

# WIN

Spring 2010  
Volume 2 - Issue 2

## Werner Institute Newsletter

### *Staying with Conflict* Awarded CPR Outstanding Book of the Year Award

Bernie Mayer, Professor of Conflict Resolution at the Werner Institute recently received the Outstanding Book Award from the Institute for Conflict Prevention and Resolution. This award recognizes scholarly and practical achievement in the field of ADR.

Here is an excerpt from the awards ceremony:

In this truly groundbreaking work, the author challenges our thinking about mediation and, more specifically, about our approaches to mediating ongoing and long term disputes. While settlement and problem-solving remain key goals, the author notes that many conflicts endure and argues that our response should go well beyond the immediate goal of resolution.

In *Staying With Conflict*, Bernard Mayer offers specific strategies for what he calls “constructive engagement” – promoting an ongoing dialogue for understanding and dealing with the conflicts that may not disappear simply because a particular dispute is resolved.



While the author's new strategies are particularly appropriate in public policy disputes, they are also highly appropriate in commercial disputes. In fact,

the mediator-members of the Award Committee, John Wagner, Ed Dauer and myself, each commented that as a result of the author's insights, we were able to think more systemically and more productively in recent commercial disputes where ongoing conflict was likely.

*Bennet Pickert*

This is not the first time Bernie has been acknowledged by this group. He also received this award for his book *Beyond Neutrality*. From your colleagues at the Werner Institute, Congratulations! §



The Werner Institute recently launched a new website for anyone interested in the field of conflict resolution at [www.ADRHub.com](http://www.ADRHub.com). Please see page 6 for further details.



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# Werner Institute sparks dialogue with Community Through Film Series

In February, the Werner Institute collaborated with Film Streams theater on a month-long film series entitled "Conflict in Films". The series featured three award-winning films that portray interpersonal or public conflicts. The three films were:

*'The Story of Qiu Ju'* - an internationally acclaimed film depicting a Chinese peasant woman's quest for justice in a highly bureaucratic society

*'The Sweet Hereafter'* - an artistically beautiful film portraying a small community coping with the loss of several children in a horrible school bus accident

*'9500 Liberty'* - a documentary portraying a Northern Virginia-based community in a divisive conflict concerning immigration

Each screening was followed by a discussion facilitated by Werner Institute faculty members on the dynamics of conflict escalation, the limitations of the legal and political systems for addressing conflicts, and effective ways for constructive conflict resolution. In May, the local Omaha NPR station will be broadcasting each of the discussions on Bob Coates' noon forum radio program aired Mondays at noon.

The series was very well attended and we were very grateful for the opportunity to expose so many people in our local Omaha community to the field of conflict resolution and the work that we do.

## The Werner Institute for Negotiation and Dispute Resolution

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### Faculty & Staff

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

### Public Issues Collaboration Program

Anat Cabili  
Mary Lee Brock

The poster for the "Conflict in Films" series is set against a background of a film reel. It lists three films: "The Story of Qiu Ju" (Feb 11), "The Sweet Hereafter" (Feb 18), and "9500 Liberty" (Feb 24). Each entry includes a brief description of the film's theme. The poster also mentions that each screening is followed by a discussion facilitated by Werner Institute faculty. Logos for Film Streams, The Werner Institute, and Creighton University are at the bottom, along with contact information for more details.

The Werner Institute for Negotiation and Dispute Resolution  
& Film Streams at the Ruth Sokolof Theater  
Present: Proof #3

## Conflict in Films

A three film series

Thursday, February 11, 2010 at 7p.m.  
**The Story of Qiu Ju**  
*An internationally acclaimed film depicting a Chinese peasant woman's quest for justice in a highly bureaucratic society*

Thursday, February 18, 2010 at 7p.m.  
**The Sweet Hereafter**  
*An artistically beautiful film portraying a small community coping with the loss of several children in a horrible school bus accident*

Wednesday, February 24, 2010 at 7p.m.  
**9500 Liberty**  
*A fascinating documentary portraying an American community in a divisive conflict concerning immigration*

Conflict is an integral part of life, yet it is not always handled constructively. This film series will feature three award-winning movies that portray fascinating interpersonal or public conflicts.

Each screening will be followed by a discussion facilitated by one of the Werner Institute's faculty members on the dynamics of conflict escalation, the limitations of the legal and political systems for addressing conflicts, and effective ways for constructive conflict resolution.

