MODEL STANDARDS FOR
MEDIATOR CERTIFICATION PROGRAMS

ASSOCIATION FOR CONFLICT RESOLUTION

ADOPTED ON OCTOBER 10, 2011

ACKNOWLEDGEMENT

The Model Standards for Mediator Certification Programs stands on the shoulders of those who have previously designed and implemented mediator performance based assessment models.   The work of these organizations has resulted in credible methods for assessing mediators' performance.

The standards result from a critical examination of contemporary mediator assessment models and, extrapolating from these models, the components integral to establishing mediator credentialing programs.

National and state professional organizations, state governmental programs, courts, and private and non-profit organizations are encouraged to follow these standards. ACR holds that the field as a whole and the public will be well served by the common adherence to this set of standards.

ACR extends its sincere gratitude, appreciation, and great respect to the organizations and individuals that have contributed their program information and recommendations.

ACR acknowledges and gives appreciation to several groups whose certification programs or standards provided important modeling for this effort. The National Institute for Dispute Resolution (NIDR) began a test design project in 1990 which focused on performance based assessment and which, in 1995, developed a publication called *Performance-Based Assessment: A Methodology for Use in Selecting, Training and Evaluating Mediators*. Examples of some of the performance based certification programs studied in the preparation of this document are: Family Mediation Canada, Institute for the Study of Conflict Transformation, International Mediation Institute, and Maryland Council for Dispute Resolution. Additionally, we acknowledge the guidance we received from the "Standards for the Accreditation of Certification Programs" of the National Commission for Certifying Agencies.

INTRODUCTION

These Model Standards for Mediator Certification Programs have been written to guide entities which have or wish to institute certification programs. These entities (agencies, governmental bodies, profit or not-for-profit organizations, or other types of institutions), can look to these standards to establish and maintain a high degree of credibility. Individual programs adhering to these standards will retain autonomy in decision making over specific certification activities. These standards should be read and considered along with the Appendix which provides context, history, and a reference to distinguish between certification and other methods of credentialing.

SECTION I - FOUNDATIONAL REQUIREMENTS

Standard 1 - Balanced Mediator Core Competencies

Certifying programs will assess applicants for mediation certification based on their ability to:

- attend to procedural justice (the parties' sense of having been dealt with fairly);
- support self-determination, collaboration, and/or exchange among the parties;
- manage content and the issues discussed in mediation;
- appropriately deal with personal, emotional and relational issues.

Comment:
One implication of research on party satisfaction and control is that all four areas listed above are necessary spheres of competence for mediators. (Welsh 2002; Wissler 1995; Lind et al 1990) Assessments should address all of the above areas and expect competency in each appropriate to the type and setting of the mediation.

Standard 2 - Performance-Based Components

Certifying programs shall include performance-based testing as a necessary component of certification. Other aspects of the certifying process could be written assessment, interview, and analysis of a case study or other methods assessing the applicant's knowledge and/or skill.

Comment:

Performance-based testing is an essential component of a meaningful mediator certification process. Performance-based testing includes observations of mediator applicants conducting actual or role played mediations.

The national discourse on mediator certification consistently points to the importance of performance-based testing. In repeated interviews and focus groups conducted by ACR and other organizations, few mediation community leaders support paper credentials, seniority, or written testing as reliable for adequately measuring mediator competency. Many, in

fact, argue forcefully that mediation requires skills that can only be demonstrated in actual practice or effective simulations. (Pou, 2002)

The 1989 study of the Society for Professionals in Dispute Resolution Commission on Qualifying Neutrals identified that that no prior academic credential, such as a bachelor degree or law degree, ensures high quality mediation skills; therefore, programs should look to performance assessment. Written tests alone may indicate who is a good test taker but not necessarily who is a good mediator. As discussed in Standard 4 below, written tests may be useful within a certification process, but are not suitable proxies for performance-based assessments.

Performance-based approaches to certification usually involve assessing mediation role play situations to judge a mediator's competence. Skilled, trained, and experienced assessors observe the mediation to identify certain mediator behaviors. Assessors use a checklist or instrument listing desired mediator behaviors, and mediators can be scored based on the frequency and appropriateness of their use of each behavior. Programs provide training and guidelines for assessors, as well as for role players, if possible.

