

GTMA NEWS

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Upcoming:

- February 9—GTMA Luncheon, Whitewater Grill, 355 River Parkway beginning at noon
- March 11 - GTMA Quarterly Membership Meeting and session concerning issues in debt collection
- April 23-24—Montana Mediation Association Annual Conference, Park Plaza Hotel, Helena, MT
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FROM THE ARENA

Mediation Opportunities

How often have we looked at situations in our everyday lives, and thought, “This can be mediated?” Not surprisingly, there are situations and occurrences that we read about in the newspaper, see on the street, or experience that provide many and varied opportunities for mediation.

For example, the recent rash of mortgage foreclosures has caused GTMA to take a serious look at the viability of mediating foreclosure before it gets to the stage of bankruptcy for the borrower or legal action for the lender. In most cases, mortgage issues could be effectively resolved with the help of mediation, saving both the borrower and lender significant money and time., with the outcome beneficial for both. Foreclosure mediation programs exist in several states.

Dick Struthers has been looking at this opportunity for the past few months, and has become our local expert on the topic. He is in the process of investigating how GTMA can be a resource for area lenders and borrowers to address this issue. Foreclosure does not just affect the borrower and lender. Property values in neighborhoods, and real estate sales can be impacted, but foreclosure has a significant social cost as well.

I would ask that each of us look around us. There are bound to be topics and situations that mediation can be an effective resource and tool to resolve disputes. Drop us a line and let us know if you have any ideas.

Best personal regards,

Rocky.



**Fred “Rocky” Clark,
GTMA President**

GTMA QUARTRTLY MEETING SCHEDULE

GTMA has established quarterly business meetings in conjunction with a dinner and social. These meetings will also include short seminars of interest to area mediators. All interested persons are welcome to attend.

The dates for 2009 are:

March 11—Wednesday

June 9—Tuesday

September 11—Friday

IMPASSE SYMPOSIUM

On January 20th, the esteemed Richard Struthers conducted a symposium on impasse avoidance. In the symposium, mediators in attendance discussed their techniques to get around impasse, and shared the tools they use to break through. Some of the techniques shared were:

- Address the problem, not the people—Sometimes personal feelings and situations cloud the issue. If the issue can be isolated from personality, the parties can look at the problem objectively.
- Putting yourself in the other person's shoes—Ask the parties if they were in the other person's shoes, what would be an acceptable settlement for them? This causes the parties to again look at the issue objectively and determine what would be reasonable in settlement.
- Clarifying the issue—If the party can objectively explain what is at issue, there is a better chance of communicating to the other party and the mediator what the root cause of the issue really is.

All in all, the session was well received. Participants received a completion certificate for their participation. GTMA would once again like to recognize and thank Dick for a most entertaining and useful session.

GTMA LUNCHEON—FEBRUARY 9TH

The February GTMA luncheon will be held at 12:00 noon on Monday February 9th. We have arranged a new location (We want to keep you on your toes!). The luncheon will be held the next several months at the Whitewater Grill, 355 River Parkway. Richard Struthers will make a short presentation on foreclosure mediation and the potential linkages within the community we are exploring. Plan to be there!

Date: Monday, February 9, 2009

Time: 12:00 noon

Location: Whitewater Grill, 355 River Parkway, Idaho Falls

UPCOMING GTMA TRAINING

GTMA is offering seminars throughout the year to provide area mediators the opportunity to improve their skills. The sessions are free to GTMA members, and can be attended by non-members for a nominal fee of \$10.00 per session. All sessions will begin at 7:00 PM on the dates listed below:

*March 11 – Issues in debt collection

April 8– Reframing issues – Henscheid

May 13 - Small Claims Court Processes

*June 9 – Contract Law

July – Summer break

August – Summer break

*September 11 – The Psychology of Settlement

October 14 – Improving Communication Skills

November 10 – Mediator Liability

*December 9 – How I became a better mediator

* Denotes Quarterly Meetings

IMA Certification Seminar/Mentors— Ongoing

Negotiating Foreclosure (1/26/09)

[Victoria Pynchon](#)

If you live in Ohio, there's some hope that you can negotiate your way out of foreclosure with a Court-annexed foreclosure mediation program. See [Foreclosure filings rise in five counties](#) at the the [Crescent News](#). Excerpt below.

