



# Heartland Mediators Association

Professionals in Conflict Resolution

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.

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Governor Jeff Colyer signing April Mediation Month Proclamation

Pictured left to right:  
Wayne and Clarin Olsen, Gov. Colyer, Melanie Worsley and Lloyd Swartz

## Why Mediation?

As a member of the Board of Directors of HMA I have been asked to write a little about myself and how I got involved in Mediation.

The short answer is I love to explore. I graduated from Law School in December of 1978 and passed the Kansas Bar in April of 1979. As the only associate in a three-person law firm, STEWART & MILLER, in Topeka, Kansas, I did whatever walked in the door and the others did not want to do. I responded to an advertisement in the Kansas Bar Newsletter. Looking for Chapter 7 bankruptcy trustees to be appointed by the newly formed US Trustee program in pilot districts. By pure chance, being the last interviewed as the prior Chapter 13 trustee appeared and indicated he was going to retire, I was appointed as the Chapter 13

bankruptcy trustee and enjoyed that position for eleven years.

Time for a change. A short two-year tenure in Kansas City as President of EPI as it transitioned from a private company to a publicly held company, interesting, however not my cup of tea.

Time for a change. Back to private practice in Topeka, and not wanting to just do the same old thing. My grandfather was a member of the American Arbitration Association many years before this and he put a bug in my ear for ADR. At that time, I imagined it meant arbitration. I was aware that most civil cases never ended with a final decision by a third party like a judge or jury, so ADR was interesting. I went to many trainings including CDR in Boulder Colorado, and a week-

long training, **with exams**, at Stanford University. Got informed that ADR was a whole lot more than Arbitration. Picked up my KS SUP CT mediator approval #3 and decided this was a satisfying practice, actually helping people.

Time for a change, Kansas Legal Services opened, a division called Midland Mediation and I decided to give that a go. Lots of great people. Lots of trainings including USPO transformative mediation, Key Bridge for US Dept. of Justice ADR mediation, lots of mediations involving discrimination in the workplace etc.

Time for a change. Back to private practice with emphases on ADR with GLENN, CORNISH, HANSON, AND KARNIS in Topeka. Special Education, mediation and Due Process Hearings, occupied the greatest chunk along with Domestic cases running through all of the ADR including Domestic Case Management. YOU GUESSED IT, time for a change.

Accepted part time position as Municipal Court Judge in Junction City and then full-time position as Associate Municipal Court Judge in Topeka, KS.

Turned 65 and decided time for my final change, retirement and driving grandchildren around.

As is true with many who retire I looked back at what I most enjoyed and identified ADR as that subject. I had some spare time and wanted that good feeling I got when doing mediation work. I renewed my approval credentials for the OJA of Kansas, and now I do some ADR between shifts as a grandfather taxi service.

Why ADR? Well, back to my original thought on the subject, trials are likely to result with a LOOSE/LOOSE outcome. I found that true in the few jury trials I had in both federal and state court. It was very obvious in domestic cases, and just as true in civil cases. I guess all of that training stuck and the concept of parties controlling the outcome with a better conclusion that was more likely to be accepted as they go forward, appealed to me. I believe learning from others is important thus HEARTLAND MEDIATORS ASSOCIATION, became something I wanted to be involved in. I want to hear how others do things and share how I do them. I do not always agree with those that I hear in trainings; however, I attempt to discover why and work to modify my thoughts to include these new tools.

I do not see mediation as a career, for anyone really, however I see the tools of mediation as a necessary tool for every career.



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Upcoming Events:

- 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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2018 HMA Annual Conference – Forgiveness in Resolving Legal Disputes  
Presenter Eileen Barker (center in blue) surrounded by conference attendees

## HMA workshop presenter offers up forgiveness as tool for mediators

Mediation is considered an Intervention into a dispute in order to resolve it. It isn't a one-size fits all process and many of us spend much time perfecting what we do to be successful at it.

Skills and strategies are gathered along the way as we work to become more accomplished.

