



PENNSYLVANIA
COUNCIL OF MEDIATORS

35th Annual Conference

April 28-29, 2023

Hilton Harrisburg

9 workshops
Up to
12 CLEs/CEUs
available

Many Thanks to our Conference Sponsors

Statera Coaching & Leadership Consulting: providing culturally-sensitive, organizational and interpersonal services such as conflict management, mediation, DEI/JEDI assessment and training, coaching, leadership development, workforce development and organizational development. <https://stateracoaching.com/>

Minnesota Lawyers Mutual Insurance Company (MLM): Founded by lawyers in 1982, MLM provides professional liability insurance and risk management services for attorneys in PA and 15 other states. MLM is an efficient, accountable and permanent practice management resource, exemplified by an AM Best Rating of A (excellent), and a consistent dividend return for the past 35 years. www.mlmins.com

Association for Conflict Resolution, Greater Philadelphia Chapter: networking and education for practitioners in any form of conflict resolution in SE Pennsylvania, Delaware and Southern NJ. <http://ACRPhilly.org>

Eckert Seamans: a full-service national law firm with Pennsylvania offices in Philadelphia, Pittsburgh, and Harrisburg, <https://www.eckertseamans.com>

Glidden ADR, LLC: a law firm specializing in mediation and arbitration services www.glidden-adr.com

Mediation Council of Western PA: Resolving disputes. Managing conflicts. Supporting mediators. <https://www.mediationcouncilpa.org/>

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

PCM is an accredited provider of continuing educational credits to attorneys through The Supreme Court of Pennsylvania Continuing Legal Education Board. NASW-PA Chapter is a co-sponsor of these workshops. Up to 11.5 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.

Pre-Conference Training

FRIDAY, APRIL 28th

8:00 - 8:30 am

Registration and Continental Breakfast

8:30 am – 4:00 pm

Pre-Conference Training (continental breakfast & lunch included)

Moving from Problem-Solving to Compassion: Charged Emotions, Trauma and Mindfulness in Mediation



Henry Yampolsky, J.D. is a best-selling author of *Dis-Solving Conflict from Within: an Inner Path for Conflict Transformation* (Global Collective Publishers 2022). He is a mediator, facilitator, lawyer, educator, and multi-time TEDx speaker. Henry serves as the Assistant Director for Education, Outreach, and Conflict Resolution at Virginia Tech's Office for Equity and Accessibility, where he directs mediation, conflict coaching, and organizational development efforts as they relate to civil rights and protected identity disputes. Henry also teaches

conflict resolution, mediation, and peacebuilding as part of Virginia Tech's Center for Peace Studies and Violence Prevention. He has worked with hundreds of complex conflicts involving First Amendment, EEO, labor and employment, public policy, educational law, and personal injury issues. Henry has taught and lectured around the world, including at: Columbia University School of Law, the New York Peace Institute, Bellevue Mediation in Zurich, Bharathiar University in Coimbatore, India and at the International Gandhi Center in New Delhi. He is a member of the Board of Directors and Chair of the DEIA Committee for the Virginia Mediation Network. Prior to embarking on his current career path, Henry was an award-winning trial attorney with one of the leading litigation boutique law firms in Philadelphia. He is a member of the PA and NJ Bar and is a graduate of Temple University James E. Beasley School of Law and the University of Scranton.

This highly interactive, thought-provoking, and practical session will invite the participants to introduce trauma awareness, mindfulness, and compassionate communications practices into their work as mediators and will discuss how these practices can be transformative for a wide-range of mediation cases and clients, including: family, civil rights/EEO, labor and employment, personal injury, public policy, and commercial. This session will also examine ethical considerations relating to charged emotions and trauma in mediation. Other topics covered in this session will include:

- Understanding conflict from a trauma-aware perspective
- Differentiating between reaction and response in conflict and how mediators can empower the parties to respond
- Exploring four principles of conflict transformation that can make mediators more effective in their roles
- Using trauma-aware and mindfulness practices to mediate highly charged and/or “unresolvable” conflicts;
- Considering neutrality, multi-partiality, trauma and ethics in mediation; and
- Connecting trauma awareness and mindfulness and with inclusion and equity in mediation

(5 Sub. + 1 Ethics CLE/CEs)

CONFERENCE SCHEDULE

FRIDAY, APRIL 28th

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

6:30 - 7:30 pm Dinner

**7:30 – 8:15 pm 2023 Most Valuable Peacemaker (MVP) Award:
Judge Christine Ward**



PCM is pleased to honor Judge Christine Ward as our 2023 Most Valuable Peacemaker for the creative energy and imagination she brings to expanding conflict resolution through the use of mediation in Allegheny County - which can serve as a model for the rest of Pennsylvania.

