













# The Academy Of Professional Family Mediators **Build It and They Will Come!**A Visionary Gathering & Reunion of Family Mediators

The Seacrest Resort in Falmouth, Cape Cod, Massachusetts September 27–30, 2012

# **Conference Schedule**

# Thursday, September 27, 2012

| 11:00AM-7:00PM | Registration open                                                                  |  |  |
|----------------|------------------------------------------------------------------------------------|--|--|
| 1:30-4:45PM    | Pre-Conference Institutes                                                          |  |  |
|                | 1.1 Between a Rock and a Hard Place: Avoiding Impasse and Managing Tough Issues    |  |  |
|                | Chip Rose                                                                          |  |  |
|                | 1.2 A Tour of IRS Form 1040, Schedules C, K1 & W-2 Susan Miller                    |  |  |
|                | 1.3 The Art & Science of Mediating with the Mind: Building Strategy and Resolution |  |  |
|                | Jennifer Kresge                                                                    |  |  |
| 7:00PM         | Welcome Event Followed by Reception                                                |  |  |
|                | 2.1 Welcome Marilyn McKnight & Hon. James Menno                                    |  |  |
|                | 2.2 Divorce in the Hollywood Cinema Dr. David Papke                                |  |  |

# Friday, September 28, 2012

| 7:30AM-5:00PM | Registration open                                                                             |  |  |  |  |
|---------------|-----------------------------------------------------------------------------------------------|--|--|--|--|
| 7:30–8:30AM   | Mentoring and Full Breakfast                                                                  |  |  |  |  |
| 8:30-10:00AM  | Opening Plenary 1–Keynote Presentation                                                        |  |  |  |  |
|               | 3.1 Family Mediation Yesterday, Today and Tomorrow—From Carbon Copy to the Cloud  Jim Melamed |  |  |  |  |
| 10:00–10:30AM | Break Sponsor area open                                                                       |  |  |  |  |
| 10:30–12:00PM | Workshop Series #1                                                                            |  |  |  |  |
|               | 4.1 Med-Arb; Yes, No or When? Arnold Swartz                                                   |  |  |  |  |
|               | 4.2 The Effects of Divorce on Children Joe McGill                                             |  |  |  |  |
|               | 4.3 Elder & Adult Family Mediation - Completing the Circle of Family Mediation Practice       |  |  |  |  |
|               | Arlene Kardasis, Crystal Thorpe & Blair Trippe                                                |  |  |  |  |
|               | 4.4 High-Conflict Divorce Mediation Bill Eddy                                                 |  |  |  |  |
|               | 4.5 Mediation and Marriage Reconciliation/Closure Therapy Mark Schaefer & Marilyn McKnigh     |  |  |  |  |
|               | 4.6 The Computer is Your Friend: Better Financial Outcomes Through Software Dan Caine &       |  |  |  |  |
|               | Barbara A. Stark                                                                              |  |  |  |  |
| 12:00-1:30PM  | Topic Lunches                                                                                 |  |  |  |  |
|               | 5.1 Starting a Practice Moderated by Ada Hasloecher                                           |  |  |  |  |
|               | 5.2 <u>Difficult cases</u> Moderated by Ken Neumann & Hanan Isaacs                            |  |  |  |  |
|               | 5.3 Managing a Practice Moderated by Diane Neumann                                            |  |  |  |  |
|               | 5.4 Mediator Certification Moderated by Rod Wells                                             |  |  |  |  |
| 1:45-3:00PM   | 6.1 A Gathering of Mediators                                                                  |  |  |  |  |
| 3:00-4:00PM   | 6.2 Ice Cream Social Sponsor area open                                                        |  |  |  |  |
| 4:00-5:30PM   | Workshop Series #2                                                                            |  |  |  |  |
|               | 7.1 The Dark Side of Mediation Mel Rubin                                                      |  |  |  |  |
|               | 7.2 Introduction to Parenting Coordination Ann Marie Termini                                  |  |  |  |  |
|               | 7.3 Complex Financial Issues in Divorce Forensic Accounting Analyses, Business Valuation      |  |  |  |  |
|               | Issues and Income Versus Assets for Highly Compensated Individuals Laurie Tunic               |  |  |  |  |
|               | 7.4 <u>One-Stop Shopping</u> Diane Neumann                                                    |  |  |  |  |
|               | 7.5 <u>High-Conflict Elder Mediation</u> <i>Bill Eddy</i>                                     |  |  |  |  |
|               | 7.6 Mediation as a Choreography of Communication Jim Melamed                                  |  |  |  |  |
| 6:00PM        | 8.1 Dinner Dine-Around groups on the town                                                     |  |  |  |  |

