

HEARTLAND MEDIATORS ASSOCIATION

SPRING, 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.

THOUGHTS FROM OUR PRESIDENT THE OTHER SIDE OF THE COIN

The annual HMA meeting, scheduled for April 27 and 28th, will focus on forgiveness as an essential tool for alternative dispute resolution. This year's training, with a working title of "Path of Forgiveness" will feature Eileen Barker and we believe you will learn much about the strength of compassion in ADR. A complete description of her training can be found at the HMA website and I urge you to attend and learn the subtleties of forgiveness from a noted expert. I anticipate you will leave the training with an increased understanding of the emotional dynamics of apology and forgiveness and I think you will have an interesting experience enhancing both your ADR tool kit and networking with peers.

In my experience one of the

best ways to achieve forgiveness during the mediation process is for one of the parties to say they are sorry for the event that brought them to you for resolution. It's effective only if it's sincere, but as a mediator an offer of apology gives you a wonderful opportunity to bring the parties to an agreement. Research I've read indicate there are 6 active components to an apology that need to be acknowledged by both parties before the apology becomes effective:

- ❖ Acknowledgment of responsibility
- ❖ Expression of regret
- ❖ Explanation of what went wrong
- ❖ Declaration of repentance
- ❖ Offer of repair
- ❖ Request for forgiveness

In mediation an apology is

not an admission of liability. Severing the connection between an apology and any liability has the advantage of empowering the parties to say "sorry" without compromising their negotiating position. You, as the mediator, can use an apology as a tool for moving forward, but prudence is advised. Does the apology sound sincere and does the recipient appear to accept the apology. If yes, and if the apology meets the criteria, you have been given a great opportunity to bring the parties to a workable agreement. Admitting that you did something wrong or inappropriate is the primary factor in creating an effective apology and while many people in mediation might

~ Continues on page 3

Upcoming Events:

- **Heartland Mediators Annual Spring Conference April 26 & 27, 2018**
April 26 @ 1:00 pm - April 27 @ 5:00 pm, KU Edwards Campus, Overland Park
- FALL 2018 – Information to be forwarded
- Winter Training, February 15, 2019, Topeka
- HMA Annual Conference: Conflict Coaching Matters! April 11 & 12, 2019 – More Info to follow

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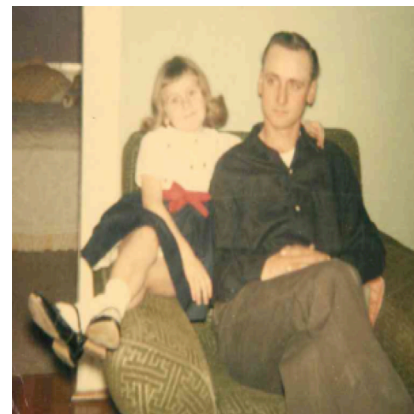
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MEET A DIRECTOR - DEBORAH MEDLOCK

Last night at 10:17 CST, my father died. Today, I have a deadline to submit an article introducing myself to you, dear reader. If you know me at all, you know I am a firm believer in meeting my deadlines. I also firmly believe that the value of being early is overrated. (That is a reframe for the fact that I can procrastinate . . . although I prefer to think of it as being really busy).

If you know me, you also know that humor is one of my core values. My life motto is: "No day should end before I have laughed at least once and learned something new." The laugh is often at a bad joke, because that's the kind I'm best at. I had originally planned on writing something light-hearted –and maybe even funny - for this column; but today my heart is heavy with grief.

I have worked as a mediator for Domestic Court Services in Olathe, Kansas since 2000. Mediation is not just a job for me. I am a true believer that each of us needs to do our part to make the world a better place. I attempt to work with parents by giving them the opportunity to move forward in a more peaceful manner, focusing on their children's needs. Ironically, in my work at Court Services, we only deal with the non-financial side of things. Get it? I am your treasurer, but at work I'm not allowed to deal with money or math. I warned you, it's often a bad joke.



Five year old Deborah and her father, Jesse Medlock.

In addition to seeing the humor in life, I am also very much aware of the pain we all experience. As mediators, we seldom meet our clients at the best time in their lives. Not only in domestic cases, but in any case where there is conflict, there will also be fear, anger, regret, sadness, loss and a number of other competing, unpleasant emotions. When we can be compassionate with our clients and have an appreciation for what they may be feeling, we are better able to let them be themselves, to have patience with them and to offer them understanding; something that is often lacking in our busy world.

This is not the column I planned to write. However, for me, life seldom follows the script I have planned for. In addition to showing compassion, I believe it is important to be honest and appropriately vulnerable. My clients struggle with these concepts. We need to model

~ Continues on page 3

Speakers Bureau Pilot Project

The Heartland Mediators Association's Board approved a pilot project to use experienced mediators to make presentations around the region on the benefits of using mediation and other forms of dispute resolution. The goal is to improve our education of the public through free presentations. Along with selecting mediators to provide these services, Heartland will set up a system to regularly remind organizations of the availability of these presenters. The Board will evaluate the pilot at the end of a year. We can use our member's assistance in identifying people we believe are good presenters and groups we can approach for presentations on the benefits of using dispute resolution.

