

Werner Institute Newsletter

The Werner Institute Honors First Graduates of Online Program

August 2008 marked the beginning of the Werner Institute's online-based version of its master's program. Fifteen months later the Werner Institute now has 80 students enrolled in the masters program through this online platform. We are excited to announce in December four students are the first to receive their degree in the online-based program. The 32 credit course of study is rigorous and the completion of the whole degree within 15 months shows the ambition and dedication these students have towards academic achievement.

Born in Flint, Michigan, Charles Thomas came to our program after completing his Bachelors of Science in Business at the University of Notre Dame, his Masters of Business Administration from the University of Texas in San Antonio, and an



advanced executive certificate in negotiation and conflict management from the University of Notre Dame. Charles is a determined and enthusiastic student with an outstanding record of accomplishment in our program. To complete his practicum requirement he chose to pursue an opportunity that required him to uproot from his Las Vegas home and spend several weeks developing and implementing a conflict management system for Work One in Northeast Indiana. He has recently started a new career with the US Intelligence Community as an Intelligence Analyst. We look forward to watching Charles excel in his work.

Michael Kilpatrick came to our program bringing many years of experience as a practitioner. Throughout his time in our program he was engaged in the development and implementation of a fully integrated ombudsman office for Bridgepoint



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Highlighted Werner Institute Publications & Presentations

Arthur Pearlstein, the Director of the Werner Institute, and Anat Cabili, PIC Program Manager, conducted a workshop on collaborative governance at the 2009 Toll Fellowship Program of the Council of State Governments on September 16, 2009. The Henry Toll Fellowship Program is the premiere leadership development program for state government officials. Every year it convenes the top 40 state leaders representing all three branches of government for a six-day program on leadership, state governance, political communication, etc. This year's fellows included several state senators and representatives, justices, and other high-level officials. Arthur and Anat's interactive workshop provided the participants with the opportunities for learning, discussing, and practicing principles and characteristics of collaborative governance and civic engagement processes. It also explored the emerging new role of public leaders regarding these processes.

We want to highlight two of the many endeavors by our Associate Director, *Jackie Font-Guzman*. She was recently invited to the XII Congress of

(Continued on next page)

JOIN THE WERNER INSTITUTE THIS WINTER WITH A SERIES OF FILMS AND DISCUSSION

The Werner Institute is partnering with Film Streams at the Ruth Sokolof Theater for a series of 3 films regarding "Film and Conflict". Each evening, a film presenting an interpersonal or public conflict and/or the use of an alternative dispute mechanism will be screened, followed by a short presentation and discussion facilitated by one of the Werner Institute's faculty members. Our goals are to provide opportunities for participants to view quality movies that portray conflict escalation, or the limitations of the adversary legal or political system, and to consider effective alternatives.

The series will take place on the following evenings:

Thursday, February 11, 2010

The Story of Qiu Ju co-facilitated by Arthur Pearlstein and Maorong Jiang, the director of the Asian World Center at Creighton

> Thursday, February 18, 2010 The Sweet Hereafter facilitated by Ran Kuttner

Wednesday, February 24, 2010 9500 Liberty facilitated by Palma Strand and David Weber

Please stay tuned for further details regarding this series.

Continuation of Highlighted Werner Institute Achievements

Mexican Psychology in Acapulco, Mexico, October 14-16, 2009. Her topic was: "La Construcción Legal de la Identidad y la Ciudadanía Puertorriqueña" (Legal Construction of Identity and Puerto Rican Citizenship). Jackie also recently had an article published titled, "La construcción legal de la identidad y la certificación de ciudadanía puertorriqueña" (Legal Construction of Identitiy and the certifícation of Puerto Rican citizenship) in Revista Mexicana de Psicología, special edition October 2009.

