

In the Matter of Adopting a New	)	CHIEF JUSTICE ORDER
Out-of-Cycle UTCR to Establish	)	No. 03-058
Qualifications for Mediators as	)	
Required by ORS 36.200(1),	)	ORDER ADOPTING OUT-OF-CYCLE UTCR TO
107.755(4) and 177.775(2)	)	ESTABLISH QUALIFICATIONS FOR MEDIATORS
	)	IN COURT-CONNECTED MEDIATION PROGRAMS

Whereas, Chapter 791, Oregon Laws 2003, was signed by the Governor on September 22, 2003, and

Whereas, sections 21, 24, and 25 of the measure require the Chief Justice to adopt qualifications for mediators in certain court-connected mediation programs which rules were formerly adopted by the Oregon Dispute Resolution Commission, and

Whereas, the measure has an emergency clause making it effective on the date it was signed and requiring actions immediately to be in compliance with the statute, and

Whereas, an out-of-cycle change to Uniform Trial Court Rules (UTCR) will allow both compliance with the statute immediately and provide a forum for people to express and address concerns, and

Whereas, the attached rules comply with the statutory requirements in a manner of least impact to the mediation community; now, therefore,

I HEREBY ORDER, pursuant to ORS 1.002(2)(e) and ORS 36.200(1), 107.755(4) and 177.775(2), the following:

1. The attached Uniform Trial Court Rules (UTCR) 12.500 to 12.640 are adopted.
2. The attached adopted UTCR are to be published with the 2003 proposed changes to UTCR that are published for public comment.
3. Although the attached adopted UTCR change the format and modify what currently exists to be consistent with the form and tone of the UTCR and the structure of the Oregon Judicial Department, they are drafted to incorporate all specific requirements and are to be interpreted as to not change existing practice under the replaced Oregon Administrative Rules (OAR) until August 1, 2004, at which time these UTCR will be interpreted according to their plain language.
4. This rule does not change the qualifications of mediators currently serving or eligible to serve as court-connected civil, domestic custody/parenting, or domestic financial mediators.
5. The attached adopted UTCR will be placed on the regular fall agenda (for the meeting currently scheduled for October 17, 2003), of the UTCR Committee to allow public comment and proposed changes.
6. The Office of the State Court Administrator will give reasonable notice of this order and the attached adopted UTCR calculated to provide people an opportunity to make appropriate comment at the upcoming UTCR meeting.

This order takes effect immediately and this Uniform Trial Court Rule shall be effective October 2, 2003.

DATED this 15th day of October, 2003

Wallace P. Carson, Jr.  
Chief Justice

## CHAPTER 12—MEDIATION

### 12.500 APPLICABILITY

The rules in UTCR 12.500 to 12.640:

- (1) Establish minimum qualifications, including education, training, experience, and conduct requirements, applicable to:
  - (a) General civil mediators as provided by ORS 36.200(1) .
  - (b) Domestic Custody/parenting relations mediators as provided by 107.775(2).
  - (c) Domestic financial mediators as provided by ORS 107.755(4).
- (2) Do not allow persons listed as qualified for one type of mediation to perform another type of mediation which requires a different qualification unless the mediator is also listed as qualified for the other type of mediation.
- (3) Do not:
  - (a) In anyway alter the requirements pertaining to personnel who perform conciliation services under ORS 107.510 to 107.610.
  - (b) Apply to persons while mediating in proceedings under ORS 107.700 to 107.730.
  - (c) In anyway to establish any requirements for compensation of mediators.
  - (d) Limit in anyway the ability of mediators or qualified supervisors to be compensated for their services.

