



Heartland Mediators Association

**Newsletter for
Midwest Mediators**

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President's Message: Are Times Changing?

Are Mediation Cases Getting More Difficult? (or is it just my cases . . .)

This week I reached a milestone: I have been working as a mediator for the Family Court in Johnson County, Kansas on to 15 years. That's a decade and a half of working with parents; several thousand parents in fact.

All the folks I work with are in conflict with their co-parent (or another family member) about their children. And, this demographic seldom includes the family who voluntarily seeks out mediation; those

folks generally go to the private sector, at least in our county.

I usually work with parents who have already decided (or discovered) that they are incapable of working out their issues together, and have filed a motion for the court to intervene. I'm not complaining; I still love what I do!

I know there can be a toll that comes from working with so many fearful, angry, unhappy people, and I encourage all of us, who expose ourselves regularly to these situa-

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HMA Sponsors KS ADR Training

KBA 2014 Alternative Dispute Resolution CLE will be Friday, November 21, 2014 at the Hilton Garden Inn, Overland Park, KS.

Registration with Continental Breakfast begins at 9:30 am with the course starting at 10 am. Kirsten Zerger, Kansas Institute for Peace and Conflict Resolution (KIPCOR), Newton, will present on "Parenting Coordination."

Zerger, (J.D., UC Berkeley) is Director of Education & Training for the KIPCOR at Bethel College, where she also serves as Chair of the Department of Social Sciences and administers the Conflict Resolution Certificate program. A state-approved mediator and trainer, she manages the Community Mediation Center, now developing a "triage" pilot for the 9th JD to assess appropriateness of ADR interventions in domestic disputes. Kirsten sits on the Supreme Court Advisory Council on Alternative Dispute Resolution, and through grants from the Office of Judicial Administration has co-authored manuals on cross-cultural domestic mediation and mentor mediator training. Currently she serves on an OJA planning group to develop parent coordinator training. Kirsten previously practiced labor law in California as counsel for the United Farm Workers and the California Teachers Association, also co-writing and editing the primary text on California Public Sector Labor Law. Contact: kzerger@bethelks.edu.

At 10:50 a.m. Kathy Perkins, Kathy Perkins LLC, Lawrence, KS, will present on "Ethics Hacks: Best Practices to Meet Ethical Obligations While Negotiating & Mediating."

Perkins founded her firm in Lawrence, Kansas in 2008 after 25 years of litigating employment and commercial disputes, most recently with Constangy, Brooks & Smith in Kansas City. She is a graduate of Har-

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Normalizing Impasse Opens Opportunities

Impasse: What Causes it, How to Avoid it, and How to Work Through It, will be presented by Rebecca Magruder, JD, St. Louis, on Friday Feb. 6 at Topeka Public Library, 1515 SW 10th, Topeka.

Normalizing impasse opens opportunities for parties, as well as the mediators. What's a mediator to do when parties get stuck and insist that it's their way or the highway?

While most mediators, including mediators who are also attorneys, are occasionally tempted to use drastic interventions such as sending people off to a judge, there are more effective ways to help parties through impasse, which is a normal occurrence at some point in most conflicts.

The seminar on Feb. 6 includes a series of short exercises designed to help mediators reflect on their own attitudes towards conflict and im-

passé. Magruder will facilitate discussion of how our attitudes affect our interventions as well as the effectiveness of our interventions.

Magruder is an attorney in a solo private practice with a focus on mediation, collaborative law, and other non-adversarial methods for resolving family and workplace disputes.

She is an Advanced Practitioner member of the Family Section of the Association for Conflict Resolution (ACR), and trains and mentors new mediators.

Contact HMA for more information or to sign up for the workshop. Three hours of CLE/CME are available for the nominal fee of \$60 for HMA members; \$85 for non-members and \$30 for students.

President's Message

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tions, to find ways to take care of ourselves. (A good place to start thinking about that is the Greater Good Science Center: <http://greatergood.berkeley.edu/>)

Even more importantly, I am also aware of the possibility, on my caseload, that the real risk of harm is to the children who live in these households. When parents are consistently in conflict, their children are inevitably exposed to toxicity and it feels even more imperative to continue to do good work.

I get the opportunity to speak with a lot of other mediators. In recent years, I have noticed a familiar refrain asking "Why are the cases getting harder?"

Regardless of the field or type of mediation, I consistently hear that cases 'these days' often have a different edge than they used to. I also know several of us in the field have speculated and offered theories on the possible causes.

I offer my belief that those of us who are true believers in the value of helping and teaching others about peaceful resolution are making a difference. Mediation is no longer a foreign word.

When I get an 'Order for Medication' or an 'Order for Meditation', it's a typo, not a failure to know the word or process. While not everyone really understands the details and processes, many more people now are familiar with the concepts of alternative dispute resolution and mediation.

One possibility for cases feeling tougher is that

because more people are resolving their own issues, we no longer work with as many of the 'easy' cases. Perhaps more people now seek private providers to help them reach resolution? Still, the tough cases just seem tougher.

