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Ogden Office Relocates

There have been some exciting changes in our Ogden area office of late. We have a new location at the YCC building, 2261 Adams Ave. The new phone number there

is (801) 689-1720 and fax (801) 689-1753. Laura is enjoying her new habitat and the office atmosphere in a building with other people she can interact with

By Laura Sheridan

more regularly. The staff at the YCC have been very helpful in getting our phones and computers going. Drop by and say hi to Laura and check out the new space!

New Small Claims Program for Second District

UDR has started a small claims program in Ogden. Small claims court is held every Tuesday at 3 pm with the judge arriving at 4 pm. This arrangement allows the parties time to mediate rather than wait for the judge to arrive. We have had great support from all the staff at the Ogden courthouse, and

have had success in arranging mediations too. We are hoping to get as many people involved as possible. If anyone would like to volunteer and has not been invited to do so, please to contact Laura in the Ogden office at (801) 689-1720. Like every court, Ogden has some unique features so we

By Laura Sheridan

will be holding an orientation for Ogden area mediators on the 15th of May at 7 pm in our new Ogden office. If you are unable to attend that orientation, the information can be provided to you at another time if you are interested in volunteering.

Child Support Technical Amendments

This year the state legislature amended the child support statute to clarify some confusion about which table to use.

Use the previous child support obligation table (effective prior to December 31, 2007) until

December 31, 2009 to modify a *final order* if that order was established or modified on or before December 31, 2007. This will be effective until December 31, 2009. At that time, the old table will be eliminated.

Use the new table (effective

By Nancy McGahey

January 1, 2008) to modify a temporary judicial child support order that was established on or before December 31, 2007 if the new order is entered on or after January 1, 2008.

Reminder for Court Roster Qualification

Utah Dispute Resolution requests that volunteer mediators for all UDR programs qualify annually for the Utah Court Roster of Mediators. If you have not re-qualified for 2008, please contact Kathy Elton, ADR Director at the Administrative Office of the Court, to determine requirements for re-qualification. Mediators who fail to maintain their court-qualified status may be

dropped from UDR's rosters.

Volunteers who are still gathering hours to qualify on the roster for the first time will be given reprieve from this requirement as long as they are working toward qualification.

If you prefer being excluded from the court roster, you must still meet the roster qualification. In this event, contact Nancy McGahey at UDR to talk about your concerns.

By Nancy McGahey

Thanks to all of you who donate your time to help our community through UDR programs.



Family Volunteer Mediator Roster Meeting Summary

In January, we held a meeting for UDR’s Family Roster to go over some policy updates and changes. For those of you unable to attend, we’re including the information here! For more information, see our volunteer section on our website at www.utahdisputeresolution.org

UDR Policies & Procedures:

- Only UDR volunteer mediators and staff members may make copies—please don’t allow clients or attorneys to use the copy machine.
- If a caucus is needed, notify a staff member to check if a room is available.
- UDR will only allow copies of files off site; originals will be kept in our offices.
- Please leave all original files at UDR—if volunteers need to take information from the file, please make copies.



Mediation Fees:

- UDR has updated our fee schedule based on the 2008 Federal Poverty Level; copies are on file at UDR.
- Credit cards will no longer be accepted as a form of payment for mediation.
- Check payments must be made out to the mediator directly; any checks made payable to UDR will not be accepted.
- Collection for payment will be the mediator’s responsibility.
- UDR has updated our scheduling letters to include accepted forms of payment.
- A \$40.00 fee will be assessed to any party who cancels with less than a 24 hour notice of the mediation date; if collected, this fee will be paid to the mediator.
- UDR will not re-schedule a mediation until this fee has been paid.
- UDR has updated our scheduling letters to include cancellation notification policy and requirement.

Peace cannot be kept by force. It can only be achieved by understanding.
- Albert Einstein

Recognizing A UDR Legend (in his own mind)

Russ Osguthorpe recently celebrated his tenth anniversary with UDR. On the same day he mediated his 1000th case.

Russ’ affiliation with UDR began in April of 1998 when he was visiting his credit union and realized that UDR was located across the street at the Law and Justice Center. He dropped in on Sue Petty to say hi. She and Pam Nelson were working on a back log of community cases and asked him if he would like to help mediate some of those cases to get caught up. He stuck around to help out, was offered a job two weeks later, and we’ve had him ever since.