Standard 3 – Performance Criteria

To ensure high quality and meaningfulness, certification programs shall use the following criteria to examine their performance-based assessment processes:

(1)   Consistency through Inter-Rater Reliability

Certifying programs shall use methods which ensure Inter-Rater Reliability to minimize the element of subjectivity in the certification process.

Comment:

Different assessors should show a high level of consistency with regard to assessment scores if reviewing the same candidate, assuming that they are using measures that reflect the particular mediation model that the candidate professes to follow.

(2)   Validity

Programs shall ensure Validity in testing in that any assessment will measure that which it states it will measure and not something else.

Comment:

Validity is the degree to which a test is doing the job it was intended to do. Any assessment, in order to be valid, must fulfill the purpose for which it was designed and provide results in which scores or outcomes are a measurement of what the assessment program had stated that it would measure.

(3)   Disclosure of Frameworks/Settings/Areas of Practice

If a certifying program is assessing mediators:

- based on a particular framework, that program shall give a clear statement of its framework and what are guidelines for that framework. The program shall provide assessors who are trained and experienced in that framework and who practice in the same setting;

- from a variety of frameworks, that program shall ensure respect for different frameworks/settings in that mediators practicing in various frameworks/settings would all receive fair treatment in the certification process. Programs shall provide assessors who are trained and experienced in the same mediation framework or approach as the candidate as well as practice in the same setting. Mediators may also be assessed using different standards or instruments depending upon their mediation framework, setting or area of practice.

Comment:

The term "Framework" refers to philosophies and methodologies that identify how the mediator carries out and identifies their practice. Such frameworks are often identified using terms such as facilitative, transformative, narrative, evaluative, inclusive, analytical or responsive.

Not only do mediators work in different contexts and settings (courts, agencies, etc.) but also in different areas of practice (community, family, workplace, etc) and adhere to different principles and methodologies. Certifying programs must be explicit about the way that these differences are considered in assessing candidates. Candidates may be asked to describe in writing the principles and practices which guide them so that they can be matched to an appropriate assessor. Programs certifying mediators who practice within different frameworks and use varying methodologies may need multiple performance assessment instruments and/or reciprocal agreements with other certifying entities.

In order to assess mediators who work in specialized settings, the program could consider reciprocal agreements with other equally qualified organizations that are capable of assessing some of those candidates. This allows the program to expand its resources to provide high quality assessment to all applicants.

(4)   Skill Building

Certification programs should be designed so that mediators whenever possible will benefit by participating in an interactive and developmental process, receiving guidance, comments, and suggestions from assessors whether or not candidates receive certification.

Comment:

This Skill Building component is consistent with a philosophy of continued learning.

(5)   Feedback

Mediation certification programs shall set up protocols to ensure that certification candidates receive helpful – written, oral and numerical feedback from their assessors. Included in this feedback should be steps to certification for candidates not granted certification. If assessors are present during a videotaped role play, the feedback session, or debrief, should also be on video for future reference. A component of training for assessors shall be instruction on giving feedback constructively and effectively.

Comment:

In general, it is good practice for assessors to review a candidate's videotaped role play with them. Those not earning certification should also be encouraged to take very specific steps to improve their skills as well as guidance on how to set personal benchmarks in order to know when a subsequent certification application would be warranted. Resources permitting, one subsequent attempt should be allowed for free or at a reduced cost.

(6)   Due Process

Certifying programs shall provide Due Process mechanisms for mediators who question the validity of assessor decisions. Information about how to access these Due Process mechanisms will be made available to all candidates

(See Section IV)

(7)   Performance Assessment Tools

Certification programs shall ensure that the mediation (role play or actual case) used in a performance assessment adequately reflects the level of complexity needed to measure a mediator's abilities. Role plays, simulations, and case studies will be designed to match the type of cases for which the candidate is seeking certification. Role players should have training in how to carry out assessment role plays so that the candidate has the advantage of a case that is appropriately realistic.

Standard 4 - Written Components

Written testing may be used to assess (1) substantive knowledge required for specified types of cases, (2) general knowledge of mediation principles and ethics, (3) the mediator's approach and philosophy, and (4) writing abilities. Writing ability shall be determined in the context of the task of the mediation process, rather than writing from another context. Mediators might also be asked to submit examples of agreements reached in mediation as relevant indicators of their writing skills.

Comment:

Documents from another context such as scholarly papers, articles, contracts, etc. are not adequate to assess how mediators might summarize the conclusion of the mediation process and/or communicate with parties.

