



PENNSYLVANIA
COUNCIL OF MEDIATORS

2021

33rd Annual (Virtual) Conference

**Modern Mediation:
Making Choices and
Moving Forward
April 23-24, 2021**

13 Workshop choices...
CLEs...CEs!

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CLEs provided thanks to the Chester County Bar Association.

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Association for Conflict Resolution, Greater Philadelphia Chapter offers networking and skill-building for practitioners in SE Pennsylvania, Delaware, and Southern NJ. <http://ACRPhilly.org/>

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Mediation Council of Western PA is the premier association of professional mediators in Western PA. <https://www.mediationcouncilpa.org/history>

PRE-CONFERENCE TRAINING

FRIDAY, APRIL 23RD

9:00 AM – 4:00 pm (includes a total of one hour for stretch and lunch breaks)

Into the Fire: Mediating and Facilitating When the Stakes Are High



David Brubaker serves as Dean of the School of Social Sciences and Professions at Eastern Mennonite University, Virginia, USA. He has 34 years of experience in workplace mediation and organizational consulting. David has worked in a dozen international settings on six continents—including Angola, Myanmar, and Northern Ireland. He is the author of several books, most recently *When the Center Does Not Hold: Leading in an Age of Polarization* (Fortress Press, 2019).



Bridget Mullins is a process designer, facilitator, artist, and independent consultant serving justice and equity-focused nonprofit organizations, community groups, and higher ed institutions. She specializes in helping teams unleash their creative, collaborative, and innovative capacity and is known for her engaging and (seriously) playful facilitation style. Her practice is infused with embodied and creative techniques from over a decade of experience with applied theatre, improvisation, and vocal performance. Before founding her own consulting practice, Bridget worked for 8+ years facilitating experiential learning programs for youth and young adults in partnership with U.S. and internationally-based NGOs. She has worked in more than 10 countries, particularly in Central and South America.

In an era of polarization, helping multiple parties reach agreement and equipping divided communities to achieve understanding are two of our greatest challenges. Participants will experience multiparty mediation and large group facilitation in the course of the day. The morning session will cover the dynamics of multiparty mediation, structuring a multiparty mediation process, and ethical issues in multiparty mediation. The afternoon session will explore dynamics of large group facilitation and workshop options for structuring large group dialogue, including managing difficult participants. At the end of the day, participants will leave with tools to apply their two-party mediation skills to multiparty contexts and will have experienced the power of structured dialogue processes to clarify community needs and options for living together in the midst of difference. A brief survey will be sent to each participant prior to the training; this input will be used to better cater the training content to the interests and experiences of participants. (5 sub. & 1 ethics CLE/CEs)

CONFERENCE

SATURDAY, APRIL 24TH

8:45 AM – 10:00 AM ~ 2021 Most Valuable Peacemaker Award: Selina J. Shultz



Selina Shultz has served as a mediator, consultant and coach, trainer, facilitator and contract ombudsman for over twenty years. She has mediated hundreds of cases and worked with organizations such as FedEx and Home Depot. Her years of practical hands-on work in mediation is further supported by her academic work in decision-making, neuroscience, and negotiation. Selina has provided “Conflict Culture Interventions” to organizations suffering from the effects of an unhealthy work environment. She is a leader in the field of conflict navigation and dispute resolution, active both locally and nationally in supporting efforts to promote thoughtful approaches to conflict. She is skilled at bringing about people’s best thinking and developing leaders who are conflict competent. Passionate about teaching, Selina provides both mediation and conflict competency trainings, locally and internationally for organizations and corporations. She also trains at the law school level at The Straus Institute for Dispute Resolution at Pepperdine University School of Law, Duquesne University School of Law, and The Saltman Center at The UNLV School of Law. PCM is pleased to honor Selina for her many contributions to furthering the understanding and recognition of conflict resolution values.

The Mediator's Way

Selina will speak on spreading mediator core philosophies to how we live our own lives and eventually to the masses. She is convinced if we get clear about the overriding philosophies that help us do our work and integrate them into all parts of our lives, they will strengthen us both as mediators and as people. Speaking from her own humbling experience serving as a conflict consultant in organizations, she will talk about the need to get "really real" about how we individually either avoid or show up in conflict in our own lives, not only to become more successful in our work lives, but also in our personal lives. (1 CLE/CE)

10:00 am – 10:15 am ~ Break

Workshop Sessions

10:15 am – 11:45 am ~ Session 1

1A: Can We Talk? Courageous Civility for Troubled Times
Harris Sokoloff, Ph.D.



