

Association for Conflict Resolution Family Section Conference
2011: A Family Odyssey
Minneapolis, Minnesota
Minneapolis Hilton
July 27-30, 2011

Conference Schedule

Wednesday – July 27, 2011

12:30 pm – 5:00 pm

Registration Open

1:30 pm – 5:00 pm

Preconference Institutes

▪ **Advanced Tax and Financial Issues Related to Divorce**

Francisco A. Laguna, Alexandria, Virginia

This session will provide a comprehensive review of the major financial and tax issues related to divorce including the preservation of the marital capital gain exclusion, capital loss carry-forward, stock options, transfer of retirement issues, alimony and child support issues, dependency exemptions and tax filing status, dependent credits and deductibility of attorney and financial planning fee. The effect of the current financial crisis on decisions made by divorcing parties, including bankruptcy and credit counseling issues and real estate and mortgage problems will also be discussed. Participants will learn to identify complex tax and financial issues affecting their mediation clients and explore ways to explain the practical aspects of financial and tax issues to clients

▪ **Eavesdropping on Three Experienced Divorce Mediators**

Maren Cardillo, Garden City, New York, Moderator

Stephen Erickson, Minneapolis, Minnesota

Mary Ann Lawson, Greenville, South Carolina

Lenard Marlon, Garden City, New York

This program will offer participants the unusual opportunity to listen to three very experienced divorce mediators discuss their work with one another including how they conduct their practices, what approaches they use in divorce mediations, how they view their role, how they deal with problems that arise during the mediation, and what are the theoretical underpinnings that ground their thinking and, in turn, their practices. Each of the presenters is a successful practitioner with more than twenty years of experience who makes his or her living as a divorce mediator.

- Mediation and Marriage Reconciliation/Closure Therapy

Marilyn McKnight, Minneapolis, Minnesota

Mark Schaefer, Minneapolis, Minnesota

Where Mediation addresses the substantive decisions of the marital settlement, Marriage Closure Therapy is a parallel therapeutic model which assists divorce-declared couples in their emotional & relational transition, by addressing high conflict, enhancing working rapport as co-parents, and helping the partners each move through the emotional loss and transition with one another's assistance. This facilitative approach integrates multiple marital therapy models in a structured manner for the purpose of a successful collaborative divorce transition.

Thursday, July 28, 2011

7:30 am - 5:00 pm

Registration Open

8:30 am – 10:30 am

Opening Plenary – Keynote Presentation

- The Mediator's Odyssey: The Skill of Using Our Inner Lives to Help Others

Gary Friedman, Mill Valley, California

Most of us learned that being a professional meant that we needed to separate our personal lives from our professional role. We often see our personal reactions as problems that get in the way of our work. In this presentation we will explore the necessity and value of learning how to use our inner reactions to our clients to become more constructive and effective in helping people who are in conflict. We will also examine how we can draw upon our own deepest motivations as mediation professionals to keep alive the vitality of our commitment to this work.

10:30 am – 11:00 am

Break

11:00 am – 12:30 pm

Workshop Series I

- Grief 101 for Mediators

Evan Ash, Olathe, Kansas

A common denominator in all disputes and conflicts is grief, the dynamic of responding to and resolving life changing events. If a mediator recognizes these dynamics and understands how they play into resolution of the issues, greater success is possible and the mediation can actually contribute to a deeper sense of peace in the parties. Failure to see grief's presence will probably contribute to impasse.

- A Mediators GPS to Successfully Handling Money Matters in Divorce

Laury Adams, Houston, Texas

Offering "Next Generation" divorce services requires a mediator to have up-to-date professional skills and use strategies to help clients successfully reach their final destination. As "tour guides," attorneys and mediators must know various ways to value assets, analyze debts, arrange terms for continued joint ownership of property, divide retirement plans, handle

separate property, and address possible tax consequences on investments and retirement plans. Learn how to create an understandable financial “road map” of assets and liabilities and quickly generate options for a property settlement. Discover new techniques including “the Mediator’s What If” and “Issues Triage” and other cutting edge strategies to navigate around roadblocks and reach agreements.

