

The Communicator

Newsletter of The Association of Missouri Mediators, Inc.

Vol. XI, Issue I

Spring 2009

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In this issue

Missouri Headlines
President's Message
AMM News
Member News
Mediation News Roundup
Training Calendar
Mediation Opportunities
Spring Q&A

Missouri Headlines

Governor Nixon Meets with Mediators

Representatives of the Association of Missouri Mediators met with Governor Jay Nixon at the Capitol Building on Wednesday April 8 for the proclamation ceremony declaring April 2009 as Mediation Month. This year representatives of AMM were also able to meet with a member of the Governor's staff for an hour long discussion of mediation issues in our state. See a photo from the proclamation signing at www.mediate.com/amm The proclamation will be carried to the 2009 Regional Conference of Mediators in Omaha, NE later this month. Governors in Kansas, Iowa and Nebraska are expected to make similar declarations.

Legislature Ponders Several Dispute Resolution Proposals

To see these bills go to www.house.mo.gov/billcentral

S.B. 444 State Senator Yvonne Wilson (Kansas City) has sponsored this bill to create standards for the use of mediation to resolve disputes. These standards apply to all mediation conducted in disputes for which mediation is authorized by statute, regulation, or by contract. State agencies that establish mediation programs must adopt rules to assure the impartiality of mediators. The bill adopts the confidentiality, self-determination, and mediator role provisions that are currently used in court dispute resolution rules. The act allows mediators who are mandated by state law to report child or elder abuse.

S.B. 473 This bill will require "good faith" negotiation of state employee collective bargaining disputes.

H.B. 966 State Representative Shane Schoeller is sponsoring this bill to establish an "informal dispute resolution process" to review long-term healthcare facility appeals of inspector evaluations. A representative peer review committee will be impaneled by the Director of Health and Senior Services to hold a dispute resolution conference.

Standard Forms Mandated for Pro Se Parties in Family Court

Effective April 1, 2009 all persons who represent themselves in family law cases are required to use standard legal forms approved by the Missouri Supreme Court. As this point forms for dissolution have been approved. Forms for modification are in the approval process. The forms can be filled in interactively on-line or can be downloaded to be filled in manually. Other initiatives to increase accessibility to family courts are well under way. Rule 88.09 requires persons representing themselves in family law matters in Missouri to complete a Litigant Awareness Program. This became mandatory on January 1, 2009. To see the approved forms and view the Litigant Awareness program go to www.selfrepresent.mo.gov

Kansas City Mediation Programs Hit Funding Snag

Kansas City's Neighborhood Mediation and Dispute Resolution Program, a service offered through the City's Human Relations Department since 1981, has lost funding through the city's general budget. The mediation program staff and volunteers mediate landlord-tenant disputes, neighborhood conflicts, police complaints, and other matters. Over 26,000 disputes have been resolved since inception of the program. Rhonda Harris, program director, says the City has asked the department to seek alternative sources of funding.

The Aim4 Peace Anti-violence Prevention Effort established in Kansas City last year is also a victim of city budget cuts. The program identified and trained people living in East Patrol neighborhoods, where the rate of homicides and aggravated assaults has been growing. The focus of Aim4Peace, based on a similar program in Chicago, is to diffuse and manage conflict and decrease tolerance for violence. Street intervention workers are involved with educating gangs, drug dealers and others about the adverse effect of violence. Workers also mobilize school and community groups. During this past year Aim4Peace intervened in 22 documented conflicts, preventing potential shootings or retaliation.. Tracie McClendon-Cole, an administrator for the program, says "You're taking and destroying a worthwhile public health strategy that's actually working ... We feel as though this is a basic service just as much as the Police Department." Program organizers are seeking other funding to sustain the program.

