

Kluwer Mediation Blog

Conference Report – AMATI – University of Warwick March 2015

Sabine Walsh (Sabine Walsh Mediation) · Saturday, March 14th, 2015

Amati, the Association of Mediation Assessors, Trainers and Instructors, held their second international conference in Coventry at the beginning of this month. The theme was Moving Over: Developing Conversation Training and Hybrid Models in Mediation. This relatively new organisation, aimed at those of us training and assessing mediators, has the aim of “benchmarking best practice” and sharing knowledge amongst its members, which now number over 200 from numerous different countries.

The conference was attended by 25 speakers and delegates from a variety of countries and regulatory environments, which provided a rich environments for discussion and debate on many issues related to mediation, not just training. Among the delegates were not just mediators from different jurisdictions, but also from different practice areas, from the family to public law to the commercial arena. The theme of conversion training and hybrid models sought to address the diverse areas that mediation is practiced in, and raised the question of whether separate training should be offered in these different areas and, if, for example, one had trained primarily in family mediation, one should attend additional training to “convert” to commercial mediation. An alternative view, which represents the training model in some jurisdictions including Ireland, is to offer foundation training in general mediation skills and processes, with add-on training in specialised areas such as family mediation or restorative justice being taken after that.

Under the stewardship of Professor Andrew Goodman, one of the Directors of the organisation, the conference offered a variety of speakers who took different approaches to the issue of training. These included Sir Alan Ward, Chairman of the UK Civil Mediation Council, who gave the keynote address, Jane Gunn, a well known mediation trainer, Judge Avi Schneebalg from Belgium who provided an interesting insight into judicial conciliation, and Iain Christie, Secretary of the CMC who spoke on setting up public-private mediation schemes.

Of particular benefit and interest were the international panel discussions, where panellists from different jurisdictions set out the regulatory environment on mediation training in their countries. The panel and subsequent discussions raised issues such as how many training hours were “enough” in mediation training – anything from 30 to 300! – what kind of organisations can accredit and monitor mediation training and what the content of such training could include. A talk by Paul Randolph, for example, set out some aspects of psychology training that can be delivered to trainee mediators. Gerry Rooney, President of the Mediators’ Institute of Ireland gave a very valuable insight into how quality and standards can be set in training generally, without the need to

design separate programmes for separate practice areas. He made the point that general standards of training and practice apply to all areas of mediation and will warrant quality practice.

One particularly vexing issue that triggered some energetic discussion was the ongoing problem of there not being enough mediation work available for all the mediators that are being trained, particularly as short training courses can bring a lot of mediators into the marketplace in a short space of time. The question was raised as to whether mediation trainers have a responsibility to the marketplace as such not to “flood” it with mediators when the work is not available. This could possibly even raise the idea of controlling or restricting entry into training or the market, something I personally would not be in favour of but an important point for discussion nonetheless. The conference wound up with a progress report from Professor Goodman on the first year of AMATI's activities and some plans for the future.

For me the conference showed just how complex an issue the regulation of mediation in general, and training specifically, is, and what a diverse range of approaches are taken to this question throughout the world. It also showed how intertwined questions around regulation of training are with regulation of the mediation process itself, and its position in the legal systems of different jurisdictions. It also reminded me how valuable such conferences are, particularly when they involve mediators from different jurisdictions, for exchanging views, experiences and approaches. No one country or system has got it “sorted” when it comes to regulating mediation, and we can only benefit from making connection such as those made at this conference.

I will look forward to further discussion with AMATI, both in relation to the regulatory dilemmas of training and certification, and also to exchange some more practical learning with our international colleagues, in relation to training techniques, tools and approaches, and training course design. I await further developments in AMATI, and further conferences and workshops with interest!!

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