Most often Eileen Barker spends three to five days with people at retreats so people may experience the skills she teaches.

She has a slow and methodical style that seems to be more of a meditative skill than that of a mediator. Perhaps her way is to patiently unite attorneys and mediators and shift the culture to bring more healing all the way around.

April 26, 2018, she came to Heartland Mediators Association's annual conference for just a day and a half so she seemed understanding when folks asked her many questions.

“People can only talk about the tools in this setting,” she said in an interview following the first day's workshop at the University of Kansas BEST Center in Overland Park, KS. “We just haven't had enough time to practice our newest tools.

She said what she was doing was a boiled down version of her “Forgiveness for Lawyers” which grew into a workbook that illustrates the process so others may do it. She also has some cards she has put together to assist people working on forgiveness.

As the second of four daughters who grew up at Miller Beach on Lake Michigan in Indiana, Eileen explained she moved toward mediation about 1990 after she finished law school.

“I sort of backed into it,” she said. Always a peacemaker, she could always settle cases, but she always noticed the conflict and wondered what it takes to move away from the conflict.

She said she spent a lot of time reading about Gandhi and Mandela. “Guess I felt I needed to bring that into the field.”

She said she has found many of us see conflict more as a problem rather than an opportunity.

“So many of us engaged in battle find if we can look within and move through a forgiveness process we are allowed to find closure.”

In other words, she believes forgiveness comes from the heart rather than the head.

“And it doesn’t have to cover both people, only one may find healing with forgiveness,” she said.

Barker graduated from Georgetown University Law Center and was a litigation lawyer at the United States Department of Justice before going to a San Francisco law firm.

After 10 years of litigation she said she wanted to take a step beyond to learn how to go past the litigation phase.

“This led me into forgiveness,” she said, saying she founded Path of Forgiveness in 2007. In 2017 she founded the Forgiveness Training Institute to help train lawyers, mediators and other professionals to help their clients forgive. Now she travels the country doing retreats and teaching forgiveness.

She now lives in California with her 18-year-old son and practices forgiveness, she says with a chuckle.

She said most all of us hold past hurts from childhood. She says she has worked to find

ways to have conflict give us opportunity to solve that original conflict.

She said she believes most of us go into mediation because we want the conflict to go away,” she said. The ultimate tool is to be able to teach someone to heal something that has been hanging on their whole life.

In this journey, Eileen has learned many intuitive skills and empathy including energy work that has helped her with her mediation.

“It’s important to be able to bring peace into the room,” she said. She often uses the Serenity prayer that helps those in the process find what they need inside. It’s best to be settled in oneself,” she said.

The best way to help clients is for the mediator to offer their clients ways to forgiveness.

To teach and help with forgiveness one first must know forgiveness and practice and experience the benefits first-hand.

It’s logical to put the benefits of forgiveness on the options for clients. And support clients who want to forgive. Forgiveness is for the person who forgives but sometimes it goes both ways and then it is a win-win thing for certain.

Most of all she likes to make referrals to others – mediators, counselors and coaches so they might help their clients forgive.

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Eileen Barker may be reached at [www.ThePathofForgiveness.com](http://www.ThePathofForgiveness.com) where she offers books and workshops for those interested.

Linda Laird is a past president of Heartland Mediators Association and former editor of the newsletter.



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## Heartland Mediators Speaker's Bureau

Art Thompson

The Heartland Board established a one-year pilot project to educate the public about the benefits and availability of dispute resolution. This project created a short list of speakers who agree to make presentations on a variety of dispute resolution topics to groups who request such a speaker. The Board will evaluate the project during and after the one-year pilot. If it is successful, the list of speakers will be slowly expanded.

We initially started with members who teach or taught mediation and as a group have mediated different types of cases and are located geographically across the state. We had to limit the number in the northeast part of the state because that is where most of our

members are located.