President's Message

As I stood with my colleagues and friends from AMM last Wednesday, April 8th, accepting Governor Jay Nixon's Proclamation for April as Mediation Month in Missouri, I was so proud of how far our group has come in 10 years. From early meetings in living rooms with just four or five of us in 1998, to the Governor's office and AMM's membership now over 200, in 2009, my mediation pride was overflowing! Please click on our link to our website to view our photo with the Governor. Thanks to all who made this possible, especially Mediation Month Chair (and Past President), Bruce Feldacker, and our Executive Director, Randy Hoerschgen, and to those who were able to attend the ceremony on such short notice.

My energy and good spirits continue, although we are facing challenging times. Your Board met on a Saturday two weeks ago to plan for our future, which includes: Planning for our annual conference October 30th and 31st, 2009, supporting and promoting mediation legislation and our colleagues at the MARCH mediation program, raising awareness of the use of mediation in all three branches of government and in our daily lives, offering training opportunities involving specialized areas of mediation, including elder law, parent coordination, construction and contract law, maintaining our office in Jefferson City, providing continuing education and legislative updates...the list goes on.

Yet we can do none of this without your continued financial support. That means one thing, and one thing only: Please send in your dues for 2009! Each membership renews for the calendar

year. Randy and Christina (our devoted intern) will be contacting you for updated information and your renewal of membership by May 15th, 2009.

Please invest in AMM's future: It is your 's too!
All the best in peace building.....Jane M. Rippeto, M.A.

AMM News

AMM members Bruce Feldaker and Marta Pappa presented an award on behalf of the association to Judge Melvyn Wiesman of St. Louis County at his retirement party on January 23, 2009. Judge Wiesman was a pioneer in establishing the family mediation program in St. Louis County.

The Association has moved it's office to Suite 106. We now have a resource/library room that is open to members and the public. Members can reserve the conference room (which has an adjoining break room) at no charge by appointment by contacting Randy Hoerschgen, Executive Director. Forty-eight hours advance notice is appreciated.

Member News

The following members are presenting at the 2009 Heartland Regional Conference of Mediators in Omaha, NE on April 23-24: **Kathleen Bird, Cindy Baker, Charlie Nolan, Beth Lewandowski, Marta Pappa, and Sarah Read.**

Paul Ladehoff is speaking at the ABA Section for Dispute Resolution conference in April on conflict resolution for returning veterans. **John Lande** speaks at the same conference on innovative lawyers and problem-solving and the risks of groupthink in collaborative practice. **John Phillips** is co-chair of the conference. **James Reeves** is on a panel to discuss the mediator's role in drafting agreements.

Charlene Berquist and **Heather Blades** are working with the Greene County prosecutor's office to develop juvenile and adult restorative justice programs. **Kathleen Bird** was a guest on Missouri Viewpoints public affairs program, discussing victim-offender dialogue and Missouri restorative justice efforts. The interview can be viewed at www.missouriviewpoints.com **Ron Finley**, legislative aid to Senator Wilson, is involved in a legislative effort to establish a mediation statute. **Randy Hoerschgen** has been admitted to the Master's Program in Dispute Resolution at The University of Missouri. **Diane Kyser** is presenting training on the Circle Process for the Missouri Restorative Justice Coalition. **Becky Magruder** was hostess for an AMM Spring social and educational meeting on March 30 at her home in Creve Couer. **Richard Reuben** participated in a conference on international media and conflict resolution at Marquette School of Law. Former member **Len Riskin** is senior fellow of dispute resolution at the University of Florida Levin College of Law. **ElGene ver Dught** is the first known recipient of the Purple Heart in mediation for receiving a black eye in his role as "middleman" in an intra-family trust estate dispute.

Former AMM President **Lynn Malley** has started a consulting business to support members of the armed services, their families and communities through repeated deployment cycles. Lynn serves on the Oklahoma Committees of Employers in Support of the Guard and Reserve Inter-Service Family Assistance and the Oklahoma Department of Mental Health and Substance Abuse Policy Team on Returning Veterans. Anyone with an interest is invited to contact Lynn at lynn.malley@mediate.com or www.mediate.com/malley.

