

Special points of interest:

- New Legislation and Rule changes
- New staff members to welcome to the family
- Christmas Party Information
- Marvelous Mediator asks for input on reframing
- Landlord/Tenant training available for Mediators
- An all call for help SOS! Mediators needed! Speaks Outstanding Spanish
- Helpful Resources for Mediators
- Basic Mediation Registration Information for the February Class

Inside this issue:

Introduction of our new staff members	2
Legislation changes that affect mediation	1,3
UDR Christmas Party Update	3
Ogden office for UDR opening	4
Congratulations to Sara Johnson	5
Upcoming Mediation training dates	6
Helpful Resources and References	6

Proposed Changes to Court Roster Training Requirements Statewide

A proposal to change Rule 4-510, which establishes and defines Alternative Dispute Resolution as it is used by the Utah Court system, is entering the public comment period. This proposal would define a 'Court Qualified Mediator,' alter the length of training for mediators not already on the court roster, and change the types and public access to sanctions for ethical breaches for mediators on the court roster.

The basic training requirement would change from 32 to 40 hours and the required experience would change from 10 to 20 hours to qualify for the court roster. The training requirement to be listed as a divorce mediator on the court roster would be changed from 24 to 32 hours. This includes at least 6 hours of domestic violence training. Each training workshop must be taught as a single course from one court approved provider. In addition to the classes, a mandatory mentorship with a Domestic

Mentor, someone who has completed at least 300 hours of domestic mediation and who has completed a domestic mentor orientation, will be required to be listed on the divorce mediation roster for the courts. The mentorship would consist of at least two mediations that the mentee observes, two co-mediations, and two solo mediations with the mentor observing. Each of the six or more mediations would be followed by a feedback and question period with the mentor and mentee.

New applicants to the court roster must have completed the basic training within the previous three years.

The rule also includes provisions for addressing ethical violations by roster mediators. Some of the new sanctions include: temporary suspension pending either a review and retest of the online ethics exam, or other additional training as deemed

necessary by the program director; written warning; a period of required observations by the program director; or removal from the court roster. The appeals process for these sanctions would not change. Most sanctions would be listed on the court website alongside the mediator's name so that the public is informed of a mediator's record of ethical behavior.

To see a copy of the proposed rule changes, visit <http://www.utcourts.gov/resources/rules/comments/2006/10/CJA04-510.pdf>

The proposed changes would take effect April 1, 2007. To make a comment during the public comment period, which ends December 18, 2006, click on the comment button underneath the list of proposed rule changes on the website above.

Newsletter Gets a New Name!

After much discussion, brainstorming, and head scratching, UDR's 'Mediation Times' has been given a make-over. Since our volunteers are really the people who make this possible, we dedicate the newsletter to you as a reference, a source of information, and hopefully the occasional smile. The new name, U R UDR, is

hopefully a reflection of the impact you can have on the community and a source for professional development for mediators in Utah.

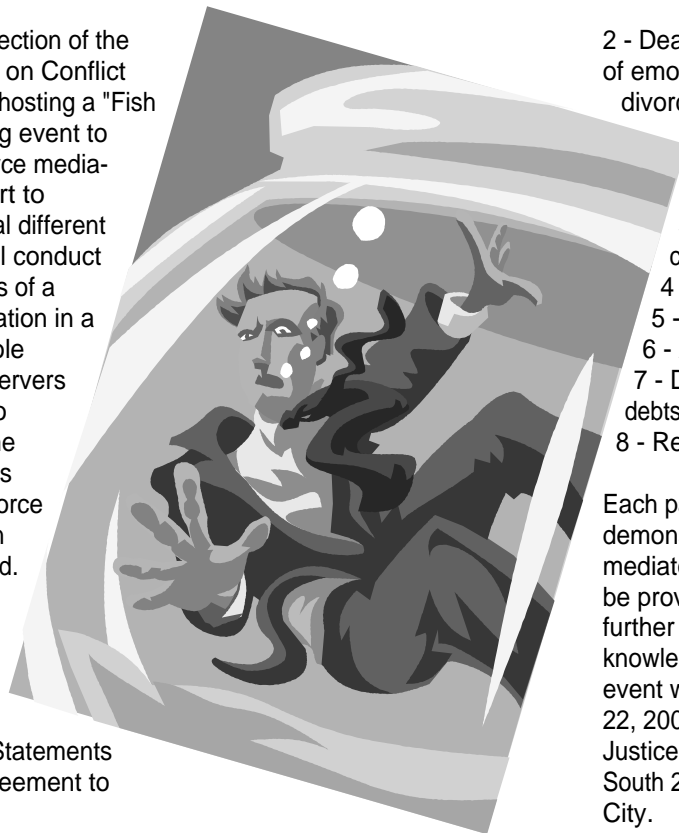
Thanks to our wonderful volunteers who make up the Utah Dispute Resolution family!