*NOTE: CJO 03-058 which adopts these rules, provides as follows: "Although the attached adopted UTCR change the format and modify what currently exists to be consistent with the form and tone of the UTCR and the structure of the Oregon Judicial Department, they are drafted to incorporate all specific requirements and are to be interpreted as to not change existing practice under the replaced Oregon Administrative Rules (OAR) until August 1, 2004, at which time these UTCR will be interpreted according to their plain language."*

### 12.510 DEFINITIONS

As used in UTCR 12.500 to 12.640:

- (1) "Basic mediation curriculum" means the curriculum setout in UTCR 12.610.
- (2) "Continuing education requirements" means the requirements setout in UTCR 12.630.
- (3) "Court-system training" means the training setout in UTCR 12.620.
- (4) "Determining authority" means an entity that acts under UTCR 12.520 concerning qualification to be a listed mediator.

- (5) “Domestic abuse training” means training in domestic violence and child abuse.
- (6) “Domestic financial mediator” means a mediator for domestic relations financial matters in circuit court under ORS 107.755 who meets qualifications under UTCR 12.570 as required by ORS 177.755(4).
- (7) “Domestic custody/parenting relations mediator ” means a mediator for domestic relations, custody or parenting time matters in circuit court under ORS 107.755 who meets qualifications under UTCR 12.560 as required by ORS 107.775(2).
- (8) “Experience requirement” means meeting requirements at a level described in UTCR 12.640.
- (9) “Family or divorce curriculum” is a curriculum that includes at least four hours in each of the following areas:
  - (a) mediation process;
  - (b) psychological issues;
  - (c) child development;
  - (d) family law; and
  - (e) family economics.
- (10) “Family studies course” means a seminar or graduate-level course work which substantially covers each of the following:
  - (a) child development;
  - (b) alcohol and drug abuse;
  - (c) domestic violence and child abuse;
  - (d) family financial planning and budgeting;
  - (e) family conflict theories and dynamics; and
  - (f) family law and divorce process.
- (11) “General civil mediator” means a mediator for civil matters in circuit court under ORS 36.189 to 36.210, including small claims and forcible entry and detainer cases, who meets qualifications under UTCR 12.550 as required by ORS 36.200(1).
- (12) “Independent qualification review” means the process described in UTCR 12.600.
- (13) “Lead trainer” means a person who is qualified at one of the levels described in UTCR 12.580.
- (14) “Listed mediator” means a mediator who a circuit court or judicial district of this state officially recognizes and shows by appropriate official documentation as being approved within that court or judicial district as a general civil, domestic custody/parenting, or domestic financial mediator for purposes of the one or more mediation programs

operated under the auspices of that court or judicial district that is subject to UTCR 12.500.

- (15) “Qualified supervisor” means a person qualified as described in UTCR 12.590.
- (16) “Substance abuse training” means training in alcohol and drug abuse.

## 12. 520 DETERMINING AUTHORITY, DETERMINING MEDIATOR QUALIFICATIONS, OTHER RESPONSIBILITIES AND AUTHORITY

- (1) The determining authority:
  - (a) Is the entity within a judicial district with authority to determine whether applicants to become a listed mediator for courts within the judicial district meet the qualifications for the appropriate listing as described in this chapter and whether listed mediators meet any continuing qualifications required by this chapter.
  - (b) Is the presiding judge of the judicial district unless the presiding judge has delegated the authority to be the determining authority as provided or allowed by statute. Delegation under this paragraph maybe made to an entity chosen by the presiding judge to establish a mediation program as allowed by law or statute. A delegation must be in writing and, if, it places any limitations on the presiding judge’s ultimate authority to review and change decisions made by the delegatee, must be approved by the State Court Administrator before the delegation can be made.
- (2) Authority over qualifications. Subject to the following, a determining authority, for good cause, may allow appropriate substitutions, or obtain waiver, for any of the minimum qualifications for a listed mediator.
  - (a) Except as provided in (b) of this subsection, a determining authority that allows a substitution must, as a pre-hiring condition, require the applicant to commit to a written plan to meet the minimum qualifications within a specified reasonable period of time. A determining authority that is not a presiding judge must notify the presiding judge of substitutions allowed under this section.
  - (b) For good cause, a determining authority, other than the presiding judge for the judicial district, may petition the presiding judge for a waiver of specific minimum qualification requirements for a specific person to be a listed mediator. A presiding judge may waive any of the qualifications to be a listed mediator in an individual case with the approval of the Oregon State Court Administrator
- (3) The State Court Administrator may approve the successful completion of a standardized, performance-based evaluation to substitute for formal degree requirements under UTCR 12.560 or 12.570 upon determining an appropriate evaluation process has been developed and can be used at reasonable costs and with reasonable efficiency.
- (4) Each determining authority that makes determinations for domestic financial mediators shall assure reasonably current lists of qualified supervisors are provided to each court for which it makes determinations. Each court shall assure that reasonably current lists of qualified supervisors working in programs for that court are provided to the Office of the State Court Administrator.

