



PENNSYLVANIA
COUNCIL OF MEDIATORS

2009 Annual Conference

Mediation: Listening... Empowering...Resolving

May 1-2, 2009

**Holiday Inn - Grantville
Harrisburg Area**

Conference Co-Sponsors:
ACR – Greater Delaware Valley Chapter
Mediation Council of Western PA

**Host Organization: Neighborhood Dispute Settlement
Harrisburg, PA**

CLE Credits Available

Mediation: Listening...Empowering...Resolving

Welcome to the 2009 Pennsylvania Council of Mediators Annual Conference. This year's theme, *Mediation: Listening...Empowering...Resolving* invites us to revisit the basic skills that lie at the heart of mediation. On Friday, we offer a preconference focused on listening and a panel discussion that asks the question: how important is content knowledge to successful mediation? Saturday's plenary session examines the latest information on assessing mediator quality and is followed by many excellent skills-based workshops.

We are pleased to begin our annual conference by honoring Karen Engro, Esq. from Pittsburgh with the Most Valuable Peacemaker (MVP) award for her outstanding contributions to the field of mediation in PA. In particular, we salute her vision, skills and just plain grit in developing the ADR program for the U.S. District Court for the Western District of PA and bringing it to fruition.

In the spirit of community building, we are delighted that our colleague organizations, the Greater Delaware Valley Chapter of ACR and the Mediation Council of Western PA, are once again coming together with us to sponsor this conference. We hope you come and help us to build bridges within the mediation field by engaging with people you may not know and exchanging ideas that might test your comfort level.

The 2009 PCM Conference promises to be provocative. Please join us and add your voice.

Gale McGloin, President, PCM Board

Conference Co-Sponsors

ACR-Greater Delaware Valley Chapter offers networking, advocacy and educational opportunities in the Southeastern Pennsylvania, Delaware and Southern New Jersey region for practitioners, both professionals and volunteers, in any form of conflict resolution.

Mediation Council of Western PA is the only association of professional mediators in Western Pennsylvania that promotes public understanding and use of mediation, provides a directory of qualified mediators and presents in-service training for professionals.

FRIDAY, MAY 1, 2009

PRE-CONFERENCE WORKSHOP

8:00 - 8:30 AM

Pre-Conference & Conference Registration and Continental Breakfast

8:30 AM - 3:30 PM

Pre-Conference Workshop (Continental breakfast & lunch included)

JUST Listening for Mediators

Presented by Sharon Browning, Esq., JUST Listening Project



JUST Listening fosters social change by practicing, promoting and teaching other-centered, compassionate and non-judgmental listening skills. JUST Listening is premised upon the belief that being heard empowers the speaker; people hold within themselves the solutions to their own problems; and skilled listening is creative, opening up new possibilities for all involved by actively cultivating self awareness and regular habits of reflection. Focus will be on practical applications to the mediation process and participants will practice reflective questioning and transformative listening skills.

Skilled listening requires ongoing practice - honing old skills and acquiring new. Developing a practice of self reflection and awareness makes you aware of and able to monitor internal dialogues, judgments, and other unconscious responses. JUST Listening deepens active listening skills by providing a new framework for evaluating both questions and responses, and by exploring ways of listening and questioning using creative and potentially transforming questions.

This workshop is designed to help lawyers and mediators become aware of these issues and provide strategies and techniques for addressing them. In an interactive and energizing format, we will explore various listening techniques, learn and practice new skills, and personally experience ego-less, deep, compassionate listening.

Topics include:

- Listening as an empowerment tool: how JUST Listening can be used not just to bring reluctant parties to the table, but also to improve interactions between both mediators and parties
- Right relationship: the justice dimension of listening
- Listening in difficult conversations: techniques for peaceful dialogue
- Listening to ourselves: practices for discernment and listening to the inner voice as a tool for strengthening mediation skills.

Participants will acquire concrete listening skills and deepen their awareness of their own role in creating spaces for potentially transformative dialogue. (6 CLEs)

FRIDAY, MAY 1, 2009

PCM ANNUAL CONFERENCE

4:00 - 6:00 PM Conference Registration

4:15 - 5:15 PM PCM Annual Meeting – Everyone's participation is welcomed and encouraged.