Standard 5 - Mediation Experience

Requirements for mediation experience as a prerequisite to certification shall be set in such a manner as to be achievable and should not impede efforts to enhance the diversity of the field.

Comment:

Programs will be faced with the challenge of attempting to "set the bar" high enough for credibility and quality, while recognizing the practical constraints in some instances. The requirement may vary greatly depending upon the setting and area of practice. For example, a small claims assessment may have far less demanding requirements for experience than a divorce mediation assessment. If experience is not a prerequisite to certification, the burden is on the certifying program to offer a rigorous enough assessment methodology to verify competence.

SECTION II - TRANSPARENCY

Standard 6 – Publication of Instruments

The certification program shall publish a description of the assessment instruments used along with any supporting information about how they were derived and how they are used.

Standard 7 – Publication of Assessment Areas

The certification program shall define and publish areas of performance and tasks to be assessed as well as areas of knowledge and/or skill related to areas of performance.

Standard 8 – Availability of Names of Certificants

The certification program shall maintain a list of certified individuals and verify certification upon request of any member of the public.

Comment:
There should be clear policies regarding disclosure of good standing that takes into consideration the violation of the confidentiality rights of any certificant or applicant. The program should state the policy regarding how long information is retained after a certificant is no longer duly certified.

Standard 9 – Practice Analysis and Assessment Instruments

The certification program shall develop and use assessment instruments that are derived from a job/practice analysis and are consistent with generally accepted principles of the field.

Standard 10 – Publication of Policies and Procedures

A certification program shall establish, publish, and periodically evaluate certification policies and procedures such as those for application for certification; confidentiality; discipline; and policies related to diversity, nondiscrimination, disabilities, and other issues which may affect fairness to candidates or protection of consumers.

SECTION III - ETHICS

Standard 11- Adherence to Ethical Standards

Certifying programs will ensure that mediators seeking any type of certification commit to following the Model Standards of Conduct for Mediators, as well as any other standard relevant to the area of practice or the jurisdiction(s) in which the mediator practices. As part of the certification process, programs will have the applicant indicate to which Standards or Code of Ethics they are committed.

Standard 12 - Freedom from Conflicts of Interest

Certifying programs shall scrupulously ensure that there is freedom from conflicts of interest.

Assessors must not have a financial interest in whether or not a candidate is granted certification.

A candidate shall not be assessed by a person who has been the candidate's trainer within five years.

A certifying program which also offers training shall avoid any claims or implications that completion of such training in itself is a guarantee of certification.

SECTION IV - DIVERSITY

Standard 13 - Diversity in Policies, Leadership, and Staffing

Certifying programs shall:

- create and maintain non-discrimination policies and practices; ensuring that the certification process has been designed so that there is not a bias based on ethnicity, race, gender, sexual orientation or other dimensions of diversity;

- employ and engage a diverse staff, leadership, and board of directors that mirror the diversity of our society; and build intercultural competency and gender equality in all activities:

- develop and publish a diversity statement.

Standard 14 – Diversity in Assessors

Certifying programs shall make available assessors which reflect the diversity of our society and ensures fair assessment of underrepresented populations in the mediation field.

Comment:
The public will be served better by the inclusion of practitioners from many diverse backgrounds and ways of experiencing the world, as well as by practitioners with intercultural competency and a commitment to equality.

SECTION V - PROGRAM ADMINISTRATION

Standard 15 - Multiple Pathways

Certification programs shall offer multiple pathways to eligibility for certification assessment. If the certification requires professional preparation that includes particular types of training, there should be a variety of ways of receiving the training and/or the knowledge and experience represented by that training.

Comment:
Programs should, whenever possible, have some degree of flexibility built into their certification processes recognizing that there are a number of methods of professional preparation: course work, training, mentoring, etc.

Standard 16 - Multiple Assessment Methodologies

Certification programs should offer more than one performance-based method of assessing candidates, including reciprocal agreements with other organizations that also meet the standards outlined in these Model Standards for Mediator Certification Programs.

Comment:
A program in order to carry out performance assessment, programs should consider a variety of methods including: assessors observing actual live or recorded mediations or live or recorded role plays.

Standard 17 - Degree Requirements

Certification programs shall not consider academic degrees of any kind (Bachelors, law, etc.) as prerequisites or competency substitutions for mediator certification.