## 12.530 MEDIATOR STANDARDS OF CONDUCT

A listed mediator required to meet or subscribe to standards of conduct of this section, must establish to the satisfaction of, and in the manner established by, the determining authority that the mediator meets or subscribes to all the following standards of conduct:

- (1) General responsibilities:
  - (a) Mediators have duties to the parties, to their profession, and to themselves. They should be honest and unbiased, act in good faith, be diligent, and never seek to advance their own interests at the expense of the parties.
  - (b) Mediators must act fairly in dealing with mediation participants, have no personal interest in the terms of any settlement agreement, show no bias toward individuals or institutions involved in mediation, be reasonably available as requested by mediating parties, and be certain that the parties are informed about the mediation process in which they are involved.
- (2) Responsibilities to the parties:
  - (a) Impartiality. The mediator must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action, and a commitment to serve all mediation participants as opposed to a single party. The mediator should disclose to the participants any affiliations which the mediator may have with any participant and obtain all parties' consent to proceed as mediator.
  - (b) Informed Consent. The mediator has an obligation to assure that all parties understand the nature of the mediation process, procedures to be utilized, and the particular role of the mediator. Each party's consent to proceed with mediation should be obtained early, prior to the beginning of substantive negotiations.
  - (c) Confidentiality. Maintaining confidentiality is generally critical to the integrity of the mediation process. Confidentiality encourages candor, a full exploration of the issues, and the possibilities of settlement. The mediator shall inform mediation participants of the degree to which communications connected with the mediation process shall be confidential, including any individual caucuses which may be utilized. Except as legally required, the mediator should resist testifying and disclosing other information about the substance of a mediation at any proceeding without the consent of all mediating parties.
  - (d) Suspension or Termination of Mediation. The mediator shall inform the participants of their rights to withdraw from mediation at any time and for any reason, except as is required by law. If the mediator believes that participants are unable or unwilling to participate effectively in the mediation process, the mediator should suspend or terminate the mediation, except as is required by law. If the parties reach a final impasse, the mediator should not prolong unproductive discussions which result in emotional and monetary costs to the participants.

- (3) Defining the process:
- (a) Comparison to Other Processes. In appropriate cases, the mediator shall explain that mediation is not arbitration, legal representation, or therapy. The mediator shall explain that the mediator will not decide any issues for the parties.
  - (b) Independent Advice and Information. In mediations in which disputants personally represent their own individual interests and substantial legal issues exist, the mediator shall encourage participants to obtain desired individual legal advice and individual legal review of any mediated agreement as is reasonably necessary for the parties to reach an informed agreement.
  - (c) Full Disclosure. In mediations in which disputants represent their own individual interests, the mediator shall seek to ensure to the mediator's. and all mediation participants', reasonable satisfaction the full disclosure of relevant information in the mediation process. If the mediator believes that full disclosure is not reasonably being made, the mediator shall express such concern to the mediation participants. If this concern is not reasonably satisfied, the mediator may suspend or terminate the mediation.
  - (d) Opportunity for Full Expression of Interests. The mediator shall seek to provide each mediation participant with a full opportunity to effectively express his or her interests.
  - (e) Fees. The mediator has a duty to define and describe any fees for the mediation and to agree with participants as how fees are to be shared and the manner of payment before proceeding to facilitate substantive negotiations. When setting fees, the mediator shall ensure that they are explicit, fair, and commensurate with the service to be performed. Unearned fees must be promptly returned to the participants. It is inappropriate for a mediator to charge contingent fees or to base fees upon the outcome of a mediation. No commissions, rebates, or similar forms of remuneration shall be given or received for referral of clients.
  - (f) Additional Representation or Roles. A mediator should not engage in any nonmediative role relative to the subject matter of a mediated dispute, except by the informed consent of all mediation participants.
- (4) Responsibilities to the profession and the public:
- (a) Continuing Education. A mediator should participate in continuing mediation education and be personally responsible for ongoing professional growth. A mediator is encouraged to join with other mediators and members of related professionals to promote mutual professional development.
  - (b) Advertising. All mediation advertising must honestly represent the mediator's qualifications and the services to be rendered. No claims of specific results or promises should be made.

