



The UCCR News

Volume 7

Autumn 2002

UCCR Focuses on Better Serving Its Members

By Michelle Roybal & Vivia Baldwin

Last spring at the UCCR Symposium, we introduced a new tradition to our programming - the Mediators' Round Table. The Round Table is intended to bring a discussion of the UCCR members to the minds and energies of the UCCR Board. It is part of an effort to make the organization an effective, meaningful resource for our members.

With that in mind, on Saturday, May 4, before the morning sessions of our conference began, mediators, program administrators, UCCR Board Members, and interested parties gathered for breakfast and dialogue at the Law & Justice Center. Approximately 30 participants were in attendance at this inaugural Mediators' Round Table.

UCCR members brought a variety of questions, comments, suggestions and answers to the one-hour breakfast facilitated by Barbara Ashley Phillips, the keynote speaker for the 2002 Symposium. In keeping with the theme of our conference - *An Invitation to Dialogue* - the discussion took place in an open forum and included such questions as, "How do we go forward from here?" and "What do you envision in the next 5-10 years in ADR?"

The following is a list of topics discussed and presented to the UCCR Board for further debate:

- Legislative funding and initiatives for ADR in Utah;
- Expanded mediation role in the court system;
- Certification and training for mediators;
- Outreach to communities including ethnic groups & students in public

education;

- Forums for sharing stories and mediation experiences;
- Organizational structure of UCCR to improve and expand;
- Collaboration with UCCR and institutions in Utah to foster constructive conflict management;
- Referral base for finding suitable and experienced mediators;
- Comprehensive and usable resource guide from UCCR;
- ADR Section of the Bar as a partner with UCCR – Website, directory, training;
- Promotion of collaborative problem solving into a way of life;
- Media Advocacy for ADR— a weekly or monthly column for Utah newspapers from UCCR;
- UCCR sponsor scholarships, service, opportunities to observe, and mentoring;
- Increase use of conflict intervention teams (CIT) in schools; deal with the perception of CIT and reluctance to use the process in schools;
- Opportunity to improve outreach and education in legal community & courts.

The UCCR Board was pleased to receive feedback from the UCCR membership and the community at-large regarding the direction of the organization.

Several of these ideas are already being developed and will continue to be worked upon over the coming year. We have formed a Public Relations and Outreach Committee, whose first task will be to expand and enhance the UCCR newsletter to keep UCCR members informed about ADR issues in Utah. The newsletter will be revised and sent to the membership, as well as our community at-large. We hope to better serve the mediation community by providing diverse articles from the UCCR membership and by presenting issues for on current topics in dispute resolution practice.

Please contribute to the newsletter by submitting ideas or articles to diane.hamilton@sisna.com.

Since the Round Table, we have also been developing a new Utah Council on Conflict Resolution website. The address of our newly-launched site is www.uccr.net. The Board is especially indebted to Morgan Hixson, who updated our UCCR logo and created the new site. His diligence in gathering information about our conferences, newsletters, and membership is much appreciated. Go to the site and look at what UCCR has been up to! Let us know what you think and how the website can be of use to you!

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Reflections of a Mediator: “Healing in Commercial Mediation”

By Karin S. Hobbs

I was intrigued when I received a brochure in the mail last spring from the International Association of Mediators, and one of the workshop titles was “Healing in Commercial Mediation.” I was even more interested to learn that the conference attendees were mostly attorney/mediators involved in a variety of commercial mediations throughout the world. The largest surprise came when I attended the seminar and learned from the psychologist who taught it that there are simple techniques that mediators can use to maximize the potential of healing in mediation, even in commercial cases.

I mediate a wide variety of disputes. Everyday I see a new group of new faces with new problems. In the months since the conference, I often pause during a mediation to reflect on the healing strategies I learned at this conference and ask myself how the techniques might assist these people with these problems in this mediation.

In commercial business disputes, parties are often struggling with “misunderstandings” or “lies” regarding their agreements. In an increasing number of cases, the decline in the stock market is topic of discussion. Interestingly, many of same concerns are present in family disputes like probate, guardianship and even divorce cases. Regardless of the type of case it is, hearing the story becomes an important part of resolving the dispute.

