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Werner Institute Newsletter

Mediation in the Mainstream: Daniel Rainey Provides Lecture for ABADR 2012 Mediation Week

The Werner Institute participated in the ABA Dispute Resolution (ABADR) Section's 2012 Mediation week by hosting a free public lecture titled, *Mediation in the Mainstream*. The lecture was provided by Werner Institute Adjunct Faculty member Daniel Rainey. Daniel Rainey is a leader in the field of Alternative Dispute Resolution as Chief of Staff of the National Mediation Board in Washington DC. He is also a prolific author in the realm of online dispute resolution. His wealth of experience and interest in riding the wave of innovations in dispute resolution made him the perfect presenter for this lecture.

Daniel Rainey gave this public address on the ABA Mediation Week theme of Mediation in the Mainstream to reflect upon the growth and development of ADR in our society and to contemplate where we are headed in terms of integrating ADR processes into contemporary society's conflict engagement strategies. The lecture was attended by Werner Institute graduate students, law and conflict resolution faculty, local Bar Association members, mediators and other interested members of the public.

The event was held in conjunction with the Werner Institute residency during which students engaged in the Werner Institute's on-line graduate program come to Creighton University's campus from around the world for a week of intensive study and simulations. The lecture was captured and available for viewing if you were unable to attend the event. You can access it on the Werner Institute website at the following URL:

www.creighton.edu/werner/eventsnews/mediationinthemainstream

The ABADR website states, "The ABA Mediation Week initiative is a celebration of the strides we have made in institutionalizing mediation as one of several appropriate dispute resolution processes. ABA Mediation Week was held during the week of October 14-20, 2012." You may find more information about all of the 2012 mediation week events at their website: www.americanbar.org/groups/dispute_resolution/events/mediation_week.html



2012 Mediation Week
Mediation in the Mainstream
From the Courthouse to the Conference Room

The Many Faces of Mediation:
Resolving Personal, Commercial, Government and Community Disputes



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Publication & Presentation Highlights from the Werner Institute Team

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Noam Ebner, Online Program Chair for the Werner Institute, continues his prolific publication output and had another publication released since the last newsletter. His latest publication is the third volume in the Rethinking Negotiation Teaching Series. This one is, [*Assessing Our Students, Assessing Ourselves.*](#)

Jackie Font-Guzmán, Director of the Werner Institute, spent the Spring semester on a Fulbright scholarship in Spain teaching at the Carlos III University Law School in Madrid. It is great having her back here in the office and she has been busy. Dr. Font-Guzmán contributed a chapter to a book which just won the 2012 Madrid Mediators Association (AMMI) award for best publication in mediation. The book is *Mediación y Resolución de Conflictos: Técnicas y Ámbitos*, eds. Soletó-Muñoz, Carretero-Morales, and Ruiz-López. Madrid, Spain: Editorial Tecnos. Jackie's chapter examines court-annexed mediation programs in the USA and Puerto Rico.

Bryan Hanson, Assistant Director, provided multiple presentations over the past few months including:

- “Healing and the Role of a Mediator” – International ADR Society World Congress on October 19th, 2012 in Des Moines, IA
- “Appreciative Inquiry and the Role of the Conflict Specialist” – ACR Workplace Section teleseminar – September 6th, 2012
- “Online Dispute Resolution: Where Does It Take Us?” Keynote presentation for the Association for Conflict Resolution – Chicago Chapter in May 2012, Chicago, IL.

April 3-6, 2013, *Palma Strand*, *Noam Ebner*, *Jackie Font-Guzmán*, and *Bernie Mayer* will be presenting at the Annual ABA Section of Dispute Resolution annual conference in Chicago. The topic is ‘*Trust as social adhesive: Implications for negotiation, conflict intervention and governance*’.