FILM STREAMS AT THE RUTH SOKOLOF THEATER

THE WERNER INSTITUTE FOR NEGOTIATION AND DISPUTE RESOLUTION

Creighton UNIVERSITY School of Law

The films will be screened at Film Streams' Ruth Sokolof Theater: 1340 Mike Fahey St. (formerly 1340 Webster St.), Omaha NE 68102

For more information please visit: <http://law.creighton.edu/wernerinstitute>, [www.filmstreams.org](http://www.filmstreams.org) or call Film Streams 402-933-0259

# Public Issues Collaboration Corner

Our Public Issues Collaboration Program (PIC) is continuing to work in our community. In the past few months, we have offered workshops and facilitation services to several groups and organizations. Here are a few examples of PIC's accomplishments:

**Mary Lee Brock**, our Clinical Program Chair, facilitated a workshop and roundtable discussion focused on leadership development through conflict engagement, integrative negotiation and collaborative problem solving for the Directors of the Nebraska Alliance for Child Advocacy Centers. The seven Nebraska Child Advocacy centers create a network of services and advocacy for abused children across the state. The centers convene multidisciplinary teams of investigators and service providers in their work to keep the most vulnerable children safe.

**Palma Strand**, Assistant Professor of Law and Werner Institute faculty member, and **Mary Lee Brock** conducted a workshop titled "*Operating in an Environment of Scarcity*" for department directors in Douglas County. This workshop focused on the topics of conflict management, civic engagement and appreciative inquiry. Douglas County is the largest county in Nebraska. The administrative functions of the county touch each county resident as it provides a wide range of services including public health, general assistance, juvenile justice services and environmental services.

On March 11th the Werner Institute co-sponsored a reception for Nebraska State Senators in Lincoln, Nebraska. Co-sponsors of the event included the Nonprofit Association of the Midlands, the Visiting Nurses Association, the American Red Cross and the Human Services Federation of Lincoln. **Arthur Pearlstein** and **Mary Lee Brock** visited with a number of state senators and nonprofit leaders about the work of the Werner Institute and how the Public Issues Collaborative Program can help our community.

## *About the Public Issues Collaboration Program*

Founded in 2008, 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 Werner Institute 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:

[www.creighton.edu/werner/thepublicissuescollaboration/](http://www.creighton.edu/werner/thepublicissuescollaboration/)



## Werner Students Attend International Law School Mediation Tournament

by Andrew Venrick

This spring, students Xiao Mu, Dan Reeker and Andrew Venrick represented the Werner Institute and Creighton University at the 9th Annual International Law School Mediation



*Left to right: Andrew Venrick, Xiao Mu and Dan Reeker*

Tournament held in Chicago, IL on the campus of Loyola School of Law, March 19-20, 2010. The Creighton team, coached by Assistant Director Bryan Hanson, competed in a three round format against other universities from all over the country and world, including teams from India, Germany, Ireland, Australia and Canada. The purpose of the tournament was to promote greater knowledge and interest among students in the mediation process.

The tournament focused on the particular style of caucus mediation where instead of meeting at a common table, disputants meet with mediators in

a one-on-one format to process information, confer in private with counsel and then have mediators shuttle diplomacy back and forth between parties. Caucus mediation is more commonly used in emotionally difficult mediations.

London, England is under consideration as the venue for next year's 10th Annual International Law School Mediation Tournament, but a final decision about location has not yet been made.

The students enjoyed an invaluable opportunity to practice their mediation skills and gain feedback from experienced mediators. The tournament also gave competitors the chance to meet fellow students interested in peace building, mediation and negotiation from all over the globe. §

Werner students interested in participating next year can find more information at [www.adrpeacemaking.org](http://www.adrpeacemaking.org) and then contact Bryan Hanson, at [bryanhanson@creighton.edu](mailto:bryanhanson@creighton.edu) to express interest.



*Werner student Dan Reeker (right) embeds empathy into his summary of the issues conveyed in the first caucus.*

## Teaching Conflict Resolution in a Jesuit University: What Do ADR and Jesuit Values Have in Common?

On April 13, **Ran Kuttner** and **Mary Lee Brock** conducted a seminar to the Creighton community through the Cardoner Program for Faculty and Staff Development on the intersection between the values & mission of ADR at large, the Werner Institute in particular, and the Ignatian values and mission of Creighton as a Jesuit University.



Here is a summary of the main points presented by Mary Lee and Ran:

**1. Staying with conflict:** The concept of staying with conflict, which entails, identifying, becoming aware of and effectively engaging with conflict for the duration of the existing tension is consistent amongst both sets of values.

**2. The notion of inclusiveness:** “Tolerance is not enough” states Fr. Schlegel, the president of Creighton University, pointing to the need to teach our students to welcome diversity, and to actively strive for ethnic and religious pluralism. The ADR field educates its students and those who participate in the various conflict resolution processes to overcome polarizing mindsets and to embrace diversity.

**3. The education of the whole soul:** In ADR pedagogy, we aim to help develop the whole soul through engaging the students in experiential learning and reflection in order to help tie together the theoretical understanding of conflict engagement with their own experiences with conflict interaction, reflecting on their strengths and weaknesses.

