



Honorable Nancy E. Rice
Chief Justice Colorado Supreme Court
Ralph L. Carr Colorado Judicial Center
2 East 14th Avenue
Denver, CO 80203

April 4, 2017

Dear Chief Justice Rice,

I am writing to you about the ongoing effort to insure there are standards for mediators in domestic relations cases in Colorado.

Professional level members of the Mediation Association of Colorado serve 95% of the population of this state. They are required to pass a criminal background check, have completed a minimum of 40 hours of formal mediation training, one hundred hours of actual mediation experience, have 10 hours of continuing education per year, and they are subject to a grievance process. We would like to explore a partnership with the judicial branch in which litigants are encouraged, but not required, to select mediators who are subject to oversight, either by the MAC or ODR.

Currently, the MAC often receives complaints from the public about mediators who are not our members, leaving us with no recourse or standing to intervene. Ideally, we would have both attorney and non-attorney mediators providing services in court cases be either ODR or MAC professional members. This would give the public a place for complaints specifically about the quality of mediation; separate and distinct from complaints about legal representation.

We encourage the bench to inquire what if any training or experience court appointed mediators have. Judges should know more about who they allow to certify that a mediation has taken place. This might be done through their own inquiries. However, MAC professional membership or affiliation with ODR could provide a convenient shortcut to any detailed inquiry. Without MAC membership ever being made a requirement, we hope that it will become part of a pragmatic answer for many mediators and judicial districts.

We recognize that there can be no monopoly or privileged position offered to ODR or MAC mediators. However, we think there is a surplus of trained mediators in the state, and the focus should be on fostering their quality not quantity.

There is an abundance of professionally qualified mediators in our state, though admittedly concentrated on the front range, and we believe that if the opportunity were presented, some would be willing to travel to underserved areas several times a year to provide mediation services. Also, with current technology, it may be possible for our professional mediators to provide quality mediation services long distance.

We would like to support the Court, and for the Court to support us in elevating the practice of mediation in all cases where the court orders the parties into mediation.

We hope that these ideas may resonate with the court and would like meet with you to discuss these ideas further and explore how we can work together to better assure a quality experience for parties ordered to mediation.

Sincerely,

Sara Johnson

President of the Board of Directors of the Mediation Association of Colorado (theMAC)

Tel (303) 856-5357

sara@coloradomediation.org

cc. Justice Richard Gabriel

cc. Simon Mole, Chair of the Judicial Committee of the Mediaton Association of Colorado