5:15 - 6:15 PM Wine & Cheese Reception

6:15 - 7:15 PM Dinner

7:15 - 9:00 PM PCM's MVP (Most Valuable Peacemaker) Award: Karen Engro



Karen Engro is the ADR Coordinator for the United States District Court for the Western District of PA. She designed and implemented the Court's ADR program that is a mandatory part of the civil litigation process. In 1993, she joined the faculty at the University of Pittsburgh Law School where she created and ran a legal clinic in addition to teaching alternative dispute resolution. Ms. Engro has mediated and arbitrated cases from more than 15 years. She provides mediation training nationally and internationally, as well as designs and consults on institutional mediation programs.

Panel Discussion: Process vs. Subject-matter Expertise: How important is a mediator's content expertise to the successful resolution of a dispute?

Moderator: Gale McGloin. Panelists: Jim Rosenstein, attorney and commercial mediator; Ellen DeBenedetti, Training Coordinator, Conflict Resolution, Mediation and Training Services of CVVC; Ann Begler, Principal, The Begler Group; and Karen Engro (1.5 CLEs)

Assuming a mediator has excellent facilitation skills, is his/her experience with or knowledge of the subject- matter in dispute likely to be helpful in enabling the parties to resolve the issues? Could a mediator's effectiveness be impaired by introducing his/her own preconceived ideas, thereby interfering with the full empowerment of the parties? Using specific situations, experienced mediators with a variety of backgrounds, mediation styles and areas of subject-matter expertise will engage each other and the audience to explore the considerations that could impact the answers to these questions.

SATURDAY, MAY 2, 2009

7:30 – 10:00 AM CONFERENCE REGISTRATION

7:30 - 8:30 AM CONTINENTAL BREAKFAST

8:30 - 8:45 AM PRESIDENT'S WELCOME
Gale McGloin, President, PCM Board of Directors

8:45 - 10:15 AM SATURDAY PLENARY SESSION

The Good, the Bad and the Ugly: Mediator Quality Improvement Achievements, Complexities and Challenges ~ *Rachel Wohl, Executive Director, Maryland Mediation and Conflict Resolution Office (MACRO)* (1.5 CLEs)



In many areas we seem to have rounded the "mediation vs. no mediation" corner. The common question is no longer whether to use mediation. It is whether the mediation and the mediator are high quality. Rachel Wohl will discuss two efforts to understand high quality mediation and to advance its use. First is the work of the ABA Dispute Resolution Section's Task Force on Improving Mediation Quality, which she co-chaired. The Task Force traveled to nine cities across the country and in Canada, and asked repeat users of commercial mediation to talk about the quality of their experiences.

Some of their answers were expected and some were rather surprising. Wohl will discuss what was learned and the implications for commercial mediation practice and training. Second is the Maryland Program for Mediator Excellence (MPME), a collaboratively governed system coordinated by the Maryland Mediation and Conflict Resolution Office. This system, which now has over 400 mediator members, offers a wide variety of opportunities for mediators to improve the quality of their practice. It is an exciting and fast-growing dynamic system that includes mentoring, practice skills workshops, and a mediation ombuds office. It deals in-depth with issues such as self-awareness, ethics and diversity. Some of the complexities arise from its efforts to offer performance-based mediator assessment, which is inextricably intertwined with the can of worms that is the differences in approaches to mediation, and the different venues in which we practice. Then there are the challenges of the c-word, "certification."

WORKSHOPS

10:30 AM-12:30 PM SATURDAY MORNING WORKSHOPS (2 CLS's each)

A1: Collaborative Practice: Mediation's Sibling
Valerie J. Faden, Esq., and Diane E. Hitzemann, Esq.

Questions about the practice of Collaborative Law raised among lawyers and ADR professionals, include: Is the practice of collaborative law intended to take business away from non-lawyer mediators? Do collaborative professionals intend to mold all collaborative cases into one collaborative process model? Are lawyers able to advocate for their clients in collaborative cases? Is it ethical for lawyers to work in a collaborative model?

This workshop will explore these questions through a comprehensive review of the collaborative law practice model as an alternative dispute resolution process including personal examples and experiences from collaborative law cases.

