

**EXTRA! EXTRA!**

# UDRA



Utah Dispute Resolution

Volume 2, Issue 1

## Special points of interest:

- Spotlight on Horizonte High School's Peer Mediators
- Information on UDR Court Mediation Programs around the state
- UDR's Website gets a new look!
- Recognizing our Mediators of the Year for 2006
- A Volunteer Training Opportunity for all of UDR's Volunteers
- A look at changing roles and responsibilities at the UDR office

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## The Next Generation of Mediators

Each school year, a select number of students at Horizonte High School in downtown Salt Lake are selected and trained as peer mediators for their school. UDR established the peer mediation program at Horizonte in 2006 under direction of Sara Johnson and Sue Petty. This year, Heather Threlkeld has been working with the teachers and advisors at the school to provide opportunities for the peer mediators who were selected and trained last spring. These students are serving as the peer mediators for the 2006-2007 school year.

These students take a two month class that teaches them listening skills, reframing and restating skills, and questioning tools. Students gain experience through role plays to become comfortable and familiar with the mediation process. When two or more students at the high school are involved in a disagreement or fight, a peer mediator, a UDR advisor, and the disputants attempt to mediate the disagreement and come to an

understanding that will allow the students to remain at the school.

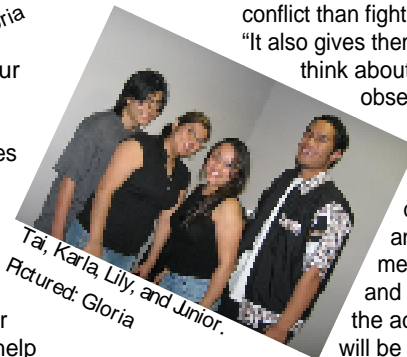
In 2006, 18 mediations were conducted at the Horizonte High School and the Salt Lake City Peer Court. Mediators from Horizonte often volunteer along with Peer Court mediators to provide mediation services for more

students in the Salt Lake City area. 17 of the 18 mediations resulted in an agreement.



Sue, J., Lily, Anne, Sara, Heather, Tai and Karla. Not Pictured: Gloria

Our peer mediation roster includes 5 exceptional students who have completed training and who volunteer their time to help improve their school; Junior, Liliana, Karla, Tai, and Gloria have been dedicated and enthusiastic throughout the year.



Tai, Karla, Lily, and Junior. Pictured: Gloria

When asked what mediation has taught them, they had the following comments, "The best thing we've learned in mediation has been to be a better problem solver," said Liliana. "It's a great skill for life," added Tai. Karla included that mediation "helps me understand problems in my own life better and in different ways."

The goal of the program is to help empower students to take charge of their lives and their environment in an assertive way and to show them how they can make a difference in the world they live in. "It gives the students involved a chance to understand that there is more to solving a conflict than fighting," said Junior. "It also gives them a chance to think about their mistakes," observed Gloria.

As the school year draws to an end, and these mediators graduate and become part of the adult world, they will be helping to mentor next year's mediators who have recently been selected and enrolled in the training class at Horizonte.

## Metamorphosis of Roles

Beginning in late 2006, the roles and responsibilities in our office have changed!

Sara Johnson, formerly the AmeriCorps Volunteer, is now serving as the UDR Office Manager for the Salt Lake office.

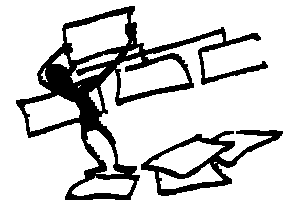
Christy Scharon has taken on the responsibility of manager for the Northern Utah (Ogden) Office. Christy is serving UDR as

an AmeriCorps Volunteer.

Heather Threlkeld has picked up where Sara ended her AmeriCorps term as the Youth Program Coordinator and is working with the Conflict Resolution and Peer Mediation classes at Horizonte High School.

Pam Nelson's responsibilities have moved from Office Director in Salt Lake to overseeing Special

Projects. This new assignment will include a variety of tasks as needs and priorities unfold. Her initial projects have included marketing and public relations for the new Ogden office and researching new funding opportunities.