Russ has resolved more than 800 face-to-face mediations and over 200 phone conciliations.

His favorite cases are what he likes to call “love affairs gone bad.”

These are couples who moved in together and planned to spend the rest of their lives together and then realized that they were less than compatible. These cases are entered in the data base as “roommate.” His least favorite cases are at the Law & Motion calendar involving collection agencies suing people who ran up huge medical bills as the result of life threatening conditions and having no health insurance to cover the cost.

Two of his most memorable mediations over the years involved sports equipment and wildlife. The first was when he was asked to retrieve a water ski from one party’s car and return to the courthouse to give it to the other party in a “love affair gone bad” case. The other memorable case concerned a man who shot a polar

bear in the Arctic and had the pelt made into a rug. He pawned the rug and when he went to retrieve it, the pawn shop couldn’t find it. However, amazingly, the pawn shop just happen to have *another* polar bear skin rug and was willing to give him that one in place of the one that was lost at their shop.

In honor of Russ’ accomplishments, the staff at UDR gave him a T-shirt with the following printed on the front: “I am a Qualified Neutral Person”



Spotlights on our Fabulous Volunteers!

This issue, UDR features one of our domestic mediator volunteers and two of our graduating peer mediators. These three dedicated volunteers deserve recognition for their efforts.

Orson West as volunteered as a domestic mediator volunteer with UDR since completing training in March of 2004.

Orson is the first person in his family to be born in the United States. His family immigrated here from Denmark when he was younger and he speaks fluent Danish because of this. He attended and graduated from South High School here in Salt Lake City and finished his undergraduate program at the University of Utah. He then enlisted in the military and served three years in the Marine Corps. After finishing his tour of duty with the marines, he attended Law School at the University of Nebraska on the GI Bill.

Orson's interest in mediation began while he was representing clients who were parties in mediation. He learned from Bill Downes and Marcie Keck about mediation and worked to build the skills he would need as a mediator.

Orson enjoys working with parents to help them work out parenting and visitation issues because it is gratifying for him. He doesn't like working on financial issues because they are more tedious.

Orson was drawn to mediation after realizing that the process offers clients more creative solutions than they might receive from court.

His advice for other mediators is to treat other people with respect and dignity, be a good listener, and recognize that 'sometimes humor can lessen a tense situation.'



Emily Sloan is a graduating senior from Horizonte High School. She was born in Chicago, IL, and moved to Salt Lake with her family a few years ago because of her dad's job.

Emily's favorite part of peer mediation is helping other people solve their problems. She feels this is important because there were times in her life when no one was available to help her, and she wants to take this opportunity to help others who may feel the same way. Emily regrets that her work schedule has made it difficult to volunteer with the Salt Lake City Peer Court.

She became interested in mediation because the class looked fun and her friends enjoyed it, but told her she'd have to take the class to find out why.

The most important life lesson for her so far is not to take anything too seriously or make other people's problems into your own. If you take it to heart, you can't help fix it.

Hector Perez is another graduating senior from Horizonte High School. He plans to become an architect and will be attending college in the fall. He loves to break dance.

Hector's motivation to become a peer mediator was to help others learn that revenge is not the way to solve problems. 'It's better to make friends than enemies.'

He enjoys helping people come to an agreement. He feels like a better person by helping people solve their problems and making a difference in their lives. His challenge in mediation is putting himself in other people's shoes and finding an open-ended question that will help them see the other person's perspective. He's always searching for a way to help people understand each other and see the bigger picture rather than focusing on one detail of the disagreement.

Hector's advice to everyone is to recognize that the little things help people more than we may realize they do when we do them.

Everyone is wounded in some way. Those of us who have found the means to begin healing need to reach out and help those who are still hurting.
-Bev Cobain

National Recognition for Our Volunteer

Adam Mow, UDR's volunteer mediator and attorney with Babcock, Scott, and Babcock, was recently selected as the Ball State University's Graduate of the Last Decade Award recipient.

Adam was featured in the last issue of UDR's newsletter as one of our dedicated community volunteer mediators.