Judge Ward was elected to a ten-year term on the Allegheny County Court of Common Pleas in November of 2003 following an appointment by Governor Ed Rendell to fill a vacancy. She served in the Family Division of the Court until June of 2007. Presently Judge Ward is the Administrative Judge of the Civil Division, she is one of two judges sitting in the Court's Center for Commerce and Complex Litigation, and she is also the Administrative Judge of the Civil Division. Judge Ward is current President of the Pennsylvania Trial Judges Conference, and she sits on the Legislative Committee. She has held many past positions of importance including serving as Past- President of the American College of Business Court Judges; Chair in the Pennsylvania Supreme Court Civil Procedural Rules Committee; Chair of the Conference Civil Judges Committee; Instructor for the National Institute of Trial Advocacy; and Arbitrator with the American Arbitration Association. Prior to being elected to the Bench Judge Ward practiced law for 20 years with the law firms of Dickie McCamey & Chilcote, P.C. and Schnader Harrison, Segal and Lewis, LLP where her practice concentration was complex litigation and labor law. Judge Ward is a Phi Beta Kappa, summa cum laude graduate of Washington and Jefferson College, and she received her law degree with honors from the University of Pittsburgh School of Law – where she has also served as an Adjunct Law Professor. Judge Ward has received many honors in her career including, the Ed Sell Legal Achievement Award from Washington and Jefferson College; the Distinguished Alumni Award from the University of Pittsburgh Law School; the Allegheny County Bar Association Pro Bono Achievement for the Transgender Name Change Project; and the Allegheny County Bar Association Judicial Services Award for Allegheny County Housing Court.

Mandating Mediation in Civil Cases

Due to a scheduling conflict Judge Ward will accept her award by video. Michael Feeney, Esquire, chair of the Allegheny County Mediation Task Force for Rule 212.7, will speak about the process undertaken to create and implement the rule that mandates mediation in all civil cases.

(0.5 sub. CLE/CE)



Michael K. Feeney, Esquire
Senior Associate Counsel, Claims & Litigation, UPMC; Chair of the Allegheny County Mediation Task Force that worked with Judge Ward on the creation of the Local Rule 212.7 mediation requirement for civil actions in Allegheny County.

SATURDAY, APRIL 29th

8:00 – 8:45 am Continental Breakfast

8:45 – 9:45 am Plenary Session



Diversity, Equity and Inclusion: Questions and Challenges in Mediation.

Quaiser Abdullah, Ph.D. is an Assistant Professor in the Communication and Social Influence department in Klein College of Media and Communication at Temple University. He is the Program Director for Klein's Master of Science in Communication Management. He teaches courses on conflict resolution, mediation, and conflict in educational systems, interpersonal communication, leadership development and organizational development and assessment at the undergraduate and graduate levels.

Identity continues to play a role in much of the conflict we experience in our personal and professional lives. This session will discuss the ways in which identity shows up in a mediation for the mediator and mediation participants. The role of the mediator centers on impartiality. For a mediator to honor impartiality, it is critical to understand the ways in which bias reinforces power-dynamics status-quo.

(1 Sub CLE/CEs)

WORKSHOPS

10:00 – 11:30 am Morning Session

A1 What Family Mediators Need to Know about Special Education Law



Jean Biesecker, JD, MSW – Mediator and Collaborative Attorney



Cheryl Cutrona, JD- Founder, Mediator-Cutrona Resolutionary Services



Josh Kershenbaum, Esq. Mediator and Collaborative Attorney

Mediators who understand the basics of special education law can help parents of children with special needs navigate divorce, separation, co-parenting, and other issues more effectively. In this session, Family Mediators will learn who is eligible for protection under state and federal special education laws and the essential rights, benefits, and protections these laws afford to students and parents. They will also learn how to use this knowledge during their mediations to: (1) ask well-informed and useful questions about the children's and parents' needs; (2) help parents generate options and alternatives that they might otherwise not have considered; (3) facilitate the creation of more well-informed and enduring co-parenting/custody agreements; (4) refer parents to appropriate outside professional when needed; and (5) help parents prepare more effectively for their children's transitions to adulthood and a more independent life.

(1 Sub. & 0.5 Ethics CLE/CEs)

A2 HIJACKED! Mediation, Self-determination, and Controlling the Process



Brenda Waugh, JD-Owner Waugh Law & Mediation

What happens when parties (or their counsel) try to wrestle the control of the mediation session from the mediator? Whose process is mediation, anyway? Does self-determination provide parties a voice in structuring mediation? How can we, as mediators, provide parties power in choices about how mediation occurs, while maintaining the integrity of the process?

