



WIN WIN

Spring 2012
Volume 4 - Issue 2

Werner Institute Newsletter

Werner Institute Participates in International Mediation Tournament

A team of three students representing Creighton University's Werner Institute and Law School participated in the 2012 International Mediation Competition sponsored by the International Academy of Dispute Resolution. Kristina Day (3rd year law student, MS '12), Noelle Obermeyer (3rd year law student), and Katie Welsh (1st year law student, MS '08) traveled to the University of Chicago Loyola Law School on March 23rd to compete among 40 teams representing law schools from around the world. Participating teams represented countries such as Canada, Great Britain, Germany, India, Ireland, and Scotland. The tournament provides students the opportunity to practice and refine their skills in mediation and client advocacy, while gaining exposure to new styles of dispute resolution.



Noelle Obermeyer, Katie Welsh, & Kristina Day at Loyola University in Downtown Chicago for the InADR International Mediation Tournament.

Kristina, Noelle, and Katie went through three preliminary rounds, serving as mediators, advocates, and

(Continued on back page)



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Publication & Presentation Highlights from the Werner Institute Team

This year the Werner Institute made it into the US News and World Report dispute resolution specialty rankings among law schools at #15, tied with Stanford.

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ASSISTING EDUCATORS

Online program chair, **Noam Ebner**, has been working on several writing projects over the past few months. Noam is co-editing a book on assessing negotiation students. This book is an outcome of the third and final 2nd Generation Negotiation Teaching Project conference held in Beijing, China, in May 2011. The book will be introduced at the American Bar Association Dispute Resolution Section's annual conference in April. The Encyclopedia of Peace Psychology published an article Noam wrote, together with Dan Druckman, edited by Daniel Christie, on using simulation-design exercises for negotiation and conflict resolution education. The upcoming edition of *Conflict Resolution Quarterly* will publish Noam's article, co-authored with Colleen Getz, on the environmental benefits of online dispute resolution, entitled, "ODR: The Next Green Giant." The article is currently available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1993192

In December, Noam was invited to present on negotiating via email to doctoral and graduate students at Bar Ilan University's Interdisciplinary Program on Negotiation and Conflict Management. He later gave a more practically-oriented talk on that same subject at the Israel Bar Association in Tel Aviv. In February, Noam guest-taught a class in a course on International Conflict Resolution at Southern Methodist University.

MAKING NEWS AND BOOK REVIEWS

Recently, Associate Professor, **Ran Kuttner**, published an article, "Conflict Specialists as Leaders: Revisiting the Role of the Conflict Specialist from a Leadership Perspective" at 29 CONFLICT RESOLUTION QUARTERLY 103 (2011). The article was a lead article in that issue, and examined the literature in both the fields of Conflict Resolution and Leadership and described how ADR practitioners can benefit from a deeper examination of best practices from the Leadership literature. An earlier version of the article has already been in the top ten downloads of SSRN five

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Publication & Presentation Highlights from the Werner Institute Team, continued

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times. The abstract and full article can be accessed at <http://onlinelibrary.wiley.com/doi/10.1002/crq.v29.2/issuetoc>.

Ran also wrote a review titled “Methodology in Action: on Consistency, Accuracy and Proficiency in Mediation,” reviewing the book TRANSFORMATIVE MEDIATION: A SOURCEBOOK: RESOURCE FOR CONFLICT INTERVENTION PROFESSIONALS AND PROGRAMS, at 13 CARDOZO JOURNAL OF CONFLICT RESOLUTION 101 (2012). The review discusses the latest contribution of the Transformative Approach to the ADR field, as discussed in the book. The abstract and full article can be accessed at <http://ssrn.com/abstract=2008037>

For information on Ran’s service in Arab-Jewish conflict management in Israel through Mediators Beyond Borders, see his blog post on ADRHub, at <http://www.adrhub.com/profiles/blogs/the-israel-project>

Werner Institute Facilitates National Healthcare Research Public Forums

On January 23 and 24, 2012, Project Manager and Instructor at the Werner Institute, **Anat Cabili** facilitated two small group meetings with twenty four members of the community on the topic of how patients can be better involved in health research. The project was sponsored by the Patient-Centered Outcomes Research Institute (PCORI). PCORI is an independent organization, established by the US Congress through the 2010 Patient Protection and Affordable Care Act, in order to help people make informed health care decisions and improve health care delivery. Its goal is to make sure that patients and patients’ concerns are part of all of its research. The Werner Institute collaborated on this project with the Center for Evidence-based Policy at Oregon Health & Science University (OHSU) and the University Network for Collaborative Governance (UNCG).