Congratulations Adam!



Parenting Guidelines Revised

By Nancy McGahey

This year the state legislature revised the Utah Minimum Parent Time Guidelines (UCA 30-3-35 and 30-3-35.5), the Advisory Guidelines (UCA 30-3-33), and the Relocation Statute (UCA 30-3-37). These revisions become effective on May 1, 2008. Highlights of these revisions are summarized below.

UCA 30-3-35 Revisions.

Several holidays shift between even- and odd-numbered years, making for a more consistent alternation of holidays between the custodial and non-custodial parents. The following holidays move from even to odd years: July 4, Labor Day, and Fall Break. These holidays move from odd to even years: Memorial Day, July 24, and Halloween.



One significant change affects the winter school break. The new guideline splits the break evenly with Christmas Eve and Day falling in the first half of the break, and New Years Eve and Day falling in the second half of the break. This change would result in each parent having the children for all of Christmas Eve and Day every other year, rather than splitting Christmas Day as the previous guideline directed.



The revised guidelines allow the non-custodial parent to begin the weekday visit, weekend visit, or holiday earlier (at 9:00 am) if school is not in session. This includes "snow" days, teacher development days, or other days when school is not scheduled.



Another revision this year allows "a step-parent, grandparent, or other responsible adult designated by the non-custodial parent"... to "pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7:00 pm."

If the child's birthday conflicts with a holiday, the birthday takes precedence over holidays and extended parent time, except Mother's Day and Father's Day. However, birthdays do not take precedence over uninterrupted parent time if the parent exercising uninterrupted time takes the child away from that parent's residence for the extended time.



UCA 30-3-35.5 Revisions. The minimum parent-time schedule for children under five years of age is also revised as of May 1, 2008. This year's revision

clears up the previous confusion with the overlapping guidelines for children from 5 to 12 months by correcting the phases for children from 5 to 9 months and 9 to 12 months.

UCA 30-3-33 Revision. The new Advisory Guidelines include an additional provision that states: "If the child is on a different parent-time schedule than a sibling, based on Sections 30-3-35 and 30-3-35.5, the parents should consider if an upward deviation for parent-time with all the minor children so that parent-time is uniform between school aged and non-school aged children, is appropriate."

UCA 30-3-37 Revisions. Another significant change involves the Relocation Statute. The new guideline allocates the entire winter break and the fall school break (rather than spring) to the non-custodial parent in even-numbered years. In odd-numbered years, the non-custodial parent would have the children for the Thanksgiving holiday and the spring break (rather than fall).



The revision also allows the non-custodial parent to exercise parent time one weekend each month at the option and expense of that parent. If the non-custodial parent is unable to exercise the minimum parent time because of finances and distance, then the court should consider awarding more time to the non-custodial parent during the summer.

You may review the enrolled copy of this revised bill online at: <http://le.utah.gov/~2008/bills/hbillenr/hb0071.pdf>.

It is wise to direct your anger toward problems, not people; to focus your energy on solutions, not excuses.
- William Arthur Ward

Marvelous Mediator

Dear Marvelous
Mediator,

I heard that court roster qualified mediators are now required to send disposition notices on all cases that have been filed with the court. How does this work? Why do I have to do it?

Perplexed Paperworker

Dear Perplexed,

I know it may feel frustrating or confusing to have another step added to your process when mediating, but this one serves a real purpose, according to court personnel. The court is tracking the number of cases being mediated and resolved without seeing a judge. This information will provide statistical support for mediation in Utah's court system.

The disposition notice provides the court with information, including mediator's name, date of the mediation, and outcome of the mediation. By compiling the information from disposition notices, the court will learn which judicial districts are using mediation and which districts may have need for more mediation support.

Judicial districts impose different rules. Some districts require mediation for certain kinds of cases, and some have no mediation requirements. If the court learns that mediation is saving time,

money, or effort, then it could impose mediation requirements state-wide.

When completing the disposition notices, list the date when the answer was filed, if you know it. If you don't have this information, the court clerk can add it later.