9:00PM-12:00AM **8.2 Hospitality Suite** 

Saturday, September 29, 2012

| 7:00-8:00AM   | Yoga                                                                                 |  |  |  |  |
|---------------|--------------------------------------------------------------------------------------|--|--|--|--|
| 8:00AM-1:30PM | Registration open                                                                    |  |  |  |  |
| 7:30–8:30AM   | Mentoring and full breakfast                                                         |  |  |  |  |
| 8:30-10:00AM  | Plenary 2                                                                            |  |  |  |  |
|               | 9.1 Marketing and Branding for Mediators—Do's & Don'ts Mark Bullock                  |  |  |  |  |
| 10:00–10:30AM | Break Sponsor area open                                                              |  |  |  |  |
| 10:30-12:00PM | Workshop Series #3                                                                   |  |  |  |  |
|               | 10.1 Federal Pension Plans Steve Abel                                                |  |  |  |  |
|               | 10.2 Marital Mediation Can Help Couples Stay Married John Fiske & Ken Neumann        |  |  |  |  |
|               | 10.3 Thinking Outside the Box—Expanding Settlement Options Beyond Off-the-Shelf      |  |  |  |  |
|               | Solutions Ellen Waldorf & Doris Tenant                                               |  |  |  |  |
|               | 10.4 Domestic Violence Issues, Mediation Practice and Concerns Mary Ann Lawson       |  |  |  |  |
|               | 10.5 <u>Listening to Children in Mediation</u> Don Saposnek                          |  |  |  |  |
|               | 10.6 To Caucus or Not to Caucus That is the Question Susan Deveney                   |  |  |  |  |
| 12:00-1:30PM  | Topic Lunches                                                                        |  |  |  |  |
|               | 11.1 Managing a Practice Moderated by Diane Neumann                                  |  |  |  |  |
|               | 11.2 LGBTQ Issues Moderated by David Epply                                           |  |  |  |  |
|               | 11.3 Mediating without Lawyers Moderated by Marilyn McKnight                         |  |  |  |  |
|               | 11.4 APFM Partnering with State and Local Orgs. Moderated by Ken Neumann & Rod Wells |  |  |  |  |
| 1:45-3:15PM   | Plenary 3                                                                            |  |  |  |  |
|               | 12.1 Panel on Mediators Writing Final Documents                                      |  |  |  |  |
|               | Steve Abel, Carol Berz, Steve Erickson, Diane Neumann                                |  |  |  |  |
| 3:15-3:45PM   | Break Sponsor area open                                                              |  |  |  |  |
| 3:45-5:30PM   | Workshop Series #4                                                                   |  |  |  |  |
|               | 13.1 Beginners' Nuts & Bolts of Mediation Practice Dolly Hinckley                    |  |  |  |  |
|               | 13.2 What do we do? How do we do it? (Questioning the Questions) Len Marlow          |  |  |  |  |
|               | 13.3 Mediating Child Support Plans Steve Erickson                                    |  |  |  |  |
|               | 13.4 Redefining Power and Control: A Collaborative Parenting Plan Carol Berz         |  |  |  |  |
|               | 13.5 <u>Uncovering Hidden Assets in Mediation</u> Michael Becker & Glenn Dornfeld    |  |  |  |  |
|               | 13.6 Energizing Your Mediation Practice With Easy-to-Employ Technology Tools         |  |  |  |  |
|               | Larry King & Chris Griffith                                                          |  |  |  |  |
| 6:00PM        | 14.1 Lobster Clambake at ocean side with cash bar                                    |  |  |  |  |
|               | 14.2 Entertainment: The Geriatric Divorce Case Steve, Ken, Rod & Barbara             |  |  |  |  |

# Sunday, September 30, 2012

| 7:00–8:00AM     | Yoga                                                                                   |
|-----------------|----------------------------------------------------------------------------------------|
| 7:30–8:30AM     | Mentoring and full breakfast                                                           |
| 8:00AM-1:30PM   | Registration open                                                                      |
| 8:30–11:30AM    | Closing Plenary 4 15.1 Mediation Practitioners in the Fishbowl Moderated by John Fiske |
| 11:30AM-12:00PM | Open forum                                                                             |

Where do we go from here?