Utah Council on Conflict Resolution FISH BOWL

The Family Section of the Utah Council on Conflict Resolution is hosting a "Fish Bowl" learning event to model a divorce mediation from start to finish. Several different mediators will conduct separate parts of a divorce mediation in a continuous role play. The observers will be able to experience the different styles and ways divorce mediation can be approached.

The separate parts to be observed will include:
1 - Opening Statements including Agreement to Mediate



- 2 - Dealing with the high level of emotion present in a divorce where children are involved as each parent argues their suitability for custody
- 3 - Legal vs. physical custody issues
- 4 - Parenting plans
- 5 - Child Support
- 6 - Alimony
- 7 - Division of property, debts, and assets
- 8 - Retirement

Each part will be explained and demonstrated by master mediators. A debrief will also be provided after each part for further questions and knowledge to be shared. This event will be held on February 22, 2007 at The Law and Justice Center located at 645 South 200 East in Salt Lake City.

More info to come!

“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

Additions to the Office Staff! Welcome!

We have two recent additions to our office staff. Christy Scharton has been hired to help open and manage our Ogden office. Heather Threlkeld has been hired to work on community outreach with Horizonte High School and its peer mediation program, along with helping with training at UDR. Christy and Heather are AmeriCorps volunteers through the National Association for Community Mediation.

Christy lives in Brigham City, Utah with her husband and two of her three children. Her oldest daughter and two grandsons live in Fort Collins, Colorado. She's been interested and involved in mediation since 1999. Prior to becoming a mediator, Christy worked with the federal government for 18 years. She provided training, management,

labor relations, and workplace mediations there. She enjoys scrap-booking, gardening, and cross-country skiing in her spare time. She is looking forward to opening the new center in Ogden and helping the community.

attending Utah State. Her career goal is to become a certified American Sign Language interpreter and work with the Deaf community. She likes to read, watch TV dramas, and try to catch up on the sleep she missed in college. Her background includes editing the yearbook in high school, working with the Residence Hall Association at USU in helping build community for on-campus residents, and teaching for a brief period as a substitute teacher for the Davis County School District before joining the UDR family.



Heather is 22, and a recent graduate from Utah State University with a BS in Integrated studies focusing on American Sign Language Interpreting. She was born in Ogden and raised in Kaysville. She graduated from Davis High School prior to

If you meet one of these lovely ladies on the phone or in the office, say hi!

They are excited to meet you!

It's That Time of Year Again!



It's time,
once again,
for the
UDR
Christmas Party!

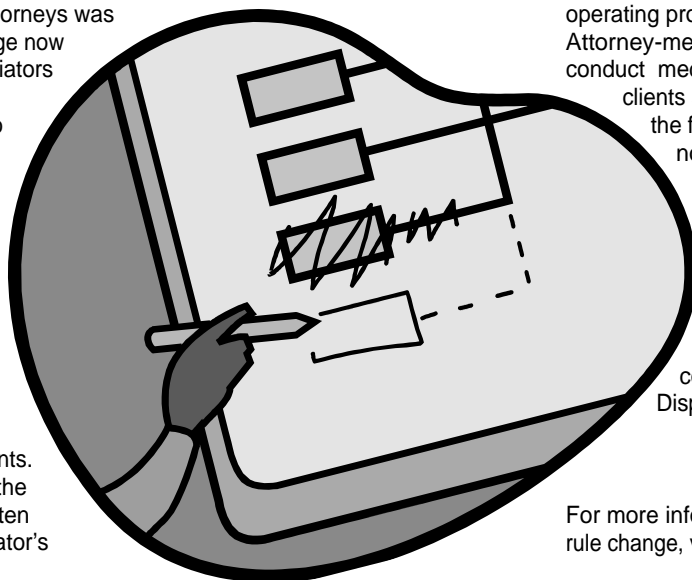
We hope you will all join us on December 8th from 4-7 at our Salt Lake Office for the annual Christmas Party! We are located at 645 South 200 East in Downtown Salt Lake City. We

are on the 1st floor (basement) of the Utah Law and Justice Center. For directions, questions, or more information, please don't hesitate to call us at (801) 532-4841! We Hope to see you there!



Lawyer's Roles as Third Party Neutrals—The Effect of Rule 2.4

Effective November 1, 2006, Rule 2.4 of the Rules of Professional Conduct for Utah attorneys was modified. This change now allows attorney-mediators to draft and file the formal documents to memorialize and implement an agreement reached in mediation. The amended rule requires attorney-mediators to recommend that each party seek independent legal advice before they execute the documents. It also requires that the parties provide written consent of the mediator's limited role as legal representative.



