

GTMA NEWS

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Upcoming:

- December 8—GTMA Luncheon, 12 noon, London Café, Idaho Falls. Speaker will be Mr. Mark Withers, Office of the Attorney General. Topic: Rights, Responsibilities & Protections in Consumer purchasing.

FROM THE ARENA

Blink.

I recently had the opportunity to read the book "Blink" by author Malcolm Gladwell. Gladwell's basis for Blink is the ability of the human mind to "thin-slice"; or the ability to gauge what is really important from a very narrow period of experience. In essence, instantaneous or spontaneous decisions are often as good as or better than planned or considered decisions. In the book, Gladwell provides examples from science, sales, medicine and even music to make his case.

The author further explores how a person's ability to "thin slice" can be corrupted by their experiences, likes, dislikes, prejudices and stereotypes, and how they can be overloaded by too much information. Interestingly, Gladwell also relates our instinctive ability to mind read, how we can get to know what emotions a person is feeling just by looking at his or her face. With experience, we can become effective at "thin slicing".

The main idea of Blink, according to Gladwell, is that we "blink" when we think without thinking. We do that by "thin-slicing," using limited information to come to a conclusion. In what Gladwell contends is an age of information overload, he finds that experts often make better decisions with snap judgments than they do with volumes of analysis.

I would recommend this book to any mediator. It provides insight into why we act as we do, and allows us to set aside biases and use the positives of "thin slicing", or intuition, to propose effective solutions.



Fred "Rocky" Clark,
GTMA President

Best personal regards,

Rocky.

GTMA QUARTRTLY MEETING SCHEDULE

Your association is revisiting the manner in which we conduct business. As eluded to last month, GTMA will now meet quarterly, with a business meeting followed by a no-host social.

The dates for 2009 are:

- January 15—Thursday
- March 11—Wednesday

- June 9—Tuesday
- September 11—Friday

These dates are provided to allow is scheduling flexibility. In the event conflicts occur, the dates will be moved forward or back one day. Notice will be provided of any change.

GTMA CONDUCTS SMALL CLAIMS TRAINING

On November 17, GTMA recently sponsored a free seminar regarding small claims mediation. Many thanks to Richard Struthers and Henry Henscheid for providing a very good program. Jan Baxter, Small Claims Mediation Coordinator for the Seventh District provided insight into the Small Claims process in Bonneville County. The class was attended by 10 small claims mediators.

Further training sessions are in development. Topics include getting past impasse, communications, Victim/Offender training, and Small Claims Administration.

Look here for future dates, places, and times!

GTMA MEMBERSHIP—2009

Just a reminder that GTMA membership dues for the 2009 year are now due. The annual membership fee for your association is \$50.00 per year.

Your membership provides funding for GTMA to provide training, mailings, our website, and this fine newsletter. Beginning in 2009, GTMA members will have access to the private section of the GTMA website, which will provide additional resources to our members. Remember, we cannot do what we want or need as an association without your continued support (sounds like the PBS pledge drivew, doesn't it??)

With funding, GTMA can expand its offerings to area mediators, and respond to your needs. Send in that check today. You won't regret it!



"Doesn't mediation require a medium?"

GTMA LUNCHEON—DECEMBER 8

December's Luncheon speaker will be Mr. Mark Withers, Office of the Attorney General. Marks's presentations in the past have been very educational and enlightening. Please join us for a little learning, food, and friendship!

Topic: Rights, Responsibilities & Protections in Consumer purchasing

Date: Monday, November 10, 2008

Time: 12:00 noon

Place: London Café, 354 W. Broadway, Idaho Falls.



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We're on the Web!
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.

BACK PAGE BLOG

Court of Appeal Overturns Class Action Settlement Arrived at in Mediation (11/18/08)

Jeffrey Krivis, Mariam Zadeh



The California Court of Appeal in *Kullar v. Foot Locker Retail, Inc.* found that the trial court abused its discretion in finding the terms of the class action settlement to be fair, reasonable, and adequate where the record failed to establish what investigation counsel conducted or what information counsel reviewed on which counsel based their assessment of the strength of the class members' claims.

The Court further found that the record lacked sufficient information for the trial court to intelligently evaluate the amount in controversy and the realistic range of outcomes of the litigation. Furthermore, the fact that the settlement was reached during mediation did not eliminate the trial court's obligation to evaluate the terms of the settlement. If there were some relevant information that was subject to a privilege that the trial court needed to respect, other data should have been provided that would have enabled the court to make an independent assessment of the adequacy of the settlement terms.

The Court of Appeals held that just because communications made during mediation and writings prepared for use in mediation were inadmissible and not subject to compulsory production did not mean that underlying data, not otherwise privileged, was also immune from production.

From the *First Mediation Blog* of Jeff Krivis and Mariam Zadeh.