

## GTMA NEWS

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The idea of this section is to pose a impasse scenario and then the following month summarize the suggestions for addressing that impasse from the members of GTMA

**Situation for Next Issue:**

**Child custody case:** Parties have nearly reached agreement, but you as a mediator can see that there is no way they are going to be able to stick to the schedule they have in mind. You have tried some gentle reality testing, but they are not seeing the problem areas. Do you move forward to resolution? Try more questions? Take a break? Where is the right balance?

Please submit your best approach for the next impasse situation to:  
[ryan@omnimediation.org](mailto:ryan@omnimediation.org)

## FROM THE ARENA

So, what's happening with GTMA lately? There is quite a bit going on, a lot of it behind the scenes. Our membership is increasing, due in no small part to the restructuring of the membership dues rate. You can also now make payments through PayPal on the GTMA website. GTMA is working with HMG Mediation to present a 40-hour basic mediation training class, for those seeking certification through the Idaho mediation Association. The cost is \$525.00 for non-GTMA members and \$475.00 for GTMA members. You can register by going to the GTMA website at [gtmediators.org](http://gtmediators.org). It is important to note that it requires a sufficient number of participants to facilitate such an endeavor, so we would ask for your support in registering and attending.

The GTMA Seminar series kicked off on February 23, with a CPM workshop. Other dates are March 23, April 27th, May 11th, June 22, September 28, November 9 and December 14th. Please check our website calendar for details on time, place and topic. A great big thanks to all who have agreed to present these seminars. I'm sure you will find these educational and rewarding. We are presently working on certification of these seminars through the IMA for training credit.

The continued success of GTMA depends on you. Let us know how we can serve you better, and as always, your comments are appreciated. If you know of someone who should be receiving our newsletter, please drop an e-mail to [president@gtmediators.org](mailto:president@gtmediators.org).

The Seventh District Small claims program has experienced a welcome increase in new volunteer mediators. GTMA welcomes these new participants to the mediation process, and thanks them for their commitment to our communities.



**Fred "Rocky" Clark**  
GTMA President

## THE IMPASSE

From Lila Gold: Sometimes we tend to think that mediation between parties may have failed because it didn't produce a resolution of the conflict.

Several weeks ago at small claims mediations in Fremont County, I helped mediate a case that didn't look good for resolution from the get-go - but we went ahead and gave both parties full opportunity to present their claims. It was a lengthy process, and took more time than we probably wanted to spend on it. In the end, the parties decided to go before the judge and let him settle it - each hoping, of course, that the judge's decision will be favorable to himself. Feeling that, perhaps, this had been an exercise in futility, I've wondered several times in the past week whether we should even hear certain cases - because there seems to be too many complex issues that must be decided by a judge anyway.

Today I had a conversation with one of the parties in the case and he was so pleased with the mediation process! To say that I was both surprised and confused would be to put it mildly. According to him, he felt that he would never have had an opportunity to let the other person know just how he feels about the case, and why he feels the way he does, without the opportunity that mediation provided for him. He thanked me for allowing him to have enough time and opportunity to fully explain himself. He said that he really doesn't care how the judge rules in the case now, because he has had the opportunity to explain himself to the other party. He thanked me again and again for giving him the chance to explain.

My view now is that had we decided early in the case that a mediated settlement would not be forthcoming and either refused to attempt mediation, or to cut the process short, this man would have been denied a fair hearing. Even though we didn't come to a settlement, HE came to a settlement in his own mind and that settlement is that he can now let go of the grudge and hard feelings he had - regardless of any judge's decision.

## NEWS TO USE

### Mediation an Alternative to Lawsuits

(Published: Tuesday, January 12, 2010 9:08 PM MST - [rexburgstandardjournal.com/articles/2010/01/12/news/49.txt](http://rexburgstandardjournal.com/articles/2010/01/12/news/49.txt))

ST. ANTHONY – In a county that seems to have a lot of neighbor complaints about roaming cats and dogs, Fremont County Prosecutor Joette Lookabaugh has become a big fan of mediation. No stranger to the art of settling disputes through mediation efforts, Lookabaugh has mediated a variety of different parties to a resolution of problems. When sexually explicit text messages were a problem at South Fremont High School, she set up meetings of the teens who were sexting, their parents, school and other officials to resolve the problem without charges being filed...