# Thursday, September 27, 2012

We're excited to return to the Sea Crest for this inspirational, informative gathering! Located in beautiful Cape Cod, this event will let you refresh your spirit, pick up new techniques, and network with your colleagues. Expect nostalgic interludes recalling our history and time with old friends. But also expect to make new friends as we look to our exciting future. Walk with us on Old Silver Beach to explore what's ahead for Family Mediation. We can't wait to see you there!

#### PRE-CONFERENCE INSTITUTES 1:30-4:45PM

# 1.1 Between a Rock and a Hard Place: Avoiding Impasse and Managing Tough Issues

The key to avoiding an impasse in mediation is found in the beginning of the process. This workshop will describe structural and pragmatic approaches to building a mediation process that can eliminate the client dynamics that create the potential for impasse. Conceptual frameworks that underpin the design of your mediation practice, coupled with strategic skills and creative interventions, are the key to facilitating successful resolutions.

# Chip Rose

# 1.2 A Tour of IRS Form 1040, Schedules A, C, K1 & W-2

What every mediator needs to know about the information treasure maps contained in IRS documents. The workshop is divided into two  $1\frac{1}{2}$  hour segments, and will focus on the following:

- 1 Reading and understanding a basic tax return to help understand a client's financial situation, especially: Basic Form 1040, Schedule A (Itemized deductions), Schedule C (Self Employed individuals)
- 2 Reading and understanding tax documents that are used in a tax return, especially: W-2, Paystub, Other tax reporting documents.
  - Susan Miller and Dennis O'Leary

#### 1.3 The Art & Science of Mediating with the Mind: Building Strategy and Resolution

What can we learn from neuroscience that will facilitate understanding, collaboration, and resolution? Do strategy and knowledge play a part, or is communication the most essential skill? Most important is true access to our most personal and important tool, our brain. Using this knowledge, we will explore the workings of the mind; the ultimate tool of creation, destruction, exploration and resolution. True resolution depends on strategic use of our brain. Let's use our brains to understand how thought is constructed, consensus reached and sustainable agreements created! This workshop will include:

- 1 An overview of today's clients, diversity of culture and generation.
- 2 The role of the brain, how knowledge of neuroscience, neuroplasticity, emotions and memory can guide the mediator towards effective constructs and true intervention.
- 3 Neurological conflict management, learning and constructing with meaning and emotion.
- 4 The importance of incorporating the landscape of the mind for true resolution.

  Jennifer Kresge

#### **WELCOME EVENT 7:00PM**

### 2.1 Welcome Event Followed by Reception

Welcome by Marilyn McKnight
Remarks by John Fiske and Hon. James Menno

# 2.2 Divorce in the Hollywood Cinema

The film industry's notorious Hays Code listed divorce among the subjects thought inappropriate for the big screen, but after the Code became inoperative in the 1960s, dozens of important films portraying divorce flooded the cinema.

This workshop will survey the ways Hollywood has captured the sad and comic potential of divorce stories. A special focus of the survey will be imagery related to law, lawyers, and legal proceedings. Law, the Hollywood cinema seems to suggest, only exacerbates the pain and problems of divorce. The workshop will include clips from familiar divorce movies, such as "The First Wives Club" (1996), "The War of the Roses" (1996), "Liar, Liar" (1997), and "Intolerable Cruelty" (2002). Dr. David Papke

# Friday, September 28, 2012

#### OPENING PLENARY 8:30-10:00AM

#### 3.1 Family Mediation Yesterday, Today and Tomorrow—From Carbon Copy to the Cloud

Join Jim Melamed as he traces the development and growth of family mediation "from carbon copy to the cloud." Jim will share his thoughts about how the growth of technology has been tied to the growth of family mediation and how our practices have changed over time because of it. He will give both the tech-savvy and tech-challenged a special insight into the impact that technology has had on the evolution of family interests and mediation options, and his thoughts about how technology can support the field in the future. Finally, Jim will discuss how technology can now dovetail with family mediation qualification concepts to offer new practical and sustainable qualification solutions. Jim Melamed

# WORKSHOP SERIES 1 10:30AM-12:00PM

# 4.1 Med-Arb; Yes, No or When?

Mediation-Arbitration is best suited for co-parents with joint decision making who reach impasse on a specific decision—for example, what school a child shall attend. This workshop will cover the stages of the med-arb process, as well as the advantages and disadvantages. This will include a discussion about the difference between mediation only and mediation as a part of the med-arb process for the clients and for the professionals. Actual case illustrations will be part of this presentation.