12.540 PROVIDING AND MAINTAINING PUBLICLY AVAILABLE INFORMATION

When required to comply with this section, a listed mediator must submit and maintain as current for public dissemination all the following information to each court at which the mediator is a listed mediator:

- (1) Name.
- (2) Business name.
- (3) Address.
- (4) Telephone number.
- (5) Facsimile number.
- (6) Description of formal education.
- (7) Description of mediation training, including dates, trainers' names, evidence of completion, and training outline(s).
- (8) Description of mediation experience.
- (9) Relevant organizations with which the mediator is affiliated.
- (10) Description of other relevant experience.
- (11) Evidence of subscription to the Standards of Mediator Conduct in UTCR 12.530.
- (12) Description of how fees are established.
- (13) Statement of case preference in the following form:

CATEGORIES OF CASES	Yes	No
Business	_____	_____
Domestic Relations	_____	_____
Neighborhood/Community	_____	_____
Employment	_____	_____
Small Claims	_____	_____
Landlord-Tenant	_____	_____
Probate	_____	_____
Torts	_____	_____
Other (Specify) _____	_____	_____

## 12.550 QUALIFICATION AS A LISTED GENERAL CIVIL MEDIATOR, ONGOING OBLIGATIONS

To become a listed general civil mediator, an individual must establish, to the satisfaction of the determining authority, that the individual meets or exceeds all the following qualifications and will continue to meet ongoing requirements as described:

- (1) Training. An applicant must have completed a total of at least 36 hours of training, including all the following:
  - (a) The basic mediation curriculum provided by a lead trainer with level 2 qualifications or substantially similar training. An individual who has completed the basic mediation training under either the “Community Dispute Resolution Program Rules” (OAR 718-020-0070) or the “Minimum Qualifications and Training for Court Connected Domestic Relations Mediators Rules” (OAR 718-030-0050(1) and (2)) has met the requirements established by this paragraph.
  - (b) At least six hours of court-system training or substantially similar training.
- (2) Experience. An applicant must have completed experience requirements at experience level 1.
- (3) Conduct. An applicant, and as an ongoing obligation a listed general civil mediator, must subscribe to the standards of conduct in UTCR 12.530.
- (4) Public information. An applicant, and as an ongoing obligation a listed general civil mediator, must comply with requirements to provide and maintain information in UTCR 12.540.

## 12.560 QUALIFICATION AS A LISTED DOMESTIC CUSTODY/PARENTING RELATIONS MEDIATOR, ONGOING OBLIGATIONS

To become a listed domestic custody/parenting relations mediator, an individual must establish, to the satisfaction of the determining authority, that the individual meets or exceeds all the following qualifications and will continue to meet ongoing requirements as described.

