

EXPANDING MEDIATION OPPORTUNITIES

**Good Shepherd Mediation Program
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PENNSYLVANIA
COUNCIL OF MEDIATORS

**EXPANDING MEDIATION OPPORTUNITIES
2004 ANNUAL CONFERENCE**

**May 7-8, 2004
University of Pennsylvania Law School
3400 Chestnut Street
Philadelphia, Pennsylvania**



PENNSYLVANIA
COUNCIL OF MEDIATORS

**EXPANDING
MEDIATION
OPPORTUNITIES**



May 7-8, 2004

**University of Pennsylvania Law School
3400 Chestnut Street
Philadelphia, Pennsylvania**

**Conference and Pre-Conference
Training Program and Registration Book**

This year's conference is hosted by
Good Shepherd Mediation Program and University of Pennsylvania Law School

AGENDA FRIDAY, MAY 7, 2004

Pre-Conference Registration
8:00-9:00 a.m.

Pre-Conference Workshop (PCM Members Only)
9:00 a.m.-4:00 p.m. (Continental Breakfast and Lunch is included)

Facilitating Team Development: A Transformative Approach

Presented by **Joseph P. Folger, Ph.D.**
Professor, Temple University



This seminar offers practitioners an opportunity to learn how their skills as transformative mediators can help them conduct "team building" sessions in organizational settings. Using the basic premises of the transformative framework, the session will explore how transformative premises offer a framework for designing and delivering team development work.

Effective team building often needs to focus on the transformation of team members' interaction. Teams frequently have difficulties addressing issues and changing patterns of interaction that threaten productivity or morale. Team development work can be done by focusing on opportunities for empowerment and recognition in formats that are appropriate for diverse organizational settings and cultures.

The workshop is built on the assumption that effective team development requires that practitioners have a clear vision of the third party's role in addressing conflict and communication, advanced group facilitation skills, and an understanding of how organizational culture and climate impact the designing of team development work.

Familiarity with the core ideas and principals of the transformative framework is a pre-requisite for this seminar. Limited to 25 participants (PCM members only)

Joseph P. Folger is Professor of Adult and Organizational Development at Temple University. He is co-founder of the Institute for the Study of Conflict Transformation and co-author (with R. B. Bush) of *The Promise of Mediation: Responding to Conflict through Empowerment and Recognition*. Folger is the former program chair for the National Conference on Peacemaking and Conflict Resolution. He conducts research and teaches in the areas of mediation, group process, and organizational behavior. He is a senior associate of the consulting firm Communication Research Associates, specializing in team development and executive coaching.

Conference Registration
3:00-6:00 p.m.

PCM Annual Meeting
4:30-5:30 p.m.

The PCM Annual Meeting is open to all. The input and participation of the membership is welcome and encouraged.

PCM Friday Banquet, University of Pennsylvania Law School (Levy Conference Center)
6:00-7:00 p.m.

PCM Friday Evening Program
7:00-9:00 p.m.

Co-Sponsors Welcome,
Cheryl Cutrona, Executive Director, Good Shepherd Mediation Program
Douglas Frankel, Professor, University of Pennsylvania Law School

Presentation of the MVP (Most Valuable Peacemaker) award to The Honorable Max Baer

The PCM is proud to honor Justice Max Baer, Pennsylvania's newest Supreme Court Justice, for his dedication to peacemaking and conflict resolution and belief in the values of mediation. Baer successfully implemented a vital Child Custody Mediation Program in Allegheny County. Justice Baer, who has a BA from the University of Pittsburgh (1971) and a JD from Duquesne University School of Law (1975), served as a Deputy State Attorney General from 1975-1979 and was in private practice for ten years before spending 13 years in the Court of Common Pleas. In November 2003, Justice Baer was elected to a seat on the Pennsylvania Supreme Court.