Several discussions similar to those facilitated at the Werner Institute happened in Boston, Portland, Los Angeles, and other places around the country. Information from all of these discussions was compiled into a report that was submitted to PCORI in the end of February. PCORI will present the findings of the report to Congress in the beginning of May.

The information will help researchers identify the best ways to include patients in different parts of research, including identifying topics that are important to patients, designing studies, completing research, analyzing data, and communicating results. Information will guide future work in these areas and will help explain how best to include patients in research.

If you are interested, check out PCORI’s website in May in order to read the report. The website also offers more opportunities for online and in person public engagement in PCORI’s work.

A new edition of one of the seminal works in conflict resolution!

"Mayer once again demonstrates his unique ability to weave theory and practice together with real-world examples—whether about warring nations or a family dispute—to help readers better understand both the fundamentals and nuances involved in working in the conflict arena. *The Dynamics of Conflict* is a very important read for anyone who works with people in conflict."

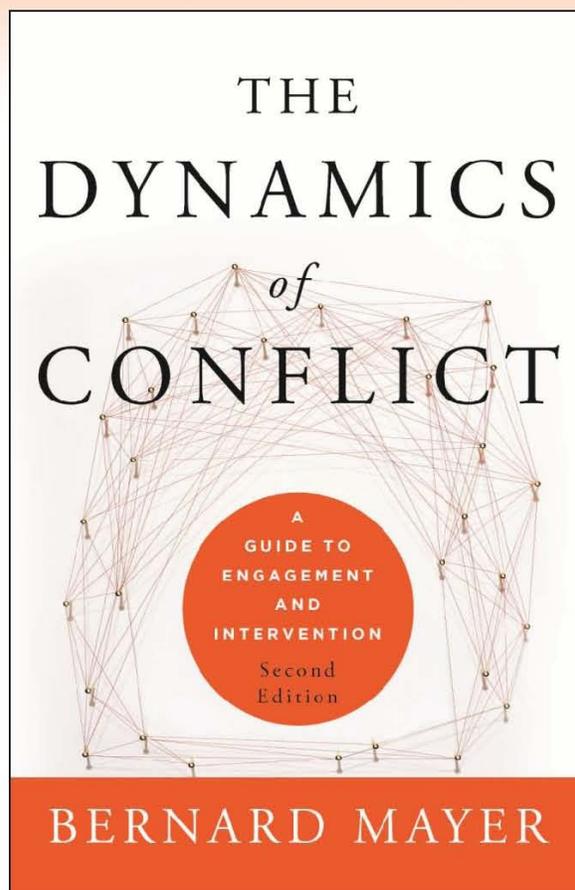
—Peter Salem, executive director, Association of Family and Conciliation Courts

"In his latest book, Mayer explores the theoretical underpinnings of conflict as it relates to cognitive, emotional, and behavioral dimensions. Personal stories and examples provide practical skills in communication and negotiation, including how to deal with power, impasse, and cross-cultural issues. The book is a must-read for conflict resolution professionals and will also be easily understandable to the public at large—a great tool for businesses, parents, governmental agencies, mental health professionals, and educators!"

—Nina Meierding, Negotiation and Mediation Training Services; former president, Academy of Family Mediators

"Mayer has always provided our field with a dose of common sense, vision, and clarity. With *The Dynamics of Conflict* we can add cohesion and extraordinary integration. Based on deep experience, these chapters enter our most difficult challenges in ways that offer understanding in the midst of complexity and concrete strategies for response and engagement—a masterful example of approaching conflict with skill and respect."

