

The Office of Dispute Resolution Mediator Selection Process

The Office of Dispute Resolution (“ODR”) contracts with mediators throughout the state of Colorado. All ODR mediators are independent contractors.

ODR collects applications from mediators on an annual basis. ODR selects its contract mediators through a process of screening applications, and in person interviews. The interviews include questions designed to evaluate the applicant’s knowledge of mediation and mediation role-plays 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 local Bench and the Bar.

The State of Colorado does not certify, license, or otherwise regulate mediators. 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:

QUALIFICATIONS OF ODR NEUTRALS

SELECTION CRITERIA

In determining whether a particular individual will be accepted into the program, ODR considers mediation proficiency as well as suitability for the program. Proficiency and suitability are determined through a process which may include any or all of the following: application review, screening of resumes, written questionnaires, oral interviews, hypothetical questions and role-plays.

1. Mediation Proficiency

- a) **Mediation training.** At least 40 hours of "hands-on" training in specific mediation skills is required.
- b) **Mediation experience.** ODR only hires Neutrals who are experienced mediators. Generally this requires that the applicant has mediated a minimum of 20 cases. Preference is given to individuals who have mediated additional cases and 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. domestic relations 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 encourage party empowerment, 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. Applications may be reviewed by the local judges and administrative staff of the court. Preference is given to Neutrals who are acceptable to the court.

b) Interest in promoting ADR. Neutrals are often to donate time to work with the local court and other local groups to promote the use of ADR. Preference is also given to applicants who are willing to commit to this effort.

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 or designee to review ODR policies.
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 may be required to attend at least one peer review meeting in a location outside their local area.
5. **Mediation Observation/Co-Mediation.** A new mediator may 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.