



PENNSYLVANIA
COUNCIL OF MEDIATORS

2018
31st Annual Conference

Mediating Outside the Box

April 13-14, 2018

Hilton Harrisburg

Conference Co-Sponsors

ACR – Greater Philadelphia Chapter (<http://ACRPhilly.org/>)

ADR Options, Inc. (www.adroptions.com)

Eckert Seamans (<https://www.eckertseamans.com/>)

Good Shepherd Mediation Program (www.phillymediators.org)

Mediation Council of Western Pennsylvania (<http://mediationwp.org>)

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*More Workshop
Choices Than Ever!*

PA Attorney CLE (including Ethics) & Social Worker CE Credits Available

NASW-PA Chapter is a co-sponsor of this workshop. **up to 12.5** CEs will be awarded for completion of this course. NASW has been designated as a pre-approved provider of professional continuing education for social workers (Section 47.36), Marriage and Family Therapist (Section 48.36) and Professional Counselors (Section 49.36) by the PA State Board of Social Workers, Marriage & Family Therapists and Professional Counselors.

Mediating Outside the Box

FRIDAY, APRIL 13th

PRE-CONFERENCE TRAINING

8:00 - 8:30 am

Registration and Continental Breakfast

8:30 am – 4:00 pm

Pre-Conference Training (continental breakfast & lunch included)

Elevate Thinking and Break Impasse with Science, Using the Latest Research on Neuroscience and Decision-Making to Both Confirm and Redesign Your Process from Start to Finish



Selina Shultz's 20-year career in conflict management and dispute resolution has been a rich and unique mix of work that has included everything from mediating in the trenches of a court program, teaching in academia, conflict consulting in Fortune 500 companies and small nonprofits, developing conflict curriculum for schools, and training judges in Uganda. This diverse mix of work has developed organically from a pure passion for changing the way people and organizations approach conflict. She received an LLM in Dispute Resolution from The Straus Institute at the Pepperdine University School of Law, where she is currently an adjunct professor. Much of her work in academia has centered around Decision Making Science. In 2012, she developed a course for Duquesne Law School with Robert Creo called Judgment and Decision Making for Lawyers, the first course of its kind in the country. She has been asked to teach and present this material, as it applies to mediators in courses in both the LL.M. and Professional Skills program at Pepperdine and at the Saltman Center for Conflict Resolution at UNLV School of Law. Selina is a passionate educator whose trainings and courses receive rave reviews due to not only her deep understanding of the material, but also her connection and respect for fellow mediators.

In this unique training, Selina will help participants take the research on Decision Making from theory to application. Mediators struggle with pressure from the market place to streamline the session to something resembling a settlement conference, all the while knowing that if everyone slows down and trusts the process it works like "magic". Now research on our brain and the decision-making process proves that mediation works not because of "magic," but because of science. This training will work with participants to analyze their own individual process through the lens of "Decision Making Science". Participants will be re-empowered through understanding the research to stand firm on the parts of their process that can sometimes feel "too slow" to parties. The training will challenge participants to redesign other parts of their process to leverage what is known about the decision-making process from both the neuro and social science field to elevate parties' thinking and prevent prolonged impasse. Mediators will be encouraged to refine their approach from beginning to end in order to elevate everyone's thinking, starting with how they themselves prepare to be the person sitting in the middle of the conflict through how to keep the process going after the parties leave.

(5 Sub. + 1 Ethics CLE/CEs)

CONFERENCE SCHEDULE

FRIDAY, APRIL 13th

4:30 - 5:30 pm PCM Annual Meeting & Election of Board Members and Officers

5:30 - 6:30 pm Wine & Cheese Networking Reception

6:30 - 7:45 pm Dinner

7:45 - 9:00 pm 2018 Most Valuable Peacemaker (MVP) Award: Dawn Lehman



Dawn Lehman has contributed to the field of Restorative Justice and Conflict Transformation for well over 15 years. She developed and piloted a restorative justice program through the Pittsburgh Mediation Center, in three area schools, and later served as the Restorative Justice Coordinator at Center for Victims, overseeing a victim-sensitive dialogue program which diverted young people from Allegheny County Juvenile Court. Dawn has had a wide impact through her training of over 75 people to facilitate restorative dialogues and providing many trainees with ongoing mentorship and support. She, herself, has conducted over 100 restorative dialogues ranging from minor school infractions to violent felonies.

Restorative Justice: A Framework for Building Community

Dawn will present an overview of restorative justice principles and describe how the practices are used across a full spectrum from classrooms to prisons. She will compare the classic Victim-Offender process to a traditional mediation process and unpack some of the challenges involved in this work. This session will describe the exponential growth of the Restorative Justice field, considering implications for our communities. (1 Sub. CLE/CE)

SATURDAY, APRIL 14th

7:30 – 8:30 am Continental Breakfast

8:30 – 9:45 am Plenary Session

Making Conflict Work: Navigating Workplace Conflict Up and Down the Organizational Chart

Clymer Bardsley, of The Bardsley Group, has more than 20 years of experience as a lawyer, mediator, trainer and coach.



