



Heartland Mediators Association

Newsletter for Midwest Mediators

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2013 Heartland Mediators Association

A Message From the President: Education Priority of HMA

One of the main traditions and purposes of Heartland Mediators Association is to provide all important education for its members.

The Office of Judicial Administration requires at least six hours of Continuing Mediator Education each year to continue Kansas Supreme Court Approval of mediators who work with the court system.

Since HMA is an educational non-profit, that's our job to make certain our members have that training at a nominal cost which we attempt to do.

The Board of Directors has long tried to find out just what kind of trainings our members are interested

in attending and also tried to have them around the state. These seminars are open to members and non members.

This year will be no different. We will have training at Manhattan, Topeka and Kansas City.

HMA will offer training for its members and potential members Oct. 4 at Manhattan in Kansas.

Susan Kraus of Lawrence will offer informative time on working with military families. She is a clinical social worker and mediator who works with many families but has developed a way to work specifically with our armed forces

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Military Families Subject of Special Training in Manhattan on Oct. 4

Almost everyday we are alerted to honor our troops. We are told about those being deployed. We have relatives and friends who are going away for awhile, then returning.

Some of us know how to cope or deal with this but others of us need more information so we might be of service to those in our community involved with the Armed Forces.

Heartland Mediators Association will offer a special training from a special trainer who works with these families and has developed a knack of helping.

The training begins with lunch at noon Oct. 4 at First United Methodist Church, Manhattan, KS; then Susan Kraus provides three hours of CME in a workshop titled: "Special Mediation Needs for Military Families" by Susan Kraus, MSW, LSCSW.

Susan Kraus has had a diverse experience in this distinctive field.

This training also brings awareness of military issues for ministers and pastors plus anyone else you think can benefit by this workshop. This training may help anyone in understanding the dynamics of military families.

This workshop will cover the unique considerations mediators need

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Fixer and Solver Finds Mediation Best

I never planned on becoming an attorney, but instead anticipated a career as a therapist. I was living in LA and planning on starting a clinical psychology program and took the LSAT on a whim. A decade later I have a family law and mediation practice.

I took a dispute resolution class in law school and received a "C" because the professor didn't like my "reflection journal"!! Fortunately, this experience didn't sway my desire to learn more about mediation and I took the courses offered at JCCC.

President's Message

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families.

Since many mediators are working more and more with families who have one or more of the parents in the military and being deployed elsewhere in the world, they are very interested in learning about how to assist these families with co-parenting and with decision-making in these times.

Kraus, a member of HMA herself, has developed a service to military families needing assistance with getting along in these chaotic times.

HMA will again support the ADR Section of the Kansas Bar Association with its all-day training Nov. 15 at Crown Plaza Hotel, Lenexa. A special reduced rate should be available for non attorney mediators at the training.

Since mediators are in need of having at least 6 hours of CME training each year to meet their court approval, these hours would fulfill the requisite for the year.

Then in 2014 HMA will offer an afternoon training with information on elder mediation bringing together a number of people who are working with the aging population.

The training the afternoon of Feb. 21 will feature a panel of those who are working with families dealing with the issues of aging and elder care.

The second training of 2014 will be the HMA annual meeting and conference in April, which is Mediation Month in Kansas. This training is historically two days.

We look forward to seeing you at one or all of these great gatherings of professionals.

Upon graduating from law school, I served as domestic violence prosecutor at the Unified Government of Wyandotte County/Kansas City, Kansas. I left the public sector for private practice and have practiced family, elder, and juvenile law since 2009. My practice areas include divorce & post-divorce, paternity, guardianships/conservatorships, juvenile offender, GAL, and child in need of care cases.

Although there is a time and a place for family law litigation, much of it could have been avoided had the family tried mediation first.

I am constantly amazed at how much anxiety, stress, and negative emotion has been released via mediation. Most importantly, these families' children have been spared a lifetime of being caught in the middle of angry, warring parents.

Whether or not family law attorneys choose to offer mediation as a part of his/her practice area, I think it is imperative that they be trained in mediation. I personally use mediation extensively in my "adversarial" litigation cases.