Harris is an Adjunct Associate Professor and a director of Catalyst Community Conversations (CCC) at the University of Pennsylvania. He is co-founder and co-director of the PA Project for Civic Engagement (PPCE) at the Committee of Seventy in Philadelphia.

Both CCC & PPCE develop, implement, and facilitate public deliberative conversations on important issues, bringing stakeholders together to identify and act on problems in their community, business, or organization. Structured dialogues unite stakeholder values with expert knowledge and leadership to produce momentum for real solutions. The movement from talk to action is an enduring challenge of public deliberation. CCC and PPCE structure civic engagement to have tangible impact on civic life—guiding the work of citizens and policymakers alike. Harris will present

PPCE's current initiative – *Can We Talk? Courageous Civility for Troubled Times* – which uses a community focus to bring people with diverse perspectives together to talk politics in a setting and process that support digging beneath surface disagreements to build understanding and appreciation of differences. Through engagement in *Can We Talk?*, participants learn communication tools they can take into their personal and professional lives. (1.5 CLE/CEs)

1B: Communication in the Workplace: Turning Conflict into Opportunity **Julie Procopiow Todd, Esq.**



Julie joined the Judicial Branch as the 3rd Circuit Director of Workplace Relations in October 2019. Prior to that, she served as an Administrative Judge with the Equal Employment Opportunity Commission's Philadelphia District Office for 25 years, conducting hearings on complaints of employment discrimination filed by Federal employees and applicants for Federal employment. While at the EEOC, she served as a coordinator of, and presenter for, the Advanced Mediation track of the EEOC's annual EXCEL Conference and a trainer for the EEOC's Office of Outreach and Training.

This training will address those work (and other) situations where a difficult, but essential, conversation is necessary, and when putting off the conversation just makes matters worse. The goals of this training include the following: (a) providing a safe environment to explore difficult issues; (b) heightening awareness regarding diversity, cultural and other sensitivities; (c) learning how our respective backgrounds (values, culture, perceptions, experiences) impact our communication skills; (d) understanding barriers to effective communication; and (e) understanding such basic concepts as unconscious bias and microaggressions. This training is especially relevant for mediators, whose fundamental purpose includes assisting parties in resolving conflicts through the use of specialized communication. (1.5 CLE/CEs)

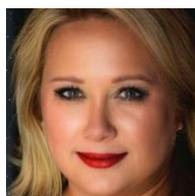
1C: Special Education Mediation **Josh Kershenbaum, Esq.**



Josh brings more than 20 years of professional experience in education and education law to his mediation practice. A former teacher, Adjunct Professor of law, and attorney for children and students with special needs, Josh is the Founder of educadr LLC, a specialized mediation and conflict resolution practice serving K-12 and Higher Education institutions, professionals, and students. A graduate of Temple University's Beasley School of Law, he holds a Certifications in Negotiation and Mediation from the Harvard Negotiation Institute at Harvard Law School.

Participants will learn how to understand and resolve special education disputes effectively and efficiently through mediation. The workshop will focus on understanding when mediation can be helpful in resolving special education disputes, the most common shared and competing interests of parents and Districts in special education disputes, how the educational and legal contexts shape the parties' interests and alternatives, and the role of strong emotions and how to channel them productively and respectfully during mediation. (1 sub. & 0.5 ethics CLE/CEs)

1D: Rolling with Resistance: Eliciting the Client's Motivation to Change **Dr. Deborah Gilman**



Deborah is a Pennsylvania Licensed Psychologist and owner/founder of Fox Chapel Premier Psychological Services. A certified trauma professional, she is also a trained mediator and Coach/Child Specialist in Collaborative Law. On the collaborative team, she serves as a neutral mental health coach and neutral child specialist. She is an active member of the International Academy of Collaborative Professionals (IACP), President of the Collaborative Law Association of

Southwestern Pennsylvania (CLASP), participates in the local mediation council in Pittsburgh, and is active as a speaker and presenter nationally and internationally.