- (1) Education. An applicant must possess one of the following:
  - (a) A master's degree from an accredited college or university with substantial course work in a behavioral science.
  - (b) A law degree from an accredited law school with substantial course work and/or Continuing Legal Education credits in family law.
- (2) Training. An applicant must have completed one of the following or substantially similar training:
  - (a) the basic mediation curriculum and at least 24 hours of either family or divorce curriculum, or training substantially similar to the family and divorce curriculum; or



- (b) a curriculum which combines the basic mediation curriculum and either family or divorce curriculum. or training substantially similar to the family and divorce curriculum, in at least a 40-hour curriculum.
- (3) Training. For subsection (2) of this section, the training must be provided by a lead trainer with level 1 qualifications and must include, in addition to the requirements under UTCR 12.610, the following as described:
    - (a) Feed back given to the trainee must include an evaluation of the trainee by the trainer which identifies areas where trainee improvement is needed for the benefit of both the trainee and the program.
    - (b) The training must specifically address assisting individuals during intake and case development to resolve their disputes with a minimum of intervention by a third party.
  - (4) Training. An applicant must have completed a domestic relations mediation curriculum of at least 24 hours with participation as a mediator or comediator in a minimum of three simulated or actual domestic relations mediation cases for at least six hours under the supervision of an experienced lead trainer with level 3 qualifications or a mediator.
  - (5) Training. An applicant must have completed at least five hours of substance abuse training.
  - (6) Training. An applicant must have completed at least five hours of domestic abuse training.
  - (7) Training. An applicant must have completed at least six hours of court-system training or substantially similar training.
  - (8) Training. An applicant must have completed a family studies course.
  - (9) Experience. An applicant must have completed experience requirements at experience levels 2 and 3.
  - (10) Conduct. An applicant, and as an ongoing obligation a listed domestic custody/parenting relations mediator, must subscribe to the standards of conduct in UTCR 12.530.
  - (11) Public information. An applicant, and as an ongoing obligation a listed domestic custody/parenting relations mediator, must comply with requirements to provide and maintain information in UTCR 12.540.
  - (12) Continuing education. As an ongoing obligation, a listed domestic custody/parenting relations mediator must complete continuing education requirements.

2003 NOTE: In the 2003 version of these rules, subsection (3) contains requirements that were included in the basic curriculum for domestic custody/parenting mediators under OAR 718-030-0050 that were not included in the basic curriculum for general civil mediators under OAR 718-040-0040. So they are included here because they are apparently additional requirements.

## 12.570 QUALIFICATION AS A LISTED DOMESTIC FINANCIAL MEDIATOR, ONGOING OBLIGATIONS

To become a listed domestic financial mediator, an individual must establish, to the satisfaction of the determining authority, that the individual meets or exceeds all the following qualifications and will continue to meet all ongoing requirements as described.

- (1) Qualifications. An applicant must meet all of the qualifications under UTCR 12.560 applicable to an applicant to be listed as a domestic custody/parenting relations mediator.
- (2) Ongoing obligations. A listed domestic financial mediator must comply with all ongoing obligations a listed domestic custody/parenting relations mediator must comply with under UTCR 12.560.
- (3) Ongoing obligations. In addition to continuing education requirements required under subsection (2) of this section, a listed domestic financial mediator must also have at least seven hours annually of education in financial issues in divorce and separation. Four of the hours of this additional requirement may apply to the continuing education requirement under UTCR 12.630.
- (4) Training. In addition to training requirements required under subsection (1) of this section, an applicant must have completed 40 hours of training which includes training about all the following:
  - (a) Legal and financial issues in separation, divorce, and family reorganization in Oregon.
  - (b) In relation to paragraph (a) of this subsection: property division, asset valuation, public benefits law, domestic relations income tax law, child and spousal support, joint and several liability for family debt.
  - (c) Basics of corporate and partnership law, retirement interests, enhanced earning capacity, personal bankruptcy, ethics (including unauthorized practice of law), drafting, and legal process (including disclosure problems).
  - (d) The needs of pro se parties, the desirability of review by independent counsel, recognizing the finality of a judgment, and methods to carry out the parties' agreement.
- (5) Training. Of the training required in subsection (4) of this section:
  - (a) Twenty-four of the hours must be in an integrated training.
  - (b) Six hours must be in three supervised role plays in financial mediation.
  - (c) Fifteen hours must be in training accredited by the Oregon State Bar.
- (6) Experience. In addition to the experience required under subsection (1) of this section, an applicant must have completed experience requirements at experience level 4.

