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MEDIATION SOLUTIONS



MATT FRYE/Liberty Tribune

Ed Taetsch mediates a small-claims case in Clay County Circuit Court involving a heating and cooling company and one of its customers. The case was one of 17 in one day for Judge Janet Sutton, who gave parties the opportunity to resolve their case through mediators outside the courtroom.

Small-claims mediators help parties resolve issues outside courtroom

By Natalie Shelton

It might be a relief for some who anticipate going to small-claims court in Clay County that they might not even have to stand before a judge.

Instead, they and the other party involved can opt to resolve their case outside the courtroom

with a volunteer mediator whose training gives a high likelihood of helping everyone involved reach a mutual resolution.

And many times, mediation helps the two parties feel much better about the outcome, said Dawn Kuhlman, who coordinates the program through the Seventh Circuit Office of Dispute Resolution Services and is

a mediator herself.

"In mediation, the two parties really can work out the issues," she said. "In the courtroom, you focus solely on content and may not get to the heart of the matter. With mediation, it's taken to the next level by focusing more on relationships."

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ELLIOT J. SUTHERLAND/Liberty Tribune

Clay County Circuit Court's Office of Dispute Resolution Services recognized its volunteer mediators Friday, April 13. Shown are several of the mediators, including Jerry Adkins, Jim Fluker, Frank Neal, Kathy Robinson, Kathleen Bird, Judge Janet Sutton, Dawn Kuhlman, Kit Warner, Andrea Gomez, J.J. Greenwood and Elisabeth Key.

MEDIATION: *Volunteers train for 40 hours*

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The Office of Dispute Resolution honored its 28 volunteer mediators last week with a luncheon and certificate of appreciation. Gov. Matt Blunt named April as Missouri Mediation Month.

Kathleen Bird, director of the Office of Dispute Resolution Services, started the mediation program five years ago, and Kuhlman has headed the program for the past two years.

Last year, volunteers mediated 58 cases with 43 of them reaching agreement. In 2005, 36 of 53 cases were resolved through mediation. Practically, mediation saves taxpayers' money by lowering the number of cases Judge Janet Sutton, Clay County's sole small claims court mediator, hears each Friday.

The volunteers, who receive 40 hours of training and observe three cases before proceeding with their first, are neutral third parties and may not impose their judgments on the issues or

provide legal advice. (The majority of Clay County's mediators hold law degrees.)

"I volunteer because I really believe in the mediation process," mediator Ed Taetsch, a licensed social worker, told a defendant and plaintiff before they all proceeded with a mediation session on a recent Friday. "It allows two people having a dispute to find a mutual solution."

Emotions ran a little high at times as Taetsch guided the two parties, one a heating and cooling company and the other a customer, in reaching what they both felt was a fair compromise. The customer ultimately paid for heating and cooling services at a price in the middle of what each initially thought was deserved and worked out a time frame for payment.

If a case isn't resolved through mediation, Sutton tries the case that same day. Sutton said many small-claims court judges thought benefits came from mediation even in cases that didn't settle through that route.

"I always try to encourage it, not because I don't want to try a case, but usually people feel a whole lot better about the process if they've gone through mediation," Sutton said. "It gives them a picture of the other side that they might not know.

Other than the emotional aspect, mediation can also help practically. If a case is tried in the courtroom, the judge can rule only on behalf of a party, not order return or replacement of property. But in mediation, winning parties may even receive a check from the other party before leaving or can make a payment arrangement.

"I can try a case, I can make a judgment, but I can't do more than that," Sutton said. "Because people might not fully understand the process going into it, I've had people ask at the end, 'Where do I go for my money?' But in mediation, it can go that extra step."

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