**4. The concept of discernment:** In the field of ADR we speak of “negative conflict interaction” and “positive conflict interaction”. We teach our students to help adversaries shift from destructive conflict interaction (and the wish to win others



over) to a constructive interaction and an approach which has the intent to collaborate, to listen deeply and address the other’s concerns as well as one’s own, in service of a cause larger than one’s own immediate and narrowly focused interests.

**5. Public service:** There is a strong emphasis in Jesuit academic life on the mission of service. The Werner Institute sees service to the community as an important part of its mission. Through the Werner Institute’s Public Issues Collaboration Program (PIC) – we work with community leaders and public officials in Nebraska, as well as with others who take part in social processes where decision making involving interests of many stakeholders is needed, training them in consensus-building processes that aim at arriving at joint decision making. We also facilitate civic engagement processes, to help bring all interested parties together, to share their needs and concerns, and possibly reach a consensual resolution that integrates everyone’s voices and needs in the most encompassing way possible.

The lunch seminar had a good turnout and received very good feedback. The audience included members of the Jesuit community, senior Jesuit Fathers at the university and professors from various departments across the university. People expressed interest in learning more about the work we do at the Werner Institute and the service we can offer to help departments and units inside the university to manage their internal conflicts and transform adversarial tendencies into opportunities for collaboration. §

## Werner Institute Launches an all ADR Web Portal called ADRhub

by Jeff Thompson

The Werner Institute, after getting much feedback from students, faculty and alumni, developed a working group to put together a website to centralize and discuss resources regarding the field of ADR. This spring we are happy to announce the launch of [www.ADRhub.com](http://www.ADRhub.com).

ADRhub.com is a portal for the Alternative Dispute Resolution community. There is even a special section for the Werner Institute community. ADRhub.com is a place to get connected to everything in the field of ADR. The site is free to sign up and is intended to be an interactive portal.

*The following is some of what the site offers:*

**Web Events:** This is the main feature of the site. Each month we will have video and audio interviews as well as online web panel discussions featuring students, alumni, faculty, and prominent ADR practitioners and professionals in the ADR global community.

Upcoming events will include coverage of the specializations offered in the Masters program (Education, Organizational, International, and Healthcare). Since the events are free and open to the public, pre-registration is a must. For those who cannot make it live to the events, the discussion will also be archived in both the Wimba format and, in most cases, mp4 format so you can download it and watch it at your convenience. You may also watch it without downloading any files by watching it directly on the site.

**News & Articles:** This section is split into three sub-sections of featured news, general news and paper review. The categories for this section are broken down as follows:

The featured section is edited and content controlled. This means the administrators and editors of ADRhub.com are the only people who can post initial news and articles for the ADRhub.com community. This section will include impactful articles and news important to you. Everyone is able to post responses to posts in this forum.

The general section allows everyone to post news and articles that they want to share with the public. Please be mindful of copyright laws of posting- included on snippets and links. You can see examples already posted in the forum.

The paper review section offers those in the academic field to submit papers in a draft or final version for feedback. You can upload the entire paper and/or post the abstract and outline to get feedback.

**Jobs:** This section will have open positions ranging from directors to internships. Feel free to browse the openings as well as list any your organization has, or openings that have been passed along to you. See posts already listed to see the posting format.

**Blogs:** Create your own blog and share your comments and thoughts with everyone.

**Events:** This section is divided into three sub groups- general, trainings and conferences. Feel free to post any ADR related events in this section.

**Groups:** Anyone can start a group on the site, and a group has been made specifically and exclusively for the Werner Community. It is simple to join. All you have to do is click the "join this group option". We highly recommend students join this group, as the latest Werner information will be posted here first. Announcements for early access to web events will be posted here to allow the Werner Institute community to sign up before the events are announced to the general public. Also, you will be able to share ideas for developing a Werner Institute online conference and a potential 'in-person' conference.

**Chat:** This feature allows you to speak with other people who are on the site at the same time. You can arrange times with your friends to meet on ADRhub.com to chat in real time on the site.

**The Homepage:** The main page of ADRhub.com has all the content of the site spread out into different sections. The main, middle section will have editorial controlled content in the featured video section as well as the "What's Happening" section. Every week we will list the top content found on our site which could very well be the article, blog or event you posted!

All the above features offer you an opportunity to engage the Werner community and the ADR community with ease. As a member, you can just be a viewer of the content, or if you want, freely and easily interact in a variety of ways. Posting comments, pictures, blogs, events and joining web events is simple.

