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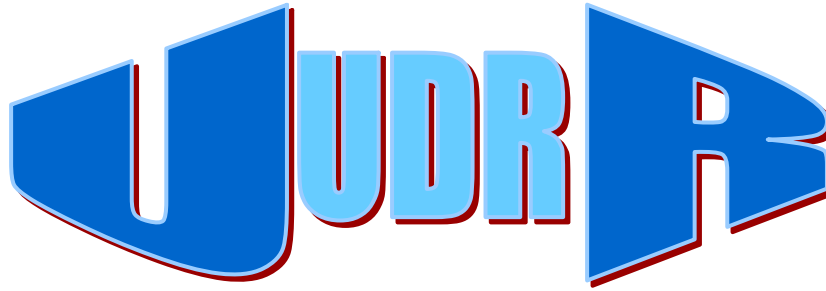
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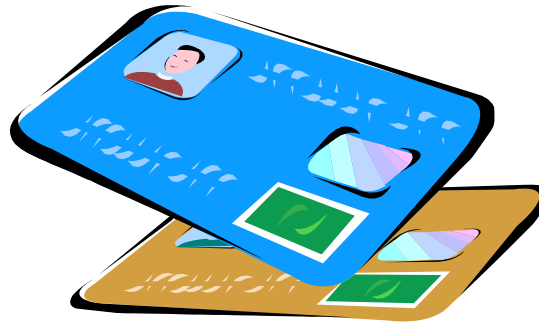


Resource for Mediators

A big thanks to Orson West for sharing this information with us so we can provide a great resource to all of you!

Propay.com offers small businesses, such as private mediators, the resources to accept credit card payment. They offer this service for a yearly fee of \$34.95 plus 3.5% and \$.35 per transaction. The service has no minimum number of transactions and no cancellation fee if you decide you don't like it. If you don't use it for

more than a month, they don't charge you a fee as most online credit card service providers do. The website also offers free signs online for use in promoting that you accept credit and debit cards. The



transactions can be processed online or by phone, making it easy to accept payment at the mediation even if you don't have internet access. You can send a link through e-mail as well if you charge any type of fee for preparing a memorandum and don't know the time or fee up front.

It takes about five minutes to sign up for this service and is a valuable resource for mediators looking to accept another form of payment!

Salt Lake Peer Court Seeks Advisors to Help with Mediation

Salt Lake Peer Court, an alternative approach to juvenile justice for youth offenders, is seeking adult volunteers to work with high school students from the Salt Lake City School District as they adjudicate and mentor youth offenders in a non-adversarial process. Peer Court provides positive peer influence to hold youth accountable for their actions, and strengthen their ties to school and community.

Volunteer opportunities include working as greeters, advisors, or mediators for the 2008/09 school year. Greeters meet and greet families as they arrive for court hearings. Advisors support the courtroom and peer mentoring process. Mediators team together with students to facilitate mediations.

When: Thursday evenings, 5:45 - 8:00 PM

Where: Matheson Courthouse, 450 South State Street

Contact: Kathleen Zeitlin - (801) 322-1815 or email: slpcourt@xmission.com

UDR Annual Report 2007-2008 Fiscal Year

Mediation Programs—Case Disposition. Parties in mediation reach resolution in a majority of cases. Last fiscal year, 72% of all mediations conducted through UDR reached full or partial agreement. The chart below summarizes the numbers of cases and mediations, as well the dispositions of mediations conducted in each of UDR's program areas.

Program Area	# Cases	# Mediations	Fully Resolved	Partially Resolved	Not Resolved
Family	619	210	55%	31%	14%
Small Claims (total)	686	686	67%	3%	30%
Salt Lake City	375	375	66%	4%	30%
West Jordan	82	82	59%	1%	40%
West Valley City	73	73	84%	4%	12%
Taylorsville	48	48	56%	0%	44%
Bountiful	25	25	92%	0%	8%
Logan	69	69	88%	0%	12%
Ogden	14	14	50%	0%	50%
Small Claims Appeals	193	132	45%	3%	52%
Debt Collection	51	48	60%	8%	32%
Community	319	46	76%	9%	15%
Youth	32	32	91%	6%	3%
TOTALS	1,900	1,154	63%	9%	28%

**Total Number of People Affected by UDR Mediation Services = 3,800
(based on 2 people per dispute)**

Training and Education Programs. UDR's training workshops generate revenue that helps support the organization's mediation programs for low-income clients. The chart below summarizes the training workshops conducted in the 2007-2008 fiscal year.

Program	Length in Hours	# Iterations Conducted	# Participants
Youth Program Training		TOTAL	1,042
Youth Daily Mediation Class	40 hours	4	103
Youth Conflict Management Training	8 hours	19	465
Other Youth Training	Various	7	474
Mediation Training Seminars		TOTAL	135
Basic Mediation Training	40 hours	3	68
Domestic Mediation Training	40 hours	1	24
One day workshops (various topics)	8 hours	5	43
Other		TOTAL	11
Brigham City Conflict Resolution	6 hours	1	9
Domestic Mentorships	60 hours+	2	2
TOTALS		42	1,188

Supporters.

UDR is grateful to the following foundations, organizations, and individuals for providing financial and in-kind support in 2007-2008:

George S. & Delores Dore Eccles Foundation

Herbert I. & Elsa B. Michael Foundation

S.J. & Jessie E. Quinney Foundation

Marriner S. Eccles Foundation

Utah State Bar

Utah Bar Foundation

And Justice for All

R. Harold Burton Foundation

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Brian Florence

Many individual donors

Thank You To Our Spotlights Mediators!

Another quarter brings us the opportunity to share spotlights on our amazing volunteers.

Our youth mediator of the quarter is **Kat Hollister**. She was born in Utah, moved to Russia as a child with her family, and moved back to Utah a few years ago with her mother. She has six step, half, and whole sisters and five step and half brothers. She's been on two memorable vacations: a trip to California to see her brother and cousin where they were stationed as marines, and to Las Vegas with friends and family.

Kat spends her time watching horror movies, babysitting, knitting, and hanging out with family and friends.

Kat became a peer mediator because her advisor placed her in the class as a leader and peacemaker. She thought it would be interesting to learn about mediation and helping people. She enjoys learning new things and feels she has learned a lot so far, but dislikes having to remember all of the information in the opening statement.

Her current plans include graduating from Horizonte High School in December and attending Salt Lake Community College as a nursing student.

Her wish for people is that they would be able to listen to each other more and try to understand each other.

Our Salt Lake volunteer of the quarter is **Christian Clinger**. He coordinates UDR's Bountiful Small Claims and Farmington Appeals programs along with volunteering to mediate community disputes.

Christian grew up in Sacramento, California. He has also lived everywhere from Salt Lake City, Nebraska, and Washington D.C. to Paris, France and London, England where he studied abroad.

Christian moved to Utah for college where he met his wife, Suzanne, who grew up here. He completed a BA in political science at BYU. They moved to Nebraska for law school at Creighton University and returned to Salt Lake after completing their JD

degrees. They currently have a mediation and law firm together, Clinger Lee Clinger, LLC.

He has also used his degree to work in the political arena: as a political consultant, as a campaign manager in California, and with representatives in Washington D.C.

Christian's interest in mediation began in 1996 when he attended a lecture presented by Professors Tepy and Volkmer. He took mediation and negotiation courses in law school to build his skills in mediation. He began using these skills in the securities industry where alternative dispute resolution was a mandatory process. He helped start the ADR and mediation movements at the Third District Court while working there after law school.

His favorite part of mediation is the moment before the agreement is signed by both parties. The 'whirlwind of emotions and thoughts' provides him with an array of feelings as he observes them thinking and experiencing 'excitement, fear, anxiety, elation, relief, joy, (and) peace.'

The down side of mediation for him is seeing the hate, anger, recrimination, and abuse people endure through a lack of civil, face-to-face communication.

Christian says his biggest lesson learned as a mediator is the parallel between the words "listen" and "silent." They have the same letters in a different order. This made him realize the importance of closing your mouth to be silent, clearing your mind to understand, and really listening to offer meaningful communication.

His advice for other mediators is to actively participate and get involved. It's the best way to share what everyone has to offer the mediation community and profession.

His motto is dream big and work hard to make those dreams reality.

Our Ogden volunteer mediator of the quarter is **Victor Nelson**.

Vic grew up in the Midwest and lived in the East, South, and Midwest before coming to Utah in 1992 when his wife, Thorana Nelson, accepted a position at Utah State University. Yes, he was the trailing spouse and proud of it!

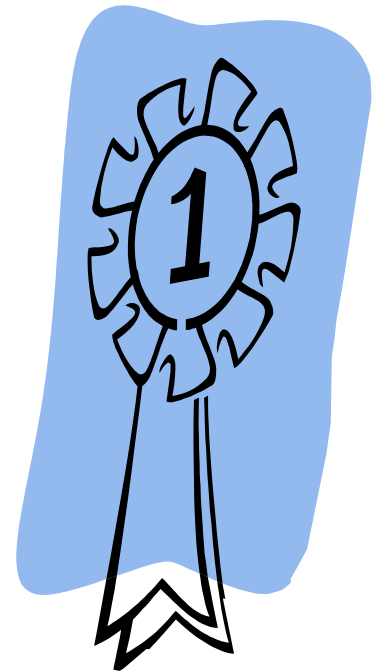
He earned his B.A. and M.Div. (Master of Divinity) degrees in Iowa in preparation for becoming a Lutheran pastor, a role he held until 1998. Along the way, he earned an S.T.M. (Master of Sacred Theology) degree in Pastoral Counseling where he trained as a marriage and family therapist. He completed a two-year clinical residency in pastoral counseling in Indianapolis before moving to Utah. Victor has had a practice of marriage and family therapy and pastoral counseling since 1988.

He became interested in mediation after providing therapy services to divorcing and divorced couples and after teaching divorce education classes for 6 years. His skills and experience as a marriage and family therapist, particularly the ability to hear and understand people, prepared him to move into the field of mediation.

His favorite part of mediation is similar to most mediators: helping people resolve complex issues and having both parties feel good about the outcome. At the opposite end of the spectrum, he dislikes outcomes where parties cannot get over personal hurt and anger and are unwilling to work toward a mutually-beneficial outcome.

He is a part-owner of a fly fishing shop, so most of the week is spent helping people catch fish. He still maintains an active part-time practice in marriage and family therapy, and does mediations whenever he can schedule them.

One of the lessons he's learned as a mediator is that not every case will be completely successful from the perspective of the parties involved, nor will any case be completely



unsuccessful, even if both parties feel like it is. Even with mediations where the parties decide not to complete mediation, he believes each party may benefit from the seeds of understanding and cooperation that are planted during the process. Keeping that in mind allows him to focus not on the outcome but on helping parties do the best work they can in trying to understand one another and work together for a successful resolution.

UDR Welcomes Three Summer Interns

UDR has had three interns over the summer and we asked them to write a bit about themselves and their experience here.

Eric Hill was excited to be working as an intern with UDR this summer. He began his internship in June and will leave in mid-August to complete his second year of law school. He is currently attending the University of Tulsa College of Law in Tulsa, OK. Before law school, he graduated from the David Eccles School of Business at the University of Utah. He has learned a great deal about the mediation process by observing mediations with UDR's skilled mediators. He has also worked on special projects in the UDR office, including the creation and compilation of resource lists for clients.

Chase Romney has been completing an internship at Utah Dispute Resolution this summer as well. Thus far, he says "I've truly enjoyed my experience here at UDR. It has been fascinating to become aware of and familiar with mediation as an alternative, and a superior one at that, to litigation." This fall Chase will begin his senior year at the University of Utah where he is studying Finance and Russian. The

highlight of his summer, excluding his time at UDR of course, has been taking the LSAT.

Currently, he is in the painful process of preparing to apply to law school. He is sure that wherever he ends up, the knowledge that he has gained in conflict resolution at UDR will prove priceless. We're lucky to have had him share his knowledge and time with our group here in Salt Lake

Our third intern this summer was **Kris Hunsaker**. As a student in the paralegal program at Salt Lake Community College (SLCC), she needed to either choose to do a co-op or build a portfolio. Being a typical student, she chose the lesser of two work evils and decided on the co-op.

Kris obtained a baccalaureate degree in psychology and felt that mediation could provide a good fit. Her colleagues felt it was a waste of time because she would not be making any money. Stubborn and a bit rebellious, Kris went forward with the program. She took the mediation course at SLCC, and a few UDR workshops. However, neither completely painted the picture of "mediation."

Her first experience was far from her expectations! Lawyers were present and did all

the talking rather than letting the clients speak. It didn't seem that the clients formulated the agreement. Sometimes, she has learned, especially in family situations, it is better to have a lawyer do the talking. After all, they are there because communication has broken down. The mediator was comfortable with the situation because the lawyers would consistently check in with their clients to make sure needs were met. She was confused, perhaps let down, but within an hour she was pumped and anxious to see another mediation.

Kris admits that six or so observations does not make her an expert, but the process, with or without attorneys is quite exciting! Perhaps not a traditional way of solving a dispute, but one hundred times faster and a method proven to have better follow through than a judge mandating a statute that does not or can not take each situation into account. In short, she has recommended the program to several of her fellow doubting colleagues and many are now interested in pursuing mediation training. She looks forward to becoming court-qualified and mediating on her own one day. For Kris, the process is exhilarating and she is eager to share this new knowledge!

"To be challenged is good. The challenged life may be the best therapist."

-Gail Sheehy

UDR is hiring a new staff member to head our Ogden office!

If you or someone you know might be interested in a full-time position in our Ogden office coordinating mediation programs in Northern Utah, please refer to our website for more information on the job and an application.

www.utahdisputeresolution.org

Marvelous Mediator

Dear Marvelous Mediator,

I often work with people in mediation who are filled with deeply held pain or grief and whose situations seem overwhelmingly bleak. Sometimes I feel as if I absorb their emotions and situations, and these cases hang onto me for some time afterwards. How does a mediator avoid becoming overwhelmed by these difficult situations and experiencing burnout?"

Signed,

Psychic Sponge

Dear Sponge,

People in helping professions face the possibility of burnout from dealing with intensely emotional situations. The challenge we face as mediators is to work simultaneously with compassion, empathy, and open hearts, while guarding against burnout. How can we work with open hearts and protect ourselves from absorbing negativity, pain, and grief at the same time?

Putting up emotional barriers, closing our hearts, and remaining vigilant against being human during the process might offer protection, but this approach would diminish our effectiveness. Good mediators bring the qualities of empathy, compassion, and open-heartedness to the table. Without them, the process becomes mechanical and lacks humanness. So how do we accomplish this? Here are a few suggestions.

- **SURRENDER YOUR NEED FOR THEIR RESOLUTION.**

Surrender the notion that reaching resolution is what all clients need. As the mediator, your need to resolve the dispute may be greater than the clients' need. Accept the possibility that the clients may need to remain in conflict for some reason; they have the option to agree to leave the dispute unresolved. Rather than think of your success in terms of the clients having reached settlement, hold the thought that the time you spent with the clients may have served an important purpose that you may never understand.

- **CREATE RITUALS TO SEPARATE YOUR ROLE AS MEDIATOR FROM YOUR PERSONAL IDENTITY.**

Developing rituals can help you separate these two roles. Create practices that distinguish the beginning and ending of a mediation; sandwich it like bookends. For example, take a few minutes to become centered and present before entering the mediation rather than rushing in. You might consciously set aside the thoughts that are foremost on your mind and take a few deep breaths to become centered. At the conclusion of the mediation, you might create a ritual that symbolizes your releasing the energies. For example, wash your hands or visualize that you are emptying your body of all that you've absorbed.

- **ADOPT A SELF-REFLECTIVE PRACTICE.**

Taking time after a mediation to reflect on the session can be very helpful as a way to shed the emotion you've absorbed and helps you learn from the experience. You might sit quietly and think through the mediation, or write out your reflections in a journal. It is often helpful to debrief cases with another mediator; find a colleague or mentor who is willing to debrief in confidence. By journaling or talking through the mediation, we often gain new perspectives or insights.

- **ADOPT A SPIRITUAL OR RELIGIOUS PRACTICE.**

If you are so inclined, develop a regular meditation practice or prayer routine. Spiritual practices can help mediators find personal release and gain new perspectives. Your religious or spiritual beliefs can be tremendously helpful in grappling with the dilemma you pose.

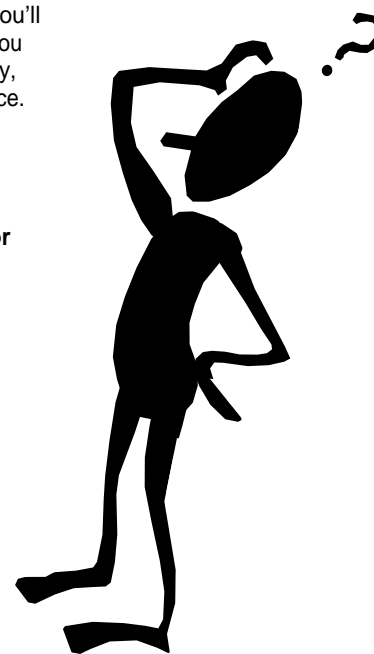
- **TAKE TIME TO REENERGIZE AND REJUVENATE YOURSELF.**

We all feel rejuvenated by different

kinds of activities. Some people are externally focused, receiving energy and a sense of renewal from interactions with others. If this is your preference, you might attend a social gathering, invite a friend to lunch, or go to a concert. Other people are more internally focused, receiving renewal from solitary activities. If this is your preference, take a walk in the mountains, listen to a CD, or reach a book. Above all, it is important to reserve time for your own renewal—if you don't take time to refill the fount, then you'll have nothing to give. I leave you with a poem by Wendell Berry, which may provide some solace.

My best,

Marvelous Mediator



The Peace of Wild Things

When despair for the world grows in me
and I wake in the night at the least sound
in fear of what my life and my children's lives may be,
I go and lie down where the wood drake
rests in his beauty on the water, and the great heron feeds.
I come into the peace of wild things
who do not tax their lives with forethought
of grief. I come into the presence of still water.
And I feel above me the day-blind stars
waiting with their lights. For a time
I rest in the grace of the world, and am free.

Volunteer Training

A Thanks to Christian Clinger for presenting a workshop on Ethics to our volunteers! It made us all 'go hmmm!'



Book Review: *Three Cups of Tea* by Greg Mortenson and David Oliver Relin

The book, *Three Cups of Tea*, is the story of one man whose single-handed determination is helping to build peace in a part of the world where conflict is rampant. The book brings hope to those who question, "Can one person really make a difference in this world?" The answer is, "most emphatically, YES," according to the life of Greg Mortenson, whose fascinating tale is described in this best-selling biography.

In the fall of 1993, Greg Mortenson, an experienced mountaineer, became disoriented on his descent from a failed attempt to climb K2, the second highest peak in the Himalayas. Half dead from extreme fatigue and high altitude sickness, Greg missed the turn his Sherpa guide had taken and forever changed the path his life would take. When he dragged himself into the remote village of Korphe in the Karakoram district of Pakistan, the townsfolk gave him refuge and nursed him back to health. Over the weeks of his stay, Mortenson grew fond of the villagers and wanted to repay the kindness they had shown him. One day, he asked the village leader, Haji Ali, to show him their school. Haji Ali led Greg to an open ledge where eighty-two children knelt on the cold ground, studying their lesson in the open. He explained that the Pakistani government provided no money for a school, and the children were left on their own to complete assignments. Deeply touched by their intense desire to learn, Mortenson vowed to return to Korphe to build a school for the children.

Back home in California, Mortenson lived out of his car, worked shifts as a nurse in a hospital emergency room, and wrote letters to celebrities appealing for financial support. 580 letters later, he had received one check for \$100 from a fellow alumnus from the University of South Dakota and another check for \$623.45 from his mother whose grade school pupils had raised the money in a drive they called "Pennies for Pakistan." One day a friend gave Greg the name of a man, Dr. Jean Hoerni, an avid trekker who had spent time in Pakistan. Hoerni had read about Greg's mission and was intrigued. After a brief phone conversation, Hoerni sent a check for \$12,000, the entire budget Greg had estimated for the school.



Greg eventually built the school in Korphe. Word spread about the "school builder" from the West, and requests poured in from other villages in need of schools. Greg formed the Central Asia Institute (CAI) and adopted a life mission to build schools throughout the area. His effort piqued the interest of Representative Mary Bono from California who arranged for Greg to speak before Congress. Her introduction began, "Come meet an American fighting terror in Pakistan and Afghanistan by building girls' schools." In Greg's address, he stated, "I don't do what I'm doing to fight terror...I do it because I care about kids...working over there, I've learned a few things. I've learned that terror doesn't happen because some group of people somewhere like Pakistan or Afghanistan simply decide to hate us. It happens because children aren't being offered a bright enough future that they have a reason to choose life over death."

Parade Magazine picked up the story and quoted Greg, "If we try to resolve terrorism with military might and nothing else, then we will be no safer than we were before 9/11. If we truly want a legacy of peace for our children, we need to understand that this is a war that will ultimately be won with books, not with bombs." CAI schools focus on increasing the enrollment of girls. As Mortenson explains, "Once you educate the boys, they tend to leave the villages and go search for work in the cities; but the girls stay home, become leaders in the community, and pass on what they've learned. If you really want to change a culture, to empower women, improve basic hygiene and health care, and fight high rates of infant mortality, the answer is to educate girls."

Greg's story is filled with examples of his encounters with the traditional Pakistani Muslim culture. At one point he is held by an insurgent group and eventually released when his captors came to believe he had no clandestine intentions. While in Pakistan, Mortenson adopts the garb of the locals, learns to pray in the Shiite and Sunni traditions, and carefully follows the local customs as a way to demonstrate his respect. He is embraced by the people of this culture who have grown to respect him and his mission.

What can we, as mediators, learn from Greg Mortenson's story? We can learn how to respect cultural differences by adopting a learning mentality as we help people who are different from ourselves. We can learn that good intention and sincerity go a long way in establishing credibility. And we can take heart that the individual work we do *can* make a profound difference in the world as we help individuals settle their differences—one conflict at a time. Mortenson is fond of quoting Mother Teresa, "What we are trying to do may be just a drop in the ocean, but the ocean would be less because of that missing drop."

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