Our society today seems to encourage people to be open about their thoughts and feelings. This is not my area of expertise, but I cannot imagine how the advent and saturation of reality television can avoid having an impact on society. So, maybe people are now comfortable expressing themselves in ways that they would never have publicly demonstrated just a few decades ago.

I also have a pet theory that we have raised a generation of 'ribbon people'. If everyone gets a ribbon and gets the message that they matter, it builds healthy self-confidence and good ego strength. However, it can also give some people the false belief that they can and should get what they want, or, that what they think and feel should matter to everyone else.

Whether or not cases are more difficult, we all continue to deal with difficult people or at least with people acting in a difficult manner.

I am excited to remind you that this coming spring, HMA will be hosting Bill Eddy for our regional conference. Mr. Eddy is known for finding effective approaches to dealing with difficult people.

Come join us as we gain new insight and skills for our practice. I look forward to seeing you there!

ADR Training Full Day in Kansas City Nov. 21

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vard Law School and has a Civil Engineering degree from Kansas State University. She mediates for the Missouri Commission on Human Rights, private clients and is on the Kansas Agricultural Mediation Services and Missouri and Kansas federal court panels. Her focus is on resolving workplace conflict - in addition to mediating, she provides proactive employer counseling and training, and directs internal workplace investigations. Perkins is the President of the Kansas Bar Association Alternative Dispute Resolution Section and has served on the Boards of the Heartland Mediators Association, Jayhawk Chapter of the Society for Human Resources and Willow Domestic Violence Center. She is a member of the Jayhawk Breakfast Rotary Club in Lawrence.

Lunch will be provided at 11:40 a.m. At 12:45 p.m. Jerry Jost, Conservation Director of Kansas Land Trust, Lawrence; and Karen McIlvain, McIlvain Law Office LLC, Madison, will present "Farm Succession Mediation and Associated Ag Law and Elder Law Issues."

Jost, Mediator and Facilitator, Shared Pathways, Lawrence, grew up on and became a partner in a diversified dairy farm in south central Kansas. Working with the Kansas Rural Center over two decades, Jerry worked with farm groups managing transitions towards more sustainable farming practices and local markets. Currently he works for the Kansas Land Trust helping landowners protect their land through conservation easements. Jerry also serves as a mediator with the Kansas Agricultural Mediation Services. He has a Master of Arts in Conflict Management and Dispute Resolution with Baker University.

McIlvain earned her J.D. from Washburn Law School in 1984 and was an editor and contributor to the Washburn Law Journal. Since 1984 she has practiced Law as a partner and sole practitioner at McIlvain Law Office, LLC, in Madison and Eureka, KS. Her practice includes an emphasis in agricultural law and estate planning, including transition planning of family farms. She has provided legal representation in mediation cases through the Kansas Agricultural Mediation Services (KAMS) through K-State since its inception in 1988. She has served as a resource person and speaker to the KAMS program and its trainings, the Kansas Rural Center, the Iowa Center for Agricultural Law and Taxation, K-State Extension, and local areas regarding estate planning and elder

law, and has served on the Kansas Bar Association Agricultural Law Committee. Fees are \$195 for KBA members; \$175 for ADR Section member; \$215 for non members and \$115 for non attorney mediators (HMA members).

Adjournment is set for 2:25 p.m. The course is approved for 4.0 CLE credit hours, including 1.0 hour of ethics and professionalism in Kansas and Missouri.

The Hilton Garden Inn is located at 5800 College Blvd, Overland Park. To register contact Dawn Phoenix at dphoenix@ksbar.org or call 785-861-8811.

Register online at http://www.ksbar.org/event/2014_KBA_ADR_CLE

Save the Dates April 16-17

2015 Biennial Heartland Regional Conference of Me- diators

KU Edwards Campus /
BEST Conference Center
Overland Park, KS
April 16 & 17, 2015

Bill Eddy " Approaches for Highest Conflict Disputes"

HMA is sponsoring the four state 2015 Biennial Heartland Regional Conference of Mediators in partnership with the Association of Missouri Mediators, the Nebraska Mediation Association and the Iowa Association of Mediators. We are honored to bring Bill Eddy to Kansas City for 1.5 days of excellent high conflict mediation training. The 2015 regional conference will be April 16-17 at KU Edwards Campus, BEST Conference Center in Overland Park.

Kansas CLE and CME credit has been approved for this conference so plan on being there.

Heartland Mediators Association

Kansas City April 2016

Proposals due January 30, 2015

Training Track: HMA is looking for presenters that are involved with mediation using high-tech options. The workshops can be as long as you want. We are also looking for a panel of people who can discuss how they use high-tech mediation in their business and to benefit their clients and themselves. Presenters will be compensated for their contribution to the conference.

Title of Presentation: _____

Brief Program Description for brochure (approximately 50 words):

Presenter Information (If co-presenting, include same information for 2nd presenter):

Name: _____

Title: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Brief Bio – include degrees, certifications, & professional memberships:

When submitting this completed form, include a detailed description of the presentation (outline and/or written material) for review by the workshop review committee.

**Send completed forms to: HMAOrganization@everestkc.net
or to Janet Lhuillier, HMA, P.O. Box 14971, Lenexa, KS 66285 913-956-7620**