- **Recent Research on Domestic Violence and Implications for Mediation**

Nancy Ver Steegh, Minneapolis, Minnesota

Recent research examines different types of domestic violence and the different types of dynamics between the parties in each type. This research and its implications for decision making about mediation will be discussed in this presentation.

- **The Intersection of Family Communication Patterns and Family Communication Schemata: An Alternative Framework for Family Conflict Resolution**

Teresa Luetjen Keeler, Scotch Plains, New Jersey

The Family Communication Patterns Theory recognizes that families employ a variety of types of learned behaviors in different life situations. The family communication schemata represent a shared social reality and the procedural knowledge of how to achieve family agreement. Taken together, these concepts have the potential to provide an integrated framework for understanding family communication behaviors. Practitioners can assess these behaviors and devise corresponding conflict resolution strategies.

- **30 Years and 25 Roles Later: The Array of Divorce Work for Mental Health Professionals**

Don Saposnek, Aptos, California

After presenting an historical perspective on the interface between family law, divorce, and psychology, this workshop will explore twenty-five separate roles for mental health professionals in divorce cases that have emerged in the past two decades. These roles fall into the following categories: Pre-Divorce Roles; Therapeutic Roles; procedural and Supportive Roles; Post-divorce Role; and Educational Roles. Each role will be explored within the systemic, forensic context of divorce, addressing the inherent risks, unique ethical dilemmas, and special need for clear boundaries in this kind of work.

12:30 pm – 2:00 pm

Lunch on Your Own

During the lunch break there will be special interest brown-bag forums and mentoring opportunities

- Getting your Family and Divorce Mediation Training Approved
- Certification Committee Report
- Increasing Diversity in Family Mediation
- Mentoring with Experienced Mediators

- **Caucuses that Really Ignite People’s Thinking**

Donna Duquette, Rockville, Maryland

John Spiegel, Rockville, Maryland

An often unarticulated goal of mediation is to create a setting where people can do their best thinking, even during the emotional turmoil of conflict. Caucusing can play a key role in achieving this goal, by means of a powerful process called the “Thinking Environment” developed by British author Nancy Kline. The presenters will explain the Ten Components of a Thinking Environment and show how this process can produce remarkable results in mediations.

- **Understanding and Managing High Conflict Clients**

Bill Eddy, Scottsdale, Arizona

This session begins with an overview of five high-conflict personality disorders and their common frustrating dynamics in divorce mediation. Recent brain research, that helps explain the thinking of clients with personality disorders, will be discussed. Then we will address four key skills for managing high-conflict people in mediation: Bonding, Structuring, Reality-Testing and Education about Consequences, with specific tips for using each skill. This session discourages labeling or diagnosing clients, but rather explains techniques and tools a mediator can use when it appears that one or both parties may be stuck in high conflict behavior.

- **Mary Oliver’s Poem, “The Journey” and Some Lessons for Us Divorce Mediators**

John Fiske, Cambridge, Massachusetts

This highly interactive session will include reading poetry aloud, role play and discussion of what Morton Deutsch calls “intrapsychic conflict.” A primary struggle for many divorcing clients is not with the spouse but with the self. Many clients are not ready to answer the question, “What do I want?” and until a client is ready to answer that question, mediation is either premature or dangerous. How can mediators help these clients discover the control they have over their agreement, their own lives and their own future?

- **Between Stars, Stripes and Tulips: The Differences and Similarities in Family Mediation in the USA and The Netherlands**

Pascal Comvalius, The Hague, Netherlands

Kitty Duell, The Hague, Netherlands

This interactive presentation will compare family mediation in the United States and the Netherlands and explore mediation techniques that have been successful in Dutch mediations.