I learned at the conference that there is a helpful way to tell a story and there is an unhelpful way to hear a story. How the mediator elicits storytelling as part of the mediation is key to its success. I hope to meet with a psychologist and develop this topic for the presentation at the UCCR conference in 2003.

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MEDIATOR STORIES!

Introducing a new column in the Newsletter about the personal experiences of a mediator. We want to hear from you and include your story. Help by sending in your narrative with changes made to protect confidentiality. We will edit for space and notify you when it will be printed. Please keep the article to 250 words or less and include your name, address, phone, email, fax and one sentence about your experience with conflict resolution.

Send your mediator story to The UCCR News, c/o Vivian Baldwin, vivbaldwin@msn.com.

Mediator Book Picks by Michael Zimmerman

Following the events of September 11, I undertook to learn more about the causes of the deep hatred of our country and culture that spawned these attacks. What is it about us, what have we done, that has so deeply offended these people? If we are to appraise for ourselves the causes of our current predicament, and the solutions offered for it, we need to work to understand the other side, to explore the Muslim world and its interaction with the West. The book discussed here is the beginning of that exploration for me.

What Went Wrong? is by Bernard Lewis, a distinguished professor of near eastern studies at Princeton. This volume has its core three lectures given in 1999 and focuses principally on the Ottoman Empire, although it also addresses the broader Muslim civilization. It provides a useful primer to the growth and decline of Muslim civilization over the past 1300 years. But its more profound lessons are on the perspective that this civilization has on itself and on its decline in recent centuries when compared with the West. As background, it bears remembering that within one hundred years of the death of Mohammed, the Muslim empire exceeded in size the Roman empire at its height. It stretched from the Indus River to Gibraltar. From the 8th through at least the 16th centuries, the Muslim empire was not only the world's largest, but almost certainly its most diverse, learned, sophisticated, wealthy, and tolerant. Europe was a relative backwater.

During this long period, Muslim civilization, Lewis argues, became very self-centered and self-satisfied. And it remained so as the West came out of the

trauma of the middle ages and the religious wars that followed the Reformation, and as it extended its reach to areas beyond the Mediterranean world. The economic power of Muslim civilization waned as trade shifted to the oceans, yet it remained largely politically intact. This permitted it to remain isolated while the West, largely unnoticed, began to accumulate technical and scientific knowledge and military power. Not until relatively recently, when the West projected its power into the heartlands of the Islamic world, did it trigger a strong response. The governments in these lands made efforts to adopt western military and economic models to redress the increasing imbalance between West and Middle East. This effort has largely been a failure. Lewis hypothesizes several possible reasons for this failure, including religious fundamentalism, a profound tendency to look to the past for solutions, and a lack of political liberty and strong political institutions.

I cannot do justice to Lewis' discussion, but one point seems to stand out. The failure of the ways of the West to take root and to produce significant improvements in the everyday lives of the people has left a deep sense of frustration. It has also produced strong calls for a return to a path more intrinsic to the culture and one determined primarily by religion. The fact that this is much of the region's response, rather than a more pragmatic adjustment of the means used to address social and economic problems, raises a fundamental point about the relation of Islam to the state. Perhaps because Mohammed was politically and militarily successful during his lifetime, and because the teachings of Islam stress the importance of social justice,

there is little separation between church and state in Islamic teachings. What is God's is not separate from what is Caesar's. This is mirrored in Muslim civilization. Certainly, there have been political divisions within the Muslim world over the centuries, but Lewis suggests that the political never really came to dominate the religious, or to be separate from it. As a result, when the nation or the civilization seems to fail, the failure is often attributed to religious failings—not failings of the belief system, but of the practitioners. And this can prompt a call to return to the ways of an earlier Islam, when it was preeminent as a political and religious power.

These insights lead to a better understanding of why some in the Middle East are so deeply puzzled and frustrated by the region's stagnation, and of the apparent success of the non-Islamic world. It also suggests why many see the ways of the West, with its deep secularization, as a path that is fundamentally inappropriate for Muslims. We in the West often cast the contrast as the backward verses the modern. But it is better seen as the contrast between a predominantly religious view of the world and one that is pragmatically secular, at least when it comes to matters of economics and politics. This perspective on the divergence between the cultures is a valuable one to keep in mind as we attempt to understand the Muslim world which our country is now engaging with such self-righteousness. Difference does not necessarily imply superiority, particularly since making politics subordinate to religion is not an exclusively Muslim phenomenon.

