



*Montana Mediation Association*

***Mediation for Everyone***

***Investigating and Expanding the Mediation Frontier in Montana***

*10th Annual Conference*

*April 23-24, 2009*

*Park Plaza Hotel, Helena, Montana*

Continuing Education

For Attorneys, Social Workers, and Educators!

State Bar CLE's pending; Social Worker CEU's pending; 13 OPI renewal units approved

**Register by April 10th and SAVE \$35!**



# Mediation for Everyone

Investigating and expanding the mediation frontier in Montana

Thursday, April 23, 2009

## Pre-Conference

### Expanding the Mediation Frontier to Identify and Include Domestic Violence

**Mediation and Domestic Violence Training** A full day training on Domestic Violence (DV) dynamics and framework for mediation. DV screening with potential clients and determining if mediation is appropriate. Adapting mediation process when DV is involved. Legal and DV intervention and mediation--the differences and similarities in philosophies. DV implications for a mediation practice, including ethical considerations, common mistakes and misperceptions regarding batterers, victims, and children. Kirsten and Annie teach in a hands on, interactive style. They use role-plays for participants to critique including intake interviews that include DV screening, mediation, and caucuses with each party. Whether you're wanting to expand your practice to include DV cases, or just want to be certain to stay away from them, this training provides skills to identify DV issues and utilize mediation options.

#### Pre-Conference Presenters:

**Kirsten Faisal** has been the state trainer for the Iowa Coalition Against Domestic Violence (ICADV) since 1995, where she provides technical assistance to agencies that impact battered women and their children. She is co-author of the curriculum used by the Department of Corrections for women convicted of domestic abuse; serves on the Batterer Education Program Steering Committee; and has trained for the Department of Human Services and the Law Enforcement Academy. Ms. Faisal's public policy work has influenced welfare reform, child protective services, and court systems in Iowa. Prior to ICADV, she spent eleven years providing crisis intervention and graduated with honors from Iowa State University with a B.A. in anthropology.

**Annie Tucker** is the director of Mediation Services of Eastern Iowa, which administers the 6th Judicial District Family Mediation Program. She has an M.A. in Conflict Resolution. She is a mediator and has mediated over 600 family law and other cases since 1995. She was a member of the Iowa Supreme Court Mediation and Domestic Violence Work Group.

#### Pre-Conference Schedule

7:30 am - 8:00 am **Registration**

8:00 am - Noon **Mediation and Domestic Violence Training** **Kirsten Faisal** and **Annie Tucker**

Noon - 1:15 **Lunch on your own**

1:15 pm - 4:30 pm **Mediation and Domestic Violence Training continued**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, St. Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

#### Payment Information

Check # \_\_\_\_\_ enclosed  
Credit Card:  
Account # \_\_\_\_\_ Exp. Date \_\_\_\_\_  
Zip Code (Of billing address) \_\_\_\_\_ VCode \_\_\_\_\_

A block of rooms has been reserved:

**Park Plaza Hotel** Single: \$ 84  
22 North Last Chance Gulch Double: \$ 84  
Helena, MT 59601  
(406) 443-2200 Please reserve by 4/7/09 for MtMA rates.

#### Thursday, April 23rd

\$ 95.00 MtMA Member..... \_\_\_\_\_  
\$105.00 Non-Member ..... \_\_\_\_\_

#### Friday, April 24th

\$ 95.00 MtMA Member ..... \_\_\_\_\_  
\$105.00 Non Member ..... \_\_\_\_\_

#### Seminar Choices: (choose one at each time slot)

9:15  Track A  Track B  
1:15  Track A  Track B

#### Both days

\$175.00 MtMA Member ..... \_\_\_\_\_  
\$195.00 Non Member..... \_\_\_\_\_

Registrations received  
after **4/10/2009** ..... \$ 35.00

**Total** ..... \_\_\_\_\_

A handling fee of **\$35.00** will be charged for  
cancellations received after **April 10, 2009**.

**Send completed form to:** Montana Mediation Association, 238 6th Ave. SE. Cut Bank, MT 59427  
Phone: 406-750-8813 FAX 406-873-4555 Email: memberservices@mtmediation.org www.mtmediation.org



# Montana Mediation Association

## Conference

### Expanding Your Mediation Practice

Seminars, workshops, and panel discussions helping you to investigate new opportunities!