Comment:
Presently, mediators come from a wide variety of backgrounds and professions. Research (SPIDR 1989) has demonstrated that there is not a correlation between academic degrees and mediator skill. Academic training in a post-graduate degree program of any sort may be considered as a complement to, rather than a substitute for mediation experience.

The new surge of undergraduate and post-graduate conflict resolution degree programs indicates that, in all probability, an increasingly larger percentage of our field will include academically trained practitioners, some of whom have selected the dispute resolution field as their original profession or career. Over time, mediation roster programs and certifiers may want to examine the connection between formal academic training and mediation skills.

Standard 18 - Diversity of Practice

Certifying programs should acknowledge the diversity of mediation practices and stay current as new styles and frameworks of mediation practice emerge.

Standard 19 - Grand parenting

Programs shall not certify mediators based on experience or any criteria other than those promulgated by the certification program. Performance assessment and testing will be an expectation for all mediators seeking certification.

Comment:
There may be a need for flexibility with regard to documentation, especially from well-established and highly experienced mediators. For example, mediators who have been practicing for many years might not be able to produce copies of their original training certificates but could attest to the training they received at various points in their careers.

Standard 20 - Resources

A certifying program shall have adequate financial and human resources to conduct reliable certification and recertification activities as well as maintain accurate record keeping.

Standard 21 - Cost

Any costs of certification shall fairly reflect the resources required to administer the certification system.

Comment:
Certification programs should bear in mind their responsibility to the development of the field in general as well as to ensuring high quality services to parties. Because any fee has the potential to freeze out skilled mediators and reduce diversity in the field, fee waivers, scholarships, reduced rates for volunteer mediators, and other creative ways to promote quality and diversity should be provided.

Programs must consider the legal implications, costs and benefits of their work, as well as their potential effects on practitioners who are attempting to earn a living as mediators. Programs may need to strike a balance among competing values with regard to diversity, cost, flexibility, and program capacity. Program managers need to determine what is reasonable for their venue and mediator population.

SECTION VI - DUE PROCESS / MAINTAINING CERTIFICATION

Standard 22 - Due Process

Certification programs shall have:

- established appeal processes for candidates who are denied certification and for those whose certification is revoked;

- clearly defined processes for handling complaints made against mediators.

Comment:
The appeals processes should provide the mediator an opportunity to question or challenge procedural inconsistencies, assessment results, and substantive aspects of the certification process. The appeals system may have several different levels that could be classified as either informal or formal, with the hope that most could be addressed at the informal level.

Formal and informal processes may be established with the hope of resolving most complaints informally.

Standard 23 - Renewal of Certification

Certifying programs will:

- renew certification on a regular basis, with an expectation that mediators complete a specified number of hours of relevant and verifiable continuing education during each period;

- present a clear statement of requirements, expectations, and process.

Comment:
It should be up to the certified mediator to develop and follow his/her own continuing education plan and develop specialty and subspecialty practices. Mediators should, however, be encouraged to identify the substantive knowledge needed for their area of practice and stay current with respect to developments in the field. Mediators should also be expected to seek out opportunities to work on ethics, diversity and cultural competence as each relates to mediation.

Standard 24 - Revoking Certification

Certifying programs shall:

- have a clear process for temporarily or permanently revoking certification if a mediator is found to be in violation of ethical standards or determined to have been engaged in mediator misconduct;

- have, and clearly articulate, a range of possible remedies in circumstances when there have been confirmed violations so that revoking certification is not the only option. Responding to complaints and alleged violations of standards should be an interactive and growth-oriented process for both the program and the mediator.

Comment:
While revocation of certification may be necessary, it should be designed as a restorative step rather than a punitive one. Any mediator who has acted in such a way as to have certification revoked should be offered, wherever possible, a pathway to improvement and correction. Any certifying program should be seen as a guide to practitioners and a partner in bringing quality to the field.

References follow the Appendix

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(ADOPTED ON OCTOBER 10, 2011)

INTRODUCTION, BACKGROUND, DEFINITIONS AND CONTEXT

1.0   Introduction

These Model Standards for Mediation Certification Programs were developed and approved by the Association for Conflict Resolution (ACR) on October 10, 2011. The Standards are the result of widespread collaboration and consensus building among ACR members and other stakeholders in the mediation community. These standards are intended to set goals to which new and existing mediator quality assurance programs should aspire.

