

What About Mediator Credentialing?

The debate over statewide mediator credentialing has quieted considerably since SB 1428 died in committee.

Some wanted a credential to distinguish the trained from the untrained. Many felt that CDRC should proactively support this legislation with our input, before "they" do it to us without asking. Additionally, such a credential would give mediators a marketing tool, a measurable status, endorsed by the state, to explain one's qualifications.

Others saw no need for the government to regulate mediators. Additionally, many felt that the standards set were too lenient. Another concern was the possibility of confusing the proposed credential with a license to practice. Any such implication would require contemplating a dec credentialing policy. Finally, regardless of opinion, most were unhappy with many of the bill's provisions as written.

At this juncture, it is safe to say that there will be no statewide legislated credential in the near future. Mediation's biggest legislative advocate, Senator Newton R. Russell, completes his final term this year. Some mediators, however, would still like to see initials after their names. Absent legislation, self-credentialing seems the next logical step.

Such a credential, to serve its purpose, must carry respect. Also, careful consideration must go into qualifying a relative beginner for the same credential that a respected, experienced mediator would hold. Another idea is multiple credentialing levels.

Given this input, CDRC asked Joan Kelly, past president of NCMA, and me to suggest where CDRC might go from here. Joan and I previously had developed a concept attempting to blend the numerous comments into a new bill. I have adapted this concept into a more viable, self-credentialing format.

The idea is to create a model core threshold of entry into the field, signifying a basic level of fundamental, general education, rather than a credential which could imply elite status. We have loosely discussed pairing this with a higher level credential which could be introduced concurrently or subsequently. At this stage, this is not an official CDRC undertaking or position.

This concept provides for a "Certificate of Mediation Education" (CME), comprised of training and experience requirements. This certificate might be issued by CDRC as the only statewide association of ADR providers. Or perhaps CDRC could undertake such a program in conjunction with others such as the Academy of Family Mediators, SPIDR, SCMA and NCMA. Funding and administration would have to be determined; fees might be generated from both individual applicants and schools seeking accreditation, which would support the program's direct overhead and perhaps even contribute toward CDRC's overall administrative costs. The idea is for CDRC to qualify CME providers, much like the State Bar handles MCLE providers. This would ensure a diversity of educators throughout the state.

Applicants would be required to satisfactorily complete a substantial number of hours (say 40) of approved classroom training, of which at least 25 hours should consist of a single basic mediation skills training. The balance may be comprised of advanced or specialized mediation courses. Additionally, applicants would be required to complete 40 hours of live mediation, of which at least 25 hours must be acting as a mediator in an actual dispute. The balance may be comprised of simulated or role-play mediation supervised by an approved provider. The C.M.E. could require adherence to CDRC's Principles and any ethics or standards that CDRC might adopt.

This concept is offered as a starting place for a new discussion. It is not a proposal, rather it is a rough draft. Please feel free to fax your comments to Lee Jay at 310-395-5300, and they will be shared with the Mediation Subcommittee.

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