Arnold L Swartz

#### 4.2 The Effects of Divorce on Children

Which is it—a Wallerstein gloom-and-doom future for kids of divorce or are kids doing reasonably well? How resilient do you have to be? Joe McGill's clinical work is motivated by social science research, and the workshop will provide up-to-date information on the effects of divorce on children. What helps and what hurts?

Joseph C. McGill

# 4.3 Elder & Adult Family Mediation - Completing the Circle of Family Mediation Practice

Attendees will learn from experts in the field about the landscape of elder and adult family mediation—the cases; the clients; the challenges; and how practitioners can succeed in this rapidly growing niche. This workshop will explore the techniques and models used by the Elder Decisions' team of mediators to convene family meetings and address issues around caregiving, living situations, estate and inheritance disputes, driving and safety, property distribution, and medical decisions as well as ongoing challenges around family communication and decision-making processes.

Arline Kardasis, Crystal Thorpe and Blair Trippe

# 4.4 High-Conflict Divorce Mediation

Managing high-conflict divorce mediation can be stressful for the mediator as well as for the clients. This session will focus on four key skills: "bonding" with clients to more effectively build a calming mediation relationship; structuring the mediation process with simple tasks that they can do while feeling stressed; reality-testing to help high-conflict clients resolve disputes over basic facts; educating about consequences to shift the focus from past behavior and resentments to future solutions. Bill Eddy

# 4.5 Mediation and Marriage Reconciliation/Closure Therapy

Where Mediation addresses the substantive decisions of the marital settlement, Marriage Closure Therapy is a parallel therapeutic model, which assists divorce-declared couples in their emotional and relational transition, by addressing high conflict, enhancing working rapport as co-parents, and helping the partners each move through the emotional loss and transition with one another's assistance. This facilitative approach integrates multiple marital therapy models in a structured manner for the purpose of a successful collaborative divorce transition.

Mark Schaefer and Marilyn McKnight

# 4.6 The Computer is Your Friend: Better Financial Outcomes Through Software

One of the most difficult things for couples mediating a divorce is the fear of their financial futures. The intuitive understanding that it costs more to fund two homes than it does one only increases that fear. Especially, since many divorces result from money troubles leading to the marital breakdown. This session will demonstrate how Family Law Software can turn on the lights in the dark cavern of the financial unknown. You will learn how software can help the mediator help parties develop solutions to child support, spousal support and a reasonable division of their marital estate. All the while keeping in mind the stakeholder not at the table, the IRS.

Dan Caine and Barbara A. Stark

Fun fact: Falmouth was first settled by English colonists in 1660 and was officially incorporated in 1686. It was named by Bartholomew Gosnold for Falmouth, Cornwall, England, his home port.

#### FRIDAY LUNCH DIALOGUES 12:00-1:30PM

- **5.1 Starting a Practice** Moderated by Ada Hasloecher
- **5.2 Difficult Cases** Moderated by Ken Neumann and Hanan Isaacs
- **5.3 Managing a Practice** Moderated by <u>Diane Neumann</u>
- **5.4 Mediator Certification** Moderated by Rod Wells

#### FRIDAY AFTERNOON 1:45-3:00 PM

### **6.1 A Gathering of Mediators**

APFM Board Members will host our First Annual Town Hall Meeting. Bring your ideas, concerns, and passions for the future of APFM.

#### FRIDAY AFTERNOON 3:00-4:00 PM

#### 6.2 Ice cream social

Following our First Annual Town Hall Meeting, join us for our Traditional Ice Cream Social. A great afternoon treat and time to connect with old and new friends.

#### WORKSHOP SERIES 2 4:00-5:30PM

#### 7.1 The Dark Side of Mediation

This workshop will explore commonly accepted ethical practices in the context of real practice and how mediation can be misused to the detriment of the users of the process—with or without their knowledge. Specific issues will be discussed with a critical view as to those different mediation practices that may contribute to avoiding, evading or violating generally accepted ethical standards, including self-determination, confidentiality and conflicts of interest. Is there such a thing as bad faith, and if so, so what? The workshop will be interactive and will use role plays to demonstrate how these situations can arise without the mediator's knowledge.

