



## 2017 NEACR Biennial Conference

### Against the Grain: Conflict Resolution in Challenging Times

September 8, 2017

9:00am - 4:30pm

Waltham Woods Conference Center

860 Winter Street

Waltham, MA 02451

**9:00-9:30**                      REGISTRATION & NETWORKING

**9:30-11:00**                    SESSION 1

#### Resilience: Community and Co-existence Track

*Dialogue through Difference: Expanding the Legal Skill Set*

**Rachel Viscomi**, Assistant Director Harvard Negotiation and Mediation Clinical Program (HNMCPC)

**Toby Berkman**, Lecturer on Law, Harvard Law School, Senior Associate at the Consensus Building Institute

**Neil McGaraghan**, Clinical Instructor, HNMCPC & Lecturer on Law, Harvard Law School

Traditional legal education has focused on developing a student's ability to analyze, argue, and advocate. These skills are both critically important and patently insufficient for today's lawyers. Lawyers must learn to bridge partisan divides and build connections in the face of difference. Join us as we share our efforts to build pedagogy that will enable law students to master the critical skills of dialogue, facilitation, perspective-taking, and empathy that are foundational to effective leadership. We will share video, case, and programmatic resources that we have developed as part of our growing facilitation and political dialogue initiative and engage a conversation around what comes next.

#### Invention: Meeting Families Where They Are Track

*Court Mandated Small Group Classes for High Conflict Parents*

**Hon. Christina Harms**, Director, Child and Family Evaluation Service

**Ben Stich**, Divorce and Family Mediator, Mediation and Family Services

**John Smoot**, Law Office of John M. Smoot

Williams James College's three-year-old psycho-educational program consists of 27 hours of class time (nine three-hour evening sessions). The class involves mandatory attendance of both parents together at all nine sessions taught by a gender-mixed and interdisciplinary two-person team of facilitators. The structure of the program, skills taught, and techniques used to maximize participation and positive outcomes will be reviewed, as well as results of pre-post surveys and preliminary results of follow-up contacts with participants.



### **Leadership: Responsive Mediation Practice Track**

*Impartiality: Is it Always Possible in our Work Today?*

**Richard Barbieri**, ACR/NEACR Board Member

In most conflict resolution work, mediators, facilitators and other conflict managers adhere to a strict principle of impartiality (or neutrality or multi-partiality depending on individual language preferences). This principle rests on the classic notion that the practitioners of any profession put the interests of clients, patients, students, and others, foremost, as well as on a commitment to client self-determination. However more and more work in the field takes place in structures where types of partiality are accepted, including Restorative Justice, Prisoner Re-Entry, and much Transformative Facilitation. Simultaneously, the tone and content of public discourse in many areas has stepped beyond past standards of civility and respect. What is the role of our professions at a time when such incompatible visions of the good are being contested?

**11:00-11:15**                      BREAK

**11:15 – 12:45**                      KEYNOTE

*Consensus Building in the Age of Trump: Strategies for the ADR Field*

**Larry Susskind**, Ford Professor of Urban and Environmental Planning at MIT

Professor Susskind's argument is that it is actually easier to facilitate useful and productive conversations in more contentious times. ADR professionals should be clear though about the value we can add. Our goal should not be to change people. Instead, we should offer problem-solving assistance — even in the face of harsh disagreement. And, we must be absolutely diligent about maintaining our neutrality (no matter how strongly we feel about a particular subject).

**12:45-1:45**                              LUNCH & NETWORKING

**1:45 – 3:15**                              SESSION 2

### **Resilience: Community and Co-existence Track**

*From public violence and death to strained peaceful co-existence and tea... The Common Ground of Identity in Conflict*

**Beth Myers**, The RoundTable Group, Inc.

Fresh from hard-core Conflict Resolution study in Northern Ireland, UMass Graduate Students lead an interactive session about the role of 'Othering' in conflict: From a habit of daily individual judging and neighborhood dissing, to overt community group violence and death, to strained peaceful coexistence and tea... Is authentic curiosity a cultivatable tool for potential avoidance, resolution, or truly respectful co-existence? It's all about identity. Yours, ours, theirs. Join us to explore the commonality of identity between 'othering' in an individual or individual family sense and 'othering' in larger groups and nations. This is a provocative workshop on self and other awareness enhancing your interpersonal skills as a dispute resolution professional.