The Board approved the idea of starting with a small group of presenters made up primarily of people with experience in teaching the core categories of mediation. This will probably be ten to twelve people with extensive training experience. If the project is successful, we can expand this number.

Speakers would be listed for the topics for which they have expertise. These might include the domestic, civil (with breakout groups such as employment, contracts, construction, personal injury, EEOC, etc.), parent/adolescent, restorative justice, workplace, and neighborhood.

We are soliciting your help to suggest sources to send an announcement. The announcement would go out twice to this list during the pilot period. Example of the mailings could include to all judges in the state, Chambers of Commerce's, business associations, civil groups and select non-profit associations.

The program would be evaluated by the Board one year after its implementation. Criteria for the evaluation would be:

- Were enough speakers recruited?
- What topics were requested?
- Was there a large enough distribution list developed?
- Did anyone use the system?
- Were there hidden costs that should be considered?

Please let us know if you are interested in being considered as a presenter. The Board has set up a committee that will evaluate who to use during the pilot period.

~continued from page 1
The Other Side of the Coin

offer an "apology" as a way to settling the issue, failure to admit responsibility lessens the impact of the apology. On the other hand, occasionally the other party is satisfied just to hear the words of an apology because they are content with having the "wrongdoer" apologize. When that happens emotions are cooled, and the mediation can proceed to an agreement.

This will be my last annual meeting as President of HMA and I look back with pride on my years of service on the Board. I look forward to the annual meeting and training opportunity. The Officers, Board and the Executive Director of HMA look forward to seeing you at the annual meeting. We think you will learn and enjoy the experience.

--- Wayne Olsen



~continued from page 1

Meet a Director - Deborah Medlock

for them a different way. A challenge for me is how to model in the Goldilocks way. No, not with the blonde hair and blue dress, but in the way demonstrating "not too much, not too little, but just right."

In a world that loves to categorize things, we may be asked what style of mediation we

practice. Is it transformative, evaluative, or facilitative? I say I practice intuitive mediation. I follow my gut and when it feels like the right thing, then it's what I do or say. I guess that is also the way I write columns for newsletters – I just do what seems right (to me) at the time.

Our upcoming annual conference is on the topic of forgiveness. It is a Complicated topic, and so very

important. I am very aware that life is short. It is too short for us to hold on to negative emotions and stay stuck in the past. Both for ourselves, and for our clients, it is important to find ways to move forward; to be our best selves and live our best lives. I have a renewed sensitivity and awareness of this today, because last night my father died.

--- Deborah Medlock

Public Employee Conference Rate

The Heartland Mediators Association's (HMA) Board of Directors approved a pilot project to discount the 2018 Annual Conference rate for public servant employees to equal the Student attendance rate.

Individuals requesting the Public Servant Employee rate will be asked to affirm that at the time of registration:

1. The applicant is employed by a government agency and the CME/CLE will benefit their employment;
2. The applicant does NOT provide services similar to their job outside the scope of their government employment that provides monetary benefits to the applicant; and,
3. The applicant does NOT provide any mediation related services that provide monetary benefits to the applicant.

Title and Place of Employment

Signature

The request form has been incorporated into the conference registration. The HMA Board will review this pilot project at some point following the conference.

Public Employee Membership Application

The Heartland Mediators Association (HMA) Board of Directors has approved a 2018-2019 Public Employee Membership rate of \$25 per year.

For this membership year, Public Employee Membership Application applicants will be asked to affirm that at the time of application:

1. The applicant is employed by a government agency and the CME/CLE will benefit their employment;
2. The applicant does NOT provide services similar to their job outside the scope of their government employment that provides monetary benefits to the applicant; and,
3. The applicant does NOT provide any mediation related services that provide monetary benefits to the applicant.

Title and Place of Employment

Signature

Public Employees interested in joining HMA are encouraged to forward an application that is being developed. We will offer more information on this new program in our next newsletter. A program review will be coordinated by the board at its' February 2019 board meeting.

My Story of Applying Mediation Skills

I learned about negotiation, mediation, and arbitration in my master's program in labor relations in the early 70's. My work as a union representative and organizer put me into conflict situations with parties who had unequal power for the common purpose of harmonious labor relations. These experiences led to my commitment to trying to equalize power for democratic problem solving and this intention has steadily motivated my work as a mediator.

My first mediation was restorative justice practice in the Des Moines, IA, County Attorney's office during the mid-90's. The County Attorney's office collaborated with volunteer mediators to resolve minor offenses with victims, which freed legal staff for other work. Many of the referred cases involved youth.

These days in Kansas, there are communities where implementing the 2016 Juvenile Justice Reform act have become an opportunity for democratic problem solving around youth misbehavior. Arranging for stakeholders to respectfully problem-solve when a youth has caused harm is a mediation project that demonstrates how community engagement can lead to creative insights and resolutions. What is necessary for such community collaborations to succeed is mutual regard and open communication among people in the conventional justice system with mediators/restorative justice practitioners with our unique contribution to justice. When equity and democratic problem solving are shared intentions, restorative practices can empower those involved and enhance community harmony.

Thea Nietfeld, Offender/Victim Ministries, Inc., Newton Kansas