Whereas family law seems to be run by attorneys who (unnecessarily) take on the emotions and fervor of their clients, I choose to not buy into the angry, argumentative manner of opposing counsel. Instead, I use my mediation skills to reach agreements – and I have saved my clients a ton of money!!

My normal inclination is to fix and solve, but that's not appropriate for mediation. My legal skills come in handy when proposing different solutions, but I have learned that families often reach agreements that I would have prevented if I assumed I had all of the answers.

Approximately one-third of my workload is family law mediation. I cherish the time I have with these families and our "kum ba yah" sessions. I feel incredibly energized after mediation sessions and would exclusively serve as a mediator if the opportunity arose. I am always looking for ways to learn and grow as a mediator and look forward to learning more about the community of mediators with HMA.

***Carly Farrell Boothe, Attorney & Mediator,
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Susan Kraus Offers Knowledge on Families

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to be aware of when developing parenting plans with military families. We will review military language and culture, the psychological and emotional impact of deployment and multiple deployments on both children and parents, and how PTSD and MTBI can impact a mediation process. Mobility, mobilization, residence and the interface of Family Care Plans and custody plans will be included. Sample parenting plans will be provided.

Such useful acronyms as MOS, DEERS, 20/20/20, USFSPA, SCRA, UCCJEA, LES, BAH, SBP, TSP, etc., will be reviewed, as will pension division and how the transferable GI Bill can be a hot asset. It is impossible to cover the intricate details of military divorce in one day. But participants will leave with an enhanced appreciation for what they don't know, the dangers of assumptions, and where to research when they do need to know.

Susan Kraus, MSW, LSCSW, has been a licensed mediator for the State of Kansas for 19 years. She is experienced in all facets of domestic mediation. She has also mediated special education, multi-generational conflicts, end-of-life decisions, inheritance

issues in families and tenant-landlord. She served on the Alternative Dispute Resolution Advisory Council to the Kansas Supreme Court for two 3-year terms.

Since 2007, Susan has also worked part-time for the Department of Defense on military bases overseas and stateside (or OCONUS and CONUS as she quickly learned.) Her experience working with military families taught her, as a civilian, just how much she had not appreciated or understood about military life. She is still learning.

Cost of the workshop is \$50 for HMA members, \$75 for non-members; \$25 for students, \$50 (special pricing) for clergy interested in participating.

Three (3) KS CME hours is available for this training. If you are a Kansas Approved Mediator you need six (6) CME hours every year.

Don't forget to put this on your calendar and tell your friends. This training is a special one that comes at a reasonable price with lunch and good networking opportunities.

For more information contact Janet Lhuillier, HMA Organization, P.O. Box 14971, Lenexa, KS 66285 or 913-965-7620.

Athletics, High Drama Add to Lure of Mediation

I grew up my whole life in the Chicago suburbs a middle child. My mediation background was forever in the middle.

My family was always high drama, myself pretty laid back but very convincing. I understand those dynamics since I also am a competitive athlete and am also emotional, since always drawn to art in a variety of types of art (poet/musician/ painter).

I attended junior college at home and got my Associate of Arts Degree. Then, I was offered a full ride scholarship to play tennis at the University of New Orleans.

I thought I would make a good psychologist, but instead got a Bachelor of General Studies with a Human Behavior/ Communication emphasis. I took a variety of classes in social sciences, business communication, psychology, philosophy, political science and humanities.

I worked in a variety of general business jobs such as public relations, marketing, customer service, sales, sales management, sales support and general clerical functions. I also have been a substitute teacher since 2004, working with

pre-school through 8th grades with special needs kids as well as others.

When my daughter was born I started an Avon business. After 5 years, I opened a marketing business to assist small business owners.

Mediation is a natural for me. People have asked me for advice my whole life. I prefer to stay out of family dynamics, and work with business people in my practice.

I am also hoping to grow a sports mediation practice, since I can relate having been a NCAA Division 1 athlete. I am a solo practitioner. I did a practicum in Dallas, Texas, at a clinic that works with three universities. I have been co-mediating in Johnson County District Court Small Claims.

