

Indiana Association of Mediators



Advancing the Practice of Mediation in Indiana

A special welcome to the following new members: Andrea Ciobanu (Indianapolis), Robert Y.H. Lim (Indianapolis), Vivian Cook (Evansville), Beth Johnson (Greenwood), Megan Wells (Indianapolis), J. David Hopper (Greenwood), Joe Dunagan (Terre Haute), William Eason & Karen Eason (Plainfield), Kimberly Lovejoy (Knox), Cynthia Helfrich (Brownsburg), Holly Becker (Kokomo); and Cindy Quivey (Knox).

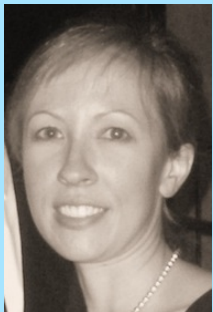
Also a special “Thank You!” to the following returning members for their continued support of the IAM in its mission to be the premiere professional Association for Indiana mediators:

Barbra Bachmeier, Krista Bennett, John Eisele, Mary Hoeller, Latoria Marion, Dustin Matern, Richard Payne, Norman Snow, Keith Thompson, Marianne Woolbert, Cindy Felsten, Joel Wesch, Robert Reimondo, Stephen Pennell, Sarah Dicks, Suanne Milligan, Chic Born, Susan Wack, Sarah Carter,

Our Members: John Krisor, Paula Dranger, David Deep, Dana Larbus, Jay Taylor, Bob Vogler, Charles Tavel, Joseph Bumbleburg, Aladean DeRose, Kristin Brandon, Lew Laderer, Marvin Pavlov, William Satterlee, Richard Norris, Patricia Fox, Michael Singer, Robert Bruner, Rev. Thomas Smith, Terry Eads, Lori Torres, June Shrieves, Allen Platt, Kathleen Cash, Jo Hughes, Janet Mitchell, Lisa Tokarz-Gutierrez, John S. Capper, IV, Peter Sacopulos, Angela Swenson, Mona Paddock, Dan Gioia, Todd Etzler, Doug McMillan, Marlo Dale, Amy Applegate, Max Howard, Mae Chinn Songer, Leon Kaminski, Eileen Maguire, Amanda Blystone, Johanna Campbell, Rick Wacker, Gladys Whitfield, Elizabeth Edwards, Stephanie Jocham, Andrea Halpin, Pia Shrontz, Kim Van Valer, Shari Long, Michael Thomasson, Vanessa Villegas-Lopez, Ron Brodey, William Fatout, Gregg Morelock, Diana Mercer, Jayne Barstow, and Charlie Asher.



Andrea Ciobanu



Karen Eason



William Eason

Personal notes:

Congratulations to IAM member Keith Thompson, on his January, 2011 graduation from the Special Emphasis Program Manager’s Course at the Defense Equal Opportunity Management Institute at Patrick Air Force Base in Florida. DEOMI trains selected military and civilian personnel from all Armed Forces and DoD agencies. This training qualifies those individuals to advise their commanders on EO & EEO matters and concentrates on the roles and responsibilities of SEP Managers, communication skills, staff coordination, briefing skills, analyzing EEO data, and the planning and managing of Special Emphasis Programs.

Our condolences to the family and friends of IAM member Kim Van Valer on the passing of her father (and IAM member), [Joe Van Valer](#) on January 17, 2011. Joe was born March 13, 1935 in Gas City, IN and is survived by his wife of 50 years, Constance (Richardson) Van Valer and three daughters, Kim, Kelli, and Lynn.



Keith Thompson



Joe Van Valer

March 2011

Mediation Measures in the Indiana Legislature

The following bills dealing with mediation have been introduced during this session. This list may not be exhaustive - they're simply the ones we know about. Further information is available on the [website](#) of the Indiana General Assembly.

- ◆ [SB 491](#) - amends IC 16-28-10-4 - health facility third party dispute resolution - establishes a third party dispute resolution process that a health facility may use to appeal a deficiency finding in the facility's state department of health survey report.
- ◆ [SB 575](#) - amends IC 20-29-7-1 - teacher collective bargaining - allows the use of a mediator in certain collective bargaining situations. This is not a new provision; use of a mediator was previously allowed, but only after 180 days of the parties failing to agree on a resolution of the conflict.
- ◆ [SB 578](#) - amends IC 27-18 to provide that the compacting states create the Surplus Lines Insurance Multistate Compliance Compact Commission, which may waive venue and jurisdictional defenses to the extent the Commission adopts or consents to participate in ADR proceedings.
- ◆ [SB 582](#) - amends IC 32-30-10.5-8.5 to provide that a debtor's participation in a mortgage foreclosure settlement conference is deemed to be an appearance by the debtor in the foreclosure action.
- ◆ [HB 1078](#) - amends IC 34-7-8 to add a new Chapter to the "Application of Foreign Law" provision to provide that a court, arbitrator, administrative agency, or other adjudicative, mediation, or enforcement authority may not enforce a foreign law if doing so would violate a constitutional right of the Indiana or US Constitution.
- ◆ [HB 1337](#) - companion bill to SB 575 above.