Although mediation is a tried-and-true way to resolve issues, issues resolved there never make News of Record and seldom get reported on the crime pages or the nightly news. That's because mediation is often the private resolution of problems by a nameless volunteer mediator.

Lila Gold of St. Anthony donates her time to the 7th Judicial District as a mediator, mostly to help resolve small claims when a judge mandates an attempt at mediation before the case can be heard in court. Gold says she personally mediates about three or four cases a week in Bonneville, Jefferson and Fremont counties. "It is by far one of the most rewarding things I have ever been involved with," she says about her work. "Mediation isn't just for people who find themselves in the legal system, but it is especially useful in small claims and juvenile probation cases," she says. She got her basic mediation training at Brigham Young University Law School in Provo, Utah, several years ago and since then has been a judicial district volunteer. She also has helped mediate contract settlements between school boards and teacher associations. "I mediate parent-teen cases involving teenagers who are either on diversion or probation in Bonneville, Bingham, Jefferson, Fremont, and Teton counties," she says. "Many times parents and teens are reluctant to seek help for fear of being judged and for that and other reasons, they sometimes resist professional counseling," she says. "I've had many cases where they agreed to continue with mediation sessions until they either resolved their conflicts themselves or were willing to seek professional counseling for additional help." She also works in victim-offender cases that "often involve teens who are in the legal system because of some offense against society such as shoplifting, vandalism, bullying others and that sort of thing," she says. Other mediations involve adults in conflict, including helping reach settlements for homeowners in foreclosure. "We're just on the ground floor of that project and seeing great results," she says.

And other mediators are skilled and experienced in settlements between contractors. Gold says once mediation is successful and the problems settled, the people often walk out of the mediation room with a better understanding of each other's point of view.

"The claims are withdrawn or settled, and apologies are sincerely offered," she says. "That is the payoff to mediation. People can walk away with a mediated resolution without carrying the conflict grudge with them."

Gold says she enjoys being a mediator and wishes she had known about such a useful tool years ago. "Do I recommend mediation? Absolutely! Does mediation work? Absolutely, but it does not work by itself," she said. "Those who choose to use mediation should be prepared to do some 'heavy lifting' themselves, but the end result is almost always worth the effort."

Mediation not only helps individual resolve problems but it also may keep cases out of the courts, saving time and money. Here's Fremont County Prosecuting Attorney Joette Lookabaugh's perspective:

"I would like the public to know that services are available to mediate their civil disputes and neighbor against neighbor nuisance issues. Sometimes these cat/dog fights can erupt into more serious encounters and we want to prevent that. People get very emotional over their cat/dog issues. They get frustrated and angry and want the government to step in and 'spank' their neighbor instead of resolving it between themselves. This is exactly where a trained mediator can step in and provide a safe, neutral playing field where the parties can get their story off their chests, vent in front of a neutral third party and perhaps come to a mutually satisfactory solution to whatever the problem is."

JOYCE EDLEFSEN - [jedlefsen@uvsj.com](mailto:jedlefsen@uvsj.com)

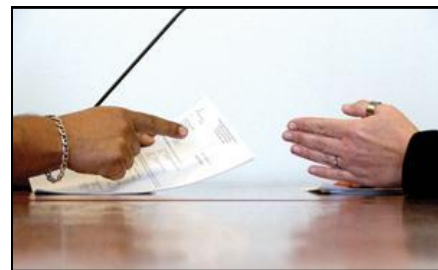












PHOTO ILLUSTRATION/JOYCE EDLEFSEN








Lawsuits may be the first thought when people want to solve problems, but there are other, often less expensive and more productive alternatives to get results.

Mediation – getting disagreeing parties to the table with a trained mediator to help the parties resolve their own problems – is growing in use in the upper

















# March 2010

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# May 2010


Sun	Mon	Tue	Wed	Thu	Fri	Sat
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30	31					


 **Bonneville Small Claims** - Mar 1st, 15th, 29th, 8:00 AM - Bonneville Courthouse


 **ISU Conflict Resolution Training** - Starts Mar 3rd, 6:30-9:30 PM. Held each Wed. evening for two sessions. \$36 cost. Register at 282-3372 or [workforce-training.isu.edu](http://workforce-training.isu.edu).

 **ISU Resolving Workplace Conflict** - Mar 9th 11:00AM-1:00 PM. Continuing Education Building, Room 203 \$35 for 4 people. Register at 282-3372 or [workforcetraining.isu.edu](http://workforcetraining.isu.edu).


