



W I N W I N

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Werner Institute Newsletter

A Letter From the Director

We at the Werner Institute for Negotiation and Dispute Resolution are delighted to release this first issue of our newsletter. It has been three years since the Werner Institute's ribbon-cutting and we wanted to share a glimpse of some of the exciting things happening.



We are very proud of the success of the Institute's graduate degree program and the continuing development of important initiatives in collaborative practice and conflict resolution aligned with our mission. On an ongoing basis, this newsletter will feature a number of the projects and innovations that we hope you will find of interest.

Recent programs and highlights you will read about in this first newsletter include:

- The Public Issues Collaboration initiative (PIC) at Werner
- The web-based master's degree program we have recently launched

- The newly-established Werner Student Association
- Recaps of two international conferences hosted by Werner this year
- Spotlights on some of our student and alumni successes

As we hope will be reflected in this and upcoming issues of our newsletter, the faculty, staff, students, and alumni perform a crucial role in the success of the Institute. We will continue sharing these stories in newsletters released each semester. If you would like to contribute content or share your story please contact our Assistant Director Bryan Hanson at: bryanhanson@creighton.edu.

For more updates and further information on the Werner Institute, please check out our website at: <http://law.creighton.edu/wernerinstitute>

With special gratitude to our generous benefactors, our terrific students on campus and online, our supportive colleagues in the Creighton community, and our friends throughout the field of conflict resolution, we welcome you to the Werner Institute Newsletter.

Sincerely,

Arthur Pearlstein

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Werner Institute Launches New Online-based Masters Degree in Negotiation & Dispute Resolution

by Jackie Font-Guzman

While the campus based Werner graduate program continues its success, this fall the Werner Institute launched an online-based program leading to a Master's of Science in Negotiation and Dispute Resolution. There are 18

students in the first cohort that started in September this year. The students come from across the United States including Minnesota, California, Florida, Nevada, Georgia and beyond. They just participated in their first of three residential workshops which took place from October 22 - October 25, and introduced them to the foundations of negotiation and alternative dispute resolution.

The online-based Master's Degree is designed so that students can learn not only the theories of conflict resolution, but also gain the skill development and expertise necessary to engage in conflict management and innovative problem-solving.

This online-based graduate program provides the option of four unique specializations that allow students to tailor their Master's degree to specific career goals and aspirations.

Students choose from:

- **Organizational/transactional negotiation and dispute resolution**
- **Health care collaboration and conflict resolution**
- **Educational collaboration**
- **International negotiation and conflict resolution**

Completion of the program requires 32 academic credits acquired in intensive 7-week terms. Students enrolled in the online program participate in Residential Programs on the Creighton University campus, as well as online Web-based courses. Each residential program is 4 days. Students who attend full-time can expect to complete the degree in 15 months. §

Jackie Font-Guzman is the Associate Director of the Werner Institute as well as Assistant Professor of Conflict Resolution.

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For more information visit the online-based program's website:

www.creighton-online.com



The Werner Institute welcomed the first cohort of the online-based program to Creighton University

New Faculty Member Comes on Board

by *Ran Kuttner*



My name is Ran Kuttner, and I'm a new faculty member at the Werner Institute. For the past three years I was a Visiting Researcher and an Associate at the Program on Negotiation at Harvard Law School, where, among other research projects (and while completing my Ph.D. dissertation), I helped redesign and teach the Harvard mediation course, a joint course for law and MBA students. My Ph.D. is on transformation

of adversity into dialogue in mediation and negotiation. The question that I explore in my research and in my teaching is how to set the terms in mediation, negotiation and other conflict settings for developing relational awareness. I am a philosophy major and therefore explore the philosophical underpinnings of "relationality", using various philosophies (including Buddhist philosophy), psychological frameworks (including relational psychotherapy), and other frameworks that suggest that the individualistic tenets that govern modern lives need to be revisited in order to cultivate a dialogic mindset and behavior. I am originally from Israel, and have submitted my Ph.D. at the Program on Conflict Management and Negotiation at Bar-Ilan University, Israel, where in the past I co-taught a graduate-level mediation certification course. I also designed a mediation certification program in Israel and have taught numerous mediation courses for Israeli educators, companies and the general public. §