**Thursday, April 23, 6:00 pm - 8:00 pm —**

**Pre-registration for Friday's Conference (optional) & MtMA Board of Directors Meet & Greet**

Park Plaza lobby and lounge

**Friday, April 24 — Conference**

7:30 am - 8:00 am **Registration**

8:00am - 8:10 am **Welcome – Coralee Hicks, MtMA President**

8:10 am - 9:00 am **CLE Keynote address—Carson Taylor, Esquire**

**Where Mediation Is Today, Where Has it Been, & Where Is It Going?**

Carson will summarize the history of mediation in Montana, and make his best assessment of where we are today, and about our future opportunities. He will be looking at the mediation sphere and the evolution of mediation models employed by professionals in our state, identifying the resilient underlying basics, and discussing how to make private practices more relevant by employing different tools and broadening experience to have a more effective practice.

9:15 am – 11:15 pm (Choose one)

**Track A— Panel Discussion and Group Facilitation —The Use of Mediation in Domestic Violence Cases**

Domestic Violence Experts from around the state will serve on a facilitated panel discussion about mediating DV cases in Montana and how implementation has occurred in other states.

**Panelists: Kirsten Faisal, Annie Tucker, Jan Berry,** Montana Legal Services Association's Managing Attorney, Statewide Domestic Violence Unit **Coralee Hicks,** Private Mediator, Victim Services Coordinator for the Tri-county Victim/Witness Program for Stillwater, Sweet Grass & Carbon Counties and current President of the MtMA

**Michael McCutcheon,** Private Mediator in Montana; Senior Court Investigator who assisted in developing and implementing Orange County's Domestic Violence Prevention Services Project (including mediations) in California.

**Other Domestic Violence Experts from Montana**

**Track B— Seminar— Employment Mediation, Ray Hickman**

This workshop will focus on mediating employment issues including employee relations, dispute resolution, and how to get started doing employment mediation. Ray will discuss his experience as a mediator with the Equal Employment Opportunity Commission and how mediation of EEOC cases differs from other employment related cases. He will also present an overview of the revisions to the Americans with Disabilities Act (ADA) which took effect in January of this year. Some of these revisions are significant and will likely produce more opportunities for litigation AND mediation.

11:30am—1:00pm **Annual Membership Meeting, Election of board members and Lunch** (*included with registration*)

1:15 pm - 2:15 pm (Choose One)

**Track A— Skills Workshop—Practical Mediation Techniques**

**Vanessa Ceravolo, Randy Schwickert, and Michael Viscomi**

Practical mediation tips to help you deal effectively with the type of conflict(s) involved and the perceptions of conflict parties. Conduct productive mediation conferences by setting the stage for successful mediation, defining the issues, exploring the disputants' interests and needs, breaking apparent impasse, and generating sustainable options to reach final agreement.

**Track B— Seminar—Criminal Mediation in Montana**

**Eric Olson, Attorney / Training Coordinator Office of the Montana State Public Defender**

Discussing the current Montana Statutes that provide for mediation in criminal cases, the purpose of criminal mediation, and developing criteria for approved Montana Criminal Mediators. Eric will also bring a panel of experts with criminal and restorative justice programs around the state to discuss uses of criminal mediation in Montana.

2:30pm —4:30 pm

**Workshop— The Archetypes of Conflict, Brian Muldoon**

Although the general belief in conflict resolution circles is that practitioners should focus on "the problem, not the people," it is also obvious that different personalities handle conflict differently. This workshop will introduce practitioners to the HeartWorks Archetype Assessment Tool (HAAT), which identifies twelve different personality templates through which clients tend to respond to conflict. Four of them (Dominator, Survivor, Accuser and Trickster) tend to initiate conflict; four of them (Critic, Martyr, Waffler and Dodger) tend to amplify and existing conflict, and four of them (Hero, Healer, Sovereign and Philosopher) show us how to successfully work through conflict. The workshop will show practitioners how to work with all twelve types and how to provide feedback to clients.