Resistance to change comes up in our work often. As clients discover they must make changes, avoidance, defensiveness, or confrontation can occur. Recognizing resistant behavior and underlying motivations helps to identify best approaches to responding to unwilling clients. Rolling with resistance effectively creates cooperation between professionals and clients for eliciting change. Participants will learn to identify various types of resistant talk and behavior that clients may exhibit. Participants will learn specific “Rolling with Resistance” techniques that reduce the likelihood that the client will continue in a resistant stance. (1.5 CLE/CEs)

11:45 am – 12:15 pm ~ Lunch Break

12:15 pm – 1:45 pm ~ Session 2

2A: Understanding & Responding to Crisis: An Intro to De-escalation Techniques

Randy Duque, MA, KOR



Randy is the Director of the Philadelphia Commission on Human Relations, with a rich background that spans the full spectrum of conflict theory and practice. He holds a master’s degree in Applied Communication and Conflict Processes; is a practitioner and instructor in a traditional style of Kung Fu and student of Filipino martial arts; and served ten years in the infantry with the Pennsylvania Army National Guard. Throughout his career, he has trained law enforcers, anti-violence workers, school resources personnel, and residential treatment staff in de-escalation and has applied his knowledge and expertise in a variety of contexts including crisis intervention, dealing with potentially violent parties, and in negotiations during tense protests.

As skilled third-party interveners, we deal with emotions and tensions on a routine basis. But what do you do when emotions escalate quickly, or a person is already at a tipping point? In this program, you will learn to understand the nature of a person in crisis and some tips and strategies on how to intervene when emotions are dangerously high. (1.5 CLE/CEs)

2B: Interest-Based Mediation

Vanessa Bullock & Barbara Baker



Vanessa was appointed Commissioner with the Federal Mediation and Conciliation Service in May 1997. She works as a mediator in the Philadelphia office located in the Northeast region. As a Commissioner, she has mediated both Labor and Employment disputes in the private and public sectors. Her private sector assignments are in industries ranging from healthcare to manufacturing. She also has significant experience in Title VII grievances which she has mediated for various governmental agencies. In addition, she is responsible for curriculum development and training in a variety of Alternative Dispute Resolution (ADR) programs for the FMCS Institute; Federal Executive Board; and the Cornell University ILR Scrimmage program.

Barbara is a Commissioner with the Federal Mediation and Conciliation Service in Independence, Ohio. As a Federal Mediator, she assists parties in collective bargaining negotiations and mediates labor and employment disputes in the private, public, and federal sectors. She also provides training in communication skills such as conflict resolution, active listening, and communication dynamics. She has developed training on team building using vision, and leadership skills. In addition, she facilitates person to person dialogues as well as group discussions to promote strong workplace relationships.

When disputants are at intractable odds, or what seems to be an impasse over issues in a mediation, how does the mediator explore the concerns, interests, and needs that are generally hidden behind position statements that are readily espoused by parties in a dispute? Understanding those unspoken needs allows the mediator to better assist these parties in exploring mutual options for a durable settlement. This workshop will examine effective interest-based problem-solving tools and techniques to uncover the “why I need” (interest-based) vs the “what I want” (position-based) of the parties in a dispute. (1.5 CLE/CEs)

2C: Social Media-tors! A Creative Response to Cyber-bullying and Pro-Social Behavior **Priscilla Prutzman, Tara Fishler, Dr. Tricia Jones, and Jeff Ervine**



Priscilla is Executive Director of Creative Response to Conflict.



Tara is Director of Learning and Development at Creative Response to Conflict.



Tricia is a Full Professor and Chair of the Department of Communication and Social Influence at Temple University.



Jeff is founder and CEO of Bridg-It School, a digital platform designed to allow school leaders to address and improve school culture and student mental wellness.

Creative Response to Conflict and Bridg-It have partnered to develop the “Social Media-tor’s” program, through an ACR-JAMS grant. Learn how we are training peer mediators to safely intervene in social media conflicts. Watch Bridg-It’s app in action to see how its “shout-out” system, tracking system and resource center are changing school culture from negative to positive. Fostering pro-social behavior through Social and Emotional Learning and Restorative Practices are tools that are improving school climates. The techniques are not just for kids. In this session, YOU will gain tools to help address negative interactions you see online. (1.5 CLE/CEs)

2D: The First Five Minutes: Options to Maximize the Potential for Success in Mediation **Brenda Waugh, Esq.**



Brenda is a lawyer/mediator working with clients in Virginia, West Virginia, and the District of Columbia through Waugh Law & Mediation. She is a member of the bar in each of these jurisdictions and holds a master's degree in Conflict Transformation from Eastern Mennonite University. She has conducted workshops throughout the US and Canada on mediation, restorative justice and alternative dispute resolution and published several law review articles.