Mel Rubin

# 7.2 Introduction to Parenting Coordination

Jurisdictions across the country are adding parenting coordination to their list of services for high-conflict families. Parenting coordination is a multidisciplinary approach that balances the needs of the binuclear family with the requirements of the court. Practitioners are introduced to an ADR approach incorporating strategies used in mediation, family therapy and family law. Participants will recognize the essential elements and responsibilities of a parenting coordinator that influence the family's ability to successfully transition to a two-home structure.

Ann Marie Termini

# 7.3 Complex Financial Issues in Divorce Forensic Accounting Analyses, Business Valuation Issues, and Income Versus Assets for Highly Compensated Individuals

Clients who have been largely uninvolved in family finances throughout the marriage often raise serious concerns about savings that appear to have dissipated, mortgages and other loans they were unaware of, reported income they assumed was significantly greater and other related issues. Learn how a financial expert addresses these and more in the context of a divorce. Valuations of closely held businesses in divorce involve many important aspects, not the least of which is their profitability. Owners of such entities often have discretion over the amount, timing and type of income, perks and other monies they derive from their companies. Learn how a financial expert determines the various components of cash flows available, what impact these have on the valuation of a business, how to overcome a lack of documentation with alternative analyses and what factors govern whether a particular source of cash flow is income or not. If you work with highly compensated individuals and/or their spouses, chances are their compensation packages includes multiple components, not all of which are readily ascertainable from tax reporting records such as W-2's and K-1's. Learn how a financial expert identified and quantified the income derived and assets accumulated by one such shareholder/employee through a case presentation. Laurie R. Tunic

# 7.4 One-Stop Shopping

Diane will describe her one-stop mediation practice process, which allows clients to reach a comprehensive divorce settlement – often without the use of consulting attorneys. She will demonstrate how to provide information to clients, which includes the available options for each area of settlement, as well as the advantages and disadvantages of each option – for each client. Clients are given complete information, which, if called for, may include legal information. Though Diane does refer clients to family law attorneys, it is not the usual practice, as her clientele often express a refusal to consult with an attorney.

Diane Neumann

# 7.5 High-Conflict Elder Mediation

Elder mediation can be very difficult when there is just one high-conflict person present. Some cases involve several high-conflict participants. However, many of these cases can be managed successfully with effective family mediation techniques. This session will focus on "building a team against the problem," "strategic questions" to facilitate group decision-making, and the role of the mediator in raising troublesome issues that family members do not realize they may need to address. Bill Eddy

Cape Cod was connected to the mainland until the US Army Corps of Engineers—realizing a three-century-old dream—dug the 17½-mile long, 480-foot wide Cape Cod Canal from 1909 to 1914. This turned Cape Cod into an independent land mass, joined Buzzards and Cape Cod Bays and created the world's widest sea-level canal.

# 7.6 Mediation as a Choreography of Communication

Jim describes how family mediation is moving away from being "a purely physical event" and is becoming a "choreography of communication." Jim will review the various synchronous and asynchronous communication modalities and how we are wise to align the communication modalities we use with the psychological and practical needs of the situation. For example, on the front end of a mediation, when issues of trust, rapport development and "being heard" may be paramount, the utilization of "rich" modalities of communication (real time face-to-face, video or audio) are wise choices, whereas, later in the process, when agreement terms are being drafted, asynchronous text-based approaches such as email and "track changes" may be best choices. The issue is thus not "face-to-face or online," but how we can best integrate face-to-face and online communications. Jim will further offer recommended web site practices, his thoughts about online marketing and a discussion of cloud-based case management and secure file sharing.

Jim Melamed

#### **DINNER 6:00PM**

### **8.1 Dine-Around Groups on the Town**

Choose a group for a dinner outing at one of the Cape's local restaurants. Signup lists will be at the registration desk. This is a great opportunity to meet new people and continue exciting conversations.

# 8.2 Hospitality Suite

Stop by the APFM Hospitality Suite for some informal parlor chat.

# Saturday, September 29, 2012

#### PLENARY 2 8:30-10:00AM

#### 9.1 Marketing and Branding for Mediators—Do's & Don'ts

When it comes to developing your Mediation practice, there's so much you can do, or could be doing. But what are you actually doing with respect to marketing and branding yourself as a Branded Expert™ in the field of Mediation? In this engaging discussion, Mark will guide you through the tenes of modern marketing and branding techniques, specifically tailored for professional practices like Mediation. These are simple, low cost, and effective techniques you can put to use immediately, to acquire more clients, and expand your reach and influence in your community and profession.

