

Hello!

The Task Force, created over a year ago to take a closer look at proposing higher standard for mediators, has submitted the final draft for the credentialing of domestic mediators who accept court-referred cases for mediation. Some of you may not know this task force exists or who serves on this task force. So I thought I would give you a little background information before presenting the status of the task force's work.

I have been serving on the Office of Dispute Resolution Advisory Committee (ODRAC) for about 5 years now. I was appointed as the representative for The Mediation Association of Colorado, while I the president of theMAC. TheMAC has been discussing raising the "bar" or creating higher standards for mediators in Colorado for many years. TheMAC's professional standards demonstrate this desire to increase the quality of mediation in our state.

The first year serving on ODRAC, I presented theMAC's standards for professional mediators and suggested that the Committee spend some time discussing the lack of standards for mediators in Colorado. Now 5 years later, there has been extensive efforts from this Committee and the Mediator Credentialing Task Force, created by Chief Justice Rice, to create the best possible recommendations for credentialing domestic mediators who mediate court referred cases in Colorado.

Seven people were appointed to the Task Force, all representing different areas: Judge Plewe (district judge), Magistrate Lococo (magistrate), Holly Panetta (ODR director), Bill Delisio (Supreme Court Administrative staff), Fonda Hamilton (domestic, non-attorney mediator), Greg Whitehair (civil/federal attorney mediator), Helen Shreves (family attorney mediator).

ODRAC and the Task Force have researched certification/credentialing of other states, obtained feedback from mediators, judicial officers, and court staff numerous times, held "town hall" meetings to gather thoughts and suggestions from professional working in or "around" the field of mediation all across the state. The Task Force has drafted, revised, and re-drafted many versions of recommendations for raising the standards for Colorado mediators.

Now, the Task Force has completed our mission set forth by Chief Justice Rice. We were tasked with drafting the best possible recommendations for domestic mediators who mediate court-referred cases. The original recommendations from ODRAC were to credential all mediators who mediate any type of court-referred cases. The recommendations are now specifically for domestic mediators who mediate these types of cases.

I have submitted the proposal that was sent to Chief Justice Rice and the letter the Task Force sent accompanying the proposal for your review. You can find them on the ODR website as well.

As a note, from the feedback the Task Force members have received, I can tell you there are some of you who are thrilled to see efforts for any kind of credentialing possibly taking place. Some who are glad to see improvements, but don't believe this "step" is enough. And, there are some of you who are opposed to any type of credentialing for mediators. I can assure you the Task Force has heard every person, discussed every comment, and taken

every suggestion into consideration as we have created a working proposal for domestic mediator credentialing.

Keep in mind that currently Colorado has NO standards for serving as a mediator. Someone can “wake up” one morning, decide they are going to be a mediator, and start practicing that day with no training or understanding of mediation or the complicated issues surrounding these cases.

It is true that ODR mediators are required to have training and continuing educational requirements in order to obtain a contract with the state. However, ODR is only mediating a fraction of court-referred cases.

Professional MAC members are required to complete a 40-hour training course and 100 hours of co-mediation experience, adhere to professional standards, and complete 10 hours of continuing education each year. Private mediators, many professional MAC members, make up the majority of cases now being mediated. Most of these private mediators are extremely well trained, and continue to add to their specific knowledge and skills for their area of practice. However, as stated above, there are some mediators who are ruining the lives of domestic mediation parties with their lack of skill or knowledge of the mediation process or specifically of family issues. The judicial branch is seeing an increase in pro se domestic litigants as the group most at risk for harm from inexperienced and unknowledgeable mediators.

The Task Force was given directions from the Chief Justice to create a minimum standards draft for credentialing domestic mediators, which is what we have done. I want to point out that while I, and other Task Force members, believe that this “step” is not enough, we also feel the Policy Establishing Standards for Court Referred Mediators is simply a small beginning for raising the standards of mediation in Colorado. After reviewing the proposal submitted to Chief Justice Rice, you will see that these recommendations are basically the same as the MAC professional mediator standards.

The Policy Establishing Standards for Court Referred Mediators Pursuant to §13-22-311, C.R.S. is finalized and has now been sent to Chief Justice Rice for her review and decision. She will determine if the judicial branch will proceed in the direction of credentialing domestic mediators or “table” the proposal for now.

**As mentioned above, keep in mind that the mission the Task Force was given from Chief Justice Rice was to develop the best possible recommendations and best practices for domestic mediators who mediate court-referred cases not to determine whether or not there should be credentialing.**

It is a pleasure serving as your representative on the ODR Advisory Committee and on the Task Force. It should make all MAC members proud that this organization has always led the way for improving the quality of mediation in Colorado. I will keep you updated on the decisions Chief Justice Rice makes regarding the policy that has been submitted to her.

Best regards,  
Fonda Hamilton  
[CSmediator@gmail.com](mailto:CSmediator@gmail.com)