Procedural decisions such as whether to hold a pre-mediation meeting and how to open mediation sessions are critical to set the stage for a successful mediation. During this 90 minute online training, participants will evaluate potential criteria to make these decisions and then apply the criteria to evaluate processes in various contexts when the mediation session is in person or online. This highly interactive workshop will provide mediators with confidence in their ability to make these decisions to create the optimal opportunity to resolve conflicts in mediation. (1.5 CLE/CEs)

2E: Organized, Prepared and Confident: Using Technology Effectively in Mediation Gary Doernhoefer & Susan Guthrie



Since graduating from the University of Chicago School of Law, Gary has worked with American Airlines and Orbitz. He was a co-founder of Accertify, which provides credit card fraud prevention for online merchants, and later worked with the International Air Transport Association, where he was asked to arbitrate a matter in the travel distribution business renewing his interest in ADR, particularly within the travel industry. Later working with the law faculty at the Ohio State University he recognized the potential for technology to assist the practice of mediation. He is now the founder of [ADR Notable, LLC](#) which has developed a technology platform specifically for the needs of mediators.



Susan is nationally recognized as one of the Top Family Law and Mediation Attorneys in the United States and has been helping individuals and families navigate separation and divorce for over 30 years. She has recently partnered with mediation legend, Forrest “Woody” Mosten, to create the Mosten Guthrie Academy to provide cutting edge gold-standard trainings for attorneys, mediators and other professionals. Susan is honored to serve on the Executive Council of the American Bar Association’s (ABA) Section of Dispute Resolution as a Co-Chair of the Mediation Committee and Annual Advanced Mediation Skills Institute.

Although mediators rely on uniquely human skills to provide dispute resolution service, technology can help with the administrative tasks and communications challenges of the business. This workshop will reset the perception and expectations for the application of technology in dispute resolution. Starting with a recognition of the negative cultural bias against technology in personal interactions, we will discuss how technology can be a useful tool for dispute resolution professionals. By focusing on videoconference technology, we will provide a basic understanding of how to best employ virtual mediation in your practice by identifying challenges and providing practical suggestions, tips and techniques for successful virtual mediation. We will highlight and address specific ethical issues unique to virtual mediation, with suggestions for compliance. how to perceive emotions and reactions through the virtual lens, as well as ethical concerns such as ensuring confidentiality when parties are not in the same room. (1 sub.& 0.5 ethics CLE)

1:45 pm – 2:00 pm ~ Break

2:00 pm – 3:30 pm ~ Session 3

3A: Know Thy Practitioner Self: How Mediators can Manage Their Bias and Triggers **Mila Pilz**



Mila is the principal and founder of Pangea Mediation which provides conflict coaching, mediation and training services. Using a facilitative style, she offers mediation services that specialize in family, co-parenting, separation and divorce issues. Previously she served as Executive Director of the Lancaster Mediation Program and later as Executive Director for Program Operations when it became Advoz. She currently facilitates workshops for Temple University Harrisburg’s Strengths-based Leadership Certificate.

This workshop is meant for those who are wanting to strengthen their self and social awareness so that they can be an inclusive mediator. It is vital for the integrity of the mediation process that mediators model a high level of self and social awareness for themselves, their co-mediator (if they have one) and their parties. Topics of the workshop include perspective, culture, bias, microaggressions and triggers. We will discuss and practice critical mediator skills such as

framing/re-framing and laundering language in addition to going over tips for being open, accepting, respectful and multi-partial with all throughout the mediation process. This will be an engaging, practical and thought-provoking workshop. (1.5 CLE/CEs)

3B: Philadelphia's Eviction Diversion Mediation Program Sue Wasserkrug, Esq. & Megen Karakelian, Esq.



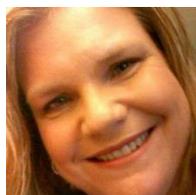
Sue is the Program Administrator at Good Shepherd Mediation Program, where she oversees all direct services and training workshops. As an attorney, she has had several years' experience advocating on behalf of vulnerable clients in Pennsylvania at the Homeless Advocacy Project, People's Emergency Center, and SeniorLAW Center. Her practice has focused on the areas of family law, elder law, housing, and public benefits.