Mark Bullock

#### WORKSHOP SERIES 3 10:30AM-12:00PM

#### **10.1 Federal Pension Plans**

Federal Pensions impact a high number of divorcing couples. For many mediators this topic falls under the heading of "I Don't Know What I Don't Know". Steve is an engaging presenter who will move federal pensions from your "Don't Know" heading to your "I Know How to Help" heading. And remarkably, he does that while making it all interesting. You will learn important provisions of the CSRS, FERS, Social Security Retirement Benefits, Railroad Retirement Board, and Military Retirement System that often go unaddressed in settlement agreements.

Steve Abel

# Saturday, September 29, 2012

# 10.2 Marital Mediation Can Help Couples Stay Married

In the emotional maelstrom of divorce, clients are often battered by conflicting emotions: Do I go or do I stay? The family mediator should know how to help them discuss marital contracts, if they want, which they could enter into to change the terms of their marriage and thereby save or prolong it. John and Ken have been using mediation to help couples stay married for years, and in this workshop they discuss how you can set the stage for this exciting conversation. Forms and sample contracts used by the mediator are included in the materials. Check out Ansin v. Craven-Ansin, the July 2011 case in Massachusetts making it clear these contracts between spouses are enforceable, absent fraud or duress.

John Fiske and Ken Neumann

# 10.3 Thinking Outside the Box – Expanding Settlement Options Beyond Off-the-Shelf Solutions

From the outset of a case, practitioners often recognize the likely outcome, and clients often expect definitive answers to their questions about child support, alimony and property division. One party's rigid adherence to a standard outcome can derail a mediation when the other party feels the standard is inappropriate. In this interactive session, we will explore ways to break such impasses and structure mediations to encourage creative settlements tailored to clients' needs. We also will discuss how to structure deviations from the norms of child support guidelines, the new alimony law and property division.

Ellen Waldorf and Doris Tenant

#### 10.4 Domestic Violence Issues, Mediation Practice and Concerns

Mediating with couples who have domestic violence in their history presents special concerns. This workshop will present the most recent statistics regarding domestic violence with a full discussion of the implications for screening and practice. These couples often present the greatest need for mediation in regards to avoiding escalation of conflict as well as financial concerns. The presenter will present guidelines for structuring the process to identify the stages of the cycle of violence and to attend to the needs of both parties. The workshop will provide time for discussion and sharing. Mary Ann Lawson

#### 10.5 Listening to Children in Mediation

Less than 16% of custody mediators listen to the children as part of their work. This workshop will help mediators gain current conceptual knowledge of children and the skills for getting their direct input into the mediation process. We will first explore new, innovative research on including the child's voice in the divorce process, then examine the benefits of including children, when to include them, specific effective techniques for interviewing children—including setting the context, gathering information, and presenting the child's input to the parents—and the ethical issues involved when including children in divorce mediation work.

Don Saposnek

# 10.6 To Caucus or Not to Caucus . . . That is the Question

The use of caucus, while commonplace in other mediation forums, is controversial in divorce and family mediation cases. Why is this so? Can it be that the use of caucus in divorce and family mediation cases requires a different set of rules or criteria than the use of caucus in other types of cases? This presentation will examine the appropriate or inappropriate use of caucus in divorce and family mediation cases.

Susan Deveney

#### SATURDAY LUNCH DIALOGUES 12:00-1:30PM

- **11.1 Managing a Practice** Moderated by <u>Diane Neumann</u>
- 11.2 LGBTQ Issues Moderated by David Epply
- 11.3 Mediating without Lawyers Moderated by Marilyn McKnight
- **11.4 APFM Partnering with State and Local Mediation Organizations** Moderated by Rod Wells and Ken Neumann

#### PLENARY 3 1:45-3:15PM

# **Panel on Mediators Writing Final Documents**

Should a mediator write the final document? Does it matter if the mediator is an attorney? This plenary will feature four different points of view on who may or may not write the final document: (1) all mediators; (2) no mediators; (3) an attorney hired by (or independent of) the mediator; or (4) only an attorney mediator. This promises to be a very challenging and provocative dialogue. Steve Abel, Carol Berz, Steve Erickson, Diane Neumann

#### WORKSHOP SERIES 3:45-5:30PM

# 13.1 Beginners' Nuts & Bolts of Mediation Practice

An opportunity for beginning mediators to be guided through a "typical" mediation, exploring in detail such issues as referrals, scheduling appointments, the intake, seating arrangements, forms and their use and misuse, caucusing, the flow of the mediation, the memorandum of understanding, the role of attorneys, the completion of the mediation.