The Werner Institute is excited to announce the expansion of our team. We are currently looking to add a Full-time, Tenure Track Faculty Member. You may review the job opening here: [Assistant Professor - Tenure Track](#)

Practicum Spotlight

An Educational Adventure in South Sudan

By Chalee Mettenbrink

South Sudan was one of the least likely places I thought I would ever find myself. It was “off my radar” entirely as I scrambled to pull together an opportunity for my Practicum as a student of the Werner Institute...until the day it dropped in my inbox. African Leadership and Reconciliation Ministries (ALARM) hosted me and provided opportunities to engage in grass-roots conflict resolution efforts in the world’s newest country. ALARM is purposefully an organization led by Africans, for Africans, spanning nine countries. In the following I will share briefly about a few experiences that gave me an education in

Conflict Resolution that I couldn’t have learned in the books. Every day was literally an adventure of its own, having no guarantee for household water, fuel or electricity.



My work with the office began with a group of students who organized after the University of Juba had closed in March of this year due in part to ethnic violence on campus. These students had no formal experience in conflict resolution, and had fewer examples of it around them. ALARM’s Director of Peace and Reconciliation mentored them through the process of collaboration and dialogue to engage all stakeholders. Our meeting that hot afternoon consisted of reviewing their progress and discussion on their plan moving forward. This was a particularly meaningful experience because I saw the desperation of *my* generation

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If you have any questions about the practicum component of the Werner Institute’s program, or if you would like discuss utilizing students for a project in your organization, contact bryanhanson@creighton.edu

Practicum Spotlight, continued

for the hope and promise of their future. They wanted a future. They wanted their education.

I learned, also, that the process of establishing a culture of peace in a war torn country involves everyone in a community. I shared lunch with a former child soldier, now 28 years old and committed to investing in children, the upcoming generation, through educating them in how to resolve conflicts peacefully, showing them a way out of a culture and mindset of violence. Another organization engages the elderly population; recognizing the respect they've earned and the influence they carry. Older people are encouraged to engage their families and communities in peace building. These different organizations are expanding the conversation of conflict resolution; reinforcing that it no longer relies on the mediation table and an isolated group of leaders.



Women are key stakeholders in a peace building process as well. The Sudan Council of Churches hosted a three day consultative forum for women. Representing every state and ethnic group, fourteen women were present at the table. They were a perfect mosaic of differences, yet shared their faith, religion and womanhood through moments like spontaneous singing, clapping and dancing. This conference gave them a voice by providing a listening ear as they shared about the conflicts experienced in their communities at the grass roots level. They also engaged in brainstorming sessions for action steps and solutions, with presentations by women in Parliament and other NGO community leaders. I was the only foreigner present, and while I didn't contribute to their conversation or process, I did feel like an intruder on some level. This conference was *theirs*; it was by them and for them. Their passionate burden for their communities, children and future was overwhelming. I began realizing the need for the process for peace being by the whole community and for the whole community.

One of my last activities involved conducting a Conflict Assessment. We traveled on red dirt roads through the bush, passing by villages of traditional round, mud housing. We were stopped at military checkpoints along the way as they continued their long-driven effort to disarm the region. Jonglei is largely considered

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Practicum Spotlight, continued

one of the most volatile states in the country. When we arrived in the capital city, Bor, our assessment included meeting several respected religious leaders; they bear unique insight into their congregations and communities. Each meeting described the detriment of division and ongoing ethnic violence. The fruit of our three-day assessment of gathering narratives, networking and asking about needs resulted in ALARM conducting training sessions in conflict resolution and reconciliation in the city, reinforcing an ongoing commitment to the region.



My colleagues and friends in South Sudan taught me that conflict resolution isn't a game of negotiated peace or diplomacy. Conflict resolution represents a promise. It's a promise of a safe home to raise families, safe fields to sow

and harvest, a sacred place to continue in traditions. It promises community and unity; it promises expression and pursuing life's dreams. I am thankful to the organizations and individuals who hosted me, gave attention and patience to my questions and curiosity, and allowed me into their vulnerable pursuit of a future, of livelihood.

Thirty days in South Sudan wasn't long enough.