How well do you manage conflict with your boss or with difficult employees you supervise? No matter your experience level and personality, problems up and down the organizational chart are exhausting and complex. And all too often you probably rely on your inherent mindsets and instincts, which end up backfiring on you despite your good intentions. This session will introduce you to a comprehensive and strategic method to approach workplace conflicts, complete with a set of ready-to-use tactics, so you can adapt your conflict behavior to respond precisely to the variables in front of you, particularly the element of power. (1 Sub. CLE/CE)

WORKSHOPS

10:00 am – 11:30 am MORNING SESSION

A1 Resolving Community Association Disputes by Mediation & Other ADR Processes

James A. Rosenstein, Rosenstein Associates, Negotiation Facilitators, and Of Counsel to Fineman, Krekstein & Harris, PC

This workshop introduces neutrals with some business experience to the use of ADR in the planned residential community association context. Based on substantial experience drafting documentation establishing these processes and helping to resolve disputes as both an external and internal mediator, the presenter will engage participants in an exploration of the various methodologies and tools that have proven particularly effective, as well as the positive or negative impact of external factors, such as the underlying law and governing documents. **(1 Sub. + 0.5 Ethics CLE/CEs)**

A2 *Collaboration is a State of Mind*
Bernie Behrend, Behrend Mediation Services

Is collaboration an activity that requires two well-intentioned individuals? Or is it something else? Is one's idea of collaboration tied to one's world view? This presentation will explore the nature of collaboration and how it impacts mediation. The discussion will include dealing with situations when a competitor and a collaborator meet at the negotiation table, and what happens when a mediator walks into a room full of competitors. **(1 Sub. + 0.5 Ethics CLE/CEs)**

A3 *Dear Mediator, You're So Darn Serious: Bringing Insights & Ease from*
Improvistional Theatre
Chris Fitz, Executive Director, Community Engagement for Advoz: Mediation
& Restorative Practices (Lancaster, PA)

Do you ever feel like there's so much untapped potential for creativity in your mediation and training work? Have you had creative impulses in your work that you wish you could enhance? This experiential workshop draws out parallels from improvisational theatre forms to reflect on our own practices and how we might bring more surprising successes into both our mediation and training work. Using warm-up exercises and partner activities, the workshop will also provide space to reflect on ways our own practice (and life) could benefit from "lightening up" and cultivated elements of surprise. Come prepared to move around, be playful and feel like a human being. Expect to leave with practical ideas and activities to enhance your practice. **(1.5 Sub. CLE/CEs)**

A4 *A New Imperative: Access to Private Mediation for Pennsylvania's Limited*
English Proficient, Deaf and Hard of Hearing Population
Hon. Stephanie H. Klein (Ret.)

This workshop explains why it has become critical for mediators to understand how to meet the challenge of mediating with limited language proficient persons (LEP's), the deaf and hard of hearing. One million PA residents speak one of 146 languages (other than English) at home. In 2017, PA Courts responded by issuing a comprehensive Language Access Plan to afford LEP's, deaf and hard of hearing persons the opportunity to participate fully in court hearings and court services. Mediators must do the same to avoid having this population choose the courts over mediation. This workshop will discuss the legal rationale for the Court's Language Access Plan; explain the interpreter qualification process, how to find a qualified interpreter and provide tips for conducting a mediation with an interpreter; show videos illustrating good and bad translations; and present a live model mediation with interpreter. **(1 Sub. + 0.5 Ethics CLE/CEs)**

11:30 am -12:30 pm LUNCH (included in registration fee)

12:30 - 2:00 pm AFTERNOON SESSION 1

B1 *Mediator Ethics: Are Changes on the Way?*
Michael Wolf, ACR Workplace-Ombuds Section Co-Chair, federal agency
ADR Director

New ethical issues arise when we utilize technology in the delivery and administration of our mediation services. Did you know that an authorized team is currently reviewing the ABA-ACR-AAA Model Standards to recommend possible additions and changes? As a participant on that team, the presenter will share the latest updates. This is your opportunity to provide input and share with the team your views on these new ethical issues in mediation. **(1.5 Ethics CLE/CEs)**

B2 Mediating Agricultural Disputes: Introduction to Pennsylvania's Agricultural Mediation Program and Training Program for Potentially Interested Mediators

Lara B. Fowler, Senior Lecturer, Penn State Law & Assistant Director, Penn State Institutes of Energy & the Environment; and Gaby Gilbeau, Staff Attorney, Penn State Law & Program Coordinator for Pennsylvania Agricultural Mediation Program