- **One Stop Shopping Divorce Mediation**

Diane Neumann, Watertown, Massachusetts

Diane will describe her one-stop practice approach and demonstrate how to provide a full range of financial information to clients from simple issues of title and deeds to complex investment fund transfers with

consideration of capital gain and taxes. Other examples, including support designation to determine after-tax disposable income of each party, business entity valuation or pay-out, and pre-tax dollars, will be discussed. Diane will demonstrate how to provide “legal information” or is it advice – a controversial issue for all of us.

3:30 pm – 4:00 pm

Break

4:00 pm – 5:30 pm

Workshop Series 3

- Mediating with Never Married Parents

Sandy Antonovich, Grand Rapids, Minnesota

Lisa Maasch, Grand Rapids, Minnesota

The number of children born to unmarried parents has risen significantly in recent years. This workshop will explore challenges and opportunities in mediating with parents who were never married to each other. Some of these parents may have had a child from a one night stand and others were in long-term relationships. This workshop is being presented by two skilled mediators from a rural Minnesota Mediation Center. Learn from their experiences and share some of yours.

- New Ways for Families in Mediation

Bill Eddy, Scottsdale, Arizona

New Ways for Families is a highly-structured method for high-conflict families that includes individual coaching sessions in flexible thinking, managed emotions and moderate behaviors. At any time, mediators can encourage both parents to attend three (3) New Ways individual coaching sessions – where each client will have his or her own coach and a special Parent Workbook. Counselors may also use this method and then refer parents to mediators trained to reinforce the New Ways skills during the mediation. This session will include video clips and an explanation of the goals, structure and techniques of this process.

- Safety First: Effective Screening for Domestic Abuse and Power and Control Imbalances

Marya Kolman, Columbus, Ohio

Paula Trout, Anchorage, Alaska

Christy Cumberlander Walker, Columbus, Ohio

Pre-mediation screening for domestic abuse issues, power imbalances and capacity to mediate is essential in family mediation cases. Best practices, including the three-tiered screening protocol and methods for effectively and safely use the information obtained in the screening, will be discussed. Strategies for screening with limited resources, ongoing and informal screening techniques, maintaining neutrality when the mediator is the screener, and informing clients and their attorneys that a case is not suitable for mediation, will be considered.

- Spousal Support - What's it all about, Alfie?

Rod Wells, Cornwall, New York

Several states have passed new spousal support laws. Do these laws establishing presumptions and formulas for spousal support help or hurt the mediation process? Do these concepts belong in mediation? What are

the real issues, values and interests that are important in mediation? As the song says, “Is it just for the moment we live? What's it all about when you sort it out? Are we meant to take more than we give or are we meant to be kind?” This workshop will provide a deeper understanding of the various factors that influence expectations and decisions regarding spousal support and how that understanding can help parties reach a satisfying workable agreement.

- Divorce Mediator Certification Roundtable

Divorce Mediator Certification Committee Members

Marilyn McKnight, Chair

Certification of divorce mediators is one of the most hotly debated topics in the field. Learn about work of the Family Section’s Divorce Mediator Certification Committee and add your thoughts to the ongoing discussion.

6:00 pm

30th Anniversary of Family Mediation Dinner and Celebration

Friday, July 29, 2011

8:00 am – 1:30 pm

Registration open

8:30 am – 10:00 am

Workshop Series 4

- Is Co-mediation Right for Me?

Shelley Sackett, Swampscott, Massachusetts

Have you ever felt isolated and overwhelmed during high-conflict divorce mediations? Have you ever struggled to simultaneously maintain decorum, take mental notes and strategize the next step to prevent the process from derailing? Have you ever thought that having a colleague in the room might yield a different result? This workshop will address the advantages and disadvantages of co-mediation, ways of assessing whether co-mediation is appropriate and guidelines for conducting co-mediations.