(program continued on page 3)

REGISTRATION

Name _____

Address _____

City/State/Zip _____

Phone (day) _____ (evening) _____ Email _____

Saturday Workshop Choices

Morning First Choice A1 _____ A2 _____ A3 _____ A4 _____ A5 _____

Morning Second Choice A1 _____ A2 _____ A3 _____ A4 _____ A5 _____

Afternoon First Choice B1 _____ B2 _____ B3 _____ B4 _____ B5 _____ B6 _____

Afternoon Second Choice B1 _____ B2 _____ B3 _____ B4 _____ B5 _____ B6 _____

PCM Members

- I am familiar with the core ideas and principles of the transformative framework and I want to register for the "Members Only" Pre-conference workshop, "Facilitating Team Development: A Transformative Approach"
No CLEs; registration limited to 25; includes breakfast and lunch \$100 _____
- Friday dinner \$ 40 _____
- Friday & Saturday programs (includes breakfast & lunch; not dinner) \$125 _____
- CLEs for Saturday workshops \$ 50 _____
- Registrations postmarked after 4/30 and on-site registrations add \$ 20 _____

Special Offer for Non-members

– Join PCM now and pay Member rate for Conference and be eligible to participate in the "Members Only" pre-conference workshop

- Individuals and Organizations \$ 50 _____
- Volunteer Mediators \$ 30 _____

Total Enclosed _____

Non Members

- Friday dinner \$ 55 _____
- Friday & Saturday programs (includes breakfast & lunch; not dinner) \$150 _____
- CLEs for Saturday workshops \$ 50 _____
- Registrations postmarked after 4/30 and on-site registrations add \$ 20 _____

Total Enclosed _____

Full Time Students

- Friday dinner \$ 25 _____
- Friday & Saturday programs (includes breakfast & lunch; not dinner) \$ 50 _____

Total Enclosed _____

*students please enclose a copy of your student ID card

A 25% cancellation fee will be applied after April 30, 2004.

Return this form and your check made out to "PCM" to:

Phoebe Sheftel
414 Barclay Road
Rosemont, PA 19010 610-526-1802 or phoebe@pasheftel.com

If you have questions about the conference or registration, contact:
Barbara Foxman – 215-248-3006

CONFERENCE SITE

**University of Pennsylvania Law School
3400 Chestnut Street, Philadelphia, PA
Enter on Sansom Street**

Parking

Parking is available in the lot on the corner of 34th and Chestnut Street for \$10.00 per day

DIRECTIONS

By Car

From the Northeast via the New Jersey Turnpike South: Use Exit 4. Bear right out of the toll following signs to Philadelphia and Ben Franklin Bridge. After crossing the bridge take I-676 West, to I-76 East, the Schuylkill Expressway. Follow I-76 East to Exit 346-A (old exit number 40) -- South Street (a left-lane exit). Turn right onto South Street to enter campus. Take your first right on to 33rd Street. See below, “From 33rd Street.”

From the West via the Pennsylvania Turnpike: On the PA turnpike, use Exit 326, the Valley Forge Interchange. Take I-76 east for approximately 17 miles until Exit 346A, a left lane exit marked South Street. Turn right onto South Street to enter campus. Take your first right on to 33rd Street. See below, “From 33rd Street.”

From the North via I-95 South: Use the I-676/Center City Philadelphia Exit. Follow signs to I-676 West, the Vine Street Expressway. Take I-676 West until I-76 East, the Schuylkill Expressway. Follow I-76 East until Exit 346-A (old exit number 40) -- South Street (a left-lane exit). Turn right onto South Street to enter campus. Take your first right on to 33rd Street. See below, “From 33rd Street.”

From the South via I-95 North: Use the I-676/Center City Philadelphia Exit which is approximately 7 miles north of the airport. Follow I-676 West, the Vine Street Expressway, until I-76 East, the Schuylkill Expressway. Follow I-76 East until Exit 346-A (old exit number 40) -- South Street (a left-lane exit). Turn right onto South Street to enter campus. Take your first right on to 33rd Street. See below, “From 33rd Street.”

From 33rd Street: To get to Penn Law continue on 33rd Street until you come to Market Street. Make a left and then another left on to 34th Street. The Law School is located on 34th Street between Chestnut and Sansom Streets. Make a right on to Sansom Street to get to the main entrance. To get to the parking lot on 34th and Chestnut Street continue on 33rd Street until you come to Market Street. Make a left and then another left on to 34th Street. The lot is at the end of the block on the right side.