 **GTMA Luncheon** - Mar 8th, 12:00 PM - Whitewater Grill - 355 River Parkway, Idaho Falls


 **Follow Up Small Claims In-service Training** - Mar 13th, 10:00 to 3:00 - For all who attended the Nov small claims training or those interested in getting involved in small claims - Lunch will be provided Bonneville Courthouse - Centennial Courtroom


 **Fremont Small Claims** - Mar 19th, 8:00 AM - Fremont Courthouse, St. Anthony


 **GTMA Workplace Dispute Resolution DVD** - Mar 23rd, 7:00 PM - Community Resource Center - 883 Shoup Ave, Idaho Falls

 **Bonneville Small Claims** - Apr 12th, 19th, 26th, 8:00 AM - Bonneville Courthouse

 **GTMA Luncheon** - Apr 12th, 12:00 PM - Whitewater Grill - 355 River Parkway, Idaho Falls


 **Fremont Small Claims** - Apr 16th, 8:00 AM - Fremont Courthouse, St. Anthony


 **Child Custody Mediation Training** - 20 hr course by Gary Schreiner - 1st half is online, 2nd half April 22 & 23. [www.idahoadr.com/etraining](http://www.idahoadr.com/etraining)

 **Divorce & Child Custody Training** - 20 hr course at Fulcrum Institute (Spokane) - May 1 & 2. [fulcrum-dispute.com/divorce.html](http://fulcrum-dispute.com/divorce.html)

 **GTMA Introduction to Victim/Offender Mediation** - Apr 27th - Community Resource Center - 883 Shoup Ave, Idaho Falls

 **Basic Family Mediation Training** - U of I - May 18-22. [students.uidaho.edu](http://students.uidaho.edu)

 **GTMA 40hr Basic Training** - May 6-7-8; 13-14-15 Shilling House in Blackfoot. Meets partial requirements for the Certified Professional Mediator recognition through the Idaho Mediation Association. The cost is \$525.00 for non-GTMA members and \$475.00 for GTMA members. Register at [gtmediators.org](http://gtmediators.org). Registration will include all training materials; lunch and refreshments for four full day-and two evening training sessions. This training event is a professional development workshop sponsored by the Grand Teton Mediation Association.

 **GTMA Impasse Workshop** - May 11th 7:00 PM - Community Resource Center - 883 Shoup Ave.



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*The Grand Teton Mediation Association* exists to provide a professional organization for persons interested in alternative dispute resolution. We are a 501 (c) (3) non-profit organization 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.

**We're on the Web!**  
[www.gtmediators.org](http://www.gtmediators.org)



**Tito Rivera**  
IMA Board Member

<http://www.abundante.org>

[tito@abundante.org](mailto:tito@abundante.org)

## PERSON OF INTEREST

The idea of this section is just to give us all a chance to get to know one another better and to help us remember the names and faces of fellow mediators.

As you can see from the photo at the left, Calik "Tito" Rivera, takes varied approaches to conflict resolution. Tito currently serves on the Board of Directors for the Idaho Mediation Association with our own Dick Struthers.

Tito and Dartha were married in 1997 in Lander, Wyoming. Three years later they moved to the Wood River Valley. Tito has opened three churches for Spanish congregations in the area and then transferred those to other leadership. They love family and friends, and enjoy traveling whenever they can.

In addition to their non-profit work, Tito and Dartha own and operate Sun Valley Window Cleaning, Inc. in Ketchum, Idaho; USA.



**Ryan Carter**  
Newsletter Editor

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## FROM THE EDITOR

Well, we are still working to get back on the monthly schedule... We once again tried a few new things with this newsletter, and hope to keep improving it as we go. Please help us out by sending your response to *The Impasse* for the next issue. Please also send any suggestions on improving the newsletter or articles or events that we can include. Please send them to [ryan@omnimediation.org](mailto:ryan@omnimediation.org). Thank you so much to Lila, Dick, Rocky, and Henry for their ideas and contributions this last month! For suggestions of presenters for our luncheons, please email Jennifer Neermann at [whitewater28@yahoo.com](mailto:whitewater28@yahoo.com). Please email training ideas to Jan Baxter at [janbaxter@cableone.net](mailto:janbaxter@cableone.net). Thanks!