

## **CERTIFICATION: Designer Label or Home Grown**

*continued from previous page*

terminology in order to be effective with lawyers who represent disputants. A mediator who approaches the context of the case as an outsider may be more creative and productive, because they are able to bring ideas and thoughts to the mediation from areas other than the laws. Conversely, a non-lawyer may be lost in complex evidentiary and procedural aspects that control a particular dispute, or the interpretation of a complex or novel substantive issue. For example, if a dispute turned on whether a critical document was admissible in trial, not only would a lawyer-mediator be desirable, but one that clearly knew how to brief and understand the practical application of the local and jurisdictional Rules of Evidence.

Certification of commercial mediators appears on its face to be unnecessary for there are many people who are competent, knowledgeable and highly-skilled in the business arena that can mediate effectively. In the commercial field, mediation deals primarily with business, mostly with some form of underlying insurance coverage. The boundaries of the mediation are geared to these subjects and generally focus around business - insurance - legal issues. Someone with a business background may be better suited to handle a commercial mediation than someone with a certificate naming them a "certified mediator," if and only if that person is acceptable to both disputants and their lawyers.

Commercially, business and insurance companies are looking for effective Sultans of Swap that have a nose for business, whether designer label or home grown, lawyer or non-lawyer.

The one thing setting standards for certification would do for commercial users is to help them find a good mediator; "for it does not help to have a highly competent commercial mediator if an uninformed user cannot identify them."<sup>5</sup>

Although certification is questionable, we can say that "SPIDR membership is a credential"<sup>6</sup> known throughout the world.

But, we will all die if we keep pulling up the flowers to see how the roots are doing.

### End Notes

1. Professor Marty Leewright, M.A., J.D. University of North Texas.

## **Family Mediators Moving Toward Competency Based Certification**

*by Zena D. Zumeta*

Currently no national certification exists in the family mediation field. Many states certify family or divorce mediators for court referrals. However, most "certifications" focus on training hours, professional degrees, and sometimes hours of mediation experience. None has used any means of assessing the competency of a mediator in order to certify them either at the entry or master level.

For approximately the past five years, the family mediation field has been considering the idea of a voluntary national certification program. The Academy of Family Mediators spearheaded the effort after a survey revealed that establishing a national certification program was one of its membership's highest priorities. The interest in such a certification exam comes from a variety of groups, including private entrepreneurial mediators interested in a way to market themselves to the public, court services interested in a method of hiring mediators, and state court systems interested in measuring the competency of mediators with whom they contract or refer cases to.

Following the publication of the report of the SPIDR Commission on Qualifications, the Academy began to focus on a competency-based examination rather than just a paper and pencil "knowledge" examination. The SPIDR Commission began the work of looking at what "competencies" mediators need in order to be effective. A certification exam would need a clear basis in these competencies. It is unclear whether a test would evaluate minimum qualifications to practice, which would interest many courts and organizations, or whether the test would be set at a "master mediator" level.

A competency-based examination could be very expensive to administer since the examiner(s) would need to observe actual mediation scenarios. In addition, it could be very examiner-intensive and subjective if the "clients" play their parts differently with different mediators. Therefore, one possibility being considered is using clear scenarios on videotape with different outcomes based on mediator responses to the videotaped client behavior and client responses to mediator interventions.

In 1992, a Consortium was formed to work with HumRRo, a research and testing organization to look

It is unclear whether a test would evaluate minimum qualifications to practice ... or whether the test would be set at a "master mediator" level.

*- continued on page 11*

*continued on page 19*

## Calendar of Events

September 30, 1994

SPIDR New England Chapter presents, "Alternative Dispute Resolution: Preparing for the 21st Century" Ashland, MA. For information and registration contact Patty Savage, AAA, 617-451-6600.

October 5, 1994

SPIDR Washington, DC chapter presents its First Annual Conflict Resolution Day. For more information contact Helga Kelter Abramson at 703-684-7677.

October 13-14, 1994

The Mediation Network of North Carolina presents its 4th Southeastern Mediation Conference, "The Art of Conflict Resolution", Black Mountain, NC. For registration information contact Scott Bradley, Mediation Network of NC, 919-929-6333.

October 20-22, 1994

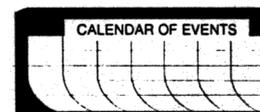
Family Mediation Canada presents, "8th Annual National Conference," in Montreal, Quebec. For information, call 519-839-7204.

October 26-29, 1994

22nd Annual SPIDR Conference, "Dispute Resolution Across the Continents," Hyatt Regency Dallas at Reunion, Dallas, TX. For information and a conference brochure call 202-783-7277.

February 10-11, 1994

ABA presents its symposium on dispute resolution for neutrals, advocates, and parties, Miami, FL. For information contact Jennifer Dabson, ABA Section on Dispute Resolution, 202-331-2607.



June 11, 1993

## Regional Roundup

The Chapters and members of Region V have had a busy and successful year. All Chapters have had a variety of programs that have been well attended and provided the training that is one of SPIDR's basic concepts.

Of much interest is the work of the Indiana Chapter which reports that its speaker's bureau has filled 14 requests for speakers during the past months to such organizations as Kiwanis, Bar Associations, Chamber of Commerce. The speakers discuss ADR and SPIDR among other topics and have been well received. The Chicago Chapter has had very successful meetings with interesting speakers and good attendance. The Minnesota Chapter completed a successful year with a successful one day seminar. Congratulations to all the officers and members of the Region V Chapters. Keep up the good work.

The coming year will see many changes in SPIDR as a result of the last Board meeting which it is hoped that all members will be able to fully participate in all the affairs of the organization. Plan to attend the Dallas meeting and be a part of the changes that will take place, since member support is the key to these changes. Since this will be my last report as Regional Vice President, after four year of service, I hope that you will give my successor the same support that I have enjoyed. Thank you for the opportunity to serve the members of Region V. □

## Sector News

*continued from previous page*

### Training Sector

If you are interested in a training sector, please contact Martin Lipnack, 7880 W. Oakland Park Blvd., #300, Ft. Lauderdale, FL 33351; phone: 305-741-8400; fax: 305-741-6299. □

## Family Mediators Moving Toward Competency Based Certification

*continued from page 9*

into the competencies required in divorce mediation. The Consortium included the Academy of Family Mediators (AFM), the Association of Family and Conciliation Courts (AFCC), Family Mediation Canada (FMC), and SPIDR. HumRRo applied for a grant to develop a certification examination, but was not awarded the grant. The Consortium and HumRRo are continuing to search for grant funding. □

*Zena Zumeta is a mediator, and the chair of the SPIDR Family Sector.*