For more detailed information about any of these measures, a link to the Legislative website is <http://www.in.gov/apps/lisa/session/billwatch/billinfo>. If you find other measures dealing with mediation, family or civil law that might be of interest to your fellow mediators, please contact [Rick Wacker](#) so they can be added to this list.

IAM Explores Community Mediation Centers

On January 22, 2011, six IAM directors and members met to discuss how the Association can support and/or promote community mediation centers in Indiana. The group proposed that IAM dedicate space on its webpage to provide information and updates to members on community mediation centers in Indiana, as well as examples of such centers in other states. The group learned of five existing Indiana centers and one that is in the development stage. The group also proposed that an IAM member be selected to serve as a liaison between these centers and our Association. The liaison would promote IAM as a mediator-referral resource for these centers, and would report back all news and developments from such outreach efforts to IAM's board. At an IAM Board meeting held on January 29, 2011, IAM member Krista Bermeo was appointed to this position.

Four of the six IAM members also attended a day-long event that featured Mr. Albert Schinazi as a facilitator to a discussion on "Open Space Technology", a process that promotes dialog, organizing and planning. IAM members present raised the issue of community mediation centers at this event, and Mr. Schinazi and other attendees provided valuable insights and input toward IAM's discussions. In appreciation for his time and to defray expenses of this day-long event, IAM contributed \$250. Our thanks to the individuals who gave up their Saturdays to participate in this event - Mary Hoeller, Barbara Bachmeier, Eileen Maguire, Krista Bermeo, Pia Shrontz and Dustin Matern.

The community mediation center in development is **Inspire Mediation Center**. Executive Director and IAM member **Pia Shrontz**, after working as a volunteer mediator for two years, sees the Center

as a way to meet the need for a mediation center in Indianapolis. She said, "As diversity and differences increase in our communities, the opportunities for conflict and disputes will increase as well. Inspire Mediation was formed as a community mediation center in an effort to increase the awareness of mediation as a dispute resolution alternative and to give members of our community the opportunity to resolve disputes and differences through innovative, affordable ways that really work." Pia is in the process of applying for a grant that would allow the Center to grow, not just by expanding the programs offered, but also to hire several full-time mediators and office staff. The Center is currently working in partnership with the Marion County Prosecutor's Office, the Marion Superior Court Probation Department, and several local school districts. She concluded: "...with growth comes the opportunity to collaborate with other organizations, something I hope can include, and benefit, IAM members as well."

Motion to Solicit Testimony by Mediator Resisted

In 2009, IAM President Mary Hoeller conducted a family mediation. Subsequently, counsel for two of the family members advised Mary that he would be filing a subpoena to depose her to obtain her testimony of what was said at the mediation, specifically with regard to the father's wishes for the disposition of his estate among his children. Mary responded both orally and later in writing in an attempt to persuade Counsel that under Indiana's Rules of Alternative Dispute Resolution, such a deposition would be a violation of confidentiality and contrary to those Rules.

Ultimately, on January 15, 2011, Counsel did file a Motion to Compel Deposition. This matter was brought to the IAM Board and as a result, the Board took the position that since confidentiality was such a core issue that potentially affects every mediator in the state, it was appropriate to offer limited financial assistance to help Mary pay for an attorney to resist the Motion to Compel Deposition. Subsequently, Ron Elberger of the Indianapolis firm of Bose McKinney & Evans, was retained and an Objection to Plaintiff's Motion to Compel and a Motion for a Protective Order was filed.

On February 14th, Special Judge David A. Happe of the Madison Superior Court ruled on Mr. Elberger's Motion, denying Plaintiff's Motion to Compel and entering a Protective Order limiting Discovery. The Court found that although Mary's Mediation Agreement had been signed by only one of the participants, by participating in the mediation, all were bound by the terms of the agreement. The Court also affirmed that confidentiality is required under the ADR Rules. Finally, in his ruling, the Judge awarded reasonable attorney fees, which have been filed with the Court. For further information, contact [Mary Hoeller](#).

New IAM Directors Named

At the meeting of the Board of Directors held on January 10, 2011, IAM members Paula Dranger and Krista Bermeo were elected to the Board of Directors. Welcome!

2011 IAM Dues

If you haven't sent in your dues for 2011, your check for \$60, payable to the IAM should be sent to Rick Wacker, Treasurer and Membership Coordinator / 4520 W. Jurist Court / Trafalgar IN 46181.

Have a funny mediation story? Want to share an announcement about your practice, speaking engagement, a good book on mediation or other item of interest? Have you run into a situation you weren't sure how to handle? Your item can be distributed to the membership and insights shared! Contact [Rick Wacker](#).

Copyright 2011 Indiana Association of Mediators. All rights reserved.

This publication is a basic summary and should not be relied on as an authoritative statement of the law. You should consult an attorney for detailed legal advice before taking legal action. The materials included may be abridged from laws, court decisions, and administrative rulings and should not be considered to be legal opinions on specific facts or as a substitute for legal counsel.