UCCR Focuses on Better Serving Its Members (Continued)

(continued from page one).

We have heard your desire to add community service and outreach to UCCR. We are pleased to inform you that we are adding elements of community service to our Symposium by introducing a volunteer award. We are also creating more links to public schools, and will announce our collaboration programs in the next newsletter. The UCCR membership will be informed of the new projects as they unfold. We are grateful to those who

offered to volunteer with respect to these topics listed above. We are in need of volunteers on a regular basis. If you would like to lend your support or if you would like to volunteer, please contact Michelle Roybal at (801) 524-6128 or via email at michelle_roybal@utd.uscourts.gov

Michelle Roybal is the ADR Administrator for the U.S. District Court. She serves as Secretary on the UCCR Board, as well as

Chair of the Symposium Committee.

Vivia Baldwin is a mediator and marketing consultant. She sits on the UCCR Board, as well as serving as part of the Symposium and Peacekeeper Award Committees.

Upcoming Events & Trainings

- *2003 UDR Basic Mediation Training. (801) 532-4841.*
 - Feb. 6, 7, 10, & 11. \$600 early registration fee by Jan. 24.
 - May 1, 2, 5, & 6. \$600 registration fee by April 18.
 - Sept. 11, 12, 15, & 16. \$600 registration by Aug. 29.
- *ADR Court-Annexed Annual Training. Friday, February 7, 2003 (see side article for more information).*
- *ABA Section of Dispute Resolution Annual Conference. March 20-24, 2003. San Antonio, TX.*
- *2003 UCCR Symposium. May 16-17, 2003.*
- *UCCR Peace Tree Dedication. Friday, September 12, 2003.*

New Ethical Exam Required by AOC

By Kathy Elton, Director of the ADR Programs

The Administrative Office of the Courts and the Judicial Council ADR Committee have endeavored to strengthen the ethical understanding of mediators on the Court-Annexed ADR Program Roster. The AOC enlisted the help of Michelle Hawes in designing the test.

Beginning in 2003, ADR providers who wish to remain on the court roster, or ADR providers applying to be included in the roster for the first time, will be required to take an exam on the ADR Provider Ethical Code (Utah Rules of Alternative Dispute Resolution, Supreme Court Rules 104). The Administrative Office of the Courts is in the process of setting up the procedure for the exam, and hope that the exam will be available on the court Website for easy access to ADR providers throughout the state. Special arrangements will be made for those without Internet access.

The exam will consist of approximately 75 true/false and multiple choice questions based on the ADR Provider Ethical Code. The Ethical Code will also be available on the court Website. The test will be ready to take some time in late December, 2002 or early January 2003. The ADR Office will be sending out packets of information about the new exam in early December 2002.

The Annual meeting for ADR providers on the Court-Annexed roster has been set for Friday, February 7, 2003 from 8:30-12:00. This meeting will include an update on roster requirements, and court ADR programs, as well as a training session on neutrality with Diane Hamilton. Mark your calendars now and more information will be sent to you soon.

The court ADR Office has set up a new listserve. This listserve is designed to keep those interested in restorative justice updated on what is going on in the state around this topic. If you are interested in being added to this listserve, you can send an email to Kathy Elton at kathye@email.utcourts.gov.

UCCR BOARD ELECTIONS!

Board membership will rotate this soon, making two at-large member seats available. Please consider serving on the UCCR board. These are three-year terms with an option to run again. Nomination ballots will be mailed to all UCCR members this spring.



The Utah Council on Conflict Resolution

*Please send your ideas or articles for the
UCCR newsletter to Diane Hamilton via email:*

diane.hamilton@sisna.com

If you would like to join UCCR, please
contact Michelle Roybal

at (801) 524-6128

Visit www.uccr.net for a variety of sub-
stantive articles on dispute resolution.

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To reconcile conflicting parties, we must have the ability to understand the suffering of both sides. If we take sides, it is impossible to do the work of reconciliation. And humans want to take sides. That is why the situations get worse and worse. Are there people who are still available to both sides? They need not do much. They need do only one thing: go to one side and tell all about the other side, and go to the other side and tell about the suffering endured by this side. That is our chance for peace. That can change the situation. But how many of us are able to do that? --Thich Nhat Hanh