Signed...
Chalee Mettenbrink



**One more Practicum Spotlight on
the next page!**

If you have any questions about the practicum component of the Werner Institute's program, or if you would like discuss utilizing students for a project in your organization, contact bryanhanson@creighton.edu

Practicum Spotlight, continued

Werner Student Immersed in Peacebuilding Experience in Costa Rica

By Candice Barrow

My exposure to the curriculum of the international concentration courses solidified my wish to find a practicum site that worked directly with international conflict and the people involved. Primarily the influences of course materials circling the idea of conflict resolution through education of “the other” is what sparked and guided my search for local organizations that sought to change conflict as a component of resolution efforts.

Amidst the calendar reminders, junk mail notices and daily influx of email correspondence, I stumbled upon a flier for a practicum opportunity in Costa Rica. At the time I was unfamiliar with the organization, Outward Bound Center for Peacebuilding (OBCP), however their mission and values were similar to those I possessed and I sought to learn more about their program and how it would provide me with the opportunity to expand my understanding of international conflict while gaining necessary field experience.

The Practicum for Experiential Peacebuilding was designed to bring conflict resolution practitioners, graduate students and those involved in peacebuilding together to experience a challenging ten day excursion through the ecosystems of the Costa Rican rainforest while

practicing newly acquired resolution techniques and building upon leadership skills. I immediately applied for the program and awaited their response. Being only ten days long; I was struggling to figure out how to meet all of the practicum requirements for Werner. After receiving notice of acceptance into the program and a few brainstorming sessions, the OBCP Program Director and I were able to design a few additional practicum elements to round out the experience. I would assist OBCP with the evaluation of the practicum in Costa Rica and help gather information to secure funding for future courses. Little did I know that an international practicum experience would also allow me the opportunity to apply consulting and evaluation skills I had learned from earlier courses.



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Practicum Spotlight, continued

Through conference calls and online document sharing I was able to assess the needs of OBCP and the types of information to be collected in order to provide them with the data they needed to present to resource donors and board executives. During this pre-Costa Rica element, I spent my time designing an evaluation form to be given out to the participants at the end of the excursion while congruently prepping for my participation in the practicum.

The time I spent in Costa Rica was unforgettable and ultimately insightful. I was stripped of all modern conveniences (cell phone, iPod, and watch) and placed in the jungle with 5 instructors and 11 participants from all across the world. We hiked through the jungle during the daylight hours and spent our nights sharing cooking/cleaning responsibilities, camp preparation and learning new techniques for addressing conflict as well as reflecting on our experiences. We participated in home stays and spent time with families native to Costa Rica on their homesteads, indulging in homemade meals, handpicked coffee and enlightening conversations with the families. We spent one day rappelling down a 100 foot waterfall, assisting in the production of homemade sugar (from the raw cane) and listening to the teachings of another participant and their struggles with dominance in the global community. We wrapped up our hike and spent the last days reflecting on the adventure and visiting the UN Mandated University of Peace in San Jose, Costa

Rica where we learned of the practice of conflict resolution through theatrical activities and redefining personal perceptions.

After returning home from Costa Rica and gathering data from the evaluations given to the participants, I began conducting interviews with the participants a month after they returned home and re acclimated to their daily lives. This data was combined into a final report that will be given to OBCP board members and executive directors for further consideration of funding the practicum for a future year. Additionally, as a result of my experience in Costa Rica, I applied for and was accepted as a member of the OBCP Junior Board, responsible for Finance and Strategic Fundraising.

The biggest and most rewarding surprise of this practicum was the multi dimensional experiences and opportunities that have unfolded as a result. I was able to travel to a country I had never visited before and learn from the people and the culture, able to meet people from all across the world and develop lasting friendships and professional contacts, able to apply theory and skills of consulting and evaluation to assist an organization to secure the funding for a program that I hold dear to my heart. Not only did this practicum provide me with invaluable experience, it has given me a clear direction to follow in my post-graduate career.