- Understanding the Depth of Emotion in Separation and Divorce: A First Hand Account

Kate Cullen, Annapolis, Maryland

Martin Krantz, Annapolis, Maryland

We have been taught that emotions run deep in separation and divorce, yet many mediators pay little attention to their clients’ emotions. Both presenters have recently experienced the divorce process. This interactive workshop will explore their experience in light of their training and practice methods. The presenters will discuss how to help couples explore the realities of their emotional future in relation to their families in much the same way as mediators do with the couple’s financial future.

- Keys to Unlocking Finances in Divorce – Part I

John Fiske, Cambridge, Massachusetts

Diane Neumann, Watertown, Massachusetts

Much of divorce is financial planning, and tools can be a great help to clients struggling over money questions. In this highly interactive presentation, which includes role plays and audience participation, we will discuss keys we find useful in analyzing financial questions and demonstrate how mediators can use these skills to guide divorcing couples to sensible and well-informed financial decisions.

- Accommodating Special Needs in Divorce Mediation

Judith Glasser, Silver Spring, Maryland

John Spiegel, Rockville, Maryland

Special needs, such as learning disabilities, ADHD, Asperger's syndrome, and autism spectrum disorders, play an increasingly prominent role in modern family mediation practice. Yet, mediators are provided little guidance on how to handle these kinds of cases. In this workshop the presenters, a clinical psychologist and an attorney-mediator, will discuss these developmental disorders and provide guidance for mediating with clients with learning disabilities and/or ADHD and for developing effective parenting plans for special needs children.

- Mediation Inside and Out – Relocation another Station in Mediation

Mary Damianakis, Pointe Claire, Quebec, Canada

Kitty Duell, The Hague, Netherlands

This session will consider how relocation issues increase the conflict and confusion experienced by a family already facing the stress of separation and divorce. Issues arising from a parent's relocation and the potential consequences of the relocation on the children and entire family will be discussed. Ways that mediation can help parties address the uncertainties stemming from the relocation and make decisions that avoid misunderstandings and reduce stress will be explored.

10:00 a.m. – 10:30

Break

10:30 – 12:00 p.m.

Workshop Series 5

- Venting: When it is Helpful and When it is Not

Sue Bronson, Milwaukee, Wisconsin

Rebecca Magruder, St. Charles, Missouri

Venting happens in nearly every mediation, especially in family mediation where two people who once loved each other are separating. Mediators need to know when to allow or even encourage venting and when venting is not useful or is even destructive to the process. What should the mediator be watching for? What interventions are effective for eliciting new information? What interventions are effective for moving from whining to working?

- Returning to Our Core Values

Bill Eddy, Scottsdale, Arizona

Stephen Erickson, Minneapolis, Minnesota

Marilyn McKnight, Minneapolis, Minnesota

What are the core mediation skills that allow a mediator to be respectful of participants' self-determination yet move them towards creative settlement without coercion, evaluation about whose case is stronger or weaker in court, or other non-adjudicative methods? What are the pure mediation skills that seasoned veteran mediators, with over thirty years of experience, can agree upon and that can be defined and demonstrated?

- Keys to Unlocking Finances in Divorce – Part II

John Fiske, Cambridge, Massachusetts

Diane Neumann, Watertown, Massachusetts

- The Role of Family Therapy in Mediation

Pam Staples, Minneapolis, Minnesota

Pam Staples, a therapist who works with families who are participating in divorce mediation, will describe the types of therapeutic interventions she uses and provide case examples of how she works with the mediator. Ethical and practical issues, including identifying who is the client, the role of the therapist, the boundaries of confidentiality, treatment goals, and whether neutrality is possible, will be explored.

- Safe Spaces: Creating and Maintaining a Safe Environment for Your Clients

Marcia Tannenbaum, Worcester and Westborough, Massachusetts

This presentation, which was created with Sylvia Sirignano, Ph.D. of Westborough, Massachusetts, addresses how to create an environment for mediation in which the parties feel safe and in which their differences can be addressed and resolved. Only in safe environment can the choices your clients make be guided by knowledge and awareness rather than by angst and lack of focus. Safe Space is both a physical and emotional place where the parties are heard by the professionals and ultimately by each other.