The Werner Institute Launches initiative focused on Collaborative Governance

by *Anat Cabili*

The Public Issues Collaboration Initiative (PIC) was established within the Werner Institute this year. PIC's mission is to introduce collaborative governance and conflict resolution to public stakeholders and policymakers in our region and to advance the use of these processes by 'public players'. State Senator Brad Ashford serves as chair of PIC. Brad is an attorney, mediator and elected official, who was elected three times to the Nebraska Legislature where he currently serves as chair of its Judiciary Committee. Spending most of his professional career in public service, Brad has observed the costs and drawbacks of traditional ways of dealing with public disputes and policymaking. Having seen public disputes lead to excessive litigation, projects reach impasses, and waste of resources - Brad decided to learn, develop and promote alternative methods of conflict resolution and collaborative policy making. This led him to initiate the Public Issues Collaboration with Arthur Pearlstein, the director of the Werner Institute.

By introducing collaborative governance and conflict resolution methods relevant to the public sphere, PIC's vision is to help transform our public culture to one that is characterized by collaboration and dialogue among

For more information, please visit the Werner Institute's website at:

<http://law.creighton.edu/wernerinstitute>
and click on the Public Issues Collaboration page

public institutions, as well as between public institutions and non-governmental organizations, along with enhanced civic engagement. By sharing information openly, having effective channels of communication, and taking into account the needs and concerns of everyone who has "a piece of an issue"; public decisions and actions can be more cost-efficient, productive, and robust. Another result of these processes can be a stronger sense of community and public involvement.

PIC's team seeks to achieve its vision primarily by building capacity to use these processes and mechanisms among 'public players'. Therefore, PIC provides training and teaches stakeholders and policymakers the relevant processes, skills and tools, so they can implement them in their daily work. It also provides consulting and coaching services. When necessary, members of PIC's team can also intervene as third party neutrals and provide mediation, facilitation and assessment services. PIC provides both inter-organizational and intra-organization interventions and training, both key to the achievement of its vision. In addition, it plans to host dialogues between public players on ways of advancing collaboration among them. §

Anat Cabili is the Senior Advisor and Project Manager for the PIC

The Werner Institute and the Graduate Student Body Announce Creation of the Werner Student Association

by James Hillis

As the fall semester nears an end, there is little doubt we will soon find ourselves mired with looming deadlines, papers, and exams. It is with great pleasure the Werner Institute, and the Graduate Student Body, is able to announce the establishment of the Werner Student Association (WSA). The aim of WSA is to increase communication among our students, facilitate better interaction with the campus, and enhance our ability to engage the Jesuit Mission of the University. Not only is the WSA the first student organization for the Werner Institute, but it is only the second graduate student organization to be established on Creighton's campus.

In seeking to provide opportunities for social events, service, and academic or professional development, the WSA is eligible to receive funds from the newly established Graduate Student Government. Each student in the graduate school, whether full or part-time, pays into what is called the "rebate-system"; the funds each student pays is pooled and allocated to the Graduate Student Government for the purpose of programming events for all graduate students and providing funds to graduate student organizations (like the WSA).

With the establishment of the WSA, the Werner Institute seeks to provide an outlet to allow our students to discuss topics relevant to our field, network, share practicum opportunities, and solicit funding from the Graduate Student Government, so that we may program our own

events—whether it is a conference on conflict, or a social event to welcome new students into our learning community. As the WSA and the Graduate Student Government better define themselves over the course of the next semester, seek out opportunities to get involved! It is through our student organizations we will better enable our students' voices to be heard, and to thus improve various areas of our program. More importantly the WSA will serve as a conduit to apply our skills on campus - with and for its greater good, in the light of Creighton's Jesuit Mission. §

James Hillis is a current Werner Student graduating in December 2008.

For further information regarding involvement with the Werner Student Association please email Amanda Damisch at amandadamisch@creighton.edu.