Mediation provides mediators with the opportunity not only to resolve conflict, but also to teach skills to participants on how to address conflict. To maximize the parties' opportunities to be able to acquire skills, they may have some power to structure the mediation. What happens when they take that power and abuse it? How can the mediator structure the mediation to permit the parties to have the maximum amount of self-determination in resolving their conflict while maintaining the course that the mediator has planned? This workshop will focus on answering these questions.

(1 Sub. & 0.5 Ethics CLE/CEs)

A3 The Role of Mediation in Employment Discrimination Disputes



Guerline L. Laurore, Esq. Chief of DEI Officer for Pennie (Pennsylvania Health Insurance Exchange Authority)

As skilled mediators, we are -called upon to mediate discrimination cases based on employment, disability, and public accommodation laws, to name a few. Ms. Laurore, the former Director of Mediation for the Pennsylvania Human Relations Council, will discuss mediation in discrimination cases and how mediators can navigate Human Resources issues and workplace conflicts.

(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 Implicit Bias: Overcoming Unconscious Bias & Reaching Mediator Neutrality

Carmen Reyes-Wolfe, JD- Bi-lingual Mediator, Educator and Writer



In recognizing our own unconscious biases as mediators, we can become better mediators and serve our communities in a strong and meaningful way. This workshop focuses on a model that includes five biases to take into account when mediating (or working with others in any setting). Additionally, Carmen will discuss and explain her perspective on how biases are not always negative and how we need to acknowledge and learn from our biases to become closer to being rational thinkers and better decision makers.

(1.5 Sub. CLE/CEs)

B2 Can you Hear Me Now? Hearing the Voices of Children in the Mediation Process



Deborah K. Gilman, Ph.D., licensed psychologist, mediator, coach, and trainer & speaker on the topics of child development, trauma, and parenting.

This workshop highlights children as parties versus objects of family matters that affect them. It begins with the belief that children are active participants in family systems. A Child-Centered Continuum Model (CCCM) for ensuring children's input will be presented to provide guidance to those working in the alternative dispute resolution (ADR) field with divorcing families with children. Parent readiness to hear their children will be reviewed, as well as a description of each of the four levels of the CCCM. Issues related to ADR practitioner neutrality, child and family safety, and skills are addressed. This workshop aims to challenge the thinking about the child's role in matters that affect their lives and to move the conversation beyond a paternalistic model where adults control child inclusion based on subjective decision making to a skill-based model that focuses on safe and appropriate inclusion of children related to legal issues that affect their lives. In addition to participants covering various assessment tools, Dr. Gilman will discuss ethical considerations for children in the ADR process, including neutrality and safety.

(1 Sub. & 0.5 Ethics CLE/CEs)

B3 What has Happened to Community Mediation: Looking Back and Looking Forward



Joan Gunn Broadfield, Community Mediator

This workshop looks at the past, current and future trends in Pennsylvania community mediation centers. By looking back and learning from our history, we will examine the current state of local community centers. Together the group will explore how to strengthen and expand the status of current and future mediation programs in our state.

(1 Sub. & 0.5 Ethics CLE/CEs)

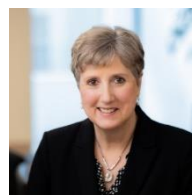
2:00 – 2:15 pm Break

2:15 – 3:45 pm Afternoon Session #2

C1 Understanding The Rules and Ethical Standards That Govern Your Mediation Practice



***David Fitzsimons, Esq.
Principal of ADRFitz, LLC.;
Former Chair of the
Pennsylvania Bar Association
(PBA) Legal Ethics &
Professional Responsibility
Committee; former Member of
the PA Disciplinary Board of the Supreme
Court of Pennsylvania; present Co-Chair of
the PBA ADR Committee.***



***Nancy Glidden, Esq.-
Principal of Glidden ADR,
LLC.
Chair of the ADR
Committee of the Chester
County Bar Association;
member of the PBA ADR Committee***

While many states oversee the practice of mediation by propounding regulations directed to mediator qualifications and training, in the context of general mediation practice - Pennsylvania is not among them. Guidance for the practice of mediation in Pennsylvania is instead derived from a variety of sources, some of which apply to attorney/mediators, while others impact the practice of non-attorney mediators. This workshop will identify and discuss how the Rules of Professional Conduct, rules concerning legal ethics, rules concerning the unauthorized practice of law, and the Standards of Conduct for Mediators, apply to mediation practice in Pennsylvania. The workshop is designed to (1) be informative for attorney/mediators and non/attorney mediators and, (2) generate lively discussion about what guidance exists concerning the practice of mediation in Pennsylvania.