Our resident professor *Ran Kuttner* has been very busy since the release of our last newsletter. In the Midst of all this, and perhaps most importantly he and PIC Program Manager Anat Cabili were married over the summer. Among Ran's many recent accomplishments: He conducted negotiation training for hospital personnel for the Center for Biopreparedness Education, a joint endeavor

Werner Institute Conducts Workshop To Address Conflict Amongst Law School Faculty

At Creighton's campus, the Werner Institute recently conducted a workshop for associate deans on faculty conflict in law schools. The workshop was entitled

The Werner Institute for Negotiation and Dispute Resolution

Faculty & Staff

Arthur Pearlstein Jackie Font-Guzman Bryan Hanson Ran Kuttner Bernie Mayer Noam Ebner Theresa Thurin

Public Issues Collaboration Program

Anat Cabili Mary Lee Brock between Creighton and UNMC in September. Ran gave a talk on "Dialogue and the Israeli Society" at Temple Israel synagogue's Shabbat service in November. He also began serving on a committee for the Nebraska Mediation Association. Beyond these endeavors Ran also had 3 articles accepted for publication including:

- "What does it mean to do the Right Thing?", to be published in the Nevada Law Journal in Spring 2010.
- "Human, not too Human: Why is Mediation a Profound Alternative to the Legal Proceedings", to be published in Studies in Law, Politics, and Society
- "From Adversity to Relationality: A Buddhist Oriented Relational View of Integrative Negotiation and Mediation" to be published in the Ohio State Journal on Dispute Resolution on May 2010.

"Dealing with Law School Faculty Conflict: A Workshop for Associate Deans." We were pleased to welcome associate deans representing almost fifty law schools who traveled to Omaha from 26 states across the country. The event began with a welcome dinner the night before.

The highly interactive workshop was conducted by Professors Arthur Pearlstein, Bernie Mayer, Jackie Font-Guzman, and Palma Strand. They provided practical guidance and training in dealing with some of the types of conflict most commonly experienced in law school faculties. Judging from the level of attendance, the enthusiastic participation of those present, and the overwhelmingly positive feedback received, the workshop was a huge success and brought great recognition to Creighton's Law School and the Werner Institute. We expect it will be only the beginning of collaboration among a number of universities to develop better approaches to communication and conflict resolution in the faculty environment.

Continuation of Online Graduate article from Page 1

Education. Prior to this role he had spent many years as a mediator and ombudsman for various other organizations. His intentions for completing the master's degree in negotiation and dispute resolution were to enhance his practical experience with a solid understanding of the theory regarding the field of conflict management. Michael has always had a hunger for pursuing knowledge. Prior to studying at the Werner Institute he received his Masters of Theology at the University of Oxford, a Bachelors of Science in Laws from Western State University College in San Diego, California, and a Certified Clinical Cardiopulmonary Perfusionist (C.C.P.) from the Texas Heart Institute School of Perfusion Technology in Houston, Texas. Michael has brought an expansive breadth of insights to his classes and is certain to build upon his outstanding contributions to the world of dispute resolution.



Joyce Ford entered our program after completing two Bachelor's degrees including a Bachelors of Science in Social Science from the University of Southern Colorado and a Bachelors of Arts in Liberal Arts from Excelsior College in Albany, New York. She has been a long

time employee for the city and county of Denver, Colorado and has shown a tremendous interest in the local community and court mediation processes in Colorado. Joyce is performing her practicum project for Jefferson County Mediation Services in Golden, Colorado. She has observed and performed mediations for residents of Jefferson County. She also provided the center a cost analysis by comparing court cost vs. mediation cost of a case in District Court. No doubt Joyce will continue to be a valuable resource for the city of Denver as she builds on her career.

Hailing from New Mexico, Kimberly Woods also completed her undergrad with two Bachelor's degrees. She received a Bachelors of Arts degree in History as well as one in Political Science. Kimberly set her goal for our program to become a valuable resource for populations that struggle from the results of conflict. She has shown her commitment to this intention throughout our program and made it her objective in her practicum project. In her practicum Kimberly assisted the National Indian Youth Council by providing advocacy work, while researching and writing legislation concerning Native American rights in the state of New Mexico. Kimberly will continue her education after completing this degree through a PhD program in International Development at the University of Southern Mississippi.

These are the first four graduates of our online program with many more soon to follow. We will continue to update their successes outside the program on our website through our alumni profiles page.

The Work of PIC Impacts Local Region and Beyond

The Public Issues Collaboration Program conducted civic engagement focus group meetings in both Nebraska and Iowa to gather citizen input regarding the Missouri River Ecosystem Restoration Plan. The Werner Institute was one of six civic engagement experts contracted under a grant from The U.S. Institute for Environmental Conflict Resolution along the entire Missouri River basin. This restoration plan is being led by the U.S. Army Corps of Engineers in partnership with the U.S. Fish and Wildlife Service, and is aimed at identifying the long-term actions needed to restore the ecosystem functions, mitigate habitat losses, and recover native fish and wildlife on the river, while seeking to balance with social, economic and cultural values for future generations. The Werner Institute called upon the University of Nebraska Public Policy Center to collaborate on this project. Faculty and students from both programs facilitated a day-long civic engagement meeting in each of the two states.