—John Paul Lederach, professor of international peacebuilding, Joan B. Kroc Institute, University of



ISBN 978-0-470-61353-5 | US \$50.00 | CAN \$55.00



Scan code to get the sample chapter



Bernie Mayer, Ph.D., Professor, Werner Institute for Negotiation and Dispute Resolution, Creighton University, is an internationally-recognized leader in the field of conflict resolution. Bernie has facilitated many complex and controversial environmental conflicts, commercial and organizational disputes, interpersonal conflicts, public decision-making processes, and has an extensive background in family mediation as well. He was a founding partner of CDR Associates in Boulder, Colorado, an internationally recognized conflict intervention and training firm.

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Practicum Spotlight

WERNER GOES INTERNATIONAL

By: Morgan Rogers



Morgan Rogers at work during her United Nations Practicum.

As a student of the Werner program I had the opportunity to greatly expand my knowledge and understanding of the field of alternative dispute resolution (“ADR”). What I found as I moved through the program was that I had a

very narrow view of the world of ADR. I quickly learned that there are a multitude of methods, theories and processes that make up the field of ADR. I found that each one of these methods, theories or processes has a unique role that it plays in the field. As I moved from course to course I found myself becoming more interested in the idea of international conflict resolution, more specifically the dispute resolution process that is utilized to regulate international commercial transactions. This particular area of international conflict resolution has always been an interest of mine, as it is most directly related to the work I do on a daily basis in the field of domestic commercial dispute resolution. Through my daily work I have found that conflict resolution processes

greatly benefit disputes related to commerce and trade, by saving both time and money for the parties involved and the over-burdened court system.

Therefore, when in search of a practicum site I focused primarily on international organizations that utilized, or were familiar with, the benefits of ADR. After much research and many applications, I settled on, and was accepted to, an internship program with the United Nations. Specifically the United Nations Commission on International Trade Law (UNCITRAL), a commission that reports directly to the General Assembly, and is considered the international legal arm of the United Nations. The office with which I was affiliated was one of three UN offices in the world, those being found in Geneva, Switzerland; Vienna, Austria; and New York City, New York. I had the good fortune of working the Vienna office, which was beneficial as it houses the majority of the actual working groups or meetings that world delegates attend throughout the year. This specifically allowed me the opportunity to not only meet US Trade delegates but also to meet government officials from around the world. Meeting such persons helped me to greatly expand my working knowledge of various international governments and practices.

The work that is completed at UNCITRAL is comprised of various working group papers, commission papers, research papers, model laws and any other type of legal, informational or

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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

(Continued from Page 5)

research items that are deemed necessary by the commission. It should be understood that UNCITRAL is comprised of legal officers who stand as secretary to a particular topic, and working groups. In Vienna, UNCITRAL is comprised of 15 legal officers, 4 consultants, and three interns. This staff is tasked with performing the work requested by, and necessary for, the function of, the commission. The commission is also comprised of member states, represented by appointed delegates from each state that specializes in the topic of the working group.

Through these working groups the commission is able to approach and create international legal standards in the following six main areas: procurement, arbitration and conciliation, online dispute resolution, electronic commerce, insolvency, and security interests.

Through this amazing experience I found that what I had learned at Creighton about the varied nature of dispute resolution rang true! As an intern I was afforded the opportunity to assist in the research, design and creation of future dispute resolution mechanisms related to online dispute resolution, and electronic

commerce, both new and developing areas of trade and commerce. Through these particular experiences I found that the skills we learn in the Creighton program have a wide spread impact, and that it isn't always about just mediation; these skills are applicable in nearly all areas. I was able to use my Master's degree skills to assist in the design of legislation and processes related to dispute resolution and prevention, pulling from my process design courses and my international conflict classes. Surprisingly, I also found myself utilizing the knowledge I had learned in the culture and gender conflict classes, given that the processes I was designing needed to be appropriate and applicable to a variety of cultures and societies.