We are asking you to help spread the word of the site by sending this along to any of your peers or co-workers who you think would also enjoy our site. The easiest way to do this is by clicking the "invite" button at the top page tab menu. §

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*Jeff Thompson is a recent Werner Institute graduate*

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**Please visit and become a member at:**





## Student Plants Seeds in Local Omaha Public School District

by Lisa Giambattista

Creighton's online program has given me the opportunity to complete a M. S. in Negotiation and Dispute Resolution specializing in Educational Collaboration while simultaneously working part-time hours for the Omaha Public Schools, raising a family, and staying active in my church community—three very important parts of my life I would not have been able to balance had I elected to attend classes on campus full-time. The online program has allowed me to attend classes without leaving my home, allowed me to engage fellow students and experienced professors from all across the globe, and boosted my confidence in dealing with new technology. Currently, I am finishing up my practicum in the Omaha Public Schools, teaching conflict resolution skills to two groups of 5th graders during their lunch and recess breaks and to two groups of 7th and 8th graders after school through the Middle School Learning Center Initiative and Campfire USA programs. My material is based on what I have gleaned from my Werner professors, residency trainers, and several literary resources dealing with conflict resolution (CR) and peer mediation (PM) in the schools.



This semester I have enjoyed myself tremendously teaching CR skills. I am working with small groups of students 2-3 times a week for an hour at a time for 4-6 weeks as I present an organized training that is student led—in contrast to the mandatory classroom delivery—where students personalize their group ground rules and commit with a signature, create and design individual folders, and choose their level of participation as they help shape the class through discussion and role plays. My focus is to help students understand that conflict is a normal part of life and that they have a choice in how to engage in it; that they can learn and develop CR skills which will help them in collaborating with others to resolve differences and find win-win solutions. Basically, I want to help students understand that conflict can be positive, that they have a responsibility in how their life progresses, and can choose to work with or against others in life to get

their own needs met. I hope to open students' perspectives regarding everyday life in and out of school, to help them realize that conflict does not have to be an ugly battle if they will patiently embark upon a journey of collaboration with those of different views than their own rather than a win-lose fight. Imagine what great differences students with this mindset can make as they progress through school or enter the work force, begin careers, take on leadership roles, and raise families to actively listen to others, to use "I" messages and de-escalate conflict, promote collaboration, listen for feelings, agree to solve conflict, use good communication skills and brainstorming, and as a result look for win-win solutions!

Students who successfully complete the conflict resolution training in my practicum, and who meet certain criteria, will be given the opportunity to help create and participate in a peer mediation program at their school next year. Students will be required to complete twelve hours of CR training, raise their pre-test CR scores on the post test, and demonstrate a willingness to continue learning more about becoming a mediator. Interested students must return completed parent, teacher, and peer recommendations and complete an interview with me, the coordinator. These students will then be given the opportunity to attend 10-15 hours of PM training and asked to commit to mediating at least two conflicts per month while keeping up with their school work and responsibilities.

In the future, I hope to collaborate with the Werner Institute by encouraging graduate students who are interested in teaching CR and PM skills to students K-12, to work with me as I coordinate peer mediation programs at Harrison Elementary, possibly Lewis & Clark Middle, and then ultimately Central High School—a "vertical program" as described by Richard Cohen in his book, *Students Resolving Conflict* (2005). This structure provides opportunities for these youngsters to continue utilizing their skills as they realize the relevancy of CR at school and in their lives. My ultimate goal is to create a well-established vertical program and then to invite other interested schools to start up mediation programs of their own as we work together to build a more peaceful world, one school at a time. §

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*Lisa Giambattista holds a B.S. from Creighton University. She is a former high school English teacher, soccer/volleyball coach, therapeutic foster parent and full time wife and mom. Lisa is scheduled to graduate from with her M.S. in Negotiation and Dispute Resolution in May 2010.*

# In the Shadow of a Hospital Ombuds

by Mike Miller

Speaking of “conflict”, have you decided what your Werner Institute practicum will consist of? For me, this was by far the most daunting part of the program. Not because it was overwhelming or scary, but because of the multitude of choices. Werner Institute students are encouraged to design a personal practicum experience with intended utility for potential future professional opportunities.



After more than 25 years working in healthcare as a clinician, administrator, and educator, I have experienced a multitude of conflict. When the Werner Institute was established, I immediately thought of the promise such a program could offer healthcare organizations. As it came time to consider my practicum experience options, I was drawn to experiential learning that would afford me the opportunity to participate in facilitation activities in an actual health care institution. Moreover, I had a strong desire to develop an educational framework for inclusion into medical curricula specifically designed to increase awareness of workplace conflict and skills for successful conflict engagement.

Currently serving as the Paramedic Program Director in Creighton University's Emergency Medical Services Education program, I have been involved in educating emergency medical services personnel for over 10-years. As a paramedic and nursing student, I can't recall a single class focusing in any way on issues of conflict and strategies for addressing it. Educational standards simply do not teach or discuss these essential skills necessary for medical professionals – conflict engagement. With a passion for emergency medical services, my hope is to heighten conflict awareness; striving for development of educational strategies for inclusion in formal EMS curricula, and ongoing organizational conflict in emergency service agencies.