12:00 noon – 1:20 pm

Bring your lunch – Family Section meeting

Let's talk about where we are going – the future of the section

1:30 pm - 3:00 pm

Workshop Series 6

- Top-Down Divorce Mediation / Bottom Up Divorce Mediation

Lenard Marlon, Garden City, New York

This presentation will contrast how a divorce mediation would be conducted by someone who starts out with pre-given, fixed principles (for example, the parties' "legal right") and concludes an agreement by applying those principles to the facts and circumstances of the parties' marriage with how a mediation would be conducted by someone who starts out with, and concludes an agreement, based on the facts and circumstances of the parties' marriage rather than on the basis of any pre-given, fixed principles.

- You Can't Always Get What You Want: ENE Reality Checking for Parents

Glen Crow, Westminster, Colorado

James Goetz, Minneapolis, Minnesota

Robert Smith, Windsor, Colorado

Melinda Taylor, Brighton, Colorado

Sue Waters, Denver, Colorado

Early Neutral Evaluation (ENE) is a proven ADR technique that helps parents reality-check and reduce their conflict level. We will demonstrate how this early intervention with parents can set up more realistic expectations, so that parents are in a more informed position from which to negotiate. This workshop will show you how to get ENE working effectively in your jurisdiction, as it has in Minnesota and Colorado.

- Business-Building in the New Normal: Timely Marketing and Practice Strategies for ProSe/PreSuit Divorce Mediation

Elinor Robin, Boca Raton, Florida

David Spofford, Boca Raton, Florida

The public's eagerness to move away from the traditional divorce process has been ignited by new economic realities and technological advances. While there is no one-size-fits-all answer for divorcing couples, ProSe/PreSuit mediation is one option often embraced when a couple learns of its existence. In this workshop, David Spofford and Elinor Robin will provide timely marketing and practice strategies mediators can use to launch and build their practices in the emerging ProSe/PreSuit market.

- Mediating with Lesbian, Gay, Bisexual and Transgendered Clients

Dottie Painter, Columbus, Ohio

Lesbian, gay, bisexual and transgendered (LGBT) mediation clients may be negatively affected by societal or internalized homophobia or transphobia, the challenges of "coming out" or the strain of staying "in the closet" and cultural norms within and outside of the LGBT communities. Power imbalances may be created the lack of legal recognition of the parties' relationships and by custody and visitation laws. These challenges, and strategies to provide LGBT clients with a useful and respectful mediation process, will be discussed.

- What Do You Do When . . . Gets in the Way?

Kenneth Neumann, New York, New York

Rod Wells, Cornwall, New York

Two experienced Mediators will lead this interactive workshop and will cover such issues as: attraction and aversion; identification and over-identification; biases and prejudices; prior and on-going relationships; gender issues and how to most effectively deal with these often unspoken aspects of every mediation.

3:00 pm - 3:30 pm

Break

3:30 pm – 5:00 pm Plenary – How to Make a Living as a Family Mediator

7:30 pm – 9:00 pm Celebration, Party and cash bar

Saturday, July 30, 2011

7:00 am – 8:00am Yoga

8:00 am – 12:00 noon Registration Open

8:30 am – 10:00 am Workshop Series 7

- Preserving Agreements with Clarity

Katherine Webster-O’Keefe, New Milford, Connecticut

Divorce agreements often omit important details or contain language that is ambiguous and subject to different interpretations. Divorced parties may find themselves in costly and stressful post-judgment litigation as a result of language and terms that lack sufficient clarity. This workshop will focus on common areas of ambiguity and provide guidance on facilitating discussion to help parties reach clarity and agreements that will hold up in the future.