## Open House Held for Northern Utah UDR Office

Utah Dispute Resolution (UDR) is pleased and excited to announce the opening of its first satellite office, which is located in Ogden. UDR held a grand opening on January 31, 2007 to celebrate this event. Establishing a second office is a significant milestone in UDR's ten history as an independent, non-profit organization. The northern office will help us serve northern Utah communities more effectively. The main office in Salt Lake City will continue to administer services in central and southern Utah communities.

Announcements were posted in the *Ogden Standard Examiner* and listed in local community bulletin boards. Area attorneys, mediators, and other community service providers were also invited to attend the event.

Earlier that day, UDR hosted the January Brown Bag gathering, which is sponsored monthly by the Utah Council on Conflict Resolution (UCCR). Members and friends of that organization learned about UDR, its services, and volunteer opportunities.

Several dozen visitors dropped by the open house and toured the facility, where they met and chatted with UDR staff members over an assortment of refreshments. Many of the visitors commented that a real need exists for this service, and they were happy to see UDR establish a new office in northern Utah. Based on the favorable response from those in attendance, we foresee UDR North as becoming a very valuable asset for local residents and

businesses.

The opening of this office was brought about with the support of a number of individuals and businesses. UDR would like to recognize a few of the key supporters for their contributions. Brian Florence, who owns the office condominium, has generously offered space for UDR's office. Without Brian's support and encouragement, expansion into northern Utah would not have happened. All Systems Installations (ASI) donated and installed furniture for the front office, waiting room, and two mediation rooms. The entire Salt Lake-based UDR staff pitched in to make the event a festive affair.

Christy Scharton is managing the northern office. We encourage everyone to stop by and visit when you're in the area. The office is located at 942 Chambers St., Suite # 14, Ogden, Utah 84403. The office phone and FAX numbers are (respectively): (801) 479-0800 and (801) 479-0801.

- Contributed by  
Christy Scharton

Whenever you're in conflict with someone, there is one factor that can make the difference between damaging your relationship and deepening it. That factor is attitude.

— William James

## SOS! Spanish Speaking Mediators Greatly Needed!

With the burgeoning Hispanic population in our state, Utah Dispute Resolution is sending out an SOS—**Speaks Outstanding Spanish**—for bilingual mediators. We have letters in Spanish, forms in Spanish, pamphlets in

Spanish, and clients who speak Spanish. What we could really use now are more mediators—especially family mediators—fluent in both English and Spanish. Say you are a crack, Spanish-speaking community mediator but

lack domestic training? Don't let that stymie you. We might be able to work out a training-for-mediation exchange. Please contact Nancy McGahey or Sara Johnson at (801) 532-4841 if you are one of the polyglots we are looking for.



## A Spotlight on the Volunteer Programs and Opportunities in Northern Utah

UDR oversees a court mediation program at numerous venues throughout Utah. UDR's court program offers mediation at small claim courts, small claims appeals at district courts, and debt collection law and motion hearings in district court. All of these programs use qualified volunteer mediators and are provided free of charge to the disputants.

The Small Claims program is active in six courts in northern Utah: Bountiful, Logan, Salt Lake City, Taylorsville, West Jordan, and West Valley City. This program assists people in the small claims court proceedings to come to an agreement prior to trial. In 2006, 66% of 545 mediated cases reached a full agreement and an additional 3% reached

partial agreement. The largest program is in Salt Lake City at the Matheson Courthouse, but the rest of the programs are growing steadily.

Parties who appeal a small claims judgment are required to participate in mediation before a trial date is set unless they tried mediation prior to the original small claims hearing. Of almost 200 cases referred to mediation in 2006, 48 (34%) came to a partial or complete settlement. In February, UDR initiated a mediation program for small claims appeals cases in Davis County.

In the summer of 2006, UDR took responsibility to coordinate mediations for the debt collection Law and Motion calendar at the Matheson Courthouse. This project has begun to lessen