With a sense of what I wanted to accomplish, the challenge now became how. I was intrigued by the potential use of Ombuds in a healthcare setting. Having heard and read about the Ombuds role that was established as part of the Dynamic Adaptive Dispute Systems (DyADS) project at Akron General Health System, I began to focus on a specific practicum experience. Werner Institute staff helped in providing contact information for the Akron General Hospital Ombuds, Ms. Laurie Patterson. Following an initial email contact and 3-4 phone calls, my practicum experience was tentatively scheduled pending approval of my learning contract.

Given a hectic family, professional, and graduate student schedule, I sought a practicum experience that would allow for total immersion in a compressed time frame. Due to expenses, it was also not desirable to make multiple trips between Omaha, NE and Akron, OH. Prior to my journey, I spent time reviewing several documents about the AGREE (Akron General Respects Each Employee) Ombuds program, and general organizational information on the Akron General Health System. Arriving in Akron late Sunday evening, I spent the next 5-days working side-by-side with Laurie Patterson. Without any preconceived ideas of what the week ahead would entail, I quickly discovered that the Akron General Hospital Ombuds runs a half-marathon every day, going from meeting to meeting and having employees stop by her office with little to no warning.

Hospitals are 24-hour operations with no shift, employee, or group immune to conflict. A unique aspect of the AGREE Ombuds program is the lack of a patient advocacy role. Conflict involving patients are addressed through a separate mechanism coordinated by the social work department, leaving the Ombuds sole responsibility to focus her efforts on conflict engagement of all staff members – from housekeeping and maintenance staff to vice presidents and surgeons. Most days of the week involved 12-hour days at the hospital. Following a quick dinner, I settled into my hotel room where I would invest a solid 2-hours reflecting on the day's activities, preparing journal log entries of my experiences.

Of course it is not possible to speak of specific interactions and the types of conflict engagement I was involved in due to confidentiality. Suffice it to say I had an awesome experience facilitating with Laurie Patterson several new and ongoing conflicts. Intra-

(The Ombuds Shadow Continued on Page 9)



## *The Ombuds Shadow, Continued...*

departmental as well as inter-departmental conflicts were facilitated, some involving two employees while others involved entire nursing units. Shuttle diplomacy is a technique we often utilized throughout the course of each day sometimes formally, yet most often in passing, as we moved about the hospital campus. The Ombuds serves as a resource at all levels of the healthcare system, attending multiple meetings. There are two unions representing nursing and non-nursing staff of the hospital. This provided an opportunity to learn about the process utilized when a union is part of the dynamic, and its impact upon the role of Ombuds. Conflict engagement education is a key element to staff development initiatives at Akron General Hospital. I was able to meet with several staff members involved in these educational initiatives to gather ideas on developing successful strategies applicable to emergency medical services, currently receiving little to no training in conflict engagement, though it is ever-present in their workplace environment.

Healthcare, in my opinion, needs to embrace the services of Ombuds. During my time at Akron General Hospital, I had the privilege to learn from many involved in the development, implementation, and ongoing revision of the AGREE Ombuds program. Many presumed such a program would lessen the quantity of disputes, when in fact the data clearly show numbers have grown or remained steady since the program's inception. They have learned, as have I, that conflict is likely to be ever-present. Successful engagement through the Ombuds program at Akron General Hospital has lead to a culture where groups seek mutual gain through conflict engagement. Laurie Patterson said: "as conflict resolution practitioners, the doors we choose to open and pursue, and those we choose to leave closed, most often contribute to the mistakes made during client interactions." I can't thank Laurie Patterson and all at Akron General Hospital who welcomed me as a practicum student enough. I am thankful I chose to open the door to this informative and enriching practicum experience. §

## *Werner Alumni Updates - Charles Thomas*



"Seek first to understand, then to be understood." This phrase was coined by Stephen Covey in his book, *The 7 Habits of Highly Effective People*, and became a reality during my academic journey in the Creighton University Negotiations and Dispute Resolution (NDR) program. Engaging in meaningful dialogue with my classmates and endeavoring to learn more about people from different cultures was a remarkable experience. It was my objective to learn and understand the interests and positions of others before attempting to persuade, or get my point across. As I progressed through the program, I began to fully grasp the idea of "seek first to understand, then to be understood." Without understanding, or at least attempting to understand the perspectives, ideas, and worldviews of others, I realized it would be virtually impossible to resolve conflict with any level of permanence. The reality of the importance of emotional intelligence and the art of effective questioning were prevalent in my daily interactions with classmates. We tested each other, engaged in intellectually stimulating conversations, and honed our negotiation skills whenever possible.

