing is working on raising the standards of mediators and assisting our state judicial system with increasing the professional performance of mediators. We would be interested in receiving ideas from the membership.

Another item on our list has been to upgrade our website so it will be more interactive with members and technology we are all working with these days. That should be done soon. Please give us some feedback on how it works for you.

I am proud to serve with the board in such a wonderful organization as Heartland Mediators Association.

**Linda Laird**

# Mediation for Elder Featured in February

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promised Mom would never go to a nursing home). And end of life issues (Mom has several serious chronic health problems and then breaks a hip or quits eating and family must make the hard choice of allowing natural death).

Special issues that elders and their families face range from the special problems of age – hearing difficulties, isolation, physical limitations, memory loss and confusion as well as problems that families of the elderly face -- their own life problems, financial and time limitations, sibling rivalry and differences of opinion about how to resolve problems, distance and personal issues.

Different options and services may be available to seniors that might take a different direction. Participants will have time to ask questions and discuss what they see as issues for the elderly and those who become caregivers. Is it an ethical dilemma or simply a decision?

The actual mediation process and how the mediator might make accommodations for elderly clients will be considered. The legal issues that a senior and his/her family members might face and how mediators might help with some of those issues.

Hurst Coffman, a Topeka attorney who specializes in elder law, will provide information on the legal issues that the elderly and their families might encounter, including guardianship, financial and health powers of attorney, and estate planning, among others, and will discuss how mediation might assist elder law attorneys, their clients, and their families.

Kate Hamilton, a social worker who currently works with the elderly and their families as part of the PACE program at Midland Care Senior Services in Topeka, will discuss different options and services available to seniors, as well as, problems specifically related to aging, such as hearing difficulties, isolation, physical limitations, memory loss, and confusion. Additionally, she will highlight some of the issues that the families of the elderly face, such as financial and time limitations, sibling rivalry, distance and personal issues, and how these can impact family decisions

Aline Cole Barrett, a Topeka attorney and mediator, will discuss the specifics of elder mediation and the special considerations that the mediator must address in this extended family mediation process that may involve most all of us at some point in life.

Past HMA President Ann Zimmerman will assist in an ethics discussion about the topic which easily

can be considered for legal ethics and CLE credit. A power point with the ethical rules for mediators and attorney/mediators that apply will be presented. Ethics questions will promote discussion.

Coffman, a native of Topeka was raised at Ottawa, KS, and earned his Bachelor of Arts degree from Ottawa University and his law degree from Washington College of Law, American University, Washington, D.C. He has been an attorney in the firm of Coffman, DeFries and Nothorn, PA in Topeka since 1976. His practice is principally in the area of trusts, estates, tax planning and elder law. He is a member of the Topeka and Kansas Bar Associations.

Aline Cole Barrett, J.D. M.A., is an approved Kansas mediator in Civil/Core Mediation, Parent Adolescent and Domestic, she has a broad spectrum of experience in family law, social services and mental health, including domestic violence, sexual assault, child and adolescent development and behavior. She earned a B.S. in Occupational Therapy from Tufts University; an M.A. in Leadership/Human Administration from Bradley University; a Juris Doctorate from Gonzaga University School of Law. She is a member of the KBA and its ADR committee.

Kate Hamilton has a degree in social work and a Masters in Public Administration, both from the University of Kansas. She has worked with mediation for more than 10 years and has worked with seniors and their family issues for more than 30 years as nursing home administrator, hospital social worker and admissions coordinator for PACE. Kate presently works with Midland Care Senior Services and the PACE program and is approved in Parent / Adolescent and Domestic mediation.

You may sign up on the webpage by going to [www.heartlandmediators.org](http://www.heartlandmediators.org) or contacting Janet Lhuillier, Executive director.

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

Send your stories to Janet  
at [hmaorganization@everestkc.net](mailto:hmaorganization@everestkc.net)

# Parable for Mediators: Temple of Hope

Sometimes a parable can say more about something in a few words and bring more clarity and understanding than an academic explanation. I had an occasion to conduct a refresher course on the basics for a group of university workplace volunteer mediators. Such a parable became the foundation for this discussion. I expressed it both verbally and visually: mediation is like a temple, a temple of hope.

The foundation layer is the safety of the participants. This safety addresses their general well-being and considerations that might put them at risk. We clarify our purpose so they know what this thing is that they are committing to do. We explain our fees so they are not financially broadsided by unknown economic burden.

We assess potential exposure to injury. We explore their cultural and language needs so they can safely function in the cognitive dimension. Their special mental and physical capacities are also weighed into our approach. Without a sound foundation, mediation has no hope of bringing meaningful solution.

The floor of the temple is confidentiality. It is a type of safety, of content, if you will. This form of safety sets mediation apart in that the content of the parties' experience is restricted to them and them alone. While the foundation of safety alone should be an assumable fact for the parties, the protection provided by confidentiality is probably the significant foundation reference point for the parties themselves. From this floor they can freely engage each other in a discussion that is unique to their relationship and issues, without concern for external interpretation or inference.

The foundation and the floor provide the environment. The pillars of the temple are the mediators. One is the mediator's knowledge and skills. The other is neutrality. The first is the body of ability and understanding the mediator brings to support the actions of the parties. They need to be soundly based and seasoned by experience.

Whether this experience has been acquired or is in process, continuing education, and collegiality are needed to insure this pillar can carry the weight. Neutrality is the other critical pillar to support the weight of the purpose of mediation. This pillar is equally essential to the soundness of the structure and cannot be treated lightly. The mediator must monitor themselves at all times for personal bias and interest that can significantly weaken what they are intending to uphold.

Particular attention to cracks caused by weakness or indifference are critical. Professional mentoring is the prophylaxis that will maintain the soundness

against the onslaught of the elements that will surely pelt the mediator. The quickest way to cause the collapse of the structure of mediation is mediator isolation -- away from learning, reflection, and support.

The structure thus far supports a ceiling of self-determination. This is why the temple exists. Under the shelter of this roof, people get to be themselves as fully as possible, not some caricature defined by a social system, fully facing their own lives, with the warts and blemishes they bring to that life.

They are given the opportunity to take responsibility for their lives and the bumps and potholes that go with them, and find their own answers, unique to them and their situation.

Everything up to the ceiling serves the purpose of that shelter. If each part of the temple's structure does not do its part to support that purpose, that structure will not meet the code and will only provide a false front to the community, dragging down the value and confidence put into mediation.

Almost all classic temples have a tympanum, a triangular type profile that supports the roof, much like a gable. If the temple is soundly crafted and exercised as it was intended, not only will the roof lift to a grand height, but also better shed the elements that may fall upon it. The tympanum of our temple is the future for that is where the self-determination will reach its heights and handle what may befall the parties' relationship. My belief is that a good mediator will, as much as possible, work themselves out of a job with each set of parties: help equip the parties to effectively live their lives without need for further conflict and intervention. While, in real life terms, this does not always happen, it provides a strong design feature of a mediator's practice.

Finally, the temple is typically capped with a symbol of its purpose for all to see. This icon announces to the community, "This is why I am here". The icon for mediation is hope.

Mediators should announce to the world that we are here to bring hope to a conflicted and hurting world, one instance at a time. In our labors, we should be the living reminders of that hope for the parties. We can convey it from our first letter to them, through our reframing and problem solving, to our drafting of their agreement statements.

We, as mediators, are the high priests of hope: our practice is the temple that brings that grace to the world. May we humbly honor the work we have been given to do.

***Evan Ash, M.Div., M.S. is Mediator for Kansas Tenth Judicial District in Olathe, Kansas***