

somebody who is trained in mediation and that means at least 30 hours of training in mediation; the kinds of people that have been mediators in other locations, trained counselors, lawyers, clergymen and others. They are people who are used to listening to disputes, sifting through what people say, translating from one party to another what the first party is saying; people who are very adept at communication. Now the second question was, does the court have the power to order this now? There is, in any court, a rather good deal of...a rather good deal of inherent authority and if not inherent authority to order it, there is, in any dispute where there are lawyers involved, a great deal of persuasive power. I would suggest that if a court called in the two lawyers and said to them, you know, we've got this scheduled for trial in four months, I highly recommend that you go out and mediate this dispute between now and then, my guess is those parties would go out and mediate it. Now, that's...I'm not going to venture a legal opinion as to whether they have court authority to do that. I don't think we have a statute that declares that. If they have the authority to do it, it's in the inherent authority of the judicial branch to make those. I will admit, however, that any court who wanted to place a very heavy thumb on the scale could get parties to mediate now. There are judges who probably do that in this state. There are certainly judges that do it in other states. The third question that Senator Moore had is, is the predicted result of this binding in statute? And I actually don't want to open myself up here, if I could ask Senator Moore to ask me this question on the record so I've got the exact understanding of the question and I'll be happy to answer it.

SPEAKER BAACK: Senator Moore.

SENATOR MOORE: The third question which I couldn't think of was, if you pass the law, mediation occurs, there's an agreement, is that binding in statute the way the bill is written or what...I mean, what forces those entities to abide by what they agreed to?

SENATOR LANDIS: Okay. The answer is two-fold. The bill is not specific nor is it contemplated that in most situations anything other than a written agreement between the two parties would be done and it would be voluntary. What we find in other parts of the country is that this written document, written by the mediator in the presence of the two parties and signed by the two parties is followed 80 percent of the time, which is higher