Each meeting convened citizens of diverse backgrounds and connections to the river who talked about the social, community and economic values of the river, each from his or her perspective. The meetings also involved group visioning of future scenarios as well as input regarding the



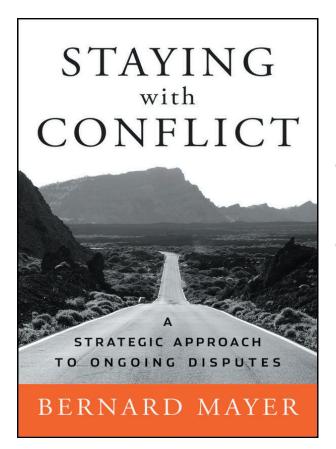
next steps of the restoration plan. The civic engagement meetings not only enabled the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to gather valuable input from citizens, but they also enabled the participants to hear different perspectives about the river's value and even acknowledge some interconnections between interests and values that did not seem to be compatible at first sight. The input gathered in each meeting will be compiled into a report on which participants will have the opportunity to comment. It will be posted on our website upon completion, in the near future.

Click here for more information on the Missouri River Ecosystem Restoration Plan.

About the Public Issues Collaboration

Founded last year, the mission of the Public Issues Collaboration Program (PIC) is to enhance awareness and promote the use of Collaborative Governance and Conflict Resolution in our region. Using the talents of the Werner Institute's faculty, PIC strives to achieve its mission by providing workshops, assessments, and facilitation services to policy makers, organizations, and stakeholder groups seeking to achieve cost-efficient and enduring solutions to public issues and organizational challenges. For more information about PIC and its services to the community – please visit our website:

http://www2.creighton.edu/werner/thepublicissuescollaboration/index.php



Staying with Conflict A Strategic Approach to Ongoing Disputes

By Bernard Mayer

Available Now | ISBN: 978-0-7879-9729-8 \$45.00 | Cloth

"Bernie Mayer has written about the right issue at the right time. This book will help practitioners and parties in conflict alike to work seriously and constructively over the long haul."
—Zena Zumeta, JD, Mediation Training and Consultation Institute, and past president, Academy of Family Mediators

As the field of conflict resolution has grown and expanded its reach, it has repeatedly faced the challenge of how to deal with long-term disputes. The most prevalent approach, with its emphasis on prevention, management, and resolution, is often inadequate for dealing with ongoing conflicts that are reflections of fundamental issues of values, identity, and structure.

In this groundbreaking book, Bernie Mayer, a pioneer in the field of conflict resolution, offers a new paradigm for dealing with long-term disputes. Mayer explains that when dealing with enduring conflict, mediators and other conflict resolution specialists need to move past the idea of how quickly they can resolve the conflict. Instead, they should focus on how they can help people prepare to engage with an issue over time. Once their attention is directed toward this challenge, new avenues of intervention become apparent.



Bernard Mayer, a professor at the Werner Institute for Negotiation and Dispute Resolution, Creighton University, and a partner in CDR Associates, has been working in the conflict field since the late 1970s as a mediator, facilitator, trainer, researcher, program administrator, and dispute system designer. He has worked on many complex environmental conflicts, organizational and labor - management disputes, interpersonal conflicts, planning and development issues, public decision - making processes, and ethnic disputes. Mayer is also the author of *The Dynamics of Conflict Resolution* and *Beyond Neutrality*.

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The Practicum spotlight

"Practicum": A Vision- Transforming Tool

By Rosa Hernández-Pagán

From February 2002 to May 2007, I enjoyed a career development opportunity in the fields of Law and Healthcare in Puerto Rico. Uneasy about my country's health care system crisis, I was prompted to explore new alternatives that could contribute to a better health care system. I realized that during my academic preparation I had acquired a tool that I had entirely forgotten - alternative dispute resolution. The big question was how to use this tool in the health services setting. Searching for an answer, in August of 2007, I enrolled in the Master of Science in Negotiation and Dispute Resolution at the Werner Institute in Creighton University School of Law. This was a remarkable experience, and I was able to acquire an impressive body of knowledge in the subject of dispute resolution.