The professors, faculty, and staff were phenomenal. They were all highly educated, personable, knowledgeable, engaging, and helpful. Being taught by people with a strong combination of theory and practical application experience added significant value to the program and gave me considerable insight to not only what to expect in the real world, but also how to efficiently and effectively neutralize and/or resolve conflict laden situations with grace and poise. Having the opportunity to ask academic and practical questions was most advantageous. The negotiation simulations and mediation simulations were true to life and allowed my classmates and I to engage in deeper levels of self-introspection in an effort to determine our strengths and employ those strengths when working to resolve problems. It is quite an honor to be associated with Creighton University's Werner Institute for Negotiation and Dispute Resolution. Completing a program of such distinction has given me the confidence to utilize the skills and knowledge gained while in the classroom in the "real world" to help solve problems that are, ostensibly, intractable and potentially deleterious to business and/or personal relationships.

Enrolling in and completing Creighton's NDR program allowed me to achieve another life goal in addition to appreciably enhancing my knowledge base. Bachelor of Science from the University of Notre Dame. Check. MBA from the University of  
(CT Alumni Profile Continued on Page 10)

## Werner Alumni Updates - CT Continued

Texas-San Antonio. Check. Master of Science from Creighton University. Check. Knowing that I have gained a variety of skills from such high-level universities has afforded me the opportunity to walk into a variety of work and life settings and excel. The principles and tenets learned in the Creighton NDR program have been most valuable in my current position as an Intelligence Analyst for the US Intelligence Community. The ability to ask questions in a clear, concise, and effective manner, articulate my interests and positions without being overbearing, the willingness to want to learn the perspectives of others, and the confidence to move forward despite opposition were all enhanced during the program. Critical thinking and analysis are imperative in my position and I was able to amplify those skills while a student at Creighton University's Werner Institute for Negotiation and Dispute Resolution. It is important to ask the right questions, because only then will I receive the answer necessary to make educated determinations as to how to best proceed, while simultaneously doing what is right for and expected by all parties involved.

I am most grateful for being able to be a part of such a well-known, highly-ranked, and nationally-recognized academic program and institution. It is not everyday that we, as people, have the opportunity to sit side-by-side with like-minded individuals and discuss how to engage in and employ potentially revolutionary problem solving methods and techniques if presented with such opportunities. I learned the importance of acknowledging the interests and positions of others and how listening to their words and the meaning behind those words can help effectively solve a problem, or prevent unwarranted situations from arising. I learned to believe in the power of others and have taken this knowledge into my daily life and work environment. We all have the power and intellectual wherewithal to change situations for the better and resolve even the most complex conflicts if we choose to change our perspectives and decide to look at situations differently. The Creighton NDR professors and associated curriculum gave me the courage to go beyond what I already know so that my capacity to grow intellectually, emotionally, and spiritually was augmented. After completing the program and employing the skills learned in a practical arena, I strongly believe that my eyes no longer show me what I see...they show me what I believe. §

## Werner Alumni Updates - Jennifer Lynch



Jennifer Lynch is a spring 2010 graduate of the Werner Institute who has enjoyed recent opportunities to share what she has learned about alternative dispute resolution and conflict engagement with groups across the Midwest.

Lynch's experiences began last summer when she taught two sections of a course she designed herself, Conflict Resolution: Becoming a Peer Mediator, to high school students who were on campus for the Creighton University Upward Bound Program's Summer Academy. "This experience was extremely rewarding," Lynch said. "I've always believed that working with youth is a key for real change. We talk about violence in our community and in our families, and these kids are going to make a difference."

The course focused on the nature of conflict, keys for conflict resolution, and learning a mediation process. Students completed a conflict case study where they applied the concepts they learned, and participated in extensive role play activities. At the end of the twenty-hour course, each peer mediator team wrote its own ethical oath which they recited for their families and other community members at the academy's final banquet.

Lynch also had the opportunity to provide conflict resolution training for the academy's residential staff. The training focused on the nature of conflict for teenagers, and communication skills for positively engaging in disputes between the students as well as disputes between students and staff. Resident advisors also learned a mediation process and completed video case studies of teen conflict scenarios.

Upward Bound resident advisor Cassandra Powers said of the training, "It allowed me to understand the importance of respect and power that I must have and show in order to make sure that the summer ran smoothly. I learned how to handle conflicts that could possibly arise with the RA's as well as conflicts with the other students. Overall I believe I used a lot of what I learned during this training throughout the entire summer, and I know I will continue using the skills for my future encounters with kids."

(JL Alumni Profile Continued on Page 11)

# *Werner Alumni Updates - JL Continued*

Lynch said one of the many benefits of this project was that she was able to expose so many people to the field of alternative dispute resolution. "It was very exciting to share new ways of engaging in conflict with not only staff and students, but also with students' families. Many of those I worked with last summer were not familiar with the mediation process and other conflict concepts, and I found there is a great interest in this area."