Despite this change, Utah Dispute Resolution will not alter operating procedures. Attorney-mediators who conduct mediations for UDR clients should not prepare the formal documents nor offer to provide this service to UDR's clients at the conclusion of mediation. If you have concerns or questions about this policy, please contact Utah Dispute Resolution.

For more information on the rule change, visit:

http://www.utcourts.gov/resources/rules/ucja/13_proco/2_4.htm

"Honest disagreement is often a good sign of progress."

Mahatma Gandhi

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 Pam Nelson at (801) 532-4841 if you are one of the polyglots we are looking for.



UDR is G R O W I N G! Plans to open our Ogden Office!

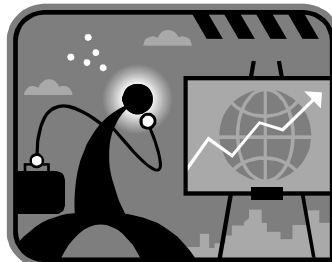
UDR is expanding to include a new office in Ogden! We hope to be able to serve the Northern Utah community better by providing mediation by our volunteers in the Weber County area at our new South Ogden office. We have hired Christy Scharton, mediator and AmeriCorps volunteer, to serve as the office manager at the new location.

It encompasses 1200 square feet and will provide a facility for

mediation, training, and supervised parent time and neutral child exchanges through WillWin, another service based company expanding north along the Wasatch Front.

We plan to move in to the new space mid-December 2006 and host a grand opening in January 2007. Watch for more information to come on this event.

The address of the new location is 942 Chambers St. #14 South Ogden, UT 84403. To see a map of the location, type that address into either MapQuest.com or Yahoo! Maps.



“The most important thing in communication is to hear what isn’t being said.”

Peter Drucker



The Wisdom of Mr. Rogers

Taken from ‘Life’s Journeys According to Mister Rogers’
by Fred Rogers

“Anything that’s human is mentionable, and anything that is mentionable can be more manageable. When we can talk about our feelings, they become less overwhelming, less upsetting, and less scary. The people we trust with that important talk can help us know that we’re not alone.”

“What’s been important in my understanding of myself and others is the fact that each one of us is so much more than any one thing. A sick child is much more than his or her sickness. A person with a disability is much, much more than a handicap. A pediatrician is more than a medical doctor. You’re much *much* more than your job description or your age or your income or your output.”

“I wonder if we might pledge ourselves to remember what life is really all about - not to be afraid that we’re less flashy than the next, not to worry that our influence is not that of a tornado, but rather that of a grain of sand in an oyster! Do we have that kind of patience?”

“I need thinking time when someone asks me a searching question. I wonder why it seems to be so uncomfortable for many people to wait through the silence. People of all ages have deep feelings, and if we have the patience to wait through the silence, it’s often astounding what people will tell us.”

“Our world hangs like a magnificent jewel in the vastness of space. Every one of us is a part of this jewel; and, in the perspective of infinity, our difference are infinitesimal. We are intimately related. May we never even pretend that we are not.”



“The roots of all our lives go very, very deep and we can’t really understand a person unless we have the chance of knowing who that person has been, and what that person has done and liked and suffered and believed.”

“Every human being has value. This is the basis of all healthy relationships. Through living each day as it is given to me, I’ve learned that. It cannot be ‘taught’ but it can be ‘caught’ from those who live their lives right along with us. What a privilege to be able to look for the good in our neighbor!”

“How our words are understood doesn’t depend just on how someone receives what we’re saying. I think the most important part about communicating is the listening we do beforehand. When we can truly respect what someone brings to what we’re offering, it makes the communication all the more meaningful.”

“The best gifts are often wrapped in the most unspectacular ways. You’ve probably had many fancy wrapped up gifts - gifts which dazzle the eyes and impress the neighbors; nevertheless, isn’t it the ‘heartsurprise’ that lingers in your memory and serves to nourish you from year to year?”

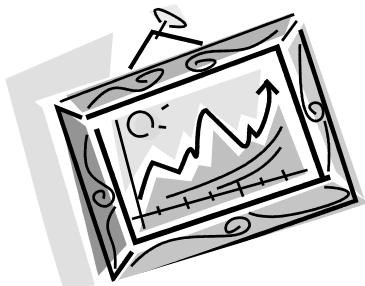


Dear Marvelous Mediators:

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

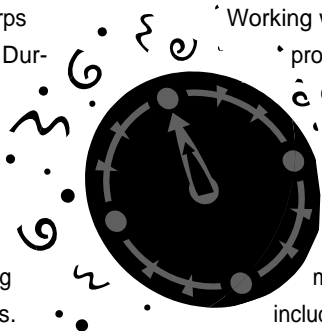


Do any of our Marvelous Mediators have advice for Discouraged and Disdained? Send your input or ideas about reframing to heather.threlkeld@utahstatebar.org by January 19, 2007 and we'll compile your advice into our next column!