To fulfill the practicum requirements for my degree at the Werner Institute, in February and April of 2009 I participated as a special student in the course "Selective Advanced Practicum in Health Care Ethics" in the School of Pharmacy at the Medical Science Campus of the University of Puerto Rico. My course instructor, Dr. Sandra M. Fábregas (mediator, pharmacist, and bioethicist), provided me with the opportunity to perform several activities to promote the integration of alternative mechanisms of dispute resolution in Puerto Rico's health setting.

As a member of the Ethics Committee of the University's Pediatric Hospital, I had the opportunity to raise awareness among committee members of the importance of including alternative

"During the practicum, I clearly saw the need to re-educate and to create a culture of dialogue where alternative dispute resolution mechanisms are real, viable, and effective in overcoming the current health services crisis. "

mechanisms of dispute resolution in the Organizational Ethics Program. To this end, I am drafting a research proposal with the participation of the Hospital's Neonatal Intensive Care Unit personnel.

The practicum provided me with an opportunity

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The Werner Institute develops practitioners with the ability to effectively assess factors within the complex systems of any group that may negatively impact the performance of the overall organization. The skills they practice throughout the program allow them to design, implement and evaluate effective interventions. If you would be intersested in having a students assist your group or organization through their practicum experience, please contact Bryan Hanson at bryanhanson@creighton.edu.

Student Projects and Accomplishments

Facilitation Projects in the Community Allow Current Students to Receive Practical Experiences.

As the academic program continues to develop future practitioners, we at the Werner Institute are determined to find opportunities for our students to gain practical experience while helping organizations fulfill their needs through facilitated dialogue. This effort brings a practical element to their academic experience and allows students to prepare for a more elaborate practicum experience and helps determine potential career opportunities. Here are a couple of examples of some recent facilitation projects our current students have performed.

Recently, the Nonprofit Association of the Midlands (NAM) contacted the Werner Institute about designing an organizational visioning process for their executive board. NAM consists of approximately 240 local nonprofit organizations, each with its own unique characteristics. The executive board has met the challenge of pulling these organizations together in the past, but was looking for assistance for NAM to be able to take the next step. Our organizations share a common thread, as Mary Lee Brock is both Werner faculty as well as a member of NAM's executive board.

Mary Lee immediately saw the value a facilitated discussion could bring to this visioning process. She decided to bring two Werner students on to assist in designing this process, *Rhaym Keel* and *Ryan McCabe*. Though working "pro bono," Rhaym and Ryan both saw the potential this project could have to give them valuable experience while working towards their degrees.

Since NAM's executive board members all have very busy schedules, it was decided early on to divide them into small groups. The groups were structured deliberately to maximize the different perspectives represented on the board. Rhaym and Ryan acted as co-facilitators for these groups, taking very detailed notes throughout the process.

The board members were typically quick to see the value of bringing in facilitators to assist in this process. After his small group discussion, board member Steve Hodapp emailed his thanks to Mary Lee, writing, "The two students you provided for my group's meeting on Tuesday were well-prepared, and they handled the meeting very well. They allowed dialogue to be free-flowing yet kept us on track." The other groups also seemed to echo his sentiment, each characterizing the process as a good experience.

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The next step going forward for Rhaym and Ryan is to compile the results of the small group facilitations into a report, which will express the major themes that each group contributed to the larger vision of NAM. This report will be presented to the full executive board at their next meeting. The board will then begin the process of taking these themes and implementing them into a concrete vision plan for the future.

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Werner Alumni Update - Megan Sherman MS '07

Werner Graduate Strolling Down Path Towards Career Goals by Megan Sherman

After graduating from the Werner Institute, my life became a balancing act between school and work. I had started working part-time at the Better Business Bureau after completing my externship and had also started my second semester of law school. To say the least, my plate was full and as my world started splitting into two different directions, I found myself standing somewhere in the middle.

I came to the Better Business Bureau while still a student at Werner. I needed a practicum experience to graduate and they needed someone to help with complaint cases. It was the perfect situation! My first day as an intern started out just as I had imagined it would. I was introduced to my very own desk, my very own computer, and with a few strokes on the keyboard, my very own title! I went from "intern" to "Arbitration Case Specialist" in a matter of minutes and I was excited! I was now working for a company who needed and wanted my expertise and for once in my life; I was at least somewhat prepared to handle that responsibility.