These Standards build on the historic work on mediator certification conducted by ACR and its predecessor organizations. Products of this work include but are not limited to the 1989 report of Society for Professionals in Dispute Resolution (SPIDR) Commission on Qualifying Neutrals, *Qualifying Neutrals: The Basic Principles, Report of the SPIDR Commission on Qualifications* (April, 1989), the National Institute for Dispute Resolution's (NIDR) Performance-Based Assessment: A Methodology for Use in Selecting, Training and Evaluating Mediators, Test Design Project (NIDR, 1995), and the ACR *Mediator Certification Task Force Report and Recommendations to the ACR Board of Directors*, March 31, 2004. The 2004 Task Force recommended creating a national mediator certification program, but subsequent feasibility studies indicated that creating best practices for certification programs might be a more logical first step.

ACR encourages entities that certify mediators to adopt, as some have, a nurturing and skill-building approach to certification, reflecting a sense of responsibility to the field, as well as respect for practitioners at all levels.

1.1   Rationale

ACR recognizes the potential benefits of mediator certification, as observed at state, regional and local levels. While many agencies establish standards for mediators, there is no uniform standard for the certification programs themselves. Without some degree of standardization, it is difficult for professionals to choose among various programs that offer certification and almost impossible for members of the public to evaluate the

competence of mediators based upon the certification that mediators advertise. ACR reached out to established certifying entities and reviewed the extensive literature in the creation of these model standards for certification programs.

1.2   Background

ACR, along with the American Bar Association and the American Arbitration Association, has already adopted Model Standards of Conduct for Mediators, which serve as fundamental ethical guidelines for mediators. ACR has also developed Ethical Standards for ACR Neutrals and Recommended Standards for School-Based Peer Mediation Programs.

These standards have been developed to help national organizations, state programs, and non-profit agencies achieve excellence in credentialing mediators. Not all programs or agencies will wish to certify mediators and may choose to use a less rigorous method of credentialing. The standards, nevertheless, can serve as a unifying guide to enhance the credibility of the field.

These Standards are to be read and construed in their entirety. No significance should be attached to the sequence in which the Standards appear.

1.3   Mediation Defined

For purposes of these Standards, mediation is defined as a process in which an impartial third party facilitates communication and negotiation and promotes voluntary decision making by the parties to the dispute. Mediation serves various purposes, including providing the opportunity for parties to define and clarify issues, understand different perspectives, identify interests, explore and assess possible solutions, and reach mutually satisfactory agreements, when desired. (Model Standards of Conduct for Mediators)

Terms:

- The use of the terms "shall and will" in these Standards indicates that in order to comply with the Standard, the certifying program must follow the practice described.
- The terms "will" and "must" indicate the same level of expectation of adherence to the Standard as does "shall."
- The use of the term "should" indicates that the practice described in the standard is highly desirable, but not required, and is to be departed from only for compelling reasons requiring careful use of judgment and discretion.

1.4   Overview of Credentialing

"Credentialing" is an umbrella term that encompasses quality assurance practices such as licensure, certification qualification, accreditation, rostering, and registration. Numerous authorities have discussed the benefits, challenges, and trade-offs inherent in each of these credentialing approaches as applied to mediation (See, e.g., ABA Task Force 18-21; Pou, Assuring Excellence 329-33; Herrman 32-37; Milne, Parameters 49). Each of these credentialing approaches requires that a candidate demonstrate, to some level of qualification, successful completion of one or more of the three Es:

- education (e.g., an educational or training program),
- experience (e.g., clinical internship or supervised practicum), and
- examination (e.g., written exam or performance assessment).

Each of these credentialing approaches provides some degree of assurance that individuals holding themselves out as qualified to provide a professional service, they have the knowledge and skill to competently provide that service competently (ABA Task Force 18).

1.5   Movement of Mediator Credentialing toward "Certification"

Mediator credentialing systems abound in the United States. The result is a vast patchwork of credentialing programs that vary considerably in their standards of qualification and are often localized to the point that they may be isolated from one another even within the same state. (ABA Task Force 18-31; Pou, Assuring Excellence 312-23).