If you have any questions about the practicum component of the Werner Institute's program, or if you would like discuss utilizing students for a project in your organization, contact bryanhanson@creighton.edu

Updates from the ADRhub

ADRhub.com, The Werner Institute's online portal for students, alumni, faculty, and everyone in the conflict and dispute resolution community has completed their schedule of webinars for 2012! Since the ADRHub began in 2010 they have hosted a webinar every month. The schedule below shares the webinars for 2012. If you missed any of them, please feel free to click on the topic title and you will be brought to the archive.

Month	Topic	Presenter
January	A Place for Arbitration in ADR?	Jay McCauley
February	Performing Under Pressure	Stephen Kotev
March	MBB Members Reflecting on Recent Programs	MBB Panel
April	Using the Internet to Build Your Practice.	Jason Dykstra
May	ODR: The Green in the Machine	Noam Ebner, Susanna Jani & Coleen Getz
June	Busting mediation myths	Katherine Graham
July	Idea Mapping – Graphic Facilitation	Jamie Nast
August	From Conflict to Creative Collaboration in Business.	John Turley and Ed Sketch
September	Micro expressions	Maggie Pazian
October	Cyberweek Webinars	Various
November	Neuroscience Insights for Conflict Management.	Anastasia Pryanikova
December	Forgiveness and Empathy in Conflict Resolution	Lorraine Segal



ADRhub.com

Bringing The ADR Community Together

ADRHub Webinar Series 2013 – Call for Proposals

We are currently accepting proposals for the 2013 ADRHub webinar series. Presenting for one of these webinars provides a great opportunity to share your expertise and to spread your work across a large community of ADR practitioners, scholars and anyone that is interested in alternative dispute resolution.

With over 1750 members, the ADRhub is a valuable web resource for all the alternative dispute resolution community. www.ADRhub.com is a portal where you may get all your ADR related news, events, and be able to stay in touch with others in the community.

Through the ADRhub webinar series, participants receive thought-provoking presentations and engaging dialogues that provide high-quality education and training without leaving the home or office. The ADRhub webinar series offers a broad range of presentations hosted by industry experts to help keep participants up-to-date on the latest activities, trends, field practices, and hot topics.

Webinar participants gain insight and knowledge to help them take their careers, education, and communities to the next level, while gaining valuable guidance regarding the practice of this field.

ADRHUB WEBINAR FORMAT:

A webinar is a live virtual presentation on the Internet utilizing a web-based video conference platform. The webinars are 45-60 minutes long. They typically include about 25 minutes of presentation and 25 minutes of Q&A. These presentations are accompanied by a powerpoint.

The monthly webinars continue to bring in experts to present on various topics relevant to our field and provide an opportunity to engage in lively discussions. For those that cannot make it live to the event, the presentations will be archived and uploaded to the ADRHub for streaming so they may watch it at their own convenience. The archives of previous webinars are all available for viewing ([Webinar Archives Page](#)) and the discussions can continue within these forums.

SUBMISSION OF INTEREST IN PRESENTING:

We are always looking to provide topics that our community is interested in. Below you will find examples of contexts in which our audience will find interesting:

- ◆ Mediation
- ◆ Public Engagement
- ◆ Conflict Coaching
- ◆ Restorative Justice
- ◆ Role of the Ombuds
- ◆ Community Mediation
- ◆ Practice Development
- ◆ Online Dispute Resolution
- ◆ Facilitation

If you would like to propose a topic related to these examples, or have another relevant topic of interest, please submit your proposal by **December 31st, 2012**.

Simply provide:

- ◆ A one paragraph description of your presentation
- ◆ The months that you would like to present
- ◆ Your contact information.

All submissions can be sent to Bryan Hanson at bryanhanson@creighton.edu, with the title “Webinar Proposal Submission” in the subject box.

New Law School Club Focused on ADR Brings Together Law and Werner Institute Graduate Students

By Kathryn Welsh

Creighton University's Werner Institute and Law School are welcoming a new student organization to campus beginning January 2013: the Alternative Dispute Resolution Association (ADRA)! The ADRA is an exciting new opportunity outside of the classroom for students to explore, support, and promote the field of alternative dispute resolution within Creighton University, the legal community and the greater community. The ADRA will focus its events and activities on speakers, skill development, scholarship and outreach.