**A2: Hybrid Mediation: Combining Non-Violent Communication (NVC) with
Mediation for Longer-Lasting Results**
Max Rivers, Two Rivers Mediation

This workshop will introduce participants to NVC's basic concepts, as they apply to mediating with clients in any kind of an ongoing relationship. NVC is essentially the tools of mediation from the perspective of the disputants. Traditional mediation techniques are designed for neutral third parties - not quite the right skill set for clients to take home. The NVC concepts were designed to be self-taught, so the language and skills are accessible to any layperson. Besides adding value for clients in the long-term, NVC offers an important, wider perspective on the nature of conflict, which will strengthen the mediation toolkit's focus on the relationship.

A3: Ethical Issues in Elder Mediation

Barbara Foxman, LCSW; Kathryn Mariani, MA in Religion; Ruth Schemm, EdD and OTR/L (Occupational Therapist); and Michele Mathes, JD and certificate in Bioethics and Medical Humanities

This workshop will help participants to think critically about ethical issues in elder mediation. Participants will learn how to identify and respond to issues of ageism, elder abuse, exclusion of the older adult, risk to a person's legal rights, and conflicts of interest between older adults and their surrogates. Participants will consider how to maintain mediator impartiality when working with people who may be at risk. (2 ethics CLEs)

A4: Group Facilitation - Timing the Facilitator's Feedback

Bill Askin, Esq., Legal Instructor, Lawyer, Mediator & Group Facilitator

The group will tackle a couple of physical challenges to learn how a person acts and reacts as part of a group problem-solving activity. The goals are to examine 1) the participant's experience as part of a team, 2) the facilitator's role in guiding (or not) the process, and 3) to debrief the activity with the group and observers. We will also debrief the debriefing, if time allows. Designed as an active, outside physical activity. Observers welcome.

12:30 - 1:45 PM LUNCH (included in registration fee)

12:40 – 1:40 Special Lunch Gathering ~ Questions and Answers: New Directions for Building Community Mediation. *Facilitated by Grayfred Gray.*

Be sure to indicate your anticipated attendance on the registration form.

1:45 - 3:45 PM SATURDAY AFTERNOON WORKSHOPS (2 CLE's each)

B1: The Custody Battle: Employing Principles and Practices of Restorative Justice in Mediation in Child Custody Conflicts

Brenda Waugh, attorney and Conflict Transformation MA candidate; previous chair of the West Virginia State Bar Commission on Children and the Law

This workshop will delve into the practices and principles of restorative justice, appreciative inquiry and transformative mediation models and their application in custody cases. Through presentation, circle processes, and a series of role plays, we will reflect on their experiences of both mediators and participants in child custody matters and the applications of restorative justice in this area. All levels welcomed, but some experience with child custody conflicts would be beneficial.

B2: Mindfulness in Mediation
Kristin Cronlund, MAPP

Mindfulness is defined as “attending non-judgmentally to one’s emotions, thoughts, and to external stimuli.” It does not require an intensive meditation regime. This workshop will briefly outline the recent scientific findings that link mindfulness practice to enhanced resilience, optimism, and effectiveness in decision-making. It will also offer specific skills that participants can incorporate immediately into their own personal and professional lives, leading to reduced stress and to greater flexibility of thought. These skills can be transferred easily to clients, leading to a more successful outcome for all parties.

B3: ‘Balint Group’ Experience: Model for Expanding the Listening Skills of Mediators
Craig Lichtman, M.D., MBA, Psychoanalyst-Mediator

In the field of psychoanalysis, practitioners continually develop their listening skills by discussing cases in a regularly scheduled study-group format. One version of this practice was initiated by Michael and Enid Balint, psychoanalysts in London in the 1950’s, and continues to be used around the world to this day. This workshop will offer a ‘Balint Group’ type of experience for mediators, with the goal of expanding mediators’ understanding of what they hear, their emotional awareness, and the repertoire of possible mediator interventions. Participants should come prepared to describe informally one of their own challenging mediation cases. Some experience above beginning level helpful.