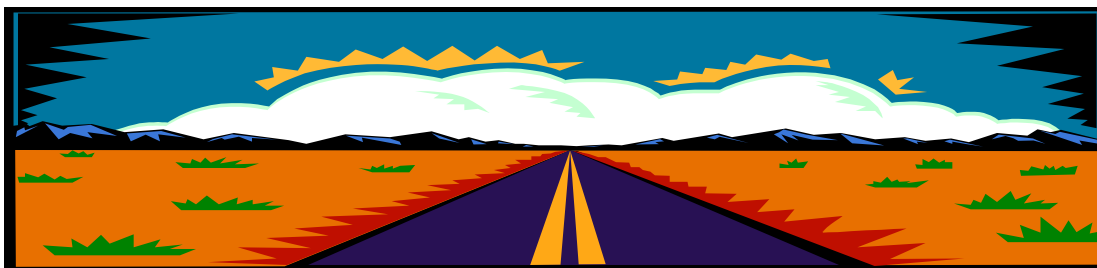
the Law and Motion caseload for the Third District Judges. Of the mediated cases, 37% reached a full or partial agreement. The Third District Court rotates the judges who preside over the Law and Motion calendars every six months, so the growing program is still educating not only the public about mediation, but also the rotating court staff.

Overall, the volunteer programs around Northern Utah are growing and thriving thanks to the volunteer effort you provide. If you are interested in participating in any of these programs, or potentially starting a new one in a location not listed above, please contact **Russ Osguthorpe at (801) 532-4841 or (877) 697-7175.**

Unity is strength... when there is teamwork and collaboration, wonderful things can be achieved.

— **Mattie  
Stepanek**

## Preventing Conflicts and Expanding Horizons



The Youth Outreach program through UDR at Horizonte High School is thriving this year! A few of the UDR staff teach three different kinds of classes to the student body of the High School. Each homeroom and satellite campus class receives an eight class training on basic conflict resolution skills including listening, I statements, how to avoid physical confrontations, anger management, problem solving, and identifying other perspectives.

Of the classes that receive these eight lessons, the most interested students who are on schedule for graduation and demonstrate leadership skills are then placed into a one-term, daily class focusing on conflict resolution and mediation skills in-depth. There are currently two class periods for this: one dedicated to young parents and real-life skills, and the other aimed at high school students focusing on leadership skills. From these two classes, a

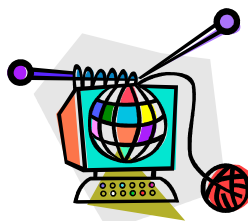
group of ten students is invited to train on peer mediation for the next school year.

Students in both daily classes complete research projects and present them to the class. These projects focus on famous peace makers or peace-related topics. Examples of these topics include Gandhi, Martin Luther King Jr., Apartheid, Rosa Parks, Mediation, and Jimmy Carter.

## A New Look for UtahDisputeResolution.org!

UDR has overhauled our website! The much overdue change has finally been completed and is now live for your viewing pleasure. We have links explaining our services and programs, information for potential and existing clients, and resources for you, our mediators!

To access these resources,



click on the button along the left hand side of the screen that says 'Volunteer Resources' and log in. The username

is volunteer, and the password is volunteer. Check out the resources, forms, newsletters, training schedules, and other fun and useful information!

If you have a request or suggestion for the volunteer area, we'd love to hear about it and we'll do our best to provide it for you. Take a look at the new site at:

[www.utahdisputeresolution.org](http://www.utahdisputeresolution.org)

## Recognizing Excellent Contributions

**Susan Hodd**, a UDR volunteer, was recognized for her service and dedication to mediation at UDR's 2006 Holiday Party, which was held in December. Susan has mediated over 80 cases for UDR since 2004 through the Small Claims Court Program and the Community Mediation Program. She specializes in issues related to construction, hospital, the ski industry, and mental health. Susan is also a small claims court co-coordinator at West Jordan.

Susan is always willing to mediate for UDR. Her enthusiasm and dedication to mediation is contagious. In fact, one community case that Susan mediated inspired one of the parties to take the Basic and Domestic Training courses.

Following a passion to bring people together, Susan first began mediating as a student at Rowland Hall. However, it wasn't until 2004 that she took formal mediation training. Susan is an advocate for mediation, believing that mediation is an active process. She believes that part of the mediator's role is to create an atmosphere that is conducive to change and to help the parties communicate with each other. Susan would like to build a mediation practice, possibly working with an attorney. She suggests that new mediators "read, read, read, and shadow, shadow, shadow." She also suggests developing your own zen - skiing is hers.

Susan's life has been filled with a variety of experiences. She attended cooking school in London, has worked in mines,

was the first female high steel worker, and sold winter underwear in Florida. During the winter months, Susan devotes much of her time to her passion for skiing, which she has been doing for 45 years. Currently she is a ski instructor at Brighton. Besides making peace, some of Susan's other interests include politics, playing Hawaiian music on the classical guitar, and diversity. She also is active in a variety of social and political organizations.