Practicum Project Provides Opportunity for Werner Student to Attain Personal goal

by Elisabeth Cortese

In January of 2002, my father became very ill with chronic lymphocytic leukemia (also known as "chronic lymphoid leukemia" or "CLL"), and went in to the hospital. The doctors informed my family that my father was not producing any B cells and therefore had no immune system and subsequently would need a "mini" bone marrow transplant. Unfortunately for my father, the mini bone marrow transplant was also being used as "experimental" treatment for CLL. However, in my father's case there was nothing experimental about it; he

needed the transplant because he was not producing ANY B cells. It was not to cure the leukemia; rather it was to save his life. After three appeals to the insurance company, they refused to see the difference between "experimental" and "essential" and denied the transplant. During the three-week appeals process with the insurance company, my father contracted a viral infection and his weakened body could not fight the infection. My father passed away at 61 years of age.

I decided at that point that I never wanted to feel helpless again and decided to start a path towards law school. After working as a paralegal for 4 years, I decided to pursue a long time desire to attend law school. I was contacted by Creighton Law School and told about the Werner Institute and their concentration in health care

collaboration. I knew it was the right place for me. I was not sure how I was going to use the two degrees to make something positive come from my father's death and help others who are dealing with issues arising out of conflicts in health care. However, in the fall of 2007, I took the "Engaging in Bioethical Conflict" class through the Werner Institute and knew that I had found the answer.

This summer, I was very fortunate to be given the opportunity to work with The Center for Bioethics and Humanities at the University of Colorado Health Sciences Center to complete my practicum requirement. I was immediately put on research projects that ranged from the ethical ramifications of newborn screening to determine the

(Practicum article cont. on pg. 5)

(Practicum article cont. from pg. 4)

existence of futile care statues in all 50 states. I was also given the opportunity to co-author a scholarly paper with my advisor, and I was allowed the opportunity to participate in the clinical ethics rounds at University Hospital and The Children’s Hospital.

The clinical ethics rounds were very educational and although I am bound by confidentiality, they included the ethical issues involved with organ transplants for HIV patients, the societal issues of uninsured patients, who has the responsibility to inform a minor ward of

the state of her diagnosis, and that the buzz word “quality of life” can mean very different things to different people. I observed great compassion from all individuals involved in the hospital system. Prior to my practicum I did not realize the number of people involved for each individual patient. Through my experience I realized the great need for a mediator in the health care environment. During several of the sessions it was apparent that for in many instances the physicians, surgeons, nurses, patients, and families simply needed to talk out the issue. Having a facilitator allowed the

discussion to occur. I learned several things during my practicum that can only be learned by experience. I discovered that the Werner Institute has prepared its students very well for the issues that will confront them in the workforce. Most importantly perhaps, I was able to see first hand that there is a field that will allow me to pursue my goal of making something positive come from my father’s death and help others who are dealing with conflicts arising in health care. §

Elizabeth is a current Werner student graduating in December 2008.

Werner Alumni Update

Alumnus Enters the World of Health Care Collaboration Soon After Graduating

by Katie Kummer - MS '08

Students and alumni of the Werner Institute know well the weight of the phrase “healthcare dispute resolution.” I was given the opportunity to learn, comprehend and practice healthcare dispute resolution as a student in the healthcare track at the Werner Institute. During my fourth semester of school, I completed my Practicum with Alegen Health’s Accelerated Decision Making program, a program that has the ability to facilitate a group of individuals in creating and implementing strategies throughout the healthcare system in a short, three-day session. This practicum, along with the teachings at the Werner Institute, gave me the skills necessary to interview and succeed within a healthcare system seeking continuous improvement. Soon after graduating from the program I came upon a position offered at Hennepin County Medical Center (HCMC) in Minneapolis, Minnesota: Performance Improvement Facilitator. During interviews with HCMC, I learned a facilitator at their institution has the opportunity to work with staff from every level of the organization to help

improve and implement its mission. I could not pass up the opportunity to put my healthcare dispute resolution background and skill set to use; I accepted the position as a Performance Improvement Facilitator as soon as I possibly could.

In my short tenure as a facilitator, I have had the opportunity to work with, develop and improve system-wide processes that touch every person from the CEO to front line staff. My position allows me to be a change agent for HCMC. At HCMC, we are utilizing a performance improvement tool called Lean. Lean is a tool that reduces waste in an organization and adds value to its customers (the patients.) My main role as a Performance Improvement Facilitator is to aid performance improvement efforts utilizing Lean tools.