From the Airport (by car, train or by cab)

The Philadelphia International Airport is located in the Southwest section of the city, approximately twenty minutes from the University of Pennsylvania campus. Visitors driving from the airport should take I-95 North to the I-676/Center City Philadelphia exit, which is approximately seven miles North of the airport. Follow I-676 West (the Vine Street Expressway) until I-76 East (the Schuylkill Expressway). Follow I-76 East until Exit 346-A (old exit number 40) – South Street (a left-lane exit). Turn right onto South Street to enter campus. Take your first right on to 33rd Street. To get to Penn Law continue on 33rd Street until you come to Market Street. Make a left and then another left on to 34th Street. The Law School is located on 34th Street between Chestnut and Samson Streets. Make a right on to Samson Street to get to the main entrance. To get to the parking lot on 34th and Chestnut Street continue on 33rd Street until you come to Market Street. Make a left and then another left on to 34th Street. The lot is at the end of the block on the right side.

Convenient train service from the airport to 30th Street Station is available through SEPTA's Airport Express Train that leaves every half-hour. The fare is \$5.00 (subject to change), and the trip takes approximately twenty-five minutes. The University City Station is about a five-minute walk west on Spruce Street to our campus. The 30th Street Station is about a 10 to 15 minute walk or approximately a \$5 cab ride to Penn Law. A metered cab ride from the airport to campus generally costs \$20, including the tip and takes approximately 20 minutes.

Train and Bus Service

Amtrak provides intercity rail service to Philadelphia's 30th Street Station. Frequent service is offered to northeastern cities including Boston, New York, Baltimore, and Washington. Intercity bus service is provided by Greyhound and Trail way bus lines from the terminal at 1001 Filbert Street, behind The Gallery shopping center. The Penn campus can be reached from the bus station on SEPTA's Green Line (to either 36th & Sansom Streets or 37th & Spruce Streets) or Market-Frankford Line (to 34th & Market Streets).

From 30th Street Station

Penn Law can be reached easily from 30th Street Station:

- By cab – approximately \$5.
- On SEPTA's Green Line (to either 36th & Sansom Streets or 37th & Spruce Streets) or the Market-Frankford Line (to 34th & Market Streets)
- By foot. 30th Street Station is a 10 to 15 minute walk to the Law School

Philadelphia Public Transportation

Philadelphia's mass transit system is SEPTA, Southeastern Pennsylvania Transportation Authority. SEPTA operates a coordinated system of bus, subway, elevated train, and trolley lines that covers all of Philadelphia and parts of the surrounding counties. Exact change (\$2.00) or a token is required. Weekly and monthly SEPTA TransPasses are also available. Tokens are available at all subway stations, and both TransPasses and tokens can be purchased on campus at the Penn Book Store. Fares are subject to change. There is a SEPTA stop on 34th and Market Streets, just one block away from Penn Law. The trolley stops at 36th and Samson Streets, also just one block away.

CONFERENCE ACCOMMODATIONS

Location

Sheraton University City Hotel
36th and Chestnut Street, Philadelphia, PA 19104-3361
For reservations call: 215-387-8000

Hotel Information

Rooms have been reserved at the Sheraton University City Hotel for conference attendees for \$129.00 per night. Please contact the hotel directly to make your reservation. Room availability is limited and is on a first-come first-serve basis. Please mention the Pennsylvania Council of Mediators to receive the special room rate. Reservations must be made before April 7, 2004 to receive the “special” rate. **Call 215-387-8000** to make your reservations.

Directions

From the Airport: Follow I-95 North to I-76 West. Proceed on I-76 West to Exit #39 (30th Street Station). Proceed through first traffic light. Turn left onto Market Street at second traffic light. Turn left on 36th Street. Hotel is on the left.

From the Pennsylvania Turnpike/ I-76: Exit #39 (30th Street Station).

Follow ramp around station. Turn right onto Market Street. Turn left on 36th Street. Hotel is on the left.

Parking

Covered self parking is available for overnight guests at a cost of \$15.00 per day, which will be charged to each individual guest room.

(Friday Evening program continued from page 2)

Keynote Speaker

Current Trends in Court-Connected Mediation: More, Better, or Both?

Presented by, Diane E. Kenty M. Divinity, J.D.

Director of the Maine Office of Court Alternative Dispute Resolution

ADR is expanding in courts across the county, but does this expansion mean the improvement or dilution of mediation services? The speaker will offer her perspectives on current challenges and opportunities for court-based mediation programs nationally and in her own state of Maine. Responses and questions from the audience will be encouraged.