My career at the Better Business Bureau took me from August 2007 until April 2009, when I realized that I had outgrown my position. Upon starting at the BBB, I was told that my position as Arbitration Case Specialist did not exist until I walked through the doors. With this new position came the responsibility of re-creating the entire BBB complaint process for my department and for 1 ½ years, it was my baby. I had many goals for the process, my position, and my career at the BBB but I always found myself looking out the window as if I was looking for something else. There was something pulling me away from completely dedicating myself to the BBB so in April 2009, I said goodbye to my desk and to my computer but not to the memories of the experience!

Then in July 2009, I was asked to interview for the Family Mediation Coordinator position at Concord Center. After receiving that phone call, I knew that I had finally found my "something". Ever since my basic mediation training at the Werner Institute, I knew that I wanted to work with families in conflict. Regardless of how or where I was doing the work, I knew that it needed to involve families and I knew that this position at Concord Center would allow me that opportunity. I went into my interview with high hopes of receiving the position and of getting my feet a little "wetter" with this new experience.

Today, I am the Family Mediation Coordinator at Concord Center. I get the opportunity to assist families through a difficult time in their lives by helping those families create and work with a parenting plan. I also have the opportunity to explore other programs at Concord Center and truly broaden my mediation horizon. My life is still a balancing act, between life and work, but as every day passes the scale continues to tip in my favor.

The Werner Institute is proud to highlight the accomplishments of our Alumni and students. Please check out the Alumni section of our website at http://law.creighton.edu/wernerinstitute for additional information on the contributions our Alumni have made to the field. If you are a member of the Werner Institute Alumni and would like to share your current profile for the website or an upcoming newsletter, please contact Bryan Hanson at bryanhanson@creighton.edu.

Student Projects and Accomplishments Continued

AJ Steele provided these insights while reflecting on the facilitation process he experienced:

This past year I participated in two facilitations in Lincoln that really helped me grow as a facilitator. The first facilitation I participated in was the annual budgeting meeting for the city of Lincoln. My duty at the budgeting meeting was to guide small group discussions and get feedback from the group on a variety of issues that were being looked at with regards to the next year's budget (ex. snow removal, property tax, and public libraries). I found this facilitation was great for me to get my feet wet and practice guiding conversations while trying to build consensus among a wide range of representatives. I thought that the Budgeting meeting was a great first experience for me that helped me to see the vast applications of facilitation. The meeting was a great way for me to practice the skills I had just learned in class in a real world setting. Overall, I felt that the meeting was great because I was able to help the citizens of Lincoln have a say in how their tax dollars were to be spent this next year.

The second facilitation that I participated in was also in Lincoln and conducted in coordination with the CDC on the H1N1 vaccine. The CDC facilitation was a great example of a "hot button" issue. I was to guide a small group discussion around the facts of the swine flu and help make sure everyone in the group had their chance to discuss any and all concerns they had. Unlike the budgeting meeting the H1N1 discussion was very emotionally charged, and I had a couple of people at my table that were anti-vaccination in belief. I had to build a level of understanding and talk through all concerns with the members of my group and ultimately we ended up coming to a consensus. My group of 11 people decided to vote for the most aggressive plan of distribution of the H1N1 vaccine. I could not help but be taken back by how much people's opinions had changed just by talking through things with one another. This meeting was a very good exercise for me to be able to keep emotions in check. Not only did I have to keep my own emotions in check, I also had to make sure the emotions of everyone in the group were acknowledged but not allowed to control the conversation. I found this facilitation very challenging, but also equally rewarding.

The two facilitations that I participated in really helped me to discover who I am as a mediator/ facilitator. I learned to recognize my strengths and weaknesses, and how to approach a wide variety of personalities. I found that these facilitations helped me to see how the ADR field can be applied in such a vast array of topics. I was able to take the lessons from the books and classroom and apply them in a real-life, meaningful venue that allowed me learn and grow as a facilitator. The experiences that I had with these two facilitation helps me to fully understand the lessons being taught in the Werner Institute. Being able to sit down at a table with 11 other people who all have different opinions and feelings and being able to help them all see eye-to-eye and agree on something is a tremendous feeling.

I would like to thank everyone at the Werner Institute for giving me this opportunity.