Lynch also shared her knowledge and skills at a program for professional educators at the annual conference of the Mid-America Educational Opportunity Program Personnel (MAEOPP) organization near Chicago. In her program Conflict Resolution Skills for the Workplace and Beyond, educators from federally-funded TRIO programs learned about dynamics of conflict and explored their personal styles of dealing with conflict.

Lynch's full-time job is the director of one of the TRIO programs at Creighton University, Educational Talent Search, which helps youth from lower income families realize their dreams of a college education. "My program works every day with disadvantaged youth and their families" Lynch said. "I know that positive conflict engagement skills are often necessary to remove barriers to education. My hope is that sharing what I have learned through the Werner Institute with my colleagues at this conference will have the ripple effects of not only helping educators engage more effectively in their own workplace conflict but also of helping youth realize their dreams of a college education."

Erin Valerio-Garsow, an Upward Bound Coordinator from Central College in Pella, Iowa was at the conference and attended Lynch's workshop. She said, "Jennifer Lynch was very personable and took the idea of conflict resolution to a different level for me. As a team member, it is very helpful to use a conflict as a challenge for growth rather than a roadblock in communication. I have been able to put these concepts to work and they have had a measurable positive outcome for me both with students and colleagues."

Most recently, Lynch was asked to provide conflict training for the housing and residential staff of St. Ambrose University in Davenport, Iowa. The training was part of a week-long in-service program focusing on customer service. During the training, department directors, residence hall directors, and resident advisors explored the nature of conflict, explored their own feelings and experiences with conflict, and learned about factors that influence a college student's conflict experience. They also explored how conflict engagement skills play a part in providing excellent customer service to students who live on campus, and learned a mediation process for helping students engage in conflict.

Matt Hansen, St. Ambrose University Assistant Dean of Students and Director of Residence Life and Housing said Lynch, "used hands on skills to set the big picture, multi-media to teach the concepts, and role playing to practice and reinforce the skills/lessons. The RA staff left with a much clearer understanding of what mediation is, how to set it up with their residents and a level of comfort for their success with it. As both our department and university move forward with a more intentional focus on mediation as an often (more) viable tool for conflict resolution, Jennifer Lynch's teachings set the stage for success."

Lynch holds a master's degree in counseling and will graduate in May with a master's degree in negotiation and dispute resolution from the Werner Institute in the School of Law at Creighton University. She said the two areas are "a beautiful match," for the direction she wants to take her service to others. "The negotiation and dispute resolution program has taught me very valuable things about the dynamics of conflict and the human experience with conflict. Through the program I've developed skills to help me teach others how to find and use power positively in their lives and engage in processes that will help them resolve conflicts and experience the peace we all desire."§

*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](mailto:bryanhanson@creighton.edu).*

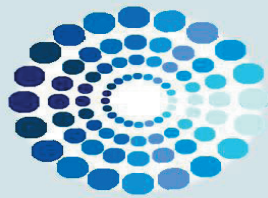




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## *Highlighted Werner Institute Publications & Presentations*

In February, **Professor Ran Kuttner** presented at the Harvard Negotiation Law Review Symposium. The theme of the symposium was “The Negotiations Within” and Ran’s presentation was titled “*The Particle/Wave Tension in Negotiation*”, in which he discussed different perspectives we have on our negotiation situations that a negotiator should be aware of, using the Quantum Physic’s particle/wave duality as a metaphor.

In the spring semester Ran debuted a new course the Werner Institute program – “*Dialogue and the*

*Self*”, in which the students were exposed to various theories of dialogue integrated with practices to help them implement the advanced qualities of dialogue in interpersonal interactions.

**Arthur Pearlstein** was the keynote speaker at the Nebraska Mediation Association Inaugural Event. The title of his presentation was “*Is Mediation a Profession or a Social Movement?*” This presentation provided a look at how mediators (and those who use their services) want to be perceived, and the implications for the practice and ethics of mediation.

## The Opportunity of Climate Change: “Yes, Of Course We Can”

by Eileen Barker

When I arrived at COP15, the U.N. climate change conference, on the morning of December 7, Greenpeace volunteers were passing out hot coffee outside the Metro station, and people everywhere were chanting: “Seal the Deal.” There was no doubt this was a gathering of vast, historic proportions. Delegates attended from 193 countries as well as 133 heads of states. Thousands of groups from civil society were in force as well. Avaaz.org, 350.org, Wildlife Federation, Save the Children, Global



Witness, Oxfam and many other organizations were there to raise awareness about climate change issues. Youth groups were strongly represented, claiming their right to a sustainable future. They brought their messages in side events, costumes, flash mobs, music and protests.