- Angels and Demons: A Transformation Narrative Guide to Family Mediation

Judith McKay, Fort Lauderdale, Florida

In mediation, participants typically see and present themselves as the “angel” and the other party as the “demon.” This workshop will explore the role of narrative in mediation from interdisciplinary perspectives and examine the ways it can be used as part of the transformative process. The workshop will be interactive and will use clinical examples, including multicultural examples, research, and the stories and experiences of participants.

- Research Update on the Effects of Divorce on Children

Solveig Erickson Mayer, Minneapolis, Minnesota

Most divorcing clients are concerned about their children’s well-being. Participants will learn about the latest research on the effects of divorce on children in order to give clients accurate information, dispel myths and calm their fears. What common themes have stood the test of research? What is the general consensus of the effects of divorce on children today? Has new information has been discovered? Participants will engage in discussion of various programs for parents and children and will be encouraged to share their own findings and sense of the effects. Learn about classic longitudinal studies as well as more current research on the effects of divorce on children.

- Trainer's Roundtable

Family Section Training Committee Members

Share your successful training methods with other trainers and get ideas for dealing with training challenges. All trainers are invited to join this facilitated discussion.

- Elder Mediation: Not your Grandmother's ADR Process

Arline Kardasis, Norwood, Massachusetts

Learn how you can "Let the Forum Fit the Fuss" (Sanders, 1976) in this interactive workshop on the Hybrid Model of Elder Mediation. This burgeoning field, also known as Adult Family Mediation, is of particular interest to many family mediators. This interactive workshop will consider a variety of complimentary ADR processes which could be incorporated into a "hybrid model" for elder mediators to employ when the dispute resolution process they are providing must be responsive to complex and ongoing situations where the very survival of a family is at stake. Specialized training for practitioner will also be discussed.

10:00 am – 10:30 am

Break

10:30 am – 12:00 noon

Workshop Series 8

- The Internal Process of Mediation

Marcia Sweedler, Fort Lauderdale, Florida

Researchers videotaped a mediation role play utilizing a human needs model and then interviewed each party and the mediator about their thoughts and feelings throughout the mediation. Interview analysis yielded insight into the thinking behind mediator moves, the power of opening statement, ground rules, reflective listening, reframing, and the emergence of recognition, empowerment and transformation. The researchers will share their findings and excerpts of the video of the mediation and interviews.

- The Future is Here: Online Marketing, Case Management, and Case Communication

Jim Melamed, Eugene, Oregon

This is a leading edge presentation by Mediate.com, recipient of the ABA Dispute Resolution Section's 2010 Institutional Problem Solver of the Year Award. This is an excellent opportunity for conference participants to get up to speed on helpful online technology that is available today as well as have an understanding of what is coming next.

- The Voice of the Child in Mediation

Don Saposnek, Aptos, California

While custody evaluators routinely interview children as part of their assessment, less than 16% of custody mediators do so as part of their work. This workshop will help mediators gain current conceptual knowledge of children and the skills for working with them in the mediation process. We will first explore new, innovative research for including the child's voice in the divorce process, then examine the benefits of including children, at what point in the process to include them, and through lecture and role play, practice specific effective

techniques for interviewing children, including setting the context, gathering information, and presenting the child's input to the parents. We will then explore the major ethical issues involved when including children in divorce mediation work.

- Structuring an Appropriate Mediation Process for Parties with a History of Domestic Abuse

Marya Kolman, Columbus, Ohio

Christy Cumberlander Walker, Columbus, Ohio

This interactive workshop will describe protocols for mediating cases where there is a history or domestic violence (following a thorough domestic violence screening in which the parties were found to be suitable for mediation). Strategies to protect the physical and emotional safety of the parties and the integrity of the mediation process, including procedures for terminating an ongoing mediation due to abuse or suspected abuse, will be considered.

12:00 noon – 2:30 pm

Luncheon and Closing Plenary

The Future of Family Mediation

Irena Vanenkova and panel of responders