Mediation News Roundup

The Ethics Committee of the ABA Section of Dispute Resolution has created a National Clearinghouse for Mediator Ethics Opinions and court decisions. The database can be accessed at www.abanet.org

The Association for Conflict Resolution (ACR) has established a defense fund for members who are cited for the unauthorized practice of law. The organization has seen an upswing recently in the number of mediator-members who have been dealing with UPL complaints.

Kansas Attorney General Steve Six has unveiled a new mediation program to help resolve consumer claims filed with the Kansas Attorney General's Consumer Protection Division. Mediation will be available when both parties agree to participate. Volunteers and professional mediators are being utilized in the program.

New Hampshire's Supreme Court has requested that the state legislature authorize the court system to offer pre-suit dispute resolution services in most civil cases.

A bill has been introduced in **New York** to create a statewide Court Alternative Dispute Resolution System that would contract with private sector organizations and neutrals to provide dispute resolution services in court cases.

The **Texas** legislature is considering a bill that will establish a victim-offender pre-trial mediation program for first time adult offenders.

Training Calendar

April 17-18, 2009 – Circle Training, sponsored by MO Restorative Justice Coalition and MO Conference of the United Methodist Church, Sedalia, MO. For more information email: hmjohnso@sbcglobal.net

April 24-25, 2009 – Circle Training, sponsored by MO Restorative Justice Coalition and MO Conference of the United Methodist Church, St. Louis, MO. For more information email: hmjohnso@sbcglobal.net

October 7-10, 2009 – Association for Conflict Resolution annual conference, "Integrating Approaches & Practices to Address Conflicts in a Chaotic World," Atlanta, GA. See more information at www.acrnet.org

October 30, 2009 - Colorado Statewide ADR Conference in Denver. For more information contact drtkyoung@fyamediation.com.

October 30-31, 2009 – AMM Annual Conference (mid-state location to be announced). Keynote speaker is Forrest "Woody" Mosten. Check the AMM website for future postings.

Nov. 13, 2009 - Restorative Justice Symposium at MU Center for Study of Dispute Resolution cosponsored by the MU Peace Studies Program and the Missouri Restorative Justice Coalition. For details contact colemanl@missouri.edu

Mediation Opportunities

Construction Dispute Resolution Services is seeking construction ADR specialists to join the national or international panel of construction ADR specialists. See details at www.constructiondisputes-cdrs.com

The Seventh Circuit Small Claims Mediation Program (Liberty, MO) invites mediator volunteers to participate in its program. Observation, co-mediation, and solo mediation opportunities are available. Contact Dawn Kuhlman at 816-736-8400.

Spring Q&A

Question: The media is discussing the multi-issue activity of the executive branch and whether the “shotgun” approach is harmful to action on the U.S. economic situation. As a conflict management professional, what advice would you give to the administration about managing multiple crises?

Answer from Diane Kyser: The issues are crucial, and coordinated movement forward on all of them is important. Assign competent, trusted facilitators to each topic. Facilitators design participatory processes to address their issue (approved by the administration). The administration determines the role of groups in influencing final decisions, i.e., are they providing feedback, advising, or helping in the decision-making process? Groups must clearly understand their role from the outset. Convene facilitators periodically to discuss progress and coordinate timelines for implementation of decisions.

Answer from Frank Neal: Challenges and issues may be important, may be urgent, or might be both. The administration’s “shotgun” approach lumps all issues as both. The public sees most of the administration’s issues as important but not urgent. The public perceives there to be only one crisis situation and that the administration’s primary focus is not the urgent issue. I would suggest the administration abandon the “shotgun” public appeal, not give up on their desires. Prioritize and keep short-term public speaking focused on economic matters. The public presently does not want to hear about anything else.

Do you have a comment or wish to suggest a topic for discussion? Send it to mmediators@mediate.com