

Kluwer Mediation Blog

Czech Innovation

Charlie Irvine (University of Strathclyde) · Thursday, June 12th, 2014



Czech Innovation: “Mediation Assistants”

Fascinating visit to the Czech Republic recently. I was asked to provide the training for a group of ‘mediation assistants’. Never having heard the term before I was

intrigued. I flew to Prague (stag-night capital of Europe) and after a reasonably terrifying drive through a rainstorm arrived in Hradec Králové, the country's 8th largest city. Away from Prague's metropolitan tourism the area is largely agricultural with a fair amount of unemployment. Against this backdrop my hosts had made their bold proposal to the EU to provide employment opportunities by training people as 'mediation assistants'.

So who is a mediation assistant? Essentially someone who provides all the administration required by mediators. The roles include dealing with clients on the telephone, organizing venues and appointments and dealing with accounts and payments. This allows mediators to play to their strengths, conducting the mediation meetings themselves without the tiresome (to me) work of administration.

In a sense there is nothing terribly radical in this. Professions have always had administrators and secretaries to improve their efficiency and allow the highly specialized individual to focus on what they do best. What this development suggests, however, is that mediation in Europe is inching towards becoming a profession in its own right rather than an addendum to a successful career in something else. As my hosts explained, the trigger for this particular project was the passage by the Czech Republic of a law (Act No. 202/2012 Coll) giving effect to the EU Directive (2008/52/EC) on Cross Border Mediation. Among other things the law supports mediation in civil matters by introducing the notion of a "registered mediator" on a list maintained by the Ministry of Justice.

I take my hat off to my delightful hosts (Marie, Lenka and Eva) for recognizing that infrastructure and personnel are just as important in the development of a profession as qualifications and laws. We need both, but from the consumer's point of view the existence of the assistants must signal a sense of solidity: that mediators are sufficiently committed to what they do to employ someone to ensure it runs smoothly.

As the training progressed I really warmed to the assistants. For many of them mediation was an enticing new idea and they were as excited as any newbie mediator. As we worked through the mediation intake process I was reminded of Elizabeth Stokoe's research (finding that the first few seconds of a telephone call to a mediation service are critical in a person's decision to proceed - [Language in Conflict](#)) Mediation assistants also need to be congruent with mediation's values: empathy, curiosity, optimism and unconditional positive regard for example. And they need to understand how mediation works. Not for the first time I was struck by the artificial line that we sometimes draw between mediating and not mediating. Mediation assistants certainly need to behave in a mediatory fashion - is that mediating? When they listen carefully and thoughtfully while a distressed or angry client tells their story - is that mediating? If they organize things elegantly and succinctly so that everything runs like clockwork - is that mediating?

Over twenty odd years of mediating I have noticed the deceptive significance of administration. If something goes wrong in that department, all the active listening, empathic questioning and mediation skills in the world may still not be sufficient to repair the damage. I recall my first private family mediation clients. I had met the man in one venue while the joint mediation session was organized for another. Somehow

wires got crossed. Early one winter morning his ex-wife and I were waiting for him to arrive when I got a phone-call: “Charlie, where are you? It’s f...ing freezing.” I felt we never fully recovered from that inauspicious beginning.

So, it looks as if there is an opening for a mediation assistant here in Scotland. I wish the cheerful Czechs all the best with their experiment. I suspect it is an idea whose time has come.

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The image shows a promotional graphic for Kluwer Arbitration Practice Plus. On the right, there is a screenshot of the software interface. The interface has a blue header with a checkmark icon and the text "Explore Practice Plus". Below this, there is a profile card for "Gary R. Ryan" with a profile picture and some statistics. To the left of the profile card, there is a section titled "Relationship Indicator" with a "By Relationship" filter. Below this, there are three circular charts showing data visualizations. At the bottom of the graphic, there is a dark blue bar with the text "Kluwer Arbitration" on the left and the "Wolters Kluwer" logo on the right.

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