Utah Dispute Resolution appreciates Susan for her willingness to volunteer, the good work she does with people in conflict, and her enthusiasm for mediation.

--Submitted by Sara Johnson

Our second Mediator of the Year was **Clark Naylor**. Russ recently sat down with Clark and his lovely wife, Pat, to talk about his mediation career.

Clark mediates primarily at small claims court where his focus has been appeal mediations. As anyone who has done any of these cases can attest, they can be very challenging and require a special kind of dedication to do them exclusively. To date, Clark has mediated over 80 appeal cases; this is the most of any volunteer mediator.

In real life, Clark makes a living in "heavy hardware." You know, big chains! He and Pat have raised four biological children and four foster children.

Clark began his mediation career at an early age. As a boy living in Winnimucca, Nevada, he was a peace-maker and used to

break-up fist fights among his friends. He has had a lot of experience in negotiation and problem solving in the various jobs he has had over the years which include being a secret agent for the U.S. Air Force.

Clark has had an interest in intercultural differences and how negotiation and facilitation can be brought to bear to resolve global conflicts. He started a company named "Arrangements International" for the purpose of bringing people together in the spirit of cooperation and conciliation world-wide.

He received his mediation training at the University of Utah from Michelle Hawes in the Conflict Resolution Certificate Program and first worked for Utah Dispute Resolution as a volunteer mediator at the small claims court in Sandy. When that venue closed down, Clark began mediating appeal cases at the Matheson Courthouse where he averages two or three mediations every month.

It has been my pleasure to work with Clark over the years, and I would like to express appreciation for his excellent mediation skills, personable style, and tireless dedication to the work of conflict resolution. I hope Clark continues to mediate in our community for many years to come.

- Submitted by Russ Osguthorpe

It isn't enough to talk about peace. One must believe in it. And it isn't enough to believe in it. One must work at it.

— Eleanor Roosevelt





## Dear Marvelous Mediator:

### Dear Marvelous UDR Mediators,

**No matter how hard I try, I never can seem to get the hang of reframing. Is there hope for me? Any tips on how to improve my reframing skills?**

#### Discouraged and Disdained

Dear Discouraged,

You are not alone in your concern over reframing. It's a skill that requires ongoing practice. In their book, *The Art of Mediation* (NITA Publication), Mark Bennett and Michele Hermann offer some guidance. They define a reframe as "a response to a message being sent from one party to another with the intent to redirect, limit, or shape the perception of the message so that the message and its response become more constructive."

The purpose of reframing is to remove or lessen the negative parts of a message while retaining and building on the constructive parts of the message. Reframing a message that includes threats, accusations, judgments, insults, or demands can help reduce defensive reactions and allow the parties to have a productive conversation.

Bennett and Hermann suggest some guidelines for reframing:

- Include a key element of the original message
- Acknowledge expressions of emotion
- Verify the party's agreement with the reframed message—ask if you got it right.
- Avoid the tendency to gloss over the conflict when it needs to be expressed to get across the message.

The authors offer some examples to illustrate reframing within the framework of five categories. I've included their examples to illustrate the skill.

*Reframing a message that includes threats, accusations, judgments, insults, or demands can help reduce defensive reactions and allow the parties to have a productive conversation.*

#### Reframe a position focus to an interest focus.

Statement: *"We're not budging. We have financial commitments to our members that we have to keep. We insist on full compensation of \$200,000 and there is no way we will take a penny less!"*

Reframe: *"So fair monetary compensation is a critical piece of the overall settlement for you because you have people counting on it and on you."*

#### Reframe a judgment focus to a problem focus.

Statement: *"He is a liar. He doesn't deserve our trust. All we have seen is a bunch of broken promises."*

Reframe: *"So, you will need safeguards to be built into the agreement in order to be confident that it will be carried out?"*

#### Reframe a blame focus to a need focus.

Statement: *"She has let down the kids again and again; drinking, not showing up when she's supposed to... what a worthless excuse for a mother!"*

Reframe: *"I'm hearing your anger and your worry about the impact on the children. In the future, you want the assurance of consistent, reliable behavior from her whenever she has a commitment to be with the children. What specific steps would you like to see happen?"*