At the end of it all, I found that I could utilize nearly all my skills in a variety of areas, many of which I had not previously considered being relevant to conflict resolution. I found that conflict resolution is boundary-less, that you can make of your education and experience what you want, because it is applicable in nearly all areas of life. My experience at the UN cemented these beliefs for me, and allowed me the opportunity to put into practice the skills and knowledge I learned through the Creighton program in a manner that had a real world impact on the global economy.

**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

UNEXPECTED PRACTICUM BRINGS UNEXPECTED RESULT

Last November, I presented my practicum research within the Peace and Conflict Communication Division of the National Communication Association's Annual Conference in New Orleans. The presentation, "*Identifying turning points that lead to conflict transformation in mediation,*" was a collaboration with graduate student, student, Jenette Hodge, under the direction of Dr. Jessica Katz Jameson, Associate Professor at North Carolina State University ("NCSU"). Session respondent, Dr. Linda Putnam, provided valuable feedback that we have applied to the article we are currently writing.

Prior to starting my practicum, I wasn't sure I would be able to arrange a practicum at all, let alone a professionally and personally rewarding one. I work in a one-person office at a small college that employs approximately 100 full-time employees from 4 different unions. Between my work responsibilities and trying not to step on any collective bargaining "toes," I could not arrange a practicum at my work. I turned my efforts to nearby colleges and universities. However, as my college was undergoing a massive reorganization, I was unable to take a leave of absence or use vacation time. I contacted my union, which referred me to the Employee Assistance Program ("EAP"). EAP, citing confidentiality concerns, declined as well. I asked my state's Judicial Branch Intern program if the Family Court system could help with a practicum. Although this seemed encouraging at first, practicum success seemed outside my grasp as I was unable to commit to a semester long, full-time internship.



Donna Sohan

Bryan Hanson encouraged me to think outside the box regarding my practicum. I am interested in communication approaches that help prevent or resolve conflicts within the workplace, especially those that address the role of emotions in dispute. I thought back to a researcher, Dr. Jameson, I remembered from my Organizational Collaborative Practice and Conflict Resolution courses, and wrote her about the

possibility of serving as my practicum adviser. I carefully crafted an e-mail introducing myself, my interests, and my practicum pursuit. I hoped the e-mail wouldn't be deleted, tagged as spam, or left forever unread. I couldn't believe Dr. Jameson not only responded, but did so enthusiastically, even though I had no affiliation with NCSU. Dr. Jameson had never been requested to serve as a research adviser for a student from another college, but within two weeks of my request Jenette Hodge, from the University of North Carolina at Greensboro requested Dr. Jameson serve as her research adviser. The Jameson-Hodge-Sohan team was soon created.

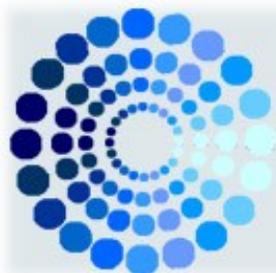
We used web-based conferencing, emails, Dropbox, conference calls, and trips to NCSU to transcribe and analyze recorded mediations. We looked for the impact of emotions within the dialogue, identified mediator strategies in response to emotions, and determined if a turning point within the mediation had occurred. This has been an excellent educational experience. I never thought I would say this, but I'm so glad that our degree program requires a practicum. Thank you, Creighton University and the Werner Institute staff and faculty!

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 lays out the time, date, and topic for the remaining webinars. If you missed the January, February, or March webinars for this year, you can watch archived versions on the ADRhub website. The links to those webinars can be found below. We hope you can make it to a webinar!

