

Kluwer Mediation Blog

Educating the Dispute Resolvers of the Future

Sabine Walsh (Sabine Walsh Mediation) · Tuesday, February 6th, 2018

While I am watching hailstones the size of peas fall in the West of Ireland, a good number of my colleagues are celebrating the culmination of the ICC's Mediation Competition in Paris, where in excess of 60 teams of mediators and negotiators compete to resolve disputes through mediation. The relevance of this to today's blog is the fact that this competition, and the growing number of others like it, are contributing to a change in the way disputes are going to be resolved in the future.

That's quite an audacious statement isn't it? Well, as the saying goes, mighty oaks from little acorns grow. A large number of the student participants in these competitions are law students, and other students who are likely to find themselves being asked to resolve conflict in the future. These future lawyers and professionals will be familiar with, and have integrated alternative approaches to dispute resolution from the earliest stages of their studies. I didn't meet mediation until well after my law degree, and then only as an elective during my professional training as a lawyer. Many lawyers are still not sufficiently familiar and comfortable with processes such as mediation as to make them part of their day to day practice and advice to potential litigants.

The growth in popularity of mediation competitions is one factor that is changing this. Another is the recognition by those teaching law that a new approach needs to be taken to educating 21st century lawyers. University education is not, generally, known for its responsiveness to change and innovation, particularly when it comes to educating the more traditional professionals such as lawyers, but some leaders in the field are bucking this trend.

Last month I attended a conference on ADR in Legal Education hosted by the University of Maastricht on just this topic – how to educate lawyers for the 21st century, particularly when it comes to practical skills. In a series of plenary and panel sessions, speakers explored the value and importance of education for future lawyers in ADR, and particularly skills such as those required for mediation. The benefits of such an education for legal practice were explored, as were a variety of approaches to providing such education.

Of particular interest were two practical initiatives – one an online mediation training and simulation project carried out by the university using WeMediate, an online environment designed for this purpose, where students can mediate online with other students – hopefully my own student too in the near future! Further development of this project is also looking at new technologies including virtual reality – an amusing experience I had the opportunity to try out.

The other project involved students participating in a community mediation project, offering their

services to warring neighbours and other types of community conflict, thus enabling students to see mediation in practice, gain valuable skills and recognise where mediation fits into the general dispute resolution landscape.

Maastricht is not of course the only university to take this approach. A number of institutions now offer mediation and ADR courses, particularly at postgraduate level, and some universities such as Strathclyde in Scotland also have mediation clinics in which their students can get practical experience, but traditional law degrees being offered still appear to pay no more than lip service to ADR, and mediation in particular (arbitration still receiving the greater share of attention) often in the form of optional modules.

It would appear to me that if society is really serious about moving away from an adversarial, litigation-heavy approach to dispute resolution into using more collaborative, cost-efficient and time-effective processes, the place to start that change is with the education of the professionals in charge. Public information and education on mediation is of course important, as are laws and initiatives that promote the use of mediation, but if the legal professionals, who are the first port of call for most disputants, have not fully understood and integrated mediation it will remain difficult to significantly increase its use.

For my part, I'll be heading to CDRC in Vienna again this year, to help and support the students there in gaining 21st century skills (and also to get away from the hailstones) and I look forward to the engagement, enthusiasm and commitment of the lawyers of the future to approaching dispute resolution in new ways.

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