(1.5 Ethics CLE/CEs)

C2 Dismantling Bias to Empower Clients



Quaiser Abdullah, Ph.D., Assistant Professor in the Communication and Social Influence department in Klein College of Media and Communication at Temple University

Do our current approaches to mediation and conflict resolution reinforce the preferences, practices and identity of the dominant culture? This workshop will encourage participants to examine their own identities to uncover ways in which their identities and preferences may reinforce practices of the dominant culture, such as civility, individualism, objectivity and other cultural characteristics. We will use a case study involving an experienced mediator to see how impartiality is necessary but insufficient to give agency to conflict participants. Workshop attendees will be asked to consider their own cases in which their practice and processes may have contributed to outcomes or directions in the conflict management/resolution process that may have reinforced aspects of the dominant culture.

(1.5 Sub. CLE/CEs)

C3 The Mediator's Role as Convener



Brooks Foland, JD - attorney and mediator at Marshall Dennehey Law Firm

How a mediation is convened is critically important. The way in which a mediation is convened can aid in managing the expectations of the parties, and it can also develop a roadmap for the day that will set the stage for a successful mediation and resolution. This workshop will look at the mediator's role in helping disputing parties agree to mediate and will also examine how the mediator can work with parties to establish the precise terms of and ground rules for the mediation. These terms or rules may include who is necessary to attend the mediation, whether counsel is involved and will be present, the level of formality desired, where the mediation is to take place, time constraints for the mediation, and financial arrangements. The use of pre-mediation ex parte conferences, and pre-mediation written submissions and the content of submissions will be discussed.

(1.5 Sub. CLE/CEs)

Conference Site and Room Accommodations

Hilton Harrisburg

One North 2nd Street (GPS-friendly address is 200 Market Street)
Telephone: 717-233-6000

To book a reservation by Wednesday, April 5th,
go directly to the PCM group page for the Hilton Harrisburg
by [Clicking Here](#)

or

call 717.233.6000, then use code **MEDI23**

A limited number of rooms are reserved for conference attendees at \$155, plus tax.
Reservations must be made before April 5th to receive the special rate.

Overnight Self-Parking is available in the Walnut Street Garage located next to the hotel at 215 Walnut St. 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 PCM at (717) 409-5759 or info@pamediation.org

See the next page for registration form.

REGISTRATION FORM

Name _____

Address _____

City/State/Zip _____

Phone (work) _____ (cell) _____ Email _____

COMBO PACKAGE: PRE-CONFERENCE, NETWORKING RECEPTION & CONFERENCE

PCM Member \$325 _____; after April 15: \$360 _____
Non-Member \$365 _____; after April 15: \$400 _____
Volunteer Mediator \$250 _____; after April 15: \$275 _____
Full-time student \$220 _____ (Enclose copy of student ID.)

PRE-CONFERENCE & NETWORKING RECEPTION: Friday, April 28

Pre-Conference training with continental breakfast and lunch

PCM Member \$165 _____; after April 15: \$180 _____
Non-Member \$180 _____; after April 15: \$195 _____
Volunteer Mediator \$130 _____; after April 15: \$140 _____
Full-time student \$120 _____ (Enclose copy of student ID.)

FRIDAY (4/28) MOST VALUABLE PEACEMAKER DINNER BUFFET \$45 _____

CONFERENCE: Friday Evening, April 28, and Saturday, April 29

Friday Networking Reception & Program (Dinner is a separate charge), Saturday plenary, workshops, continental breakfast and lunch

PCM Member \$185 _____; after April 15: \$200 _____
Non-Member \$200 _____; after April 15: \$220 _____
Volunteer Mediator \$135 _____; after April 15: \$150 _____
Full-time student \$125 _____ (Enclose copy of student ID.)

PA CLEs Pre-Conference: 6 CLEs \$30 _____ Conference: 6.5 CLEs \$32.50 _____

Social Work CEs NASW member \$20 _____ Non-member \$30 _____

TOTAL ENCLOSED (Conference, CLE/CEUs, MVP Dinner, PCM Membership) \$ _____

Please indicate your preference for Saturday Workshops

Morning Session

Afternoon Session #1

Afternoon Session #2

1st Choice A1 ___ A2 ___ A3 ___ 1st Choice B1 ___ B2 ___ B3 ___ 1st Choice C1 ___ C2 ___ C3 ___

2nd Choice A1 ___ A2 ___ A3 ___ 2nd Choice B1 ___ B2 ___ B3 ___ 2nd Choice C1 ___ C2 ___ C3 ___

Join PCM now and register at the Member rate

Includes a listing in the Find A Mediator section of the PCM web site (www.pamediation.org)
Individual/Organizational membership, add \$70 _____ Volunteer membership, add \$35 _____

A 25% cancellation fee will be applied after April 22, 2023.

Payment Options

- **Check:** Mail this form & a check made to "PCM" to: PCM, PO Box 5384 Lancaster, PA 17606-5384
- **Credit card:** Register and pay on the PCM web site www.pamediation.org