**Dolly Hinckley** 

# 13.2 What do we do? How do we do it? (Questioning the Questions)

Divorce lawyers do not generally have any difficulty answering the questions, "What do we do?" and "How do we do it?" They protect their client's legal rights. They do that by negotiating an equitable distribution case on their behalf. But what do divorce mediators do and how do they do it? They do not represent either of the parties. Nor could they negotiate an equitable distribution case. It would be like playing a game of chess with themselves. This presentation will represent the struggle of a practitioner with over 30 years of experience with these questions and the answers that he has come to.

**Lenard Marlow** 

Thinking of attending? Falmouth is 1.5 hours from Boston, 4.5 hours from New York City and 6.5 hours from Philadelphia. The average high for this time of year is 72° and average lows are in the mid 50s.

# 13.3 Mediating Child Support Plans

Learn how to implement the use of a joint children's checking account to replace the flawed assumptions of state child support guidelines. This workshop will teach participants a revolutionary new way of solving the child support dilemma. Through discussion of the flawed assumptions that cause child support to be so contentious, participants will learn how to present to parents the option of using a joint checking account to manage their children's costs instead of one parenting sending money to the other. The approach is an extension of parents creating a parenting plan instead of fighting for custody. The mediator's task is to help the couple agree on a budget of "shared" expenses related to the children. Each parent then uses a debit card or the check book when the children are with each of them, to spend within the budgeted amounts. If they use Quicken or mint. com, they can determine each month whether they are staying within budget. The model eliminates trading days for dollars, increases the participation of the less-time parent, and eliminates adversarial contentiousness. It is self-modifying each year and has been used quite successfully at Erickson Mediation Institute for the past 20 years. Participants in the workshop will be given sample language and receive assistance on how to teach the court to accept this new model.

# 13.4 Redefining Power and Control: A Collaborative Parenting Plan

Let's face it, the hottest issue in family dissolution often is the kids. Whether the situation is contested or not, children in many cases become the nexus of power, control and financial decision-making. This session will offer a hands-on experience in which mediators and mediation advocates will learn how to use a new tool created to help parents design the shared parenting of their children in a way that is collaborative, meets legal muster and has staying power.

Carol Berz

# 13.5 Uncovering Hidden Assets in Mediation

A keystone of mediation is voluntary full disclosure. But what to do when one spouse claims that the other is hiding assets? Does this mean that the mediation is over? In many cases, it shouldn't, if you, as mediator, know the documents to review, the questions to ask, and, sometimes, the financial professionals to bring into the mediation. In this interactive workshop, two experienced mediators will share their tricks of the trade when dealing with this sensitive and critical topic.

Michael Becker and Glenn Dornfeld

# 13.6 Energizing Your Mediation Practice With Easy-to-Employ Technology Tools

For ordinary folks! Join us as we show easy-to-employ approaches that powerfully leverage some modern tools of technology to enhance the power of your mediation process, client satisfaction and your practice's professionalism and profits. Our focus here is practical learnings from our efforts in innovation, with accessible suggestions for resources that modern clients love and your bottom line as a family mediator will appreciate. We'll update themes from our 2006 Cape Cod hit: Turbocharging Your Family Mediation Practice, retaining a decided emphasis on the big picture (rather than arcane details) of how to make yours a successful, efficient, modern family mediation practice. Prepare to be inspired!

Larry King and Chris Griffith

Fun fact: Jaws (1975) was filmed in Falmouth.

#### **SATURDAY EVENING 6:00PM**

#### 14.1 Ocean Side Lobster Clam Bake

Bring your appetite to our Cape Cod Clambake:

- · Crusty Rolls with Vermont Creamery Butter
- · Cape Cod Clam Chowder
- Garden Salad: Crisp Lettuce, Tomato Wedges, Cucumber, Crumbled Feta Cheese, Red Onion, Greek Dressing
- · Hearts of Romaine "Caesar", Shaved Parmesan, Croutons, Creamy Peppercorn Dressing
- · Green Cabbage Cole Slaw
- · Sliced Fresh Watermelon, Fresh Fruits and Berries
- · Old Bay Roasted Free Range Chicken
- Sautéed Mussels with garlic, shallots, chardonnay and herbs
- · Steamer clams with Portuguese chorizo sausage, wine and butter
- Butter Poached 1½ Pound Hard Shell Maine Lobster cooked to order and partially cracked. Served with Drawn Butter and Lemon on the side
- · Buttery Corn on the Cob
- Baby Potatoes with Parsley Butter
- · Assorted Mini Pastries Organic Regular or Decaffeinated Coffees and Assorted Natural Teas
- · Cash bar