The outcome options on the

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disposition notice include:

Full Agreement—meaning everything has been settled

Partial Agreement—meaning some issues are resolved and some remain unresolved, or there is a temporary agreement that is not necessarily the final plan

No Agreement—meaning nothing was worked out in mediation

Excused—used to waive the mediation requirement for contested divorces

Screened Out—used only for the Co-Parenting Mediation Program

Not Mediated—used if you scheduled the mediation and it did not occur

The Not Mediated option includes space to explain

why the mediation did not take place. For example, if a party fails to appear for a scheduled mediation, you could include this information.

The Mediation Agreement forms used in UDR's court programs include disposition boxes at the top: Resolved and Not Resolved. Be sure to mark the appropriate box and leave the top copy with the clerk. It is not necessary to file another disposition notice for these cases.

If you are mediating a UDR domestic case, our case managers will provide the appropriate disposition notice in the case file. Please provide the clients and attorneys with completed copies and leave the original and two copies in the UDR file. Our case managers will mail copies to the court.

For private mediations, you may obtain blank copies of the disposition notice forms from Kathy Elton, the ADR Director at the Administrative Office of the Courts. You may save a stamp and fax the notices directly to the AOC at 801-578-3843.

The information gathered from mediation disposition notices will provide helpful statistics on mediation as it's used in the court system.

Until next time,

Marvelous Mediator



Volunteer Training

Share your ideas!

Have a topic you'd like to be trained about?
Think you've got a great idea and want to share it with other mediators?
We want to hear from you! Please contact Heather and share your skills, resources, or curiosity with us! As our volunteers, we are here to help you. Feedback and suggestions are welcome and appreciated!



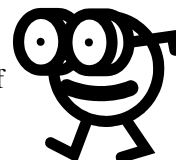
“The Open Space of Democracy”

Terry Tempest Williams

Book Review by Julene Fisher

Banned in Florida. Booted at the University of Utah. What could enviro-activist Terry Tempest Williams possibly have to say of relevance to mediators?

Granted, her prose is pure poetry. On a sleepless July night you wander with her in the blossoming tundra of the Arctic National Wildlife Refuge in a twilight that never fades to black. You are beside Williams another time as the wind shifts and a grizzly under surveillance becomes the surveyor. For the sheer beauty and love of words exquisitely selected and stories vividly related you might choose to read Williams' book. But neutrality is the mediator's mantra and first commandment. And in *The Open Space of Democracy* Williams is often insistent, always passionate. Never neutral. What is a professional grounded in neutrality to learn from one so avowedly un-neutral in her positions?



–**Respect for opposition:** "If we cannot engage in respectful

listening there can be no civil dialogue and without civil dialogue we the people will simply become bullies and brutes, deaf to the truth . . ."

–**Dedication to principle:** "We are nothing but whiners if we are not willing to put our concerns and convictions on the line with a willingness to honestly listen and learn something beyond our own assumptions."

–**Appreciation for careful listening:** "Even if we can prevail and listen for only one hour, the other person will obtain a great deal of relief. Listening with an open heart, we are able to keep compassion alive. Then we give the other person a real chance to express his or her feelings." (Quoting Thich Nhat Hahn, Zen Buddhist monk)

–**Commitment to communication:** "To have peace, we must first have understanding and understanding is not possible without gentle, loving communication. Therefore, restoring communication is an essential practice for peace."

–**Encouragement in difficulty:** "Don't worry about what you will do next. If you take one step with all the knowledge you have, there is usually just enough light shining to show you the next step." (Quoting Mardi Murie, environmental advocate)

Your challenge in reading Terry Tempest Williams' *The Open Space of Democracy* as a mediator might be to find wisdom despite disagreement. Or to find agreement without arrogance. Or simply to be reminded that "in the open space of democracy [and of mediation] there is room for differences."

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Utah Dispute Resolution Staff

Executive Director: Nancy McGahey

Development Manager: Pam Nelson

Office Manager and Case Management Supervisor: Rachelle Geary

Court Mediation Programs: Russ Osguthorpe

Spanish Program Case Managers: Julene Fisher and McLean Smithson

Ogden Office Staff: Laura Sheridan

Training Facilitator: Sue Petty

Youth Program and Training Registration Coordinator: Heather Threlkeld

UDR Newsletter Editor: Heather Threlkeld

