

Variables of Mediation Styles

Variables	One-Stop-Shop	Traditional Facilitative Process	Settlement Conference Style
<u>Fees</u> Flat Fee Hourly	Flat fee (up to \$3,500.00) or hourly. May include fee for an attorney or paralegal to draft documents or may include only completion of the online forms. May or may not include consultation with an attorney.	Usually hourly. Fees vary from low- or no-cost through Utah Dispute Resolution to approximately \$300.00/hour.	Usually hourly. Fees vary from low- or no-cost through Utah Dispute Resolution to approximately \$350.00/hour.
<u>Mediator Qualifications</u> Mediation Training Professional Training Roster Affiliation	<u>Mediation remains unregulated in Utah.</u> Clients must be vigilant and inquire about mediator’s background and training. Only mediators who are on the Court Roster of mediators have any formal commitment to ethical standards outside the standards of their collateral professional training.	Same concerns.	Same concerns. Usually attorneys select the mediator <u>who may or may not be on the Court Roster.</u> Many attorneys prefer to utilize retired judges who are often asked to evaluate a likely judicial outcome.
<u>Attorney Involvement</u>	Under current ethical standards, attorneys may provide one-stop service and may prepare legal pleadings for the parties. However, they must encourage the clients to have the documents reviewed by independent counsel. Many, but not all, one-stop providers discourage clients from consulting outside attorneys and many clients fear attorney involvement.	Clients are encouraged to consult with attorneys, but are not required to do so. Attorneys are often used as consultants through the process and may attend mediation sessions with clients.	Attorneys are almost always involved unless a client is representing himself or herself. Some mediators will not work with unrepresented clients.

Note: In each of these processes, special attention must be given to relationships involving domestic violence.

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<p><u>Process Structure</u> Number of Sessions Participants Goal of Session</p>	<p>Usually involves multiple sessions. May include attorneys, but usually not. May include persons for “moral support.” Provider usually determines process structure, especially if charging a “flat fee.” Goal is to settle and obtain Decree of Divorce.</p>	<p>Often involves more than one session. May include attorneys and persons for “moral support,” but often included only clients meeting jointly with the mediator. Goal may be to settle, but may be to explore options, exchange information, or otherwise as determined by the clients’ needs.</p>	<p>Usually one session, often after “discovery” is completed and often after temporary orders are established through court hearings. Goal is often settlement, but may be only to satisfy the judicial requirement.</p>
<p><u>Document Preparation</u> Legal Pleadings Deeds, etc. Retirement Transfers (QDRO’s), etc.</p>	<p>Often included in flat fee. Online Divorce documents are \$20.00 through www.utcourts.gov. Additional documents to transfer property may or may not be included. Clients should, <u>but do not always</u>, have the opportunity to review the documents with attorneys prior to signing.</p>	<p>Clients or attorneys prepare the official documents. Mediators prepare notes of the parties’ agreements or Memoranda of Understanding. Clients should have the opportunity to review the documents with attorneys prior to signing.</p>	<p>Attorneys prepare final divorce documents and implementation documents. Mediator may draft agreement during session, but the document is reviewed by attorneys prior to execution by the parties.</p>
<p><u>Ethical Standards</u></p>	<p>The only enforcement of ethical standards lies with Court Roster affiliation. Because many clients elect this option out of fear that attorneys will “fan the fire,” it is especially important that clients familiarize themselves with the parameters of ethical conduct and select mediators who subscribe to accepted ethical standards.</p>	<p>The only enforcement of ethical standards lies with Court Roster affiliation. Since the mediator does not prepare the legal documents for the clients, the client is less vulnerable. However, clients should still be mindful of the importance of the mediator’s subscribing to accepted ethical standards.</p>	<p>Since attorneys are often involved in the selection of the mediator, the attorneys have often “vetted” the mediator. However, this is not always the case and the same concerns apply with regard to providers not on the Court Roster.</p>