- (7) Insurance. As an ongoing obligation, a listed domestic financial mediator shall have in effect at all times the greater of:
  - (a) \$100,000 in malpractice insurance or self-insurance with comparable coverage.
  - (b) Such greater amount of coverage as the determining authority requires.
- (8) Supervising. As an ongoing obligation, a listed domestic financial mediator who has been active for three years, and who qualifies as a qualified supervisor, must provide supervision necessary for other applicants to meet the experience requirements of experience level 4 necessary under subsection (6) of this section.

#### 12.580 LEAD TRAINERS. QUALIFICATIONS, REQUIREMENTS

When a requirement for qualification as a listed mediator requires training be done by a lead trainer at a specified level of qualification, the person doing the training must meet the qualification as specified below.

- (1) A level 1 qualified lead trainer is an individual who has:
  - (a) completed 50 hours of mediation experience; and
  - (b) has a substantial background as a mediation trainer or an assistant mediation trainer.
- (2) A level 2 qualified lead trainer is an individual who:
  - (a) is qualified as a level 1 qualified lead trainer; and
  - (b) has mediation training substantially comparable to that required for a general civil mediator.
- (3) A level 3 qualified lead trainer is an individual who has all the following:
  - (a) participated in a minimum of 35 domestic relations mediations or a total 350 hours of domestic relations mediation; and
  - (b) an understanding of court-connected domestic relations programs.

#### 12.590 QUALIFIED SUPERVISORS. QUALIFICATIONS, REQUIREMENTS

When UTCR 12.570 and 12.640 require a qualified supervisor, they require an individual who is all of the following:

- (1) A mediator.
- (2) Someone who can affirm meeting the qualifications for a domestic financial mediator.
- (3) Someone who has been a family mediator for three years with at least 250 hours and 25 cases involving domestic relations financial mediation.

- (4) Someone who has in force malpractice insurance coverage for the supervisory role.
- (5) Someone who will issue, at the end of the supervisory experience, a letter of certification for an applicant stating whether the applicant has satisfactorily fulfilled the supervision, according to guidelines of the determining authority.

#### 12.600 INDEPENDENT QUALIFICATION REVIEW

- (1) In programs where domestic financial mediators are independent contractors, the determining authority must appoint a panel consisting of at least:
  - (a) a representative of the determining authority;
  - (b) a domestic financial mediator or qualified supervisor; and
  - (c) an attorney who practices domestic relations law locally.
- (2) The panel shall interview each applicant to be a listed domestic financial mediator solely to determine whether the applicant meets the requirements for being listed or whether it is appropriate to substitute or waive some minimum qualifications. The review panel shall report its recommendation to the determining authority in writing.
- (3) Nothing in this rule affects the authority under UTCR 12.520 to make sole and final determinations about whether an applicant has fulfilled the requirements to be listed or whether an application for substitution should be granted.

#### 12.610 BASIC MEDIATION CURRICULUM

The basic mediation curriculum of shall include all the following:

- (1) At least 30 hours of training which shall include, but not be limited to, the following:
  - (a) a minimum of six hours participation by each trainee in three or more supervised role plays with feedback; and
  - (b) a trainee self-assessment.
- (2) Development of mediation knowledge and skills, including information gathering, relationship skills, communication skills, problem solving, conflict management, and ethical practices.
- (3) The curriculum shall specifically address all the following areas:
  - (a) Active listening, empathy, and validation.
  - (b) Sensitivity to, and awareness of, cross-cultural issues.
  - (c) Maintaining neutrality.
  - (d) Identifying and reframing interests and issues.