Sara Finishes her AmeriCorps Hours!

On November 10, 2006, Sara Johnson completed her term (1700 hours) as an AmeriCorps Volunteer with UDR. During her tenure, Sara helped create a peer mediation program by training high school students at Horizonte Instruction and Training Center to be mediators. She and the students made a video that explains what mediation is. They have shown the



video to the student body so they can be aware of the program. Working with the youth provided Sara with challenges, as well as great rewards. Sara also spent her service hours doing case management, which includes the intake and scheduling of domestic and community mediations. The highlight of Sara's experience was

associating with the wonderful peer mediators and students at Horizonte and the incredible volunteers and staff at UDR. She is grateful for the opportunity to continue her association with them.

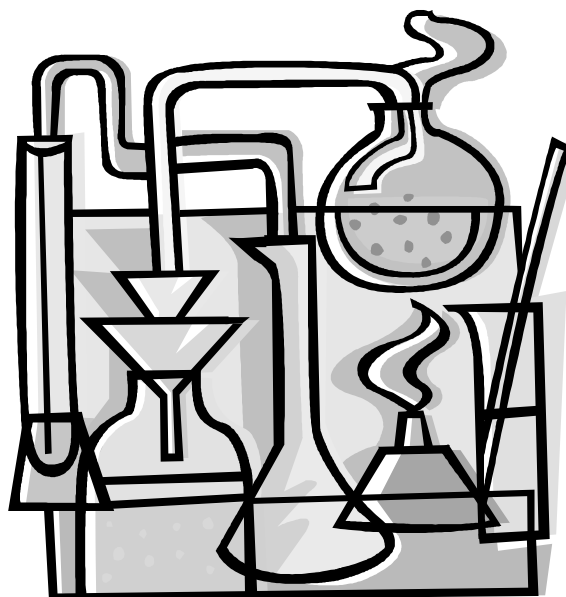
Although her hours are complete, she is not leaving UDR. She has accepted a full time position as the Office Manager and Intake Supervisor. UDR is fortunate to have her on staff.

A Big THANK YOU to Shelly Wilkerson!

Those who attended UDR's volunteer training in August found the evening well spent. Shelly Wilkerson, a child welfare mediator for the Administrative Office of the Courts, gave an excellent presentation on the prevalence of methamphetamine in Utah. She gave insights into the psychology of methamphetamine users, in addition to the effects the drug may have on someone who is participating in a mediation. Shelly

gave pointers to mediators on how to deal with someone suspected of being under this addictive drug's influence. The information Shelly gave was informative, useful, and interesting. Thank you, Shelly, for giving of your time and expertise! And thank you to those who attended the training.

- Contributed by Sara Johnson



Upcoming Training

Basic Mediation Training

This court approved Basic Mediation Training course will be offered February 7, 8, 9, 12, and 13, 2007! It is a 40 hour course which meets the requirement to be listed on the Court Roster. The cost is \$800 prior to January 7th and \$850 after that date. Sign up now with UDR! Spots are filling fast! If you know anyone who might be interested in becoming a mediator, have them contact Sue Petty or Heather Threlkeld at (801)532-4841 or Toll Free at 1-877-697-7175



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



- ◆ **The Handbook of Family Dispute Resolution: Mediation Theory and Practice** By Alison Taylor (Published by Jossey-Bass)

No matter your profession (attorney, clinician, family therapist) or skill level (seasoned professional or novice), *The Handbook of Family Dispute Resolution* is an invaluable resource that outlines the most effective mediation approaches, techniques, and skills. *The Handbook of Family Dispute Resolution* is a practical and comprehensive guide that includes



- A review of professional ethics and standards
- Help for attorneys who are not trained in the skills needed for working with families
- Information about cultural issues that affect families during mediation
- Highlights of key legal and negotiation skills
- Guidelines for understanding complex family dynamics and conflicts
- A screening tool for evaluating domestic violence
- A matrix for starting discussions of parenting plans based on children's needs
- An examination of specialized practices for family mediation
- Direction for assessing one's professional approach to family mediation

I Hear What You Say, But What Are You Telling Me?: The Strategic Use of Nonverbal Communication in Mediation By Barbara G. Madonik (Published by Jossey-Bass)

I Hear What You Say, But What Are You Telling Me? is a fascinating, original, and invaluable tool kit filled with practical information and techniques for mediators who want to use nonverbal communication to their strategic advantage. Employing a proven process, Barbara Madonik—communication expert, mediator, and international consultant—reveals what it takes to understand, analyze, and utilize nonverbal communication to greatly enhance the mediation process.

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