Month	Topic	Presenter	Tentative Date (all times 5pm Central unless noted)
January	A Place for Arbitration in ADR?	Jay McCauley	January 26, 2012
February	Performing Under Pressure	Stephen Kotev	February 28, 2012
March	MBB Members Reflecting on Recent Programs	MBB Panel	March 20, 2012
April	Using the Internet to Build Your Practice.	Jason Dykstra	April 17 th , 2012
May	ODR: The Green in the Machine	Noam Ebner, Susanna Jani & Coleen Getz	May 14, 2012
June	Busting mediation myths: Are some of the key principles of mediation really there for the mediator or the parties?	Katherine Graham	June 20, 2012 @ 12:00pm Central
July	Idea Mapping – Graphic Facilitation	Jamie Nast	TBD
August	From Conflict to Creative Collaboration in Business.	John Turley and Ed Sketch	TBD
September	Micro expressions	Maggie Pazian	TBD
October	Cyberweek - TBD	Various	TBD
November	Rewire Your Brain to Speak Your Mind: Neuroscience Insights for Conflict Management.	Anastasia Pryanikova	November 6th or 13 th , 2012
December	Forgiveness and Empathy in Conflict Resolution	Lorraine Segal	December 11 th , 2012



ADRhub.com

Bringing The ADR Community Together

Updates from the ADRhub

The entire month of March at ADRhub.com was dedicated to Mediators Beyond Borders International (MBB) with numerous activities held. This includes guest posts, podcasts, a webinar, and twitter chat. A recap of the events are below in case you missed any of it. Even though the events have passed, it's not too late to join in. You are invited to have a look and pass along this information to anyone that is interested.

[ADRhub Webinar: MBB Members Reflecting on Recent Programs \(VIDEO\)](#)



Leave a comment and discuss the webinar [\[HERE\]](#)

[ADRhub Podcasts](#)

[Episode #30 Mediators Beyond Borders International - Past, Present & Future](#)

Join host Jeff Thompson and Charlie Pillsbury, MBB Executive Director. Charlie explains what MBB does, some of their past work, current projects and upcoming plans. Visit their site [\[here\]](#).

[Episode #31 Doug Noll & Mediators Beyond Borders](#)

Join host Jeff Thompson and [Doug Noll](#), MBB Board member.

Doug shares how he got involved in MBB and conflict resolution work. They also discuss international conflict

and the role MBB can take in developing peace on a global level. Get more information on Doug's book, [Elusive Peace: How Modern Diplomatic Strategies Could Better Resolve World Conflicts](#) [\[here\]](#).

Werner Institute Blog

Creighton University - School of Law



[The Israel Project](#)

Ran Kuttner, Ph.D. - I am excited that March is a MBB month at the ADRHub. MBB is doing important work throughout the world and serves as a great ambassador to our field. I am a member of the Israel Project of MBB, as well as a member of MBB's training committee. The Israel Project, originally known as the Middle East Initiative, has been working for over two years on establishing relations with and assisting organizations that are involved in cross-cultural mediation and community building in Israel, especially in the 'mixed cities,' where diverse communities of Jews and Arabs live together, or where other minority groups are part of the community. These cities are dealing with very complex issues and there is a need for innovative conflict engagement interventions. For example, in Akko, where there were severe cross-cultural riots in 2008, the community mediation center has created a program for crisis response. When a truck crashed into a bus stop in 2011, killing two Israeli soldiers, rumors began to fly that it was a deliberate act by an Arab driver. But the mediation center contacted police and established that it was a Jewish driver who had a heart attack. Mediators fanned out across the city neighborhoods in the area to stop the rumors, and Akko had another "riot that didn't happen."

[\[Read More & Discuss HERE\]](#)



ADRhub.com

Bringing The ADR Community Together

Werner Institute and Film Streams Welcome Irish Filmmaker, Declan Keeney

On March 4, 2012, the Werner Institute, in collaboration with Film streams, welcomed Irish filmmaker, Declan Keeney to Omaha for a screening and discussion of films portraying the conflicts in Northern Ireland and Sarajevo. The films shown were *We Carried Your Secrets* and *We Are Not Afraid*. All who attended were able to experience Declan's latest documentaries and enjoyed an insightful discussion with him after the screening.



We Carried Your Secrets reflected on the stories of seven people coming to terms with their own legacy and the legacies of their fathers who were badly affected by the decades of conflict in Northern Ireland. The film gave voice to those who were forgotten, marginalized, or made invisible throughout the struggle. *We Carried Your Secrets* premiered at the Belfast Film Festival in April 2011.



