

# GTMA NEWS

## INSIDE THIS ISSUE:

<i>Silence is Golden</i>	1
<i>Struthers Elected to IMA Board</i>	1
<i>IMA Meeting Report</i>	2
<i>GTMA Luncheon</i>	3
<i>GTMA Annual Meeting</i>	3
<i>Fun Stuff!</i>	4

## Upcoming:

- Monday, October 13 - GTMA Monthly Luncheon, London Café, 354 W. Broadway, Idaho Falls. Speaker is Pam Millhouse, Topic is Dynamics and impact upon victims of crime.
- Wednesday, October 22— Seventh Judicial District Small Claims Volunteer Appreciation Dinner
- Wednesday, October 29— GTMA Annual Meeting and election of officers, Sandpiper Restaurant, Idaho Falls. No-host dinner and cocktail hour, beginning at 6 PM.
- Monday, November 10— GTMA Monthly Luncheon, London Café, 354 W. Broadway, Idaho Falls. Speaker is Rusty Broughton, Topic is Organizational communication and leadership.

## FROM THE ARENA

### When not to communicate

Rocky Clark, GTMA Vice President

As mediators, we are taught that effective communication involves receiving information (listening), processing information based upon our experiences, knowledge, visual cues and other inputs (thinking or processing) and transmitting information (speaking). How many of us recognize the importance of that most important tool— silence?

For example: Party “A” has expressed their position in no uncertain terms. Party “B” may be willing to consider a solution, but is intimidated by the attitude of Party “A”. The mediator is placed in the position of either limiting the conversation from Party “A” or bringing out possibilities from Party “B”.

The mediator may have a third option. Human nature is such that silence in a conversation can oft times cause the other person to either rethink their position, or reflect more intently on what they just said. This uncomfortable silence can be an effective tool.

In the case presented above, suppose the mediator reframed a question concerning settlement to Party “A”. In the back of his/her mind, the mediator knows that Party “A” will not really consider the settlement, unless the mediator can get through the background noise going on in the mind of Party “A”. Party “A” will in all probability respond quickly and without thought. But— the Mediator listens intently to Party “A”, and meets this response with... nothing but a blank look. No one speaks in response. Party “A” is thinking, “What did I just say?” The brain engages, and retraces the steps to what just occurred. Party “A” reacts, and just maybe opens the curtains to possible settlement just a little bit.

It is our nature as people to respond immediately in communication. That most effective tool called silence can help in certain situations to open the door to effective settlement.

## STRUTHERS ELECTED TO IMA BOARD

Richard Struthers, a name well known in our area and an exceptional mediator, was recently named to the Board of Directors of the Idaho Mediation Association, during the annual conference held in Boise. Eastern Idaho now has three representatives on the IMA Board. Richard’s success in being elected brings yet another voice from

Eastern Idaho to the State Association. Dick is vitally interested in moving mediation in our area forward, and we appreciate his time and commitment in improving the practice of mediation in our area. Congratulations... and thanks for stepping to the plate!

## 2008 IMA CONFERENCE REPORT

The Idaho Mediation Association 2008 Annual Conference was again two and a half days of intense and entertaining learning about the field art and craft of mediation. My favorite sessions were:

### **Uniform Mediation Act**

The highlights for me were Merlyn Clark presentation on the Uniform Mediation Act (UMA) and Idaho Evidence Rule (IRE)507, enacted into law in the state of Idaho last July. IRE 507 deals with judicial proceedings while the UMA deals with nonjudicial proceedings. The purpose of these changes is to:

- Provide rules on issues of confidentiality and privileges.

- Address privileges that apply to later legal proceedings

- Provide a confidentiality obligation for mediators

- Provide a safe environment during mediation without fear their statements will be used against them if they do not settle.

- Protect the right not to disclose mediation communications and the right to prevent others from disclosing mediation communications.

I would like to see us have a person familiar with this legislation speak to us at in a workshop session this winter.

### **Impasse Breaking**

Sam Imperati again delivered a hilarious and insightful session on breaking impasse. His approach is that if you don't have at least one impasse, you don't need a mediator. He suggests you should anticipate at least three in any session. Sam spoke at this conference several years ago and his reputation for a wild session preceded him this year.

There were many other very good sessions during the week-end conference and it is clearly the best way to accumulate the necessary continuing education credits required to maintain your Professional Mediator certification.

During to business meeting on Sunday, two new board members were added. Me and Calik "Tito" Rivera from Sun Valley.