Diane E. Kenty, M. Divinity., J.D., directs the Office of Court Alternative Dispute Resolution in the Maine Administrative Office of the Courts. In that role, she administers and serves on statewide mediation rosters for domestic relations matters for early neutral evaluation and arbitration of civil cases. Diane has received mediation training from the Program of Instruction for lawyers at Harvard Law School, the Office of Attorney General of Massachusetts, the Master Mediation Seminar of the Society of Professionals in Dispute Resolution (SPIDR) and SPIDR's Advanced Practice Institute in Employment Mediation.

Currently, she serves on the board of directors of the Association for Conflict Resolution (ACR) and chairs ACR's Chapter Task Force. She is a member of ACR's Task Force on Mediator Certification, as well as a member of the Credentialing Task Force of the ABA Section of Dispute Resolution. Diane previously co-chaired ACR's Court ADR Section and is past president of the New England Chapter of ACR. She is a director on the board of the Policy Consensus Initiative (PCI), Vice President of the Maine Association of Dispute Resolution Professions (MADRP), and co-chair of MADRP's Practice Quality Committee.

Diane is Adjunct Professor of Law at the University of Maine Law School, where she co-teaches a survey course on ADR. Previously in private practice as an attorney in Boston, she is a graduate of Oberlin College, Union Theological Seminary and Georgetown University Law Center.

AGENDA SATURDAY, MAY 8, 2004

Registration

8:00-9:00 a.m.

Continental Breakfast

8:00-9:00 a.m.

PCM President's Welcome

9:00-9:15 a.m.

Gale McGloin

President, PCM Board of Directors.

Executive Director, Pittsburgh Mediation Center

Saturday Plenary Session

9:15-10:15 a.m.

Medical Malpractice Task Force Report

**Presented by, The Honorable William H. Lamb,
Former Pennsylvania Supreme Court Justice**

As complex medical malpractice issues remain a concern nationally and in Pennsylvania, the Supreme Court of Pennsylvania and Governor Edward G. Rendell have started to plan for medical malpractice liability reform.

In June, 2003, among other measures, Chief Justice of Pennsylvania Ralph J. Cappy appointed Associate Justice William H. Lamb to develop an implementation plan for a voluntary medical malpractice mediation program. Justice Lamb convened and continues to preside over a task force to explore medical malpractice mediation. Justice Lamb will present the work and findings of the task force to PCM, detailing the working plans for implementation of a mediation program. Bring your questions for a lively dialogue.

William H. Lamb was appointed in 2003 to serve a one-year term as Associate Justice of the Pennsylvania Supreme Court. He served as an Assistant Chester County District Attorney from 1967 to 1972, and as the Chester County District Attorney from 1972 until 1980. He was a Special Prosecutor from 1981 until 1984. Following the completion of his Supreme Court term in January 2004, Justice Lamb returned to private practice as a Senior Partner at Lamb Windle & McLane, P.C., in Westchester.

SATURDAY MORNING WORKSHOPS

10:30 a.m. to 12:30 p.m.

- A1- Introduction to Peacemaking Circles**
Don Haldeman and Jacquelyn Bishop, Delaware County Juvenile Court
This workshop will provide participants with a brief overview and experience of the circle process which can be used to expand dialogue in restorative justice and mediation processes. Participants will experience the circle process, learn how to facilitate a circle and have the opportunity to brainstorm its potential uses.
- A2- Court-Connected Mediation as an Alternative Choice for Families**
Winnie Backlund M.Ed, Maribeth Blessing, J.D., and Sara Goren, J.D., MSW
The workshop will take a detailed look at a successful Court Custody Mediation Orientation Program in Montgomery County and how it can be used as a model for the development of mediation programs that meet the needs of the Court and are valued as more than a case management tool. Topics include program development, structure, policy development, evaluation, challenges and sustainability.
- A3- School-Community Collaboration: From Acceptance to Implementation and Beyond**
DeVonne White, Good Shepherd Mediation Program & Curry Bailey, School District of Philadelphia
Have you ever wondered why an agency/school selects one dispute resolution program over another? What qualities do agencies look for in a dispute resolution program? Why do agencies drag their feet when implementing a dispute resolution project? How can the school and the service provider encourage and maintain employee buy-in? This interactive and informative workshop will give you insight into these questions and provide strategies to improve school-community partnerships.
- A4- How Can We Do Better? —Using the Art of Dialogue to Connect Your Niche with an Expanding Market Share**
Steve N. Pyser
In this interactive workshop, attendees will explore techniques, working tools and skill to attach innovative dialogic approaches to their own mediation styles. These dialogic “add-ons” can be integrated into transformative, evaluative, directive, facilitative or hybrid mediation styles to smooth the progress of resolution of disputes and conflicts--and then, achieve success.
- A5- The Attorney as Healer—The Practice of Holistic Law and Collaborative Family Law**
This workshop will introduce participants to two new areas of practice of interest to attorneys who mediate.
Felicity T. Lavelle, Esq.
In the same way that a doctor, as medical counselor, can facilitate the healing of physical crisis, a holistic attorney, as legal counselor, can facilitate the healing of a legal crisis. A holistic approach considers the whole person, mind, body and spirit not just the legal issue. This workshop will introduce Holistic Law and show how the holistic attorney can help a client feel safe enough to use the presenting legal issue as a catalyst for growth and healing.
Carol Lindsay, Esq.
Collaborative Law is a natural way to merge law and mediation. Parties and their counsel contract to avoid litigation, choosing instead to use collaborative dispute resolution processes. Although collaborative law is relatively new to Pennsylvania, its use is widespread nationally. This workshop will introduce collaborative law and how lawyers use mediation techniques in collaborative practice.

