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The Office of Dispute Resolution Mediator Selection Process

The Office of Dispute Resolution ("ODR") contracts with a limited number of mediators throughout Colorado. All ODR mediators are independent contractors. Additional mediators are recruited to meet projected increases or changes in caseload, or to replace mediators who no longer provide services through ODR.

ODR selects its contract mediators through a process of advertising, screening resumes, and in person interviews. The interviews include questions designed to evaluate the applicant's knowledge of mediation, and mediation roleplays in which applicants demonstrate their mediation skills. Applicants must meet certain minimum qualifications, including 40 hours of mediation training, experience as a mediator, and substantive knowledge in the subject area in which they are seeking to provide services. Although ODR's caseload is not restricted to cases filed in the courts, the great majority of cases mediated through ODR are court-referred; thus, experience with court-referred mediation is preferred. Recommendations are then typically made to the Chief Judge of the district in which the mediator(s) will provide services, to ensure the mediators are acceptable to and credible with the Bench and the Bar.

The State of Colorado does not certify, license, or otherwise regulate mediators.¹ ODR established qualifications for its contract mediators in the ODR Policies and Procedures Manual, pursuant to the Colorado Dispute Resolution Act, §13-22-306, C.R.S., as follows:

Policies and Procedures Manual
Subject: **Qualifications of Court Mediators**

Date: May 1, 1996

HIRING OF COURT MEDIATORS

New mediators are interviewed and offered contracts with ODR only on an as-needed basis, when the existing court mediators are not available to handle the cases referred to ODR.

QUALIFICATIONS OF COURT MEDIATORS

In determining whether a particular individual is offered a contract, ODR considers mediation proficiency as well as the mediator's suitability for the program:

1. Mediation Proficiency
 - a) **Mediation training.** Preference is given to individuals with at least 40 hours of "hands-on" training in specific mediation skills.

¹ Voluntary Guidelines for Mediator Education and Training were endorsed by the Colorado Bar Association and the Colorado Council for Mediators and Mediation Organizations in 1992. These Guidelines are currently being reviewed for possible changes to accommodate growth and development in the mediation profession.

- b) **Mediation experience.** ODR hires only experienced mediators. Generally this requires that the applicant has mediated a minimum of 20-100 cases. Preference is given to individuals whose mediation experience is: (1) in the substantive area in which they expect to mediate at ODR; (2) conducting solo mediations (vs. co-mediation); and (3) with court-ordered (vs. voluntary) mediation.
 - c) **Substantive legal knowledge.** Preference is given to individuals with extensive knowledge of Colorado law regarding the substantive area in which they expect to mediate.
 - d) **Familiarity with the court system.** Preference is given to individuals who have an understanding of the role of judges, lawyers, etc., and who are familiar with court procedures applicable to the cases they expect to mediate (e.g., civil vs. dissolution procedures).
 - e) **Mediation skills and style.** The applicant's mediation skills are reviewed primarily during the interview through the use of hypothetical questions and role plays. Preference is given to individuals who are most comfortable with mediation as a voluntary process, are best able to permit the parties to appropriately determine the direction of the mediation process, and whose mediation style is best suited to the structure of the court-ordered mediation program.
2. Suitability for ODR Program
- a) **Acceptability to court and local attorneys.** If a mediator is being sought for a local court, the application may be reviewed by the judges and administrative staff of the court, as well as selected local lawyers. Preference is given to mediators who are acceptable to the court and the members of the local bar. Mediators who do not enjoy the confidence of the court, the local bar, and the court staff will not be offered contracts.
 - b) **Interest in promoting ADR.** Court mediators are often asked to donate time to work with the local court and other local groups to develop mediation and other ADR programs. Preference is given to applicants who are interested in assisting with the local development of ADR and who have considerable volunteer time to commit to the effort.
 - c) **Fit with local team.** Court mediators in many locations are organized into teams which spend considerable time attending local peer review and working together on ADR development. Preference is given to applicants who will provide the best "fit" with other local team members.
 - d) **Availability.** Preference for each local team is given to individuals who reside in the area. Preference is also given to individuals who have time available to conduct mediations and participate in local development activities.

INTERNSHIP FOR NEW COURT MEDIATORS

Mediators who are offered a contract with ODR are required, at their own expense, to complete an internship before they begin mediating. The director will establish the specific internship process to be completed by each new mediator. The process generally includes at least the following:

1. Policies and Procedures Meetings. New mediators must meet with the director to review ODR policies. New mediators must also meet with the ODR administrative liaison to review ODR procedures.
2. Strategy Meeting. New mediators may be required to attend a meeting with the director and other local mediators regarding strategies for working with the court and other local organizations. This meeting is in addition to local program development and strategy meetings and activities which will be an ongoing part of the mediator's responsibility when the internship has been completed.
3. Intake Observation. New mediators generally spend several hours observing one of the ODR mediation schedulers to become familiar with the intake process.
4. Peer Review Observation. New mediators are required to attend at least one peer review meeting in a location outside their local area. This meeting is in addition to the monthly two-hour local peer review which will be an ongoing part of the mediator's responsibility when the internship has been completed.
5. Mediation Observation/Co-Mediation. A new mediator must work with existing court mediators, either observing the mediators, co-mediating with them, or being observed by them. The number of observation/co-mediation sessions will vary depending on the experience of the new mediator. A new mediator with limited prior experience may be asked to work more extensively with existing court mediators and compensate the mediators for their time.