Megen has been a volunteer mediator with Good Shepherd Mediation Program since 2015 and is currently working with the Eviction Diversion Program. She has practiced civil litigation and is experienced in family law. A lifelong believer in alternative dispute resolution, Megen is currently pursuing her LLM in Dispute Resolution from Pepperdine University's Caruso School of Law Straus Institute for Dispute Resolution.

Philadelphia's new Eviction Diversion Program (EDP) provides an opportunity for landlords and tenants to participate in (free) mediation before an eviction complaint is filed, in cases where a tenant has been unable to pay rent due to a COVID-related financial hardship. The program was created when City Council passed the Emergency Housing Protection Act in July 2020. This workshop will provide attendees with an understanding of how the EDP works, a brief history of how it came to be, and how these mediations differ from what many mediators are used to. Topics will include: how and why this program might be transformed after the Covid-19 pandemic is over, successes realized so far (and why), special skills required because of the unique challenges of these mediation sessions, and ethical issues. The presentation will include an abbreviated demonstration of an EDP mediation. (1.5 CLE/CEs, includes 0.5 ethics)

3C: At The Table: Creating a Safe Space during a Lonely Time Elizabeth Givler & Angela Dickinson, M.Ed.



Elizabeth is a Mediator, Small Group Moderator, Compassionate Listener, Curriculum Developer and Team Leader. Over the last 15 years, she has helped numerous individuals, faith groups, small businesses and other organizations assess communication issues, discover root causes of conflict, become mission-focused and engage more productively. She currently is the Lead Trainer and a Compassionate Listener for Someone To Tell It To, an organization that cultivates healthy relationships through Compassionate Listening and trains others to do the same.



Angela is a Team Leader, Compassionate Listener, and Curriculum Developer. Her tenure as a teacher in both public and private educational setting provided informal mediation experience while working with students of all ages and their families. Currently, Angie is the Chief Listening Officer at "Someone To Tell It To," overseeing the Training and Listening programs. In her spare time, she enjoys yoga and karate.

There's a loneliness pandemic raging across the United States and our world. In a time of social distancing, zoom meetings, polarization, and isolation, how do we as mediators practice differently? In this session, we will discuss how loneliness is more than just "being alone;" it is a state of mind and being that has far-reaching effects on health, mental health, executive functioning, and decision making. We will consider how loneliness affects the interactions and perceptions of the mediators and parties during mediation and strategize how to create a safe space for mediation during this time. Participants will also begin developing a game plan for self-care to create a safe space for listening in mediation. (1.5 CLE/CEs)

3D: Sequential Intercept Model: A Framework for Mediation & Restorative Justice Christopher Fitz



Chris Fitz has studied and worked in conflict resolution, restorative justice, and organizational management for 25 years, most recently as Director of Strategic Initiatives at Advoz: Mediation & Restorative Practices (Lancaster, PA). In this role, he collaborates on community partnerships with police, judges, schools, businesses and other institutions to develop alternatives to punitive justice systems. Chris is an adjunct professor in Elizabethtown College's School of Public Service. He earned an M.A. in International Peace & Development Studies at James I University in Castellon, Spain and B.A. from Hampshire College in Amherst, MA.

The Sequential Intercept Model maps how individuals come into contact with and move through the criminal justice system. Designed originally to depict the relationships of individuals with mental and substance use disorder with the criminal justice system, the Model also depicts six “points” at which mediation and restorative justice methods could play an important role in more effectively preventing and addressing criminal offenses. Designed under the purview of the Substance Abuse and Mental Health Services Administration, the Model helps communities identify resources and gaps in services at each intercept and develop local strategic action plans. This workshop presents the Model's six intercept points and the numerous opportunities for both various mediation and restorative justice services at each of those points. Through presentation, discussion and generative small group work, participants will leave with an understanding of how this model could help organizations and community coalitions address mass incarceration. (1.5 CLE/CEs)

3:30 pm – 4:00 pm Networking by Interest Area

Join your colleagues in networking break-out rooms to share experiences and hear what's happening around topics of interest to you. Each group will have a discussion facilitator.

Solo practitioners – Mila Pilz
New mediators – Ellen DeBenedetti
Community mediation centers – Chris Fitz
And others to be determined...