Student Brings ADR Blogs to a Higher Level

We would like to highlight some of the amazing strides *Jeff Thompson* has made in his pursuit of defining himself as a lead voice in the ADR field utilizing web 2.0 technologies. He not only has a very informative blog at www.enjoymediation.com, but has also recently facilitated a forum regarding the use of web 2.0 technologies in the ADR field for Cyberweek 2009. To view the archive please click here!

The Werner Institute Creates a Chapter of International Alternative Dispute Resolution Society

By Xiao Mu

About a year ago, along with the Assistant Director, Bryan Hanson, and two other students, I attended a dinner hosted by Drake Law School in Iowa. The dinner was accompanied by a program including a discussion of mediation and the potential networking opportunities for students interested in getting involved in this field. This program was coordinated by the former Dean of the law school at Drake University, Dick Calkins. The program included presentations from experienced mediators and provided students ample opportunities to ask questions regarding their various experiences.

At the end of the dinner, the proposal of creating an International Alternative Dispute Resolution Society was presented and the journey of this new society had begun. It is essentially a Student Division of The International Academy for Dispute Resolution (IADR). After seven successful years of hosting the international mediation competition, IADR decided that the International Alternation Dispute Resolution Society would be an appropriate next step in assisting law schools and graduate programs around the world with setting up their own chapters and advancing the use of Alternative Dispute Resolution. Goals of the International Alternation Dispute Resolution Society include an international ADR retreat, student publications, and creating a forum to discuss current issues for ADR in international law schools and graduate programs.

After many months of preparation and contributions by the officers of the IADR,

the International ADR society had its first edition of a newsletter issued, the website is in the process of being created, and most excitedly, it had its first congress meeting on August 8 of this year. It was expected sixty people would attend the congress, however, there turned out to be eighty attendees for this first conference. There were papers presented regarding various discussion topics, workshops, and a panel discussion involving three experienced mediators throughout the day-long program. Not only did some top mediators were attend the congress and contribute their valuable perceptions on mediation, students and professors from other countries also attended the congress. At the congress, the comparative view of mediation was being presented and the issues of how to promote and enhance mediation in the community were being discussed.

Currently the officers of the International ADR society are President, Liz Vaubel from the University Of Iowa School Of Law, President Elect, Melissa Bocker from Loyola University, Secretary, Xiao Qian Mu from The Werner Institute and Creighton University School of Law, and Treasurer, Janee Weaver from The Werner Institute at Creighton University and the University Of Iowa School Of Law.

Many schools have registered with the International ADR Society to have its own student run chapter, including Creighton University's Werner Institute for Negotiation and Dispute Resolution.

If you are interested in participating in this chapter, please feel free to contact Xiao at xiaoqianmu@creighton.edu.

Practicum Spotlight Continued

to build trusting relationships with medical specialists, nurses, members of the Ethics Committee, and facilitators of the Medical Ethics course of the School of Medicine at the Medical Sciences Campus. It also provided a proper setting to disseminate knowledge about alternative mechanisms of dispute resolution by training pharmacists, gynecologists, and obstetricians.

The most significant outcome of my practicum has been Dr. Sandra Fábregas' invitation to join her research team and participate as co-author of the paper "La experiencia de un practicum avanzado en Bioética con asuntos relacionados a la ética institucional en un Hospital de Enseñanza de la Universidad de Puerto Rico" (Advanced Practicum Experience in Bioethics Related to the Institutional Ethics of the University Hospital).

This report was presented in summer 2009 during the VIII Congress of Bioethics in Latin America and the Caribbean. Notwithstanding, the skills and commitment acquired during the practicum were instrumental in the design and celebration of the "Primera Jornada sobre los Mecanismos Alternos de Resolución de Conflicto en el Escenario de los Servicios de Salud" (First Symposium on Alternative Mechanisms of Dispute Resolution in the Health Services Setting), celebrated in April 2009. Many health industry professionals participated (mediators, doctors, health services administrators, attorneys, pharmacists, and insurance company representatives). They studied the benefits of mediation in health care disputes.

My practicum as a student of the Werner Institute for Negotiation and Dispute Resolution helped me to develop and promote ethical skills in other people. During the practicum, I clearly saw the need to re-educate and to create a culture of dialogue where alternative dispute resolution mechanisms are real, viable, and effective in overcoming the current health services crisis. Obviously, alternative dispute resolution mechanisms can be a tool that transforms my country's vision of the health care system.





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