## Our Conference Presenters

**Carson Taylor** is a founding member of the MtMA, Past President, and active Full Member with Family Designation. Carson has had a close relationship with the history of mediation in the state of Montana. He obtained his J.D. from Duke University, was a Law Professor at UCLA for three years, and is currently an Adjunct Professor at Montana State University in Bozeman, mediator and arbitrator, and serves on the Bozeman School Board. He was directly involved with the first legislative efforts regarding mediation in the 1980's, has 25 years of litigation experience, is a member of the Montana State Bar Association, co-founded the Community Mediation Center in Bozeman, is a co-founder and instructor for the Center for Collaborative Solutions, has 10 years of experience training adult and youth mediators, and has attained Advanced Family Practitioner status through the Association for Conflict Resolution.

**Ray Hickman** has mediated over 600 cases since opening his mediation practice in Tulsa Oklahoma in 1994. In 1998 he began Conflict Alternatives, an employee relations and dispute resolution firm, with a special focus on employment disputes. He is certified as a mediator for the Equal Employment Opportunity Commission, the United States Postal Service, and the Department of Agriculture. He has taught dispute resolution classes in a variety of settings. In 2002, he was named *Mediator of the Year* by the Oklahoma Academy of Mediators and Arbitrators. In 2006, Ray opened an office in Billings and has mediated throughout the state. He serves on the Board of Directors for the Montana Mediation Association and is a member of the Billings Chamber of Commerce.

**Vanessa M. Ceravolo** is a private attorney in Kalispell, Montana, whose practice is focused on mediation, arbitration and facilitation services. She serves as a Montana District Court Settlement Master and an Appellate Mediator for the Montana Supreme Court. She is a 1981 graduate of the University of Montana School of Law and has completed more than 100 hours of conflict resolution training. As an experienced mediator, she provides alternative dispute resolution services for difficult legal issues and conflicts in family law matters, construction and real estate cases, neighborhood and community conflicts, commercial and contract disputes. Vanessa participated in the development of and training for the Flathead County Justice Court mediation program and serves as the current Vice President of the Northwest Montana Bar Association, a board member of the Montana Mediation Association, and on a steering committee to develop a pro bono publico program in Flathead County.

**Michael Viscomi** graduated from the University of Florida Law School in 1982 and has been a member of the Florida Bar since 1983 and the Montana Bar since 1998. Michael is a past President of the Palm Beach County Bar Association, is "AV" rated by Martindale-Hubbell Law Directory, is 1 of 12 attorneys in Montana who are Board Certified Civil Trial Advocates by the National Board of Trial Advocacy, and was listed in the 2007, 08 & 09 Editions of *Mountain States Super Lawyers* (for Plaintiffs' Personal Injury litigation). In addition to his active trial practice in the areas of serious personal injury, business and insurance disputes, many litigants and attorneys have retained Michael for his skills as a mediator and arbitrator during the past ten years.

**Randy Schwickert** was a deputy County Attorney for Flathead County specializing in child abuse and neglect and juvenile justice cases as well as elder protection until 2001. He also maintains a private law practice with two-thirds of his practice being mediation and primarily involving family law disputes with additional experience in arbitration, workplace and business relationship disputes and appellate mediation. Randy assisted in the creation and development of the Flathead County Justice Court mediation program as well as the Peer Mediation program at the Whitefish Middle School. He has performed services as a trainer and group facilitator.

**Eric Olson** graduated from Gonzaga University School of Law in 1977. He spent 12 years in Talkeetna, Alaska working as a lawyer handling cases in all parts of Alaska before opening a second office in Kailua-Kona, Hawaii. His practice focused on disability and criminal law until 1993 when he moved to Great Falls. After serving as co-founder and coordinator of the Cascade County Pro Bono Law Clinic, he accepted the position of Chief Public Defender for Cascade County/Great Falls where he worked until early in 2006 when he was selected as Training Coordinator for the newly-formed Office of the State Public Defender.

**Brian Muldoon** is a pioneer in the field of conflict resolution, having co-founded one of the first full-time mediation firms in the Midwest in 1985 (RESOLVE Dispute Management). In 1996 Putnam's published his innovative book, *The Heart of Conflict*. He has mediated hundreds of conflicts of all kinds around the country, ranging from environmental disputes to divorce to corporate dissolutions, and has conducted trainings on all aspects of conflict resolution. He was a co-director of the Synthesis Dialogues in 1999, in which 40 leading thinkers were brought together for a week with the Dalai Lama (a documentary about the event, called "Dalai Lama Renaissance," narrated by Harrison Ford, has just been released).