I attended COP15 as a delegate from Mediators Beyond Borders (MBB), an international group of mediators from over 20 countries. We were there to advocate for the use of mediation and other collaborative processes in climate change negotiations and disputes. We had the unique position, and advantage, of attending in a “neutral” capacity. Because we were not there to take sides in the negotiations or debates, we gained the trust of many delegates and were able to gain insight into the challenges they are facing.

Officially, COP15 is a large political meeting. The negotiations are highly structured and take place behind closed doors. It quickly became apparent to many of us that the formal negotiation process itself is more of a hindrance than a help. Given the adversarial and political framework in which the negotiations occurred, they were almost certain to result in impasse. As MBB President Kenneth Cloke wrote: “Large political meetings like this one are often arranged hierarchically, bureaucratically

and autocratically (even when they adopt a formally democratic official language); around narrow, technical topics that make it difficult for anyone to have authentic, meaningful conversations; entirely in large groups that do not allow for honest inter-personal dialogue; based on formal, arcane procedures that tie conversations in knots; and are increasingly pointless, ineffective, and unnecessary.”

Cloke has called COP15 the most important meeting in the history of the entire human race: “We have little time left to make a difference. On one hand, there is ample cause for hope. Never before have so many people around the world been mobilized so broadly, effectively, and passionately about this issue. On the other, we are confronted with outmoded problem-solving styles, institutions and attitudes that are keeping us from moving forward. The choice is now ours. We can either join together to make a difference -- all of us, working together, and systematically transform these styles, institutions and attitudes -- or we will lose, and that is not an option you or I should be willing to accept.”

Debate will no doubt rage on as to whether the final Copenhagen Accords rendered COP15 a failure or a success. However, there was much more occurring beyond the formal meetings and accords. One of the most significant things occurring in Copenhagen was the gathering of individuals from all corners of the Earth coming together for a common and noble purpose. Despite whatever differences they may have, the fact is that over 45,000 showed up with passion and a shared intention to create a sustainable future for the planet. And that was just for the official U.N. conference.

In addition to the events at Bella Center, there was a huge alternative conference, Klimaforum 2009 which adopted the motto “Hopenhagen” and was attended by thousands more. Throngs gathered as well at Christiania, a self-proclaimed sovereign village established by hippies in the early 70’s in the middle of Copenhagen. There, banners affirmed simply and powerfully: “Yes, Of Course We Can.”

Over the weekend of the conference, 100,000 people gathered in the streets of Copenhagen in a candlelit vigil led by Archbishop Desmond Tutu demanding a

(Continued on Page 14)

## 'Yes, of course we can', continued from Page 11

"real deal." Another 100,000 gathered in Australia and millions more across the world. To date, over 15 million people have logged onto "tckctck.org" to support the formation of a fair and binding climate treaty.

On a vast scale, people are connecting, human being to human being. In just one day, I spoke to delegates from China, Korea, Namibia, Cameroon, Kenya, Madagascar and The Gambia. Suddenly the climate issues have faces and names. The vulnerability of the small island states that could disappear in the next 20-30 years is no longer faceless and far away. The plight of West African countries is no longer impersonal and unknown. People everywhere are finding their voice, often in coalitions, and groups are helping one another to strengthen themselves and build strategic alliances.

Climate change is one of the greatest challenges humans have ever faced. It is also a great opportunity. Climate change can divide us or unite us. The choice is ours. Like every conflict, this is a chance to grow, evolve and learn what we most need to learn:

- We must learn to solve disputes peacefully. To listen and respect the rights of all stakeholders. To communicate effectively, using the most constructive processes available for resolving differences.
- We must enlarge our thinking beyond interests defined solely by national identity. The problem of climate change is global and will require a global consciousness to address it effectively.

- We must commit to finding solutions that are fair and leave no one behind. This requires us to address issues of accountability for those who contribute disproportionately to climate change, and consideration for those who are most vulnerable to the impact of climate change.

- We must realize the enormity of the issues and that there is no politician, corporation, world leader, nation or entity "out there" that will be able to resolve them. We all need to take responsibility for the problem, move beyond blame, and focus on finding solutions.

The good news is that we have the resources we need to address climate change. One of our greatest resources is the ability for people around the world to communicate, and to a degree unparalleled in history. We have the means to get to know each other, understand one another's needs, share information, build interdisciplinary teams and work together collaboratively.

The challenge is upon us. We have everything we need. We have the power to come together quickly. We have the technology, the intelligence and creativity. And, most importantly, we have the heart. It is not too late to find a solution. But neither is it a moment too soon. §

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*Eileen Barker is an adjunct faculty member at the Werner Institute. Eileen is a mediator based in San Rafael, CA who specializes in helping parties achieve amicable resolutions in business, employment and family conflicts. She teaches classes on mediation, conflict resolution and forgiveness and is an Adjunct Professor of Law at UC Berkeley.*



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