- ⇒ Speakers: the ADRA will host forums with professionals who share their experience as practitioners and scholars.
- ⇒ Skill development: ADRA members will develop conflict resolution skills through competitions and hands-on trainings.
- ⇒ Scholarship: Recognizing the classroom as foundational to its efforts, the ADRA will assist students to learn about coursework and programs for studying the emerging issues in conflict resolution at Creighton University.
- ⇒ Outreach: ADRA members will have opportunities to connect and network with the professional community as well as to attend state and national conferences. The ADRA will also sponsor fun social events for its members.

All interested Master's and Law students are encouraged to join the ADRA as it promotes the field of alternative dispute resolution. Those who would like to join may contact ADRA's moderator, Bryan Hanson (bryanhanson@creighton.edu), or Student Advisor, Katie Welsh (kathrynwelsh1@creighton.edu).

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Werner Students Active in the Field

Report from the Field - Kiev Arbitration Days 2012 Kiev, Ukraine, November 15-16

By Firas Alsalih (MS NDR Candidate)

The second annual Kiev Arbitration Days (KAD) was an exceptionally impressive gathering of some of the world's pre-eminent thinkers and practitioners in the field of dispute resolution and international arbitration. The conference was attended by some luminaries from the field of international arbitration. Of the 150 participants from around the world, some impressive names included world-renowned author and international arbitration expert Mr. Gary Born, Lord Peter Goldsmith, former Attorney General for England, Wales and Northern Ireland, and Ms. Meg Kinnear, Secretary General of the International Centre for Settlement of Investment Disputes (ICSID).

For me, as a student of ADR, I've always felt arbitration lies at the outer edges of the ADR continuum, and is much more akin to litigation than mediation. After two days of listening to some of the world's most experienced and seasoned arbitrators some of my early views still hold. However, I recognize that the field of arbitration is well and truly regarded by the legal community as very much an alternative dispute resolution process, but with a much more rights-based approach than mediation's interest-based approach. This may be why the field of arbitration is, and probably always will be, dominated by lawyers.

Incidentally, there is growing recognition and respect for mediation's ability to resolve disputes very early, very expeditiously, and very amicably, and when there are ongoing business relationships at stake, it is a far better option than the more adversarial path of arbitration. Even when parties choose to go through arbitration, there is often an active process of mediation and negotiation in the background to help accelerate resolution, or even to help enforce awards in cases of international arbitration that span across multiple jurisdictions, and multiple sovereignties, and when awards can be challenged, and enforcement can be a challenge.

So, the good news is, there really is hope for those of us wishing to practice in the field of ADR, sans law degrees.



Mediation and conciliation are both beginning to gain an important foothold in the field of international dispute resolution. According to Meg Kinnear, Secretary General of ICSID, even traditional rights-based and highly structured organizations such as ICSID are beginning to see the value in adding mediation and conciliation to their recommended approaches. She also commented that with the increase of women in the field of international dispute resolution, there is greater interest in the less adversarial dispute resolution processes, such as mediation, and she expects this trend to continue.

Also, some of the most hardened arbitration lawyers acknowledged that mediation quite often is the best approach, and should always be given a chance prior to their clients surrendering their fate to an arbitration panel. One prominent attorney actually said that of all the cases that go to mediation, the vast majority are resolved. He felt arbitration agreements should always include clauses for continued mediation, and that both arbitration and mediation may sometimes be conducted concurrently. To me that was a powerful affirmation of mediation's potential as a voluntary dispute resolution process, and one that is gaining more *advocates*, literally and figuratively.

So I left Kiev with some great new friends, some wonderful memories, and a strong sense of purpose in knowing we are part of a growing, and prospering international field. The ADR skills we are learning at Creighton certainly have real-world relevance and application. There are some extremely interesting and practical opportunities and ways for us to apply our education, in a world rife with conflicts, and desperate for settlements.

