

**Rule 4-510.04. ADR training.****Intent:**

To establish course content, methodology, and trainer qualifications for ~~C~~ourt-approved 40-hour ~~B~~asic ~~M~~ediation ~~T~~training (“Basic Mediation Training”) and to establish a process for certification of training programs.

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

**Statement of the Rule:**

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

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

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

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

(15)(D) **Ethics tTraining.** 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) mMust provide opportunities for those 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 RuleUCJA 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 mMediators on the Roster who have agreed to provide opportunities which fulfill the requirements in RuleUCJA 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 RuleUCJA 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 UCJARule 4-510.03. E.g. TheFor example, contractual arrangements with mediators on the RosterUtah Court Rostered Mediators who have agreed to provide opportunities which fulfill the mediation observation requirement in RuleUCJA 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, o~~Outside readings should also be provided by the trainer to supplement the training.

(26)(B) Mediation dDemonstration. 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 Pprimary Ttrainer 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 Pprimary Ttrainer fulfill this obligation, but it is permissible that this be accomplished by more than one Pprimary Ttrainer.

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

(37) PPrimary TTrainer QQualifications.

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

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

(37)(BA)(i) sSuccessful completion of a minimum of 40 hours of mediation training;

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

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

(37)(CD) Primary Ttrainers are approved for a three- ~~(3)~~ year period.

Effective: ~~4/1/2012~~ May 1, 2026