14.2 Entertainment "The Geriatric Divorce Case" presented by: Steve, Barbara, Ken, and Rod

Followed by the Hospitality Suite

# Sunday, September 30, 2012

#### CLOSING PLENARY 4 8:30-11:30AM

# 15.1 Mediation Practitioners in the Fishbowl

Gather around the stage for an unusual opportunity to witness and compare different experienced mediators in action. This extended plenary will present three different mediators demonstrating their own unique styles. Professional actors will play the parts of the mediating parties. Each demonstration will be followed by debriefs with Q & A. This is always a great way to learn and compare your own style and techniques to those of other practitioners.

Moderated by John Fiske

#### OPEN FORUM 11:30AM-12:00PM

Where do we go from here? Join us to discuss the future of the APFM.

# **Hotel Accomodations**

The APFM conference will be held at the Sea Crest Beach Hotel. Overlooking Old Silver Beach, the Sea Crest offers beautiful seaside vistas. Once at the Sea Crest you will be a short distance from several interesting attractions including the Cape Cod Winery, Sandwich Glass Museum, Woods Hole Oceanographic Institute, and the ferry to Martha's Vineyard.

#### **Sea Crest Beach Hotel**

350 Quaker Road North Falmouth, MA 02556 (800) 225-3110

We expect our special rate room block to sell out early, so reserve now. The special rate for APFM, good until August 13th (or earlier if sold out), is \$199 per night for Single or Double occupancy, \$229 per night for Triple occupancy and \$239 per night for Quad occupancy. To secure the special rate call (508) 540-9400 or (800) 225-3110 and be sure to mention the "Academy of Professional Mediators." After August 13th, rooms may only be as available at the prevailing rates.

Please note: Reservations require a two-night minimum stay and a one-night deposit (plus tax). Reservations cancelled with the reservations office at least 21 days before the scheduled arrival date will be refunded less a \$15 cancellation fee. Deposits for reservations cancelled less than 21 days before the arrival date are non-refundable.

Bus Service is available to Falmouth from Logan Airport and South Station, Boston, and from Port Authority Bus terminal on 41st and 8th Ave in New York City, via Peter Pan/Bonanza Bus lines.

For more information about the resort and directions, please visit: www.seacrestbeachhotel.com. Please register online at www.apfmnet.org.



Please register online at www.apfmnet.org.

| Pre-conference                                  | Before 6/15 | Before 8/03 | After 8/03 |
|-------------------------------------------------|-------------|-------------|------------|
| APFM Member                                     | \$65        | \$75        | \$85       |
| Non-member                                      | 90          | 100         | 110        |
| Conference                                      |             |             |            |
| APFM Member                                     | 345         | 395         | 445        |
| Member of co-sponsor organization               | 395         | 445         | 495        |
| Non-member                                      | 445         | 495         | 545        |
| Full time student with ID/lunches only          |             |             |            |
| APFM Member                                     | 175         | 200         | 225        |
| Non-member                                      | 200         | 225         | 250        |
| Guest attending with registered participant     |             |             |            |
| Guest Thursday Opening Reception                | 25          | 30          | 30         |
| Guest Saturday Plenary and Clam Bake            | 80          | 90          | 90         |
| Spouse/Guest registration all meals & plenaries | 275         | 295         | 295        |
| Certificate of attendance                       | 15          | 15          | 15         |

# **Cancellation Policy**

With written notice of cancellation postmarked or faxed by September 1, 2012, the registration fee will be refunded minus a fifty-dollar service fee. Written notice of cancellations postmarked or faxed after September 1, 2012 will incur a fifty-dollar service fee, and the balance may be used as a credit to future conferences or membership dues. No refunds or credits will be allowed for cancellations received after September 16, 2012.

# **Questions?**

If you have any questions about the conference, please call or email our Conference Co-Chairs: **Ken Neumann** (212)799-4302 or KenNeumann@TeamMediation.org **Rod Wells** (845)534-7668 or RoddyWells@gmail.com