We Are Not Afraid documented the Siege of Sarajevo, the longest siege of a capital city in the history of modern warfare. According to UNICEF reports, during the Siege at least 40 percent of the estimated 65,000 to 80,000 children in the city had been directly shot at by snipers; 51 percent had seen someone killed; 39 percent had seen one or more family members killed. *We Are Not Afraid* juxtaposed stories of the now-grown children that lived during the time of the Siege of Sarajevo. The film reflected the notion that post conflict societies in the rebuilding of lives, space, and purpose cannot ignore the past.

Declan Keeney is an award-winning filmmaker, BBC broadcast journalist, and film professor at Queen's Belfast University. Keeney has worked for over a decade on the frontline of broadcast journalism and news reporting in Northern Ireland. One of his most recent short films, *James*, won 21 international awards. *James* has been accepted to the Palm Springs International Film Festival, the Cannes Film Festival, and the Sundance Film Festival. It is the first short out of Northern Ireland officially selected to play at the Sundance Film Festival.

After the viewing, Keeney engaged in a Q & A session with the audience members regarding his experiences, his films, and the conflicts he depicted in the films.



Declan Keeney facilitating Q & A

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A Sample of some Werner Institute Student Accomplishments

SERVING OUR FEDERAL GOVERNMENT

Werner Institute student, **Richard Palmer**, was selected for the prestigious position of Presidential Management Fellow. Richard was one of only 627 graduate students from all over the United States, from a field of over 9,100 applicants, selected for this honor. He will serve in the 2012 class of Presidential Management fellows. Congratulations, Richard, we are proud of you!

STAR VOLUNTEER

Werner Institute student, **Mark Combs**, has been volunteering with the City of Bellevue Neighborhood Mediation Program since August of 2011 and appreciates the opportunity to work with people in the Bellevue community. Mark not only wrote an article the Program's winter newsletter, but he was the featured volunteer. It is no wonder he would be the featured volunteer with his commitment to the Program and to narrative mediation. You can read the newsletter with Mark's article here: http://www.bellevuewa.gov/pdf/PCD/newsletter_Winter_12.pdf Keep up the good work, Mark!

MLK AWARD RECIPIENT



*Kerri Schmitt receiving her award from
Creighton President Fr. Timothy
Lannon, S.J.*

Werner Institute student, **Kerri Schmitt** was nominated for, and was awarded, the prestigious Creighton University Martin Luther King award, given to graduate students who have demonstrated a commitment to social justice in their communities. Kerri is one of the founding members of the Pikes Peak Restorative Justice Council and the Manitou Springs Restorative Justice Council, organizations that promotes repairing harm in personal, civil, and criminal relationships. She has involved herself in countless other organizations for the benefit of all people, especially the elderly and teen populations. During this past semester she also hosted a restorative justice panel at the University of Colorado at Denver. For all of the amazing work Kerri does in her community there was no hesitation from any of the Werner Institute team as we nominated her to receive the Creighton University Service Award for this spring's graduates. Join us as we root for her to receive it.

We recognize and encourage our students to stay active in their pursuit of professional development opportunities outside of their academic program. Any students that would like to have their accomplishments acknowledged, please send them to Bryan Hanson at bryanhanson@creighton.edu

Werner Institute Alumni Profile – Lynsee Swisher, MS ‘11



Lynsee Swisher hard at work during one of her residencies here on campus.

MOM, MEDIATOR, ADVOCATE, TEACHER, VOLUNTEER

What an adventure it has been since graduating from the Werner institute! The irony of it is that I struggled during the program and did not know if I could finish. I felt there was no clear cut career path at the end of the program. Many of my fellow students had careers that would help enhance their current jobs. I was in real estate...need I say more? I remembering feeling there was nothing for me in terms of a career.

