Supreme Court of Ohio
Basic Mediation
Training Program Standards

I. GENERAL

A basic training program shall last a minimum of twelve hours, not including welcome, introductions, breaks and closing remarks.

Materials (written or electronic) shall be distributed to all participants prior to or at the training program.

II. FACULTY QUALIFICATIONS

Faculty shall be qualified by education, or have the necessary practical skills to conduct the program effectively in accordance with standards set by the Supreme Court of Ohio Dispute Resolution Section. A sponsor shall have an ongoing duty to report any activity, criminal or otherwise that would adversely affect the faculty's ability to perform the functions of faculty delivering a training program.

III. TRAINING PROGRAM METHODOLOGY

A combination of at least three of the following teaching techniques shall be utilized:

1. Lecture;
2. Group discussion;
3. Written exercises/activities (drafting mediation documents such as confidentiality agreement, memorandum of understanding, etc.);
4. Mediation demonstration;
5. Role-play.

IV. TRAINING PROGRAM, MINIMUM REQUIREMENTS

The following categories shall be addressed for the minimum time specified for each subject (examples of topics that meet the requirement are listed under each category):

A. Conflict Theory (minimum of 60 minutes/1 hour)

1. What is Conflict
2. Conflict Styles (*See* Thomas-Kilmann Conflict Mode Instrument)
    a. Competing
    b. Avoiding
    c. Collaborating
    d. Accommodating
    e. Compromising
3. Dispute Resolution Processes

a. Negotiation
b. Settlement Conference
c. Conciliation
d. Mediation
e. Arbitration
f. Early Neutral Evaluation
g. Collaborative Law
h. Parenting Coordination
i. Litigation

4. Styles of Mediation
    a. Facilitative
    b. Evaluative
    c. Transformative
5. Core Issues
    a. Identity
    b. Fear
    c. Caring
    d. Self-worth
    e. Power
    f. Control
6. Interests versus Positions
7. Emotional Dynamics
    a. Parties inappropriate for mediation
    b. Aggressive behavior/threats
    c. Highly emotional parties
    d. Uncooperative parties
    e. Accusations of abuse
    f. Parties under influence of drugs/alcohol
8. Party Self-Determination
9. Neutrality
10. Cultural Diversity
11. Other

B. Process (minimum of 180 minutes/3 hours)

1. Uniform Mediation Act (R.C. 2710)
2. Mediator Role and Qualifications
3. Stages of Mediation

Stage One: Pre-mediation

Screening (ripeness, domestic abuse, appropriateness), developing mediation strategy (ie., room set up, discuss necessary documents and/or other information), etc.

Stage Two: Introduction

Introductions, ground rules

Stage Three: Fact Finding

Telling of stories, problem identification, clarification, re-framing, mediator summary

Stage Four: Issue Identification

Mediator identifies and clarifies presenting and underlying issues

Stage Five: Generation and Selection of Solutions

Parties propose, evaluate, and select solutions

Stage Six: Summarization and Conclusion

Mediator summarizes and outlines next steps, memorializing agreement(s)

3. Other

C. Communication (minimum of 210 minutes/3.5 hours)

1. Active listening
2. Reframing
3. Non-verbal communication
4. Gathering information (asking open, probing questions to understand views and feelings)
5. Clarifying
6. Summarizing
7. Demonstrating empathy
8. Maintaining appearance of neutrality/impartiality
9. Other

D. Technique (minimum of 210 minutes/3.5 hours)

1. Co-mediation
2. Caucus
3. Best Alternative to a Negotiated Agreement (BATNA)/Worst Alternative to a Negotiated Agreement (WATNA)
4. Brainstorming
5. Collecting data
6. Converting positions into needs and interests
7. Identifying areas of agreement
8. Designing temporary/interim plans
9. Reality testing
10. Cost/benefit analysis
11. Flip charts
12. A moment of silence
13. Referrals to other agencies
14. Scheduling another session
15. Termination (when, how, safety issues)
16. Writing agreements/memorandums of understanding
17. Use of experts
18. Strategies to address impasse

19. Nonparty participants
20. Interpreters in mediation
21. Working with large groups
22. Telephone mediation
23. Setting the tone
24. Note taking
25. Other

E. Professional Conduct (minimum of 60 minutes)
    1. Model Standards of Conduct for Mediators (September 2005). Adopted by AAA, ABA, ACR.
    2. Unauthorized Practice of Law (giving advice versus giving information)
    3. Dual role for attorneys as mediators
    4. Other

V. APPROVAL

Any mediation training program, approved by the Supreme Court of Ohio Dispute Resolution Section as meeting these standards, is approved for a period of two calendar years. However, the trainer shall submit a listing of scheduled courses at least 45 days before each course, giving the date, time, location, and cost, if applicable of the training program. Any material change in the course (such as a change in a primary trainer, expert or the curriculum) requires a new application to the Supreme Court of Ohio Dispute Resolution Section.

VI. REVOCATION OF APPROVAL

The Supreme Court of Ohio Dispute Resolution Section has the right to audit approved training programs during the period for which the training program has been approved. Such an audit may include, but is not limited to: attendance of any part of the course; examination of evaluation forms; examination of curriculum and written materials; and, interviewing participants. Approval of programs which are determined to no longer comply with these standards and/or the "Obligations and Responsibilities For Sponsors" outlined in the *Instructions, Obligations, and Responsibilities for the Approval of Required Dispute Resolution Trainings under the Supreme Court Rules of Superintendence for the Courts of Ohio* will be revoked.