B4: Reaching out to the Spanish Speaking Population
*Rodrigo ‘Rod’ Gereda, Chief Facilitator for the Father James Doyle, CSC,
Community Mediation Institute, Wilkes-Barre, PA*

This workshop will provide non-Spanish-speaking professionals with functional workplace cultural skills so as to reach out to the Spanish-speaking population by targeting issues related to providing services. The program uses phonetics encoding to address the most important Spanish commands, questions, and phrases critical to the conflict resolution and mediation industry. No prior knowledge of Spanish is required or necessary. Beginning with learning how to pronounce and read key cultural phrases, we will cover session routine, office procedures, making appointments, trolling for personal data, work and family issues, communication strategies, telephone conversations, health matters, questions and statements generic to mediation sessions, as well as inappropriate dialogue, alert and danger words.

Conference Site and Room Accommodations

Holiday Inn Harrisburg-Hershey at Grantville

604 Station Road – Exit 80 on I-81 (about 13 miles east of downtown Harrisburg)
Grantville, PA 17028
(717) 469-0661 ~ <http://www.stayholiday.com>

Rooms have been reserved for conference attendees for \$99, plus tax. Room availability is limited and is on a first-come, first-served basis. Please contact the hotel directly at (717) 469-0661 to make your reservation. Mention PCM to receive the special room rate.

Reservations must be made before April 16th to receive the special rate.

Directions

From Philadelphia: Take PA Turnpike 76 West. Get off at Exit 247 and take I-283 North to I-83 North to I-81 North. Hotel is located just off I-81 at Hershey Exit 80.

From Pittsburgh: Take PA Turnpike 76 East. Get off at Exit 226 and follow signs to I-81 North. Hotel is located just off I-81 at Hershey Exit 80.

REGISTRATION FORM

Name _____

Street Address _____

City/State/Zip _____

Phone (day) _____ (evening) _____ Email _____

PRE-CONFERENCE FEES: Friday

Includes Pre-conference workshop, continental breakfast and lunch

PCM Member \$100.00 _____; after April 17: \$125.00 _____ (Contact Phoebe Sheftel at 610-526-1802 / pasheftel@comcast.net if you are unsure of your membership status.)
Non-Member \$125.00 _____; after April 17: \$150.00 _____
Volunteer Mediator \$75.00 _____ (Non-salaried or unpaid volunteers who mediate only at a mediation center. Name of center _____)
Student \$60.00 _____ (Must enclose copy of Student I.D.)
6 CLE's for Pre-conference \$30.00 _____

CONFERENCE FEES: Friday Evening and Saturday

Includes Friday Evening Program, Saturday plenary & workshops, continental breakfast and lunch
Friday dinner is extra

PCM Member \$110.00 _____; after April 17: \$135.00 _____ (Contact Phoebe Sheftel at 610-526-1802 / pasheftel@comcast.net if you are unsure of your membership status.)
Non-member \$135.00 _____; after April 17: \$160.00 _____
Volunteer Mediator \$80.00 _____ (Non-salaried or unpaid volunteers who mediate only at a mediation center. Name of center _____)
Student \$65.00 _____ (Must enclose copy of student I.D.)
Friday Reception & Dinner Buffet \$32.00 _____
1.5 CLEs for Friday Evening Panel \$7.50 _____
1.5 CLEs for Saturday Plenary \$7.50 _____ **TOTAL ENCLOSED:**
4 CLEs for Saturday Workshops (AM & PM) \$20.00 _____ \$ _____

Saturday Workshop Choices

Morning Session:

1st Choice A1 ____ A2 ____ A3 ____ A4 ____

1st Choice B1 ____ B2 ____ B3 ____ B4 ____

2nd Choice A1 ____ A2 ____ A3 ____ A4 ____

2nd Choice B1 ____ B2 ____ B3 ____ B4 ____

Afternoon Session:

Lunch Gathering for Community Mediation Centers Yes, I plan to attend.

Join PCM now and attend for the Member rate (includes a listing on the PCM web site). Individual/Organization membership, add \$60 ____ Volunteer membership, add \$35 ____

A 25% cancellation fee will be applied after April 17, 2009

Payment Options

- Check: Send this form and your check made out to "PCM" to:
Phoebe Sheftel, 414 Barclay Road, Rosemont, PA 19010, (610) 526-1802 or pasheftel@comcast.net
- Credit card: Connect to the PCM web site at www.pamediation.org and follow the instructions to complete the registration form and pay by PayPal's secure system.

Conference Questions: Call Barbara Foxman at 215-620-4218.