

1 Rule 4-510.04. ADR training.

2 Intent: To establish course content, methodology and trainer qualifications for Court-
3 approved 40-hour Basic Mediation Training and to establish a process for certification of
4 training programs.

5 Applicability: This rule applies in the district court.

6 Statement of the Rule:

7 ~~(4)(A)(i)-(1)~~ (1) Course content requirements. Any trainer or training program seeking to
8 offer a mediator training program that fulfills the Court's 40-hour mediator training
9 requirement must abide by the following:

10 ~~(4)(A)(i)(a)-(2)~~ (2) Submission of training materials. When applying for certification and
11 renewal, training programs shall provide the ADR Office at the AOC with all training
12 materials which will be used in the training program. These materials shall include, but
13 are not limited to, the following: the training manual that is given to the participants
14 including the required readings; all exercises and handouts. Revisions, deletions and/or
15 additions to the previously approved training materials must be reported to the Office
16 prior to conducting any course.

17 ~~(4)(A)(i)(b)-(3)~~ (3) ADR syllabus approval. In addition to submission of training materials,
18 each training program must seek approval of its syllabus from the Office 20 working
19 days in advance of each offering of a certified mediation training program. The syllabus
20 shall be reviewed by the Office for compliance with the training standards. The syllabus
21 must be submitted in a format that easily identifies the presentation topic, the trainer(s)
22 for each topic, the time allotted to each topic, any training activities, and the inclusion of
23 the break times. The Office shall notify the trainer or training program of any deficiencies
24 no later than 10 working days before the program is to be offered. Any deficiencies in
25 the program syllabus shall be corrected prior to the commencement of the training
26 program.

27 ~~(4)(A)(i)(c)-(4)~~ (4) Readings. All training programs must provide the participants with
28 copies of Rule 4-510 UCJA, Rule 104 (the ethical code), Title 78B, Chapter 6, Part 2,
29 Alternative Dispute Resolution Act, and Title 78B, Chapter 10, Utah Uniform Mediation
30 Act. Time spent reading the required materials may not count towards the required

31 number of hours of training and can be completed by participants at times when the
32 training program is not being conducted. Trainers shall incorporate in this program some
33 method of ensuring that the required readings are completed.

34 ~~(4)(A)(i)(d)~~ (5) Ethics Training. Training programs shall review with participants Rule
35 104 Code of Ethics for ADR Providers. In addition, ethics shall be woven throughout the
36 program.

37 ~~(4)(A)(ii)~~ (6) Training Methodology:

38 (4)(A)(ii)(a) (6)(A) Pedagogy. The program shall include, but is not limited to, the
39 following: lecture, group discussion, written exercises, mediation simulations and role
40 plays. In addition, outside readings should be provided by the trainer to supplement the
41 training.

42 ~~(4)(A)(ii)(b)~~ (6)(B) Mediation Demonstration. All training programs shall present a
43 role play mediation simulation (either live or by video) prior to the participant's role play
44 experience as the mediator.

45 ~~(4)(A)(iii) Trainer Qualifications. Training programs shall employ a primary trainer
46 who meets the applicable qualifications of a primary trainer and who have been
47 approved by the Office. In order to be approved as a primary trainer, a trainer must
48 demonstrate the following qualifications:~~

49 ~~(4)(A)(iii)(a) Successful completion of a minimum of 40 hours of mediation training.~~

50 ~~(4)(A)(iii)(b) Participation in a minimum of 300 hours of mediation acting as the
51 mediator.~~

52 ~~(4)(A)(iii)(c) Completion of 6 hours of continuing mediator education in the last year.~~

53 ~~(4)(A)(iii)(d) Primary trainers are approved for a three (3) year period.~~

54 ~~(4)(A)(iii)(e)~~ (6)(C) A primary trainer must be in attendance during the entire training
55 program. It is preferable that a single primary trainer fulfill this obligation, but it is
56 permissible that this be accomplished by more than one primary trainer.

57 ~~(4)(A)(iv)~~ (6)(D) Participant attendance: Participants must complete their training
58 requirement by attending one entire program. The primary trainer is responsible for
59 ensuring that the approved syllabus is complied with. Under no circumstances may a

60 participant be excused from attending portions of the training; any portion of training
61 missed shall be made up as directed by the primary trainer.

62 ~~(4)(B) The Administrative Office shall prepare a videotape demonstrating the use of~~
63 ~~ADR and the application of this rule and the URCADR to the ADR program. The~~
64 ~~videotape shall include information as to the differences between mediation and~~
65 ~~arbitration, and the different procedures and the different effects of an award between~~
66 ~~nonbinding and binding arbitration. Sufficient copies of the videotape shall be available~~
67 ~~for use as required by paragraph (6)(A)(i) of this rule, and for the purchase or rental by~~
68 ~~members of the Bar and other persons interested in the ADR program.~~

69 (7) Trainer Qualifications. Training programs shall employ a primary trainer who
70 meets the applicable qualifications of a primary trainer and who have been approved by
71 the Office. In order to be approved as a primary trainer, a trainer must demonstrate the
72 following qualifications:

73 (7)(A) Successful completion of a minimum of 40 hours of mediation training.

74 (7)(B) Participation in a minimum of 300 hours of mediation acting as the mediator.

75 (7)(C) Completion of 6 hours of continuing mediator education in the last year.

76 (7)(D) Primary trainers are approved for a three (3) year period.

77