Werner Institute Alumni Profiles

Werner Alum takes skills to new Online Dispute Resolution Startup

By Eric Tang MS '08

In many ways, both the Werner Institute and I have come a long way since the fall of 2008. At the time, I had just graduated from the program and was also one year into my new job at PayPal, paying my dues on the ground floor as a customer service agent. The Werner Institute was graduating its first classes and just getting started. Now, four years later, I am the Senior Manager of Operations at a software startup specializing in Online Dispute Resolution. The Werner Institute has increased the number of their students, expanded to online course offerings, and has recently concluded one of their best attended CyberWeek conferences. I feel very fortunate that my Masters from Werner has served me well since 2008.

As with most accomplishments, it takes hard work and being at the right place at the right time. When I thought about what I wanted to do for my practicum, I inquired about opportunities at PayPal. PayPal and eBay have an online “resolution center” that their customers utilize to dispute transactions with each other. Since I was half way through the Masters program, my mind was always deep in thought about conflict resolution. I identified this “resolution center” as an obvious and real example of Online Dispute Resolution. There had to be someone at PayPal

and eBay that developed this, and I wondered if that person had any background in

ADR. Turns out that person is Colin Rule who has the same degree and is well connected with ADR professionals in the industry, including Bryan Hanson, and literally wrote the book on ODR. It wasn't long before I was working on my practicum with Colin, helping him design a way for eBay sellers to dispute negative feedback. We called it eBay Community Court. Sellers can file a case on their negative feedback and make arguments for feedback removal. Crowd sourced jurors from the loyal eBay community vote on these cases. The experience was great. Colin and I kept in touch and became friends as the years went by. He told me that one day he would leave eBay and strike it out on his own with an ODR software company. In the meantime, I focused on my career at PayPal, working my way up to Enterprise Account Management and Trainer. In June of this year, I left PayPal to join Colin's



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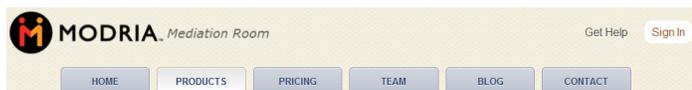
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If you are a member of the Werner Institute Alumni and would like to share your story since completing the degree, please send an email to Bryan Hanson at bryanhanson@creighton.edu

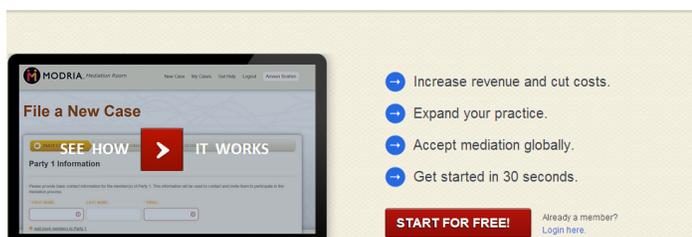
company, Modria. Modria stands for Modular Online Dispute Resolution Integration Assistance.

We have a product called the Modria Mediation Room that mediators can try for free at:

<https://mediationroom.modria.com>.



Your Mediation Practice Online in 30 Seconds.



Take a test drive and let me know what you think at erictang@modria.com. I'm always

happy to talk about all things ODR and ADR. Modria is also working with businesses to aggregate online disputes through our products, potentially providing cases to mediators around the world. We are also focused on technology that either resolves disputes without human involvement or enhances disputants' ability to negotiate with each other; thereby helping neutrals do their jobs better. We call this Technology Facilitated Resolutions. The sophistication of technology and, more importantly, our willingness to conduct more of our social lives with it have come to the right crossroads for Online Dispute Resolution to succeed. It's a very exciting time and just the beginning.

Life in a startup is crazy, fast paced, and never boring. I get to wear many hats. I work on everything from marketing, product development, business development, and my specialty, customer service. I still live in Omaha and get to work remotely from home, making frequent trips to the Silicon Valley. This really is a dream job. I'm very grateful to Creighton and everyone who's helped me along the way.



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**The Werner Institute would like to thank all
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