



Nebraska Mediation Association's 2020 Annual Conference

Mediating Well During Hard Times

Thursday, August 6, 2020

9:45 a.m. - 3:30 p.m. CDT

The Nebraska Mediation Association is pleased to announce that it will hold its Annual Conference, *Mediating Well During Hard Times* on Thursday, August 6! We are more than excited to share with you the exemplary speakers who have volunteered their time to share with us at this year's Annual Conference. Like other Associations we too are mindful of the social distancing guidelines. Therefore, we will be holding this year's conference using a Zoom video platform.

NEBRASKA MEDIATION ASSOCIATION PROUDLY PRESENTS: ***MEDIATING WELL DURING HARD TIMES***

Morning Sessions: 9:45 a.m. – 12:30 p.m.

9:45 a.m. Welcome and Introductions

10:00 *Session 1 – Gary Furlong, BrainFishing: The Art of Asking the Question*

Description: As mediators, we work with people in difficult, challenging situations every day. Parties are often called “difficult”, and often behave in ways that others see as “irrational”. They are often stuck, making decisions that are seemingly contrary to their own best interests. How do we engage and help people in these situations? Over the last twenty years or so, there has been a great deal of research into neurobiology, neuropsychology and behavioral economics. From these fields, we have learned that much of the problem we all face in difficult situations is related to the structure and functioning of our brains – we are hard-wired to respond in specific ways. As professionals in human behaviour and decision-making, we need practical ways to understand how the brain works, so we can engage and help people in ways that are effective.

BrainFishing is a simple, practical approach to engaging our parties in a way that calms people down and compels deeper thinking. It allows us to see that so-called difficult or irrational people are anything but – they are triggered into parts of the brain that are incapable of complex and creative thinking.

Our job is to help people make good decisions. To do that, we need to access the best part of all of our parties – the part capable of complex and creative thought. BrainFishing is a simple framework and set of tools for accessing the best in people during high-stress and challenging times.

Bio: Gary Furlong has extensive experience in mediation, mediation training, alternative dispute resolution, organizational facilitation, negotiation, and conflict resolution. Gary is past president of the ADR Institute of Ontario, is a Chartered Mediator (C. Med.) and holds his Master of Laws (ADR) from Osgoode Hall Law School. As a mediator, Gary has worked in the areas of commercial, personal injury, estates, construction, shareholder, insurance, wrongful dismissal, real estate, and workplace conflicts, and specializes in intervening in difficult organizational and workplace disputes. Gary has mediated personal injury, insurance and long-term disability claims ranging from \$30,000 to over \$1 million dollars. Gary is also on the Law Society of Upper Canada complaint mediation panel, and the Teachers College of Ontario mediation panel.

10:20 *Session 2 – Michael Lang, Excellence in Practice: Am I Doing This Right?*

Description: We all want to feel competent and helpful. We want to do our best for our clients. Experienced mediators can become complacent. When that happens, our work may be uninspiring and less effective. For novices, there is a tendency to adhere unflinchingly to a prescriptive format learned in their training course. When that happens, the mediator has difficulty recognizing and responding to the unique and surprising situations. Through Reflective Practice a unique type of learning occurs when the learner identifies a puzzling practice situation, struggles with the problem, and discovers a solution. Lessons gained from the reflective process fit the learner and in that way are relevant, responsive, practical and durable. In addition to a brief presentation by Mr. Lang, this session will focus on the lessons learned by members of a NMA-sponsored Reflective Practice Group.

Panelists include: Shereen Bingham, Kelly Gering, Bonita Holtz-McMahon, David Hubbard, Karisa Johnson, Michael Lang, Ann Moshman, Kathleen Overholt—all members of a NMA Reflective Practice Group who have been meeting monthly for the past year.

Bio: Michael Lang is a practitioner, educator, author, and advocate for mediation for over 40 years. He has been a leading voice in the field of mediation. Recently, Michael published *The Guide to Reflective Practice in Conflict Resolution*, the first publication in the Practitioners' Guide Series, a joint venture of the Association for Conflict Resolution and Rowman & Littlefield. In connection with the book, Michael leads four monthly Reflective Practice Groups via video conference, presents webinars on reflective practice, and has created a video series, "In Their Voices." Videos in this series may be viewed on his website: <https://www.thereflectivepractitioner.com/video-conversations> also on a YouTube channel, "In Their Voices."