We ask our readers around the country to please let us know if they have similar foreclosure mediation programs in their state.

"We have a court adjunct mediation program," said Schmenk. "The worst thing people can do is do nothing. The best thing is to get an answer filed on their behalf and open up a discussion with the mortgage holder to avoid it going to the foreclosure sale. Often times they can get something worked out with the lending institution short of losing their home."

When a foreclosed home goes up for auction bids start at two-thirds of the property's appraised value.

"Most time the lenders are holding significantly more than that in debt," said Schmenk. "We've noticed in a number of cases things get worked out and they are able to enter into some kind of accommodation that works for lender and mortgage borrower."

Schmenk encourages individuals facing foreclosure to take part in mediation programs.

There was a mediation just last week in Defiance County, said Cheryl Timbrook of the common pleas court. Overall, she said that they haven't had many requests for mediation so far.

Sonnenberg said Henry County has had a mediation program available for foreclosure for a year. She said there has been an increase in requests for mediation since the court started sending out information about the program as well as how to file an answer to the foreclosure summons received by defendants.

"I don't think many people knew about it before," she said.

Chris DeFavero, mediation coordinator for the state's Northwest Ohio Court Mediation Services, said he's seen an increase in individuals asking for foreclosure mediation. Northwest Ohio Court Mediation Services covers Henry, Defiance, Fulton, Paulding, Williams and Putnam counties. The program started last spring.

"With the help of the (Ohio) Supreme Court we established a process for referrals through the (county) clerk's offices," said DeFavero, who added that referrals started to pick up this summer. "Last month I had the most referrals since we started. I had 11 referred this past month. We started with just two or three a month, and now we have two a week."

DeFavero said that many cases involve jumps in interest rates, causing payments to increase or individuals who have seen a decrease in pay.

"Those are the cases we hopefully can resolve and come up with a repayment plan or refinance their rates," he said. "The general problem in the industry was the subprime rates. Some of it is the economy, with people losing their overtime. Sometimes loans are given based on people making \$40,000 and then they lose their overtime so now they are making \$30,000. They are working, but may have fallen four to five months behind. The lender usually will work with them."

From [Settle It Now Negotiation Blog](#)



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We're on the Web!
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The Grand Teton Mediation Association exists to provide a professional organization for persons interested in alternative dispute resolution. Based in Idaho Falls, Idaho, our area includes all of Eastern Idaho and Western Wyoming.

Our membership is open to all persons interested in mediation as a vocation, profession, or area of interest. We constantly strive to provide value to our members through educational opportunities, forums to discuss alternative dispute resolution, and opportunities for the public to engage our services in disputes.

We cordially invite all interested persons to join us.

BACK PAGE BLOG

Mediation House Calls For Divorcing Couples (1/19/09)

[Diane J. Levin](#)

Although I hate to admit it, I'm actually old enough to remember the days when the family doctor made house calls.

Childhood ailments brought visits from our kindly, joke-cracking pediatrician who would arrive with his black bag, his stethoscope slung around his neck, as if he'd stepped straight out of a Norman Rockwell painting. How I longed for those days when my own kids got sick, as has anyone else who has waited endless hours in a cramped waiting room with a screaming toddler with an ear infection and a raging fever.



Now a group of mediators stands ready to revive a dying tradition. [A press release](#) that made its way into the stack of [Google alerts](#) in my inbox this morning announces that a mediation practice in New Jersey is now providing at-home mediation services to divorcing couples.

More power to them for coming up with an innovative way to attract and serve clients. Personally, though, I'm not sure that this is such a great idea. I think there's a lot to be said for mediating on more neutral territory. The marital home is all too often both battlefield and asset in contention.

Perhaps these mediators have some ambivalence themselves about these new services. In its last paragraph, the press release declares that the mediation practice offers "a free consultation ... in the **martial** home" (emphasis added).

Typo? Or Freudian slip?

From [Mediation Channel](#)