I am currently the lead facilitator within the ambulatory track of our improvement processes. As a lead facilitator, I am supporting a team working on standardizing the rooming process in every clinic throughout the organization. By improving this process, the customer (patient) will experience a dramatically reduced wait time to see his/her provider and will also improve the work flow of the medical team treating

the patient. Every person involved in this process will see increased satisfaction as a result of the improvement work.

I have utilized several principles from the Healthcare Collaboration track at the Werner Institute along with the abilities I gained from my practicum experience at Alegen Health’s Accelerated Decision Making program. Problem solving, planning and collaboration are just three of the many skills that were entrenched in me during my time at the Werner Institute that I use every single day as a Performance Improvement Facilitator.

I realize how lucky I am to have found a job that I love only months removed from the day I earned my Masters’ degree. However, I also know that I would have never been ready to completely grasp this opportunity were it not for the experience given to me at the Werner Institute. I hope reading my story will provide insight for all of the students and alumni when thinking about their own paths. I also sincerely trust that all of the faculty realize the role they played in making my dream job my own. Please feel free to contact me at:

kathleen.kummer@hcmcd.org. §

The Werner Institute Hosts First-of-its-Kind Conference on Complexity & Conflict

by Bryan Hanson

In June of 2008, The Werner Institute hosted an International Conference on Chaos, Complexity and Conflict. This first-of-its-kind conference took place over 3 days on the Creighton campus in Omaha and brought together over seventy professionals and practitioners from various fields such as academia, organizational development, school administration, environmental advocacy, healthcare administration, conflict resolution, law, and complexity science to discuss the relationship and integration of principles from complexity science and conflict management.

The participants represented a wide range of diverse cultures and backgrounds, and included individuals from across the United States and Canada, as well as from nations as far away as Australia and China. The vision was to create dialogue involving the best thoughts and insights regarding conflict and complexity science and prompt further investigation towards the most effective approaches for application of complexity science principles into the field of conflict management.

The conference was structured to elicit interactive dialogue that engaged the participants in conversations that stretched

their minds as they learned how the integration of these fields' respective principles will benefit their practice. An overarching goal of fostering the development of a network for continued dialogue and research was realized as the participants interested in pursuing the conversation joined an online forum where collaboration can continue. For further information on joining this online forum please email bryanhanson@creighton.edu.

One attendee at the conference reflected on the experience by stating, "Science and complexity science are created/enjoyed by scientists; conflict resolution or ADR are developed/explored by practitioners. One side is searching for real data and application cases, another side is searching for guiding hypotheses, theoretical principles and useful methodological tools. The effort of linking the two groups by the Werner Institute is

"The effort of linking the two groups (ADR & Complexity Science) by the Werner Institute is great - and greatly appreciated."

great - and greatly appreciated."

For those who were unable to attend the conference, but are interested in reading more concerning the integration of complexity science principles into the practice of conflict management should be on the lookout for the December 2008 issue of *Emergence: Complexity & Organization* where papers from the conference will be published in a special issue regarding complexity science and conflict resolution. §

Bryan Hanson is the Assistant Director of the Werner Institute



Wendell Jones and Bernie Mayer discuss the relevant rationale for integrating complexity science and conflict resolution

Werner Institute Hosts International Conference Regarding Conflict Resolution in Health Care

by Debra Gerardi

In June 2008, the Werner Institute hosted an international conference and dialogue that brought together more than sixty health care professionals, ADR professionals, educators, policy makers, patient advocates, legal professionals, and researchers to identify emerging practices that are shifting the culture of health care from one of

conflict and disruption to one of “collaborative engagement.”

The conference was designed to build on the successful dialogues among dispute resolution and health care professionals held in Vancouver, BC in 2004, in Half Moon Bay, CA and at Georgia State School of Law in 2005, and at Hamline School of Law in 2007. The application of conflict management strategies used by alternative dispute resolution (ADR) professionals to emerging issues in the health care industry is growing. Mandates by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) go into effect in January

Conference materials and the final report are available at:
<http://law.creighton.edu/wernerinstitute/healthcareconference>

2009 and requires that health care organizations explore expanded methods for addressing conflict and disruption in order to improve patient safety.

