

1 **Rule 4-510.04. ADR training.**

2 **Intent:**

3 To establish course content, methodology, and trainer qualifications for ~~Court~~ court-approved 40-
4 hour ~~B~~ basic ~~M~~ mediation ~~T~~ training (“Basic Mediation Training”) and to establish a process for
5 certification of training programs.

6 **Applicability:** This rule applies ~~in the district court~~to the Judiciary.

7 **Statement of the Rule:**

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

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

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

29 **(14)(C) Readings.** All training programs must provide ~~the~~ participants with a copy~~copies~~
30 of Rules 4-510.01-06, ~~UCJA, Rule 104~~Rule 104 of the Utah Rules of Court-Annexed
31 Alternative Dispute Resolution (URCADR)~~Rule 104 (the ethical code)~~, Utah Code
32 ~~title~~Title 78B, ~~c~~Chapter 6, ~~p~~Part 2, Alternative Dispute Resolution Act, ~~and~~Utah Code
33 ~~t~~Title 78B, ~~c~~Chapter 10, Utah Uniform Mediation Act, and the Utah Mediation Best
34 Practice Guide. Time spent reading the required materials may not count towards the
35 required number of hours of training and can be completed by participants at times when
36 the training program is not being conducted. ~~Trainers shall incorporate in this~~The
37 program ~~some~~must include a method ~~of to~~ ensuring that the required readings are
38 completed.

(15)(D) Ethics Training. Training programs ~~shall must~~ review with participants Rule 104 of the URCADR and ~~Code of Ethics for ADR Providers~~. In addition, incorporate ethics shall be ~~woven~~ throughout the program.

(1)(E) Mediation oObservation and eExperience oOpportunities.

(1)(E)(i) In addition to the Basic Mediation Training, the training program must:
~~All court-qualified 40-hour basic trainings.;~~

(1)(E)(i)(a) ~~must~~ provide opportunities for ~~these~~ participants, who successfully complete the training, to fulfill all 10 hours of mediation observation and all 10 hours of co-mediation experience in accordance with Rule UCJA 4-510.03; or

(1)(E)(i)(b) pProvide documentation evidencing how the trainer will provide opportunities for all 10 hours of mediation observation and all 10 hours of co-mediation experience hours in accordance with UCJA Rule 4-510.03. For example, E.g. T he contractual arrangements with Utah Court Rostered Mediators on the Roster who have agreed to provide opportunities which fulfill the requirements in Rule UCJA 4-510.03.

(1)(E)(ii) Trainers who provide Basic Mediation Training for 25 or fewer participants per calendar year need only provide all 10 hours of mediation observation opportunities in accordance with Rule UCJA 4-510.03 or provide documentation evidencing how the trainer will provide opportunities for participants to complete all 10 hours of mediation observation in accordance with UCJA Rule 4-510.03. E.g. The For example, contractual arrangements with mediators on the Roster Utah Court Rostered Mediators who have agreed to provide opportunities which fulfill the mediation observation requirement in Rule UCJA 4-510.03.

(26) Training mMethodology:

(4)(A)(ii)(a) (26)(A) Pedagogy. The program ~~shall must~~ include, ~~but is not limited to, the following:~~ lecture, group discussion, written exercises, mediation simulations, and role plays. ~~In addition, e~~ Outside readings should also be provided by the trainer to supplement the training.

(26)(B) **Mediation Demonstration.** All training programs shall must present a role play mediation simulation (either live or by video) prior to the participant's role play experience as the mediator.

(26)(C) **Primary Trainer.** A Primary Trainer must be in attendance during the entire training program and actively instructing over 50 percent of the training content. It is preferable that a single Primary Trainer fulfill this obligation, but it is permissible that this be accomplished by more than one Primary Trainer.

77 (26)(D) **Participant attendance.** Participants must complete their training requirement
78 by attending one entire program. The Pprimary Itrainer is responsible for ensuring that
79 participants comply with the approved syllabus ~~is complied with~~. Under no
80 circumstances may a participant be excused from attending portions of the training.
81 Any portion of the training missed ~~shall~~ must be made up as directed by the Pprimary
82 Itrainer.

83 (37) **Primary Trainer Qualifications.**

84 (3)(A) Training programs ~~shall~~ must employ a Pprimary Itrainer approved by the Office
85 who meets the applicable qualifications of a Pprimary Itrainer ~~and who have been~~
86 ~~approved by the Office. In order to be approved as a~~

87 (3)(B) Pprimary Itrainers, ~~a trainer~~ must demonstrate at least the following
88 qualifications:

89 (37)(BA)(i) successful completion of a minimum of 40 hours of mediation
90 training;
91

92 (37)(B)(ii) participation in a minimum of 300 hours of mediation acting as the
93 mediator; and;

94 (37)(BG)(iii) completion of 6 hours of continuing mediator education in the last
95 year.

96 (37)(CD) Primary Itrainers are approved for a three-~~(3)~~ year period.
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98 Effective: ~~4/1/2012~~May 1, 2026