

Kluwer Mediation Blog

Growing from scratch to a profession. Where mediation was ten years ago.

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As an effect of the Romanian Mediation Law and the EU Directive, for the past years, the mediation profession is growing exponentially in Romania.

To date, seven or eight thousand mediators took the basic training and almost three thousand became authorized by the Romanian Mediation Council while the other five thousand were mainly interested in personal development.

It is well known that it's easier to start building a mediation practice on a steady professional foundation. Therefore, the vast majority of the Romanian mediators are also lawyers, social workers, accountants, journalists, engineers, doctors, teachers etc.

According to recent studies, it appears that only one or two out of ten authorized mediators are really looking to develop now a mediation practice and business. The other eight or nine got the training, became authorized and strangely stopped doing anything like looking for clients through their contacts. They started waiting for times when access to cases will be easier. Those times can be based on compulsory mediation by law or a mediation market built on authentic demand.

One might say that this is a must do phase within any system aiming to stability and independence and that the fact itself of building demand for mediation training is salutary. I tend to agree, especially when I look back ten years ago and I see how much was accomplished.

Field development: The mediation activity in Romania is organized similarly to other liberal professions, based on the independence and direct responsibility of the mediator, also the independence of the regulatory body that is the Mediation Council. The Council is the interface between the mediators, the general public and the public institutions concerning the mediation domain. The Council has also a responsibility toward the public in order to ensure the quality of the mediation service. Consequently, the quality of the training in mediation is also part of the Council responsibility. There is a training standard in mediation established that provides minimum 80 hours of basic training and subsequent training courses in order to improve and update the professional development of the mediators.

Legal profession: It's very interesting to see how the legal profession looked at mediation in the past years. Ten years ago there were a few ADR programs mostly conducted by NGOs that were looked at with indifference. Afterwards, some interest appeared when within a national training

program conducted by the Craiova Mediation Center with the support of the Romanian Ministry of Justice and the US Embassy in Romania, ten lawyers from each of the 41 Romanian counties were selected and trained as mediators. The young mediation profession based on the 2006 law and on the 2008 EU Directive started to create more interest from the legal profession, as more and more lawyers became interested in mediation training. The past year or so was more interesting because the involvement of the judges in promoting mediation and the growing number of trained mediators created an explicit reaction from the legal profession, as more and more lawyers are clearly saying that the lawyers feel threatened by mediation and mediators.

Judges: The judges are really considering that mediation can be a solution for the judicial system but it will be a challenge to make it viable and efficient in taking off cases from the overburdened caseload. Judges are required by the law to inform the parties regarding the advantages of mediation.

Promotion of mediation: If ten years ago it was difficult to put your hand on a ADR brochure or to hear about a mediation event, today there are so many professional events, hundreds of conferences organized every year locally or nationally, all sorts of resources can be accessed very easy, the information is out there, creating dialog and forums that will most definitely take us to a healthy implementation of mediation.

The most important incentive that makes mediation an interesting profession is probably the fact that the mediation practice is designed to grow only by private practice. Without governmental resources, it should take more implementation time but hopefully it will become more stable, self-sustainable and efficient for the mediators, the judiciary and the society.

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