- (e) Establishing trust and respect.
- (f) Using techniques to achieve agreement and settlement, including creating a climate conducive to resolution, identifying options, reaching consensus, and working toward agreement.
- (g) Shaping and writing agreements.
- (h) Ethical standards for mediator conduct adopted by state and national organizations.

## 12.620 COURT-SYSTEM TRAINING

When court-system training under this section is required, the training shall include, but not be limited to, the following subject areas:

- (1) Knowledge of the court system including, but not limited to:
  - (a) basic legal vocabulary;
  - (b) how to read a court file; and
  - (c) the effect of a mediated agreement on the case including, but not limited to, finality, appeal rights, remedies, and enforceability.
- (2) Knowledge of the range of available administrative and other dispute resolution processes.
- (3) Knowledge of the process that will be used to resolve the dispute if no agreement is reached, such as judicial or administrative adjudication or arbitration.
- (4) Working with represented and unrepresented parties including, but not limited to, all of the following:
  - (a) The role of litigants' lawyers in the mediation process.
  - (b) Attorney-client relationships.
  - (c) Working with lawyers.
  - (d) Attorney fee issues.
  - (e) Understanding motions, discovery, and other court rules and procedures.

## 12.630 CONTINUING EDUCATION REQUIREMENTS

When required to comply with continuing education requirements, a listed mediator must attend at least 12 hours of continuing mediation education each year. Continuing education choices shall be made in consultation with the mediation program supervisor. To the extent that the mediator's training prior to being listed does not include the following topics, those topics shall be emphasized in the mediator's continuing education requirements.

- (1) The effects of domestic violence on children, and the legal rights of domestic violence victims.
- (2) Gender, ethnic, and cultural diversity.
- (3) Divorce adjustment for adults and children.
- (4) "The best interest of the child".
- (5) Psychopathology.
- (6) Crisis intervention with families.
- (7) Oregon Child Support Guidelines.
- (8) Mediation models, theory, and techniques.
- (9) Program administration and service delivery.
- (10) Development of parenting plans.
- (11) Establishment of visitation schedules.
- (12) Practices and procedures of state and local social service agencies.
- (13) Safety issues for mediators.
- (14) Family Systems Theory.

## 12.640 EXPERIENCE REQUIREMENTS

When applicants to become a listed mediator are required to have completed experience requirements at a specific experience level, the requirement is to meet the appropriate following described specific experience level:

- (1) Experience level 1—A person meeting this experience level has observed live mediations or participated as a mediator in at least three cases that have been filed in court.
- (2) Experience level 2—A person meeting this experience level has observed live mediations or participated as a mediator in domestic relations cases for a period of at least 30 hours, including at least three actual domestic relations cases involving children.

- (3) Experience level 3—A person meeting this experience level has completed one of the following types of experience supervised by a lead trainer or supervisor who is level 3 qualified under UTCR 12.580:
- (a) Participation in at least 20 domestic relations mediation cases supervised by or jointly mediated with a domestic relations mediator or level 3 qualified lead trainer.
  - (b) At least two years full-time equivalent mediation experience.
  - (c) At least two years full-time equivalent of direct therapy or counseling experience with a preferred emphasis on short-term problem solving in a private, public, or private nonprofit agency and having:
    - (i) participated as a mediator or comediator in a total of six actual domestic relations mediations or a total of 60 hours of domestic relations mediation, and
    - (ii) an understanding of court-connected domestic relations programs.
  - (d) Been a practicing attorney with at least two years full-time equivalent handling a domestic relations or juvenile caseload and having:
    - (i) participated as a mediator or comediator in a total of six actual domestic relations mediations or a total of 60 hours of domestic relations mediation, and
    - (ii) an understanding of court-connected domestic relations programs.
- (4) Experience level 4—A person meeting this experience level has participated in six financial mediation cases and a total of 40 hours of mediation with supervision by a qualified supervisor, including four client hours with the supervisor present.