11:30 **Session 3 – Bill Eddy, Mediating High Conflict Disputes**

Description: This session will emphasize some of the key differences in thinking about conflict for people with high conflict personalities, including the “4 Forgetaboudits” for mediators. Then, there will be several tips provided for managing difficult clients with a method called New Ways for Mediation®. This method employs structure and simple skills for clients to use for problem solving, rather than venting, focusing on the past or trying for insight. These tips include teaching and guiding clients in asking meaningful questions, making their own agenda, making proposals, asking reasonable questions about proposals, and making decisions. It will also emphasize how mediators can connect with high conflict parties with empathy, attention and respect throughout the process, even when they are being difficult.

Bio: Bill Eddy is a lawyer, therapist, and mediator. As a lawyer, he was a Certified Family Law Specialist for 15 years and subsequently? the Senior Family Mediator at the National Conflict Resolution Center in San Diego, CA for the past 15 years. In his earlier career, Bill Practiced as a Licensed Clinical Social Worker. He is the co-founder and Chief Innovation Officer of the High Conflict Institute. He has trained lawyers, mediators, judges, mental health professionals and others on managing high-conflict personalities in over 30 states and ten countries. He is the author of several books, including: *High Conflict People in Legal Disputes*, and *So, What’s Your Proposal: Shifting High Conflict People from Blaming to Problem Solving in 30 Seconds*. He is the developer of the New Ways for Families® method for high-conflict families in divorce, and the New Ways for Mediation® method for high conflict mediation cases. He teaches Psychology of Conflict Communication at the Straus Institute of Dispute Resolution at Pepperdine University School of Law.

Lunch Break: 12:30 – 1:15 p.m.

AFTERNOON SESSIONS: 1:15 – 3:30 p.m.

1:15 pm **Session 4 – Ken Cloke, Pandemic, Racism, Politics and Police - How Mediators Can Help**

Description: What are the most important lessons mediators can learn from the conflicts we are experiencing regarding the pandemic, racism, politics, and policing? How we have handled them -- personally, relationally, professionally, organizationally, socially, economically, and politically, and how might we have handled them better? How do we talk to each other about difficult and dangerous issues? How do we exercise our responsibility as citizens without losing what we’ve learned as mediators, negotiators and conflict resolvers? How do we advocate for what we believe in without becoming biased and adversarial? What is an interest-based form of political discourse? What skills do we require for democracy to work? How do we conduct meaningful discussions of highly contentious, values-based topics without degenerating into pointless diatribes? What are the limits of collaboration and democracy in political conflicts? How do we build trust between adversaries in difficult circumstances where time is limited, history is long, resources are scarce, and positions have hardened? What can interest-based approaches to conflict teach us about political conflicts? Are we slipping into authoritarianism, how can we know if we are, and what can we do about it as mediators? So many questions, so few answers. However, we can move forward and embrace the promises of the peacemaker, facilitator, mediator to invite dialogue.

Bio: Kenneth Cloke is a mediator, arbitrator, coach, consultant and trainer, specializing in resolving complex multi-party disputes, including transnational, marital, divorce, family, grievance and workplace disputes, organizational, public policy, and school conflicts, and designing preventative conflict resolution systems. He has worked in over 25 countries, and is founder and first President of Mediators Beyond Borders. He has published 15 books on conflict resolution, recently *The Crossroads of Conflict and Politics, Dialogue* and the *Evolution of Democracy*.

2: 15 *Session 5: NMA Annual Meeting* – for NMA Members: President Mary Rose Icenogle, J.D.

Annual Meeting ~ The Annual Meeting of NMA will take place immediately following the Conference speakers. Members are welcome to attend to learn about and participate in the development and plans for future educational and training opportunities and programs coming soon to NMA. During the meeting, facilitated break out sessions will be conducted to engage members in providing ideas, challenges, perspectives for NMA's 2021-2025 Strategic Plan.

3:15 *Wrap up and Adjourn*

To register click [here](#)

- **Registration is FREE for NMA Members.**
- **NonMembers can attend for \$75.00 or have the option to become an NMA member at the annual member fee of \$50 in order to participate in this Annual Conference. Membership is valid for 1 year.**

NMA Membership benefits include free attendance at upcoming webinars, access to archived webinars, participation in Reflective Practice Groups, Book Clubs, some discounted rates at NMA trainings and other state mediation conferences, and opportunities to build community and professional development in mediation, peacemaking, facilitation, and conflict resolution.

- **For better Zoom logistics, registrations are requested by July 31, 2020.** However, registrations will be accepted up till the day of the conference.
- **Continuing Mediator Education** credits are applied for. Persons desiring Continuing Legal Education credits or other professional credits: please contact your accreditation office and provide this information.

For more information, please contact Sheila Cole, NMA Annual Meeting Chair, cole.sheila1@gmail.com Phone 402-689-6950.