Opportunities for inter-professional exploration of methods for integrating empirical research and successful conflict engagement strategies are essential for improving our understanding of how we can enhance work environments and improve the quality of patient care in health care organizations around the world. Shifting how health care and legal professionals engage requires a common language, an expanded understanding of conflict engagement principles and practices, and a clear vision of a preferred future.

Through dialogue and discussion, participants identified their concerns, priorities for change, qualities of collaborative cultures, and circumstances that enable engagement. The group discussions lead to a brainstorming session in which participants built on their prior discussions to create a concept map describing a preferred future.

In September 2008, the conference community was invited to share their insights and vision at the Association for Conflict Resolution international conference in Austin, TX and invited others to continue the dialogue and further build the network of those who are engaged and committed to traveling together toward this preferred future. §

A Concept Map for the Journey Forward

We are committed to creating cultures of engagement in healthcare as a central dimension of our “Preferred Future.”

We believe that this is a value-based initiative requiring we act with humility, honesty, trust, compassion, integrity, and courage. We envision a kinder, gentler health care environment characterized by mutual respect, openness, risk taking, creativity, accountability, imagination and a willingness to change.

While patient-centered, our preferred future will include everyone, inter- and intradependently, with a commitment to learning, freedom, and excellence. We know that this will ask of each of us a re-engagement to purpose, and internal work demanding increased acceptance of our individual vulnerability and truth.

We are going to have to put time in, do an honest reality check, be flexible and nonpunitive, and enhance our communication skills—both how we talk and listen. Preparation requires a will to act, a sense of timing, a mastery of neutrality, and a willingness to model the change we choose.

Our leadership and ownership of this challenge to create our preferred future will call forth both forgiveness and pride, and a sense of pragmatic usefulness. We know we are choosing and modeling a deliberate change, a change in identity that will ensure environments that are safe and healing.

Debra Gerardi is Adjunct Professor of Law

Werner Faculty Presentations & Publications

Associate Director **Jackie Font-Guzman** has recently presented at two international conferences including:

- “Sur o no Sur: The Meaning of the Puerto Rican Citizenship and its Implication for the Emergence of the Popular and Legal Discourse on Nationalism” at the International Studies Association, San Francisco, California on March 2008.
- “The Invasion of the Body Snatchers: the construction and deconstruction of the minority ethnic body in the healthcare biomedical decision making process” at the American Anthropological Association Meeting, Washington D.C. on November 2007.

The Werner Institute joined with the Association of Family Conciliation Courts, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges in sponsoring two think tanks and a national survey on the use of mediation and family group decision making in child welfare cases. Organized and facilitated by faculty member **Bernie Mayer**, who was assisted by **Joan Kathol MS '07**, a Werner student at the time, this effort brought together leading researchers, program administrators and policy makers from across Canada and the United States to discuss the lessons learned from 25 years of child protection conflict resolution work. The results of the national survey and the two think tanks can be found at the AFCC website (http://www.afccnet.org/resources/resources_professionals.asp). In addition, Mayer is the co-editor of a special issue of the Family Courts Review dedicated to child

welfare conflict resolution and decision making which will be published in January, 2009. He and Kathol have both authored articles for this upcoming issue.

Our newest faculty member **Ran Kuttner** presented at an international conference on mediation in service of peace in Geneva, Switzerland on November 6th. The title of his presentation was “Mediation Between Israeli and Palestinian Communities: Building Grass Roots for Peace.” For more information on this conference you may visit their website (<http://www.gemme-conference.org/>).

This past summer **Arthur Pearlstein** traveled to Hong Kong to present a workshop for students of Hong Kong University’s LL.M. Degree Program in Arbitration & Dispute Resolution and to give a public lecture at the Hong Kong International Arbitration Centre. The participants examined specific practical examples of existing dispute resolution systems in a wide variety of organizational settings, including the workplace, business and commercial enterprises, e-commerce marketplaces, educational institutions and other public and private institutional settings.

Pearlstein also has two publications about to come out. One is in the Cardozo Journal of Dispute Resolution entitled, “Meet the New Lawyer,” a book review essay on Julie Macfarlane’s book, “The New Lawyer.” The Other publication is in the ACResolutions magazine entitled, “ADR_x for the Healthcare Consumer: Learning from painful personal experience.” §



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