Richard Struthers, CPM

---

## OCTOBER TRAINING OPPORTUNITIES

### **October 16-17, 2008**

#### **Product vs. Process: The Psycho-Legal Approach to Advanced Family Mediation for Lawyers, Mediators and Mental Health Professionals**

Presented by: Grace K. Lee, Attorney-Mediator Tara Fass, LMFT, Therapist-Mediator

Spokesman-Review Building, 608 Northwest Blvd., Coeur d'Alene, ID—Main Conference Room

The fee is \$350; 16 CLE credits, includes 1 Ethics credit. Continental breakfast, lunch and afternoon snack included. Parking is extremely limited at Spokesman-Review Building - plenty of street parking and the courthouse lot is nearby.

This program is sponsored by

THE FIRST DISTRICT BAR ASSOCIATION,

THE CONFLICT RESOLUTION CENTER OF THE INLAND NORTHWEST,

THE UNIVERSITY OF IDAHO COLLEGE OF LAW,

NORTHWEST INSTITUTE FOR DISPUTE RESOLUTION, and

THE ADR SECTION OF THE IDAHO STATE BAR

### **For Questions Or More Information:**

Heidi L. Fisher, Attorney at Law: Phone: (208) 667-4571

## MARK YOUR CALENDAR - GTMA ANNUAL MEMBERSHIP MEETING/NO-HOST DINNER

The time and place have been set! The GTMA (generally quarterly but no less than semi-annual) membership meeting /no-host dinner and social will be held as follows:

**Date: Friday, May 30, 2008**

**Time: Social Hour - 6:00 PM, No-host Dinner—7:00 PM**

**Place: Shilo Inn, 780 Lindsay Blvd, Idaho Falls, ID 83402**

Following the dinner, a short business meeting will take place to bring everyone up to speed on GTMA's accomplishments, and a discussion of future projects. A minimum of 20 people will be necessary to cover the room rental, or the event will be cancelled. An e-mail announcement has been sent to all newsletter recipients with a registration form within the next week to provide meal selections and RSVP information. If you did not get one, send an e-mail to: fabaclark@msn.com.

You know what will happen if you don't show... We'll volunteer you for something.

It is by universal misunderstanding that all agree. For if, by ill luck, people understood each other, they would never agree.

**Charles Baudelaire**  
**(1821 - 1867)**

---

## GTMA LUNCHEON—TUESDAY, APRIL 7

The monthly GTMA luncheon will be held at 12:00 noon on Monday, October 13. Ms. Pam Millhouse, Victim/Witness Coordinator in the office of the Bonneville County Prosecutor will give a presentation on the dynamics and impact on victims of crime, and how mediation in these situations can help the parties adjust to circumstances.

The luncheon will be held at the London Café, (best fish and chips in town!) 345 West Broadway in Idaho Falls. We look forward to seeing YOU there!

---

## NOMINATION OF OFFICERS—2009

Nominations are being accepted for the 2009 officers of the Grand Teton Mediation Association. The offices to be filled are:

President

Vice President

Secretary

Treasurer

Three (3) members of the Board of Directors

Nominations can be made via e-mail at: [nominations@gtmediators.org](mailto:nominations@gtmediators.org).



P.O. Box 51165  
Idaho Falls, Idaho 83405

Henry Henscheid, President

Phone: 208-317-4707  
E-mail: [President@gtmediators.org](mailto:President@gtmediators.org)

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

*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.

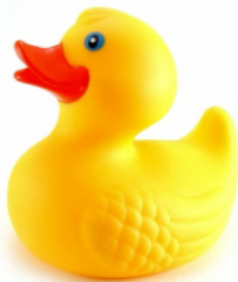
Our membership is open to all persons interested in mediation as a vocation, profession, or area of interest. We constantly strive to provide value to our members through educational opportunities, forums to discuss alternative dispute resolution, and opportunities for the public to engage our services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

We cordially invite all interested persons to join us.

## THE BACK PAGE BLOG

**A negotiator walks into a bar: a joke teaches a lesson on problem solving (9/30/08)**

[Diane J. Levin](#)



A friend recently sent me the following joke:

*During a visit to a mental asylum, a visitor asked the director how to determine whether or not a patient should be institutionalized. "Well," said the director, "we fill up a bathtub, then we offer a teaspoon, a teacup and a bucket to the patient, and ask him to empty the bathtub." "*

*Oh, I see," said the visitor. "A normal person would use the bucket because it is bigger than the spoon or the teacup."*

*"No," said the director, "a normal person would pull out the plug. Do you want the bed near the window?"*



What I love about the joke — apart from the fact that it's actually clean and therefore suitable to repeat in the presence of clients — is how neatly it illustrates an all too common problem: sometimes, when we are presented with several options, they may blind us to other choices — including the simplest and most sensible one.

When you're looking for solutions or preparing to negotiate, are good ideas going down the drain?

From [Mediation Channel](#)