SATURDAY AFTERNOON WORKSHOPS

1:45-3:45 pm.

- B1- Current Trends in Restorative Justice Practices across the Spectrum**
Presenters: Brenda Morrison, Australia University, Center for Restorative Justice & The Fels Institute of Government, University of Pennsylvania; Kathy Buckley, PA Department of Corrections Office of the Victim Advocate; Andrea Bodtker, West Chester University; and Marilyn Rischmann, Good Shepherd Mediation Program Victim Offender Conferencing Program Coordinator
This panel presentation brings together practitioners and researchers offering insight on current issues and state of the art practices in restorative justice from three perspectives. Panel members will speak on restorative justice trends in the international arena, on issues related to an ongoing state level prison program and on the local Philadelphia juvenile court victim-offender conferencing program. Issues related to both theory and practice will be addressed by panel members, followed by an open discussion with conference participants.
- B2- Disability Awareness: Considerations for Mediator Practice**
Patricia “Pattie” Porter, LSW, Conflict Connections, Inc.
Mediation providers are ethically responsible and legally obligated to make their service accessible to persons with disabilities. Beyond these obligations, mediation practitioners need to expand their knowledge base and understanding about how working with people with physical, cognitive, psychiatric and hidden disabilities may impact the mediation process. Participants will also be introduced to the ADA Mediation Guidelines.
- B3- Finding PEACE in our Schools: Powerful Partnerships for Elementary Peer Mediation**
David Keller Trevaskis, Esq., LEAP-Kids
This workshop will showcase the Pennsylvania Bar Association and PA Attorney General Project PEACE Partnership for teaching peer mediation and conflict resolution education in elementary schools. Project PEACE works to reduce conflict and violence in Pennsylvania’s elementary schools by teaching students how to discuss and mediate disagreements peacefully.
- B4- Marketing and Mediation**
Valerie J. Faden, Esq.
Participants will learn basic marketing concepts, apply them to the practice of mediation, develop an advertising mix and create a framework to implement and evaluate their own marketing plans.
- B5- Department of Peace Campaign: Creating Nonviolence as the Organizing Principle of Society.**
Richard Mansbach
The Department of Peace campaign examines grassroots activism and peace at all levels of society, including the transformation of past paradigms. The presentation, including a video creating a context for possibilities, audience improvisation, and a song about war and peace, engages participants in a dialogue about the difference they can make individually and collectively through their participation in our democratic way of life.
- B6- Optimizing the Use of Mediation to Resolve Employment Discrimination Disputes**
Nancy Kraybill, Professor, University of Pennsylvania Law School
The EEOC is attempting to increase the level of employer participation in its voluntary mediation programs since, statistically, employers agree to mediate discrimination charges at a much lower rate than employees. This workshop will explore: why that is the case; how the benefits of mediation can be best presented to both employers and employees prior to the commencement of mediation; and quantitative and qualitative ways in which mediation is suited to assisting parties in the resolution of workplace discrimination disputes.