My practice I am building will function out of hotel conference rooms. I am willing to travel. I do enjoy the variety of people that practice in mediation. I have lived in Topeka 16 years and am married to a physician.

I also spent a year living in Miami, Florida, while my husband did his medical training.

Reach her at Kathy Pojman <kontaktkathy@cox.net

Ethics in Mediation: What's Working?

Mediation in Western society is a relatively new field. As it develops, the need for certain standards in competency and accountability is becoming clear.

The following discussion on ethics is taken from a presentation given in 1998 at the 7th Annual North-west ADR Conference by Julia Gold and Alan Kirtley.

The search for words to express ethical management is an ongoing one. The authors present these model standards of conduct for mediators to serve three major functions: as a guide for the conduct of mediators, to inform the mediating parties, and to promote public confidence in mediation as a process for resolving disputes.

They set out a series of principles:

1. Self-determination: A mediator shall recognize that mediation is based on the principle of self-determination by the parties. Self-determination requires that the mediation process rely upon the ability of the parties to reach a voluntary, enforced agreement. Any party may withdraw from mediation at any time.

2. Impartiality: A mediator shall conduct the mediation in an impartial manner. A mediator shall mediate only those matters in which he or she remains impartial and evenhanded. If at any time the mediator is unable to conduct the process in an impartial manner, the mediator is obligated to withdraw. A mediator should guard against partiality or prejudice based on a party's personal characteristics, background or performance at the mediation.

3. Conflicts of interest: A mediator shall disclose all actual and potential conflicts of interest reasonably known to the mediator. After disclosure, the mediator shall decline to mediate unless all parties choose to retain the mediator.

The need to protect against conflict of interest also governs conduct that occurs during and after the mediation. A conflict of interest is a dealing or relationship that might create an impression of possible bias. Without the consent of all parties, a mediator shall not subsequently establish a professional relationship with one of the parties in a related manner, or in an unrelated manner under circumstances that would raise legitimate questions about the integrity of the mediation process. Pressure from outside the mediation process should never influence the mediator to coerce the parties to settle.

4. Competence: A mediator shall mediate only when the mediator has the necessary qualifications to satisfy the reasonable expectations of the parties. Mediators should have information available to the

parties regarding their relevant training, education, and experience.

5. Confidentiality. A mediator shall maintain the reasonable expectations of the parties with regard to confidentiality. The parties' expectations of confidentiality depend on the circumstances of the mediation and any agreements they may make. The mediator shall not disclose any matter that a party expects to be confidential unless given permission by all parties or unless required by law or other public policy. If the mediator holds private sessions with a party, the nature of these sessions with regard to confidentiality should be discussed prior to undertaking such sessions. In order to protect the integrity of the mediation, a mediator should avoid communicating information about how the parties acted in the mediation process, the merits of the case, or settlement offers. The mediator may report, if required, whether parties appeared at a scheduled mediation.

6. Quality of the process: A mediator shall conduct the mediation fairly, diligently, and in a manner consistent with the principle of self-determination by the parties. There should be adequate opportunity for each party in mediation to participate in the discussions. The parties decide when and under what conditions they will reach an agreement or terminate a mediation.

7. Advertising and solicitation: A mediator shall be truthful in advertising and solicitation for mediation. Advertising or any other communication with the public concerning services offered or regarding the education, training, and expertise of a mediator shall be truthful. Mediators shall refrain from promises and guarantees of results.

8. Fees: A mediator shall fully disclose and explain the basis of compensation, fees and charges to the parties. The parties should be provided sufficient information about fees at the outset of a mediation to determine if they wish to retain the services of a mediator. A mediator should not enter into a fee agreement that is contingent upon the result of the mediation or the amount of the settlement. A mediator should not accept a fee for referral of a matter to another mediator or any other person.

One question might be are these principles as relevant today and what changes are integral to creating a more ethical professional atmosphere? Are there other items or issues that need to be on the list?

We would appreciate any comments HMA members would like to submit.