### **Invention: Meeting Families Where They Are Track**

*Deconstructing Conflict: How to understand and manage family conflict over business, shared wealth and power*

**Blair Trippe**, Managing Partner, Continuity, LLC

Why are conflicts in family business so common, and often so extreme and intractable? Why do conventional dispute resolution approaches often fail and sometimes increase conflict? Family business conflict is distinct from civil dispute and can be described as identity-based, systemic conflict, with the additional complication that continuing relationships matter and must be considered throughout the conflict management process. This presentation will explore the distinguishing elements of conflict in family enterprise and will provide conflict management approaches that go beyond those developed for resolving simple civil and family disputes. It will explore how power is both held and used, when mediation and other traditional approaches to conflict management can be useful or ineffective, and how to grow individuals and their enterprise out of conflict.

### **Leadership: Responsive Mediation Practice Track**

*A Close Look into Onsite Mediation at the Norfolk Probate and Family Court*

**Josh Hoch**, Mediator/Director of Mediation Services, MWI

**Donna Feinberg**, Chief Probation Officer, Norfolk Probate and Family Court

**Hon. John D. Casey**, First Justice, Norfolk Probate and Family Court

**John Fiske**, Esq., Healy, Fiske, Richmond and Matthew

This workshop will provide information about how the Norfolk Probate and Family Court established an onsite mediation program at their court with services provided without cost to litigants. Presenters will discuss the programs successes, challenges, and ideas on how and why to start a mediation program in your jurisdiction.

**3:15 – 3:30**                      BREAK

**3:30 – 4:30**                      SESSION 3

### **Resilience: Community and Co-existence Track**

*Helping communities deal with destructive public conflict*

**Madhawa (Mads) Palihapitiya**, Associate Director, MA Office of Public Collaboration, UMass Boston

**Rosalind Cresswell**, Program Manager, MA Office of Public Collaboration, UMass Boston

**Debbie Lynangale**, Training Coordinator, The Mediation & Training Collaborative

Municipal officials are at the frontline of solving today's complex problems such as land use, education, budgets, economic development, public safety and public health in an environment of public mistrust and uncivil discourse. This interactive presentation will provide a briefing on the findings and recommendations of a recent municipal conflict resolution needs study in Massachusetts conducted through joint efforts of municipal officials, legislators, the state dispute resolution agency, and state-funded community mediation centers. The study collected and analyzed data through regional focus groups; survey responses from municipal officials, state, federal and regional government officials, members of organizations/groups and members of the public at large; and interviews and



advisory groups of municipal officials and other stakeholders. Critical needs for training and technical assistance will be highlighted.

### **Invention: Meeting Families Where They Are Track**

*Brave New World: Transgenderism in Divorce and Family Mediation*

**Holly Hitchcock**, Mediator

As our world stumbles toward an “all welcome” place and well-known figures go public as transgendered, mediators will be more likely to see transgender issues arise in divorce and family mediation. No longer kept secret, the nuances of grief, anger, loss and rebirth for all family members become part of the divorce/family conversation. As one wife stated, “it’s like grieving the death of my husband while we are divorcing.” This session will explore the mediator’s role in creating a neutral, trusting mediation environment; understanding the distinct emotional processes of clients and their children; facilitating the core divorce agreements in concert with physical, medical and psychological changes; establishing clear ethical boundaries with clients and outside providers in the legal, advocacy, and therapeutic arenas.

### **Leadership: Responsive Mediation Practice Track**

*Mediating Complex Family Disputes with Elder Mediation*

**Crystal Thorpe**, Mediator/Trainer/Principal, Elder Decisions

Decisions among family members facing eldercare, property, or estate settlement issues are typically fraught with emotion and often conflict. Mediation can help families clarify their interests, communicate more effectively, and develop a path forward. Hear about the Elder Decisions® process for bringing families to the table and setting the tone for productive conversations, as well as how the process has evolved over the years.