

ADRA is Making Progress on Plan for Mediator Certification
by Robert Dauber

The Arizona Dispute Resolution Association (ADRA), a statewide organization of professionals involved in mediation and other dispute resolution processes, has taken the initiative to develop a credentialing process for mediators in Arizona. At its annual meeting last May, the organization adopted rules for the certification of mediators, standards of practice for mediators and grievance procedures for applicants denied certification and for parties unhappy with the services provided by a certified mediator. Joan Tobin, president of ADRA and coordinator for the dispute resolution alternatives office at the Maricopa County Superior Court, expects that the organization will be in a position to accept applications for certification by the end of 1996.

The development of rules for the credentialing of mediators is the product of ADRA's efforts over the past two years to provide some type of quality control or consumer protection in the expanding field of professional mediation. As stated in the preface to the ADRA rules, the specific purpose for developing a credentialing plan is twofold — 1) to promote public confidence in mediation by providing quality control, and 2) to provide institutions, such as the courts, with a means of identifying individuals who are competent to serve as mediators.

Developing a credentialing process has not been free from controversy. By definition, professional certification is elitist and exclusive. Presumably, the goal of consumer protection justifies the creation of a class of "certified" mediators, as well as the exclusion of individuals who want to be mediators but do not meet the certification requirements. The rules developed by ADRA are designed to provide the consumer protection while being as inclusive as possible. For example, the rules do not require applicants for certification to have obtained a specific professional degree. Instead, the rules focus on two basic requirements: training in the mediation process and a demonstration of competence to serve as a mediator.

The training required for certification is defined in the rules as "a minimum of 40 hours of approved training in mediation, with at least 12 of the hours devoted to practical, role-playing or simulation exercise." While ADRA expects to pre-approve training programs that follow the proposed curriculum, these programs will not be the exclusive road to certification. Applicants will also be able to satisfy the training requirement by demonstrating that they have received the equivalent instruction through other programs. While there is no "grandfathering" provision per se, the rules allow ADRA's Credentials Committee to waive some or all of the training requirements for applicants with extensive mediation experience.

The second requirement for certification is that the applicant must demonstrate competence to mediate disputes "through satisfactory performance as a mediator in live or simulated mediations under the observation of an ADRA-approved evaluator." The applicant's performance will be evaluated according to standardized criteria that were developed over the past six years by a group of nationally recognized mediation experts and recently published by the National Institute of Dispute Resolution.¹ The standardized criteria will help evaluators assess performance uniformly, minimizing the risk that evaluations will be based on nothing more than stylistic preferences. The criteria avoid judgments concerning technique issues, such as evaluative vs. facilitative methodology. Instead, they define qualities likely to be needed in many programs to perform the tasks of a mediator, such as "gathering information," "generating options" and "managing the interaction."

ADRA is in the process of determining how to implement "the demonstration of competence" prong of these certification rules. Implementation will involve selecting and training qualified mediators to serve as evaluators and developing a simulation "test" that will allow applicants a fair opportunity to demonstrate their competence while providing the evaluators with enough information to apply the performance criteria.

In addition to defining the requirements to receive "basic" certification in the mediation process, the ADRA rules establish a separate credentialing process for certification to mediate in two specific court-connected contexts — domestic relations and general civil. As with general mediation, the certification process for court-connected cases is based on training and a demonstration of competence. The primary difference is that for civil or domestic relations certification, the applicants will be required to have substantive knowledge concerning the most common issues that arise in these types of cases.

For more information concerning the certification plan, ADRA's number is (602) 572-1066.

Bob Dauber is the Director of the Mediation Clinic at Arizona State University College of Law.

ENDNOTE

1. See, The Test Design Project's "Performance-Based Assessment: A Methodology for Use in Selecting, Training and Evaluating Mediators" (NIDR, 1995).