#### Reframe past focus to a future focus.

Statement: *"That's the last straw. In the last five years that I have known you, I don't think I have ever seen you show up for an appointment on time."*

Reframe: *"It sounds to me like you're really fed up with waiting and you want to make sure that the rest of our meetings begin promptly. Shall we try to develop a schedule that will work for everyone?"*

#### Reframe an individual problem focus to a shared problem focus.

Statement: *"We're not in the entertainment business in running the public schools. Sometimes kids have to be in classes they don't want to take and it's up to the parents to get them to accept it."*

Reframe: *"Both school officials and parents are concerned about kids' attitudes in school. Are there ways you can be helpful to the parents in working on Jimmy's attitude?"*



Don't give up—keep practicing this essential mediation skill. And remember, if you miss the mark with a reframe, the parties will set you straight. Thus, even an incorrect reframe is valuable because it will give the parties the chance to clarify their intent.

Until next time!  
Marvelous Mediator

# Upcoming Volunteer Training

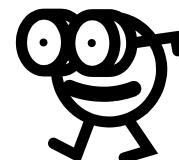
## The Basics of Flipcharts!

Come join us for an evening training on how to use flipcharts and white boards more effectively in your mediations! Natalie Threlkeld will present the basic introduction to using this space and your time wisely during mediation. You'll get practical application and a chance to try this, along with finding out what the Goldilocks exercise is all about! The training will be held March 12, 2007, at the Law and Justice Center (645 S. 200 E. in Salt Lake City) from 5:30-7:30 PM. A casual dinner will be provided.



### Are you looking for something to help you improve your mediation skills?

◆ Narrative Mediation: A New Approach to Conflict Resolution. John Winslade & Gerald Monk. Publisher, Jossey-Bass Inc., (2000) ISBN 0-7879-4192-1



◆ Narrative mediation is a fresh approach to conflict resolution based on the paradigm of story telling. It differs from interest-based negotiation and problem-solving approaches in its character and basic assumptions. It starts from the idea that people construct conflict from the stories they create concerning past events, rather than viewing conflict as stemming from a failure to meet inner needs and interests.



Early in the book, there is a very interesting discussion of "conflict theory" that the authors use to argue that the narrative approach offers a better way for mediators to help parties come to terms with cultural issues such as ethnicity, gender, class, education and wealth. If one accepts their theories of conflict, then a very compelling case can be made that the narrative approach is one that mediators should learn more about. In practice, the narrative mediation process has three phases---engagement, deconstructing the conflict-saturated story, and constructing the alternative story. What follows is an over-simplified explanation of each phase.

**Engagement:** This phase includes anything that occurs from first contact with parties to each party's telling of their stories in the actual mediation session. It includes initial phone calls, sending of brochures, letters, scheduling, setting up the room, signing agreements to mediate, etc. It culminates with each party presenting their side of the dispute when the mediator invites them to tell the story.

**Deconstructing the conflict-saturated story:** In the second phase of the process, the mediator begins to work actively to separate the parties from the conflict-saturated story by gently seeking to undermine the certainties on which the conflict feeds and to invite the parties to view the plot of the dispute from a different vantage point. This lays the groundwork for the third and final phase of narrative mediation.

**Constructing the alternative story:** In the final phase, the mediator is occupied with assisting the parties to craft a more preferred story line that is conflict-free or conflict-diminished where both parties can take ownership of the shared story. This phase may lead to a resolution that takes the form of an agreement between the parties. However, this is not assumed to be the best outcome. Sometimes the development of an attitude of cooperation and respect may be more important than any agreement. On other occasions the story of what happened may be revised in ways that dissolve the conflict altogether. The narrative approach to mediation was described by the authors as "less grueling than problem-solving mediation." That's all I needed to hear! This book will be of interest to anyone who would like to learn about new and innovative ways to do this work.

Contributed By Russ Osguthorpe

#### Utah Dispute Resolution Staff

Executive Director: Nancy McGahey

Special Projects: Pam Nelson

Office Manager and Case Management Supervisor : Sara Johnson

Court Mediation Programs: Russ Osguthorpe

Training Director: Sue Petty

Youth Program and Training Coordinator: Heather Threlkeld

Spanish Program and Case Manager: Smitty Monson

UDR Newsletter Editor: Heather Threlkeld