We are asking our members to let the organizations with which they are members about the Speakers Bureau or send us the names of organizations we can contact. An abbreviated list of possible topics includes:

- Domestic
- Civil
- Parent/adolescent
- Restorative Justice
- Workplace
- Neighborhood
- Public Policy
- Elder
- Juvenile, Truancy

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### 2018 HMA Acorn Award Recipient - Micki Armstrong



Micki Armstrong

In May of 1978 two weeks after graduating college, I was hired by Ellis County as a probation officer. In 1979 the Courts unified and I became a State of Kansas employee. With the unification of the Court system, probation officers now served in Judicial Districts and my job was retitled as Court Service Officer for the 23<sup>rd</sup> Judicial District encompassing Ellis County and four additional counties in Western Kansas. My duties not only involved probation reports and supervision of juveniles but also included doing home studies in divorce cases. The home studies involved making recommendations to Judges about which parent should have residential custody of the children. The more I did the home studies the more I knew there must be a better way to help families and

children in divorce and the decisions made around custody and residency. I had heard about mediation and approached my Administrative Judge, Steven Flood if I could get trained in mediation. I told him I would pay for the training myself and do the mediation on off hours. He gave me a book by Donald Saposnek which I read and scheduled my training with Jeannie Erikson in Wichita in December of 1991. With DiAnn Bunnell another CSO in Garden City, we formed a partnership Western Plains Mediation Service. The partnership lasted over 10 years as DiAnn and I mediated cases in Garden City and Hays. Since we both had full-time employment with our Judicial Districts, we did marathon style mediation on weekends. We started on Saturday and continued on Sunday if needed. I remember our first case took 14 hours. We had to convince the attorneys in our judicial districts (including my husband) that mediation was worth trying for domestic cases. My husband's comment was "these people are divorcing because they can't get along, what makes you think you can get them to talk to each other." I said, "wait and see." I remember getting cases that were constantly in litigation over child custody, some of the worst cases in the 23<sup>rd</sup> Judicial District. When we were able to help these parents resolve their differences the 23<sup>rd</sup> Judicial District attorneys and judges

became believers. In 1993 a Court Rule was put in place in the 23<sup>rd</sup> Judicial District that any contested child custody would first be ordered to do mediation. I remember Judge Bouker then Administrative Judge telling me that prior to mediation being implemented he was spending more time in court on domestic cases than on criminal cases. The rest is history.

I can't remember how long I have been a member of Heartland Mediators Association but through this organization I have met many talented people, many I consider as mentors and colleagues. I was happy to serve on the Board of HMA as a Member at Large from 2003 to 2006 and also on the Dispute Resolution Advisory Council for the Kansas Supreme Court 2008 to 2014. Since 2011, I have joined the ranks of mediators doing farm mediation working with producers and creditors, a new challenge to use my mediation skills in a different arena. I have taught mediation as a college class, in workshops and CEUs throughout the State of Kansas.

My vision and a wish is to someday see mediation centers across the State of Kansas. The process of mediation gives me hope for people in conflict. And that in some small way I can help empower people to take responsibility to solve their conflicts.

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

HMA Email: Heartland Mediators Association

HMA phone: 913-956-7620

2018-2020 Officers:

President, Jim Donovan

President-elect, Melanie Worsley

2019 Officers:

Art Thompson

Lori Klarfeld

Lloyd Swartz

2020 Officers:

Verdell Taylor, Jr.

Treasurer, Deborah Medlock

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## HMA 2018 Membership at a Glance

Did you know that there are 167 members of the Heartland Mediators Association?

More specific, our members come from the following states:

General Members	# that are on the list of Kansas Supreme Court approved mediators
138 Kansas	67
21 Missouri	3
1 Nebraska	1
1 Oklahoma	
1 California	
5 Unknown (but all with a Missouri area code)	
 167 TOTAL	 71

Of the 71 on the list of Kansas Supreme Court approved mediators, the following represents their approval areas (each mediator can be approved for more than one area):

	Core	Civil	Domestic	Juvenile	Parent Adolescence
Kansas	66	26	48	3	17
Missouri	3	2	3		
Nebraska				1	
 TOTAL	 69	 28	 51	 4	 17

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