After a few panicking weeks, I decided to go forward and finish my degree. The first thing I did was look at my current career. I have a deep passion for real estate (that is what inspired my furthering education in the first place) and I took the knowledge I recently obtained and reframed my career path. I still work in real estate but I have focused as an advocate and negotiator for clients who are struggling to keep their homes. This has led to a private practice of mediation, conflict coaching, and advocacy. While in the program, I said I never wanted to mediate. After some experience, not only do I love it but I have now taught a basic training course to 6 different groups. I also developed a curriculum for advanced family mediation and I will be teaching that course for the second time this June. Over the past 6

months, through referrals alone, my conflict coaching practice has been increasing in size. It is very exciting and challenging. My most important role (besides being a mum) is being an advocate to families with children with Autism (April is Autism awareness month). Having a child on the spectrum and the education I have makes this part of my life the most relevant and rewarding.

One of my new favorite things I have been working on is the Werner Institute Blog at the adrhub.com. If you have not seen it, check it out. I have been working with our faculty to get them to write BLOGS. It is awesome to continue my relationship with each of them and to be honest---I kind of enjoy giving them due dates. This term, I have been working as teaching assistant for Ran. What an amazing experience. I have learned so much with a whole new perspective and respect for our awesome faculty. They have a tough job and they do it with such passion.

When I have free time (is there such a thing?) I continue to volunteer at the local, state, and international level. I serve on the boards for the dispute resolution center of Kitsap County and Washington Mediators Association. This has brought me such wonderful new relationships with others who are equally as passionate about our field. It also has opened the doors both professionally and personally. At the international level, this was the first semester I volunteered to facilitate for the Connect program with Soliya.net. The program brings students together from all around the world to create more compassion and understanding between their societies by using technology.

All the panicking I turned into motion and I feel so grateful that I made my own way. This feels much more rewarding than anything I could have dreamed of. I spend my days working in a field I am passionate about, I get to help others, and I challenge myself every day to do more.

Mediation Team Reflection *(Continued from front page)*

clients. While acting as mediator, one team member was paired with a co-mediator from another school and was judged individually for her ability to work collaboratively with that person. Together, the co-mediators were then judged on how well they created a structure within which the parties could work through their dispute. Each mediator was also scored on how well she listened to the parties, identified interests and positions on each side of the dispute, maintained professionalism, and guided parties through the mediation process.

As part of an advocate-client team, two team members worked together in each round. The judges evaluated the advocate based on how effectively she presented her client's case and how well she listened to the concerns and needs of her client. While protecting her client's interests was important, the advocate was also evaluated on how well she cooperated with the mediators and opposing parties to move the process forward.

The Creighton team quickly learned that mediators could play a significant role in the effectiveness of an attorney advocate. In the third round, Kristina acted as advocate and Katie as the client in an advocate-client team. The dispute resulted from an accident involving a negligent cab driver and a store employee, played by Katie. The cab backed into Katie, causing her severe injuries and pain and suffering. The mediators took a hands-off approach, instead of establishing a structure within which the parties could sort through their differences. As a result, the cab company used the power imbalance to its advantage, leaving Kristina to defend her client without repose. As a result, the parties left the table without addressing their underlying interests or making any meaningful progress toward resolving the dispute.

In contrast, the mediators in the first round effectively created a less adversarial environment that allowed for constructive conversation. Noelle was the advocate and Kristina was the client in a dispute that arose from a boating accident. The mediators made strong opening statements that spelled out the mediation process, established ground rules, and explained their role as mediators. This effectively created a safe structure that allowed the parties to be open and honest about their concerns and expectations. The mediators gave the advocates time to explain their legal case (in the event that the dispute went to court) and the clients were given uninterrupted time to tell their side of the story and how the accident affected them. Providing time for both sides to be heard allowed the mediators to move the process forward and the parties to feel productive. The mediators then brought the focus back to the common interests and concerns of the parties, which eventually led to a mutually agreeable solution and a mended relationship between the clients.

Kristina, Noelle, and Katie received many positive remarks for their performance as mediator, advocate, and client in the competition. Coaching the team to its success was Assistant Director of the Werner Institute, Bryan Hanson. The Werner Institute is proud of their efforts on behalf of Creighton University and invites interested students to get involved in next year's competition.



The Werner Institute

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*The Werner Institute would like to thank all
who have contributed to this newsletter.*