Mediation Reform in Lithuania: Has It Failed?

Mediation as a means to resolve disputes without the assistance of the court has become more and more popular in the post-Soviet bloc countries. In the country Lithuania mediation had agreed that their disagreements would be mediated by a well-known American mediator from the US instead of mediation in Lithuania. He was refused and instead the dispute was to be settled by an impartial arbitrator. As a result of this case the Ministry of Justice of Lithuania decided to adopt a new and modern law on mediation.

In order to increase the popularity of mediation, Lithuania decided to adopt a new and modern law on mediation that would make it possible to mediate in civil and criminal cases. The law would also allow the parties to agree on the order of the mediation or to choose existing rules of mediation (for example, Rules of Mediation of the Vilnius Court of Commercial Arbitration). The central principles of mediation, such as confidentiality, are also stated in the draft law.

Firstly, the provisions of the draft law provide that a person can only be a mediator if he is enrolled on the Lithuanian mediators’ list. If a person is not a mediator, he may be warned by the official state’s body or removed from the list as a last resort.

A person who wishes to provide mediation services in Lithuania must meet the following criteria: 1) have a university degree; 2) complete at least 40 hours of training on mediation no later than five years before applying; 3) pass a qualification exam and 4) have a clean sheet including no criminal convictions Further, if the mediator fails to comply with the ethics of mediation (as listed in the draft law), he may be warned by the official state’s body or removed from the list as a last resort.

In order to ensure the quality of mediation services, the draft law provides that a person can only be a mediator if he is enrolled on the Lithuanian mediators’ list. If a person is not a mediator, he may be warned by the official state’s body or removed from the list as a last resort.

Secondly, the provisions of the draft law allow the parties to choose a mediator themselves. It also permits parties to agree on the order of the mediation or to choose existing rules of mediation (for example, Rules of Mediation of the Vilnius Court of Commercial Arbitration). The central principles of mediation, such as confidentiality, are also stated in the draft law.

Thirdly, the draft law provides for mandatory mediation in certain types of disputes. Family disputes or disputes regarding small amounts of money shall be mediated before going to the court. For other types of disputes, the judge trying the case will also have a right to send parties to mediation if he believes that there is a high possibility of reconciliation. Mandatory mediation will be paid for by the state.

Finally, the draft law also provides for mandatory mediation in civil and criminal cases. In order to increase the number of disputes that are settled peacefully, the law provides for mandatory mediation in civil and criminal cases. The law also provides for mandatory mediation in civil and criminal cases.

To summarise, mediation has not yet become a reality in Lithuania and the parliamentarians still have a chance to pass the new law. However, if Parliament continues to delay the adoption of the new law, mediation may not be ready to develop mediation as fast as it had expected.

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