Roster Programs. Roster programs are by far the most prevalent form of credentialing for mediators. They are common in court-administered mediation programs and state or national professional associations of mediators (Della Noce, Communicating Quality Assurance 770-73; ABA Task Force 21-26)**.** A roster exists when an organization establishes qualification standards (usually education/training and experience) and requires applicants to show evidence of meeting the qualifications before being listed on the roster (Della Noce 770-73; Herrman 35). As evidence of competence, mediator rosters most often rely on paper credentials, such as training certificates and academic degrees, and on documented hours of mediation experience and sometimes hours of supervised practice (Id.). Roster programs rarely have a process for independent third-party verification and authentication of the credentials, relying in good faith on the individual who purports to meet the defined standards (see Della Noce). The strength of roster programs rest in its lower cost and ease of administration, while the often minimal training and experience requirements are seen as a weakness (Herrman 35; Pou, Assuring Excellence 305). The criteria used for court-administered rosters most often require little more than some training (typically forty hours), some experience, and/or supervised

practice (three to ten cases), and "modest continuing education" (Pou, Assuring Excellence 332).

Certification. Various state and national groups have launched initiatives for certification of mediators. The Institute for Credentialing Excellence (ICE), a national body that develops standards for professional certification programs, defines "certification" as a voluntary process by which individuals are evaluated against predetermined standards for knowledge, skills, or competencies believed essential for competent practice in the field (Features of Quality Certification Programs 2-3; NCCA Standards 21). In many established professions, certification is national in scope and confers upon the individual the legally protected right to use the term "certified" (or equivalent initials) as a credential. Because the field of mediation is in an early stage of development, it is difficult to predict how certification may evolve and the level of competency it may seek to assure within its various subfields or the field as a whole.

ACR believes that well-designed programs promise to elevate the level of quality assurance and accountability in mediation as well as increase practitioner self-awareness and advance professional development. This requires moving beyond review of paper credentials to include performance-based assessment. Rather than only verifying whether candidates have specified hours of experience and training, performance assessment focuses on how candidates *apply* their knowledge and what they can *do*. It more accurately reflects an individual's capacity for competent performance. The work on performance assessment in recent years has produced more precise knowledge of mediation practice, making it possible to design performance-based testing that is valid for the intended purpose and produces reliable and fair results. These model standards outline criteria to assist in developing performance-based assessment as a component of certification.

1.6   Distinguishing Certification and Certificate Programs.

"Certificate" programs need to be clearly distinguished from professional certification programs. A certificate program differs from professional certification in important ways, the most important being that it is centered on learning events and coursework completion. A certificate program is a training progam on a topic for which participants receive a certificate after attendance and/or completion of the coursework (Features of Quality Certificaiton Progams 5-7: 2005 NOCA Guide 5).

Certification is more comprehensive and necessarily includes an assessment of an individual's knowledge, skills, and abilities based on a body of knowledge pertaining to a profession or occupation. For example, people often receive certificates for completing their beginning mediation training. Some certificate programs require the individual to pass an assessment, but the assessment is designed to evaluate accomplishment of intended learning outcomes rather than competencies required for professional practice. Moreover, certification is valid for a specific time period and involves recertification at the expiration of the stated period, whereas certificates are generally issued for life.

1.7 Distinguishing Certification and Licensure

Licensure refers to the process by which a license to practice in the profession is granted by a government board, or by an independent professional organization authorized by government. The Institute for Credentialing Excellence defines licensure as "the mandatory process by which a governmental agency grants time-limited permission to an individual to engage in a given occupation after verifying that he/she has met predetermined and standardized criteria" (2005 NOCA Guide 5). Licensure offers title protection for those who meet the criteria, and persons without a license are prohibited from practicing. Although licensure is a mandatory form of credentialing, it may not necessarily hold practitioners to a higher standard of practice than certification or other forms of credentialing. No state currently licenses mediation professionals.

1.8 Challenges Associated with Developing Mediator Certification Programs

The issue of certification has been a topic of particular interest and concern for mediators across the country. The extensive diversity of opinion on mediator licensing and certification reflects the national dialogue on this topic. Strong divisions exist among practitioners and experts as to how to define, measure, and promote quality mediation practice. These differences have generated debates that have raised a variety of policy, practical, legal, and logistical concerns, such as how best to assess whether practitioners have the skills that can be crucial for a quality process, how to assure diversity, and how to minimize bureaucracy.

These issues arise in part because mediators are asked to play complicated, diverse roles that may vary from program to program or even from case to case.

Some people believe that the field is still evolving and should not be regulated at all. Many knowledgeable people favor market-based philosophies or suggest that insufficient knowledge exists to measure or predict quality performance. Others believe that research is beginning to show the attributes that are important for effective performance in various settings and how those aptitudes are best acquired. (Pou, 2002)

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