Like other states, Pennsylvania has an agricultural mediation program designed to help resolve disputes between the US Department of Agriculture and farmers with whom USDA may have contracts. This program was recently shifted from the PA Department of Agriculture to Penn State Law School. This session will explore the purpose of this agricultural mediation program, including its background, type of disputes and history to date. We will then conduct an overview of how to become a mediator for this program, as well as an initial training about the types of issues likely to come up. The goal is to (a) introduce mediators to this program, (b) seek additional people who might be interested in serving as mediators for this program, and (c) start to increase the level of knowledge of pertinent issues that may be relevant to this program. No prior knowledge is expected. **(1.5 Sub. CLE/CEs)**

B3 The Value of an Evaluative Approach in Mediating Employment Discrimination Complaints

EEOC Administrative Judge Julie Procopiow Todd, Coordinator of the EEOC's EASE (EEOC Administrative Settlement Envoy) Program, with EASE Envoys Patricia Araujo and Barbara Foxman

The Federal government is, and should be, a leader in serving as a model employer. Federal government employees owe it to the public to serve their agencies as model employees, quickly resolving employment discrimination disputes - whether at the investigative or hearing stages - in order to better fulfill their agencies' missions. Judge Todd will provide a brief overview of the Federal EEO process, as well as of EEO laws and model analyses of employment discrimination cases. With input from EEOC Federal EASE Settlement Envoys, Judge Todd will address the unique value of using an evaluative approach in resolving such cases. While this presentation will be from the perspective of a Federal Administrative Judge who presides over Federal sector employment discrimination cases, the material will also translate easily to use in resolving similar cases within the private sector. **(1.5 Sub. CLE/CEs)**

2:00 – 2:15 pm BREAK

2:15 – 3:45 pm AFTERNOON SESSION 2

C1 Loving Conflict: How to Teach Clients to Self-mediate Using Embodied-NVC (Non-Violent Communication)

Max Rivers, TheMarriageMediator.net, author of Loving Conflict

Marital conflict can arise as parties attempt to get deeper satisfaction from their relationship than their current communication skills can handle. The obvious remedy is to teach them communication skills that foster understanding, trust and resolution. After 15 years as a marriage mediator, the presenter has developed a six-session process that can take a couple on the edge of divorce, teach them how to resolve their differences and get to that deeper level of satisfaction *on an ongoing basis*. Participants will gain understanding of the unique theory that Rivers teaches his clients,

called the Teamwork Mediation Method, which helps clients identify their underlying motivations (called universal needs), introduces them to the hidden motivations that cause conflict (forbidden needs), teaches the skill of making requests rather than demands, and shows them how to gracefully negotiate so both parties get their needs satisfied. (1.5 Sub. CLE/CEs)

C2 Conflict Resolution: New Career Opportunities

Carolina Vélez, Advocacy Manager, Microsoft and Adjunct Professor of Mediation and Conflict Resolution, Washington & Jefferson College (Washington, PA)

This presentation will discuss the growing opportunities for careers and graduate training that emphasize the importance of skills in conflict resolution. We will discuss in detail how to focus on job descriptions rather than job titles, and how technology, financial, and consulting firms are now realizing the value of these skillsets. Discussion will help participants take their background and make it applicable to job descriptions. (1.5 Sub. CLE/CEs)

C3 Mind the Gap: A Look at Multi-Cultural Mediation

Larissa Reis, Esq., a seasoned Brazilian expert in Education and Human Development, Social Worker, Counsel and Mediator

Often called the melting pot of the world, the US plays host to people from all over the globe who come here to live, work, play and study and who bring with them the brilliant colors of culture, tradition and diversity. Sometimes, though, cultures clash and conflict erupts along ethnic lines. The presenters will start a conversation about the different kinds of multicultural conflicts facing mediators today with the discussion focusing on mediators who are involved in facilitating cross-cultural conflicts. Through presentation and participation, the workshop will open a dialogue about the divide of misinterpretations and the way to a more complete and conflict-free integration.

(1.5 Sub. CLE/CEs)



Conference Site and Room Accommodations

Hilton Harrisburg

One North 2nd Street (GPS-friendly address is 200 Market Street)
Hotel parking at Walnut Street Garage (215 Walnut St.)
Telephone: 717-233-6000

To book a reservation, go directly to the PCM group page for the Hilton Harrisburg

<http://group.hilton.com/Pa-Council-of-Mediators-2018>

You can also go to www.harrisburg.hilton.com or
call 1-717-233-6000, select option #1, then use code CNCL18.

A limited number of rooms are reserved for conference attendees at
\$138, plus tax.

**Reservations must be made before March 22nd
to receive the special rate.**

Overnight Self-Parking is available in the Walnut Street Garage located next to the hotel. Please inform the Front Desk at check-in to receive the Hilton parking rate (\$10/night).

By Train: Walk five blocks (7 minutes) south on Market Street to the hotel.

Conference Questions

Contact Barbara Foxman: 215-620-4218 or bef423@mindspring.com

