

# Mediation Training: An Opportunity for Paralegals

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The American legal system is overburdened with lawsuits. Paralegals spent countless hours doing legal research, drafting documents, and interviewing clients in preparation for a trial. However, there is an emerging movement that is challenging how we as a society handle disputes, and it is formally termed Alternative Dispute Resolution (ADR). One of the most common forms of ADR is mediation, where a neutral third party, termed a mediator, works with both sides of a dispute to have them agree on their own terms, without someone else deciding what is best for them. As more and more people choose this route over litigation, there is an increasing need for skilled mediators, and paralegals have a tremendous opportunity to fill this void by utilizing their analytical abilities and undergoing formal training in mediation.

Why enter the field of mediation? First of all, mediation works. