

**Grand Teton  
Mediation Association**

<http://www.gtmediators.org>

***Links to web sites:***

*Grand Teton Mediation Association (GTMA)*

*Idaho Mediation Association (IMA)*

***Links to articles in this issue:***

*From the Prez: "The Powerful Tools We Hold"*

*From the Vice Prez: "The Rest of the Story"*

*Training Calendar*



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***The Meeting Room:***

We have a great line up of guest speakers for the coming months. For this month's speaker on Monday's luncheon, February 11th, at Big Al's Sandwich Shop, 545 Shoup, Suite 106; Idaho Falls, our guest speaker will be Gary L. Schreiner, JD, CPM, an attorney and professional mediator. He is current chair of the Alternative Dispute Resolution Section of the Idaho State Bar, and a member of the board of directors of the Idaho Mediation Association. In addition to his private practice, Mr. Schreiner has worked closely within the Idaho and Utah Court systems in the field of dispute resolution. He is a strong proponent of collaboration between attorneys and non-attorneys in the field of mediation.



And for our March luncheon, we will have Mark Withers, from the Idaho Falls office of the Idaho Attorney General. He will begin a series for us discussing various aspects of consumer rights/protection that we may see in mediation. We'll have more information on Mr. Withers next month.

***"Article From the Prez"***

***"The Powerful Tools We Hold"***

Within the past few weeks, world events have focused attention on the political conflict in Kenya which has led to the deaths of hundreds of Kenyan citizens. For weeks writers and producers have been struggling to reach an agreement that will allow them to resume production of their valued programs and services. We, as mediators, encounter individuals and circumstances where emotions are raw and communication has all but shut down. While the people involved may not understand mediation, there's usually a lot at stake for all sides, (time, money, hurt, frustration, etc.) and concede that "At least mediation is better than what we're doing now!" Where does that put us?

The players obviously know that they have a conflict. They have their "facts" all in order; with their list of grievances perfectly in place. They can often tell the very time, place and manner that the other party breached an agreement, or injured them in some way. They're ready to debate, argue, intimidate and persuade in order to obtain or retain an advantage. But what they are looking for is different, though.

What can we offer that they can't; or won't provide to each other? What are the missing pieces that often stand in the way of progress? What powerful tools do they not see, but may really want, and that are so necessary for a resolution? From my perspective there are several:

1) A Safe Environment-By the time we are contacted, emotions are high, accusations and threats are rampant. They may have even forgotten what the original issue was. Some will try to dominate; others manipulate. And when they ask, "What can I expect?"; "What happens now?" or even just, "Where do I sit?" they're seeking comfort, assurance, safety.

*(continued on page 2)*

2) The Chance to Tell Their Side- It seems that the rule in a common argument is: "Who ever talks the fastest and loudest wins!" above all else, "Don't let the other guy say anything!" With that as the assumption, it's hard to see how an agreement is ever achieved! It seems that all sides are thinking of their next 'come-back' and no information is transmitted or received!!

3) Validation-The major difference between a discussion and an argument is validation, not agreement, or even acceptance, simply, an acknowledgement of a point of view or a feeling. We often wonder why people are so unwilling or unable to come to an agreement. It's largely because they haven't bothered to 'hear' much less understand the other side. If we are able to grasp the real issue, a solution may become obvious. Ironically, they may often have the very same need or concern! (In the words of many teenagers these days; "Well, Duh!")

4) Exploring Options-They/We all tend to limit our perceptions or options, thinking that there's only one solution: Mine! Many times, if people take the time to explore any alternative, their needs can be met. The form or method may be 'creative', but that can be a good thing!

WIFM: What's In It For Me? Any good negotiator knows that he/she must understand the interests of the other side, as well as their own. That's not surrender; it's just 'being smart'! Chances are, if those involved are willing to 'Enlarge the Pie', all sides may come away with more not less! The goal is not to make the any side a loser; it's to allow each to 'win' what they need or value most.

Save Face-Finally, one of the most critical yet unspoken needs is simply to keep our dignity intact. Regardless of the parties involved, the scope of the issue, the monetary risk, or level of conflict, that need is universal! Nations need it; businesses need it; families need it-we all need it; simply to hold our heads high! In conflict, we battle fiercely, using our money, our time, our resources and our freedom, yet they are all just surrogates for the one value we cherish the most, self respect.

As mediators, whether consciously, or not, we wield a powerful tool; our ability to communicate understanding and respect for those who may not be able to. We reflect and model that final piece, missing, but so necessary, for conflict to be resolved; for healing to begin. We remind those we serve of the relationship as it once was, and as it might be again. Hopefully, our clients might develop for themselves what they saw in us. Truly, in our hands, it is a powerful tool we hold!!

## ***"Article From The Vice Prez"***

### ***"The Rest of the Story"***

For several years, radio commentator Paul Harvey has had a segment entitled "The Rest of the Story". In this segment, Harvey spins a story about circumstances surrounding an event, and how the experience of that event impacted the famous individual. In most cases the story has an unusual twist that would not be expected of the person highlighted.

In mediation, one important role of the mediator is to identify the interests of the parties that underlie the issue. Oft times, the issue is clouded in emotions, positions, and viewing the issue from differing perspectives. In some cases, the issue before the mediator may not be directly related to the core issues that are prompting the dispute.

To accomplish settlement, the parties and the mediator must be able to part the cloudiness of the issue and truly identify what the issue is before exploration of a potential settlement. This is what I like to term "the rest of the story".

Usually, the most effective method for determining the real issue is an articulation of the facts surrounding the issue by both parties, exploring the root cause of the issue, and determining what factors led to the issue. This takes time, patience, and understanding by the mediator, but most importantly, the ability to empathize with each of the parties as to why they feel the way they do about the issue at hand.

Once the real issue is identified, whether it is the issue brought before the mediator or some other root issue between the parties, settlement is usually made easier once the root causes of the issue are identified, communicated, and understood.

Mediators must always keep in mind that the matter in dispute is important to the parties. It is critical that solutions incorporate a method of "win-win" for both. Win-lose should not be an option.

# ***Training Calendar***

## ***Mediation Training Opportunities:***

Below you will find training opportunities from around our region. Please contact the sponsoring organization directly for registration or questions.

### ***January 11-13, 19-20, 2008***

Professional Mediations Skills Training - University of Washington

The University of Washington Law School is offering a 36-hour professional mediation skills training on January 11-13 and 19-20 at the law school. The cost is \$825.00 if paid before December 28, and \$875.00 if paid later. The flyer is available at [www.uwcle.org/mediationtrainingjan08.pdf](http://www.uwcle.org/mediationtrainingjan08.pdf) and you can register online at <https://uwcle.safeserver.com/register.php>.

### ***January 15, 2008, March 18, 2008***

Domestic Violence Awareness and Screening for Mediators - Utah Mediation Association

Domestic Violence Awareness and Screening for Mediators This training is designed to raise awareness of the prevalence of domestic violence and to give family mediators information and skills to screen cases prior to mediation.

The new court rule (4-510) now requires court-qualified domestic mediators to have completed at least six hours training on domestic violence screening. Many mediators received domestic training before this topic was incorporated into the standard curriculum. This workshop will satisfy the new six-hour requirement for mediators who have not completed domestic violence training. All family mediators are welcome to register for this workshop to update knowledge and skills with this important topic.

This workshop is court-approved and qualifies for continuing education credit as required by the Utah State Court to be listed on its Roster of Mediators. UDR has applied to the Utah State Board of Continuing Legal Education to approve this workshop for CLE credits.

The Domestic Violence Awareness and Screening workshop costs \$175. The fee includes materials and lunch. Participants should have completed basic mediation training (at a minimum) prior to attending this training.

### ***January 30, 2008***

Basic Mediation Refresher Training - Utah Mediation Association

Basic Mediation Refresher Training (8-hours) This training is designed for individuals who have completed basic mediation training and need or want to refresh their knowledge and skills. This interactive, skills-based workshop is court-approved and qualifies for continuing education credit as required by the Utah Courts to be listed on its Roster of Mediators. UDR has applied to the Utah State Board of Continuing Legal Education to qualify this workshop for 7.5 hours of CLE credits, including 2-hours of ethics. The Basic Mediation Refresher Training workshop costs \$175 if payment is received at least two-weeks prior to the training and \$200 thereafter. Prerequisites: Prior to attending this training, participants must have completed a basic mediation training.

[http://www.utahdisputeresolution.org/index.php?page\\_id=6](http://www.utahdisputeresolution.org/index.php?page_id=6)

### ***February 7-13, 2008***

40-Hour Basic Mediation Training - Utah Mediation Association

Basic Mediation Training (40-hours)

This training is designed for individuals who want to work in the growing field of mediation, participate in mediation as an advocate, or apply these dispute resolution skills to a current career field. This includes attorneys, arbitrators, human resource professionals, ombudspersons, directors,

managers, planners, union representatives, and anyone who wants to learn conflict resolution skills for professional, personal, and community benefit.

UDR's Basic Mediation Training is approved by the Utah Court system and satisfies the training requirement for mediators wanting to be included as a basic level mediator on the Utah Court Roster of Mediators. The Utah State Board of Continuing Legal Education has approved this workshop for 27 hours of CLE credits, including 1-hour of ethics. The Basic Mediation Training workshop costs \$800 if payment is received at least one month prior to the training and \$850 thereafter.

[http://www.utahdisputeresolution.org/index.php?page\\_id=6](http://www.utahdisputeresolution.org/index.php?page_id=6)

***February 25, March 3, March 10, March 17, and March 31, 2008***

Child Custody Mediation - Idaho Mediation Association

Kristie Browning, M.P.A., C.P.M. is offering Child Custody Mediation training at Boise State University. IMA Approved Special Training. 6:00pm to 9:00pm, Participants are expected to have a prior working understanding of the mediation process and the role of the mediator.

<http://www.idahomediation.org/news.html>

***April 16-19, 2008, May 8, 2008***

Spring 2008 Mediation Training - Center for Collaborative Studies, Bozeman, MT

A 40-hour basic mediation course. For More Information Contact

Mary Ellen Wolfe 406-209-6545

<http://www.centerforcollaborativesolutions.com/>

***Guidelines for Member Submitted Articles***

Member submitted articles on mediation that ***pertain directly to mediation*** are welcomed. With the exception of those announcements by members seeking elective offices of the GTMA, no articles will be accepted that are submitted to make a political statement or to take a political position. When submitting an article, it would be appreciated that the person include a photograph of themselves. Announcements of GTMA and other meetings received no later than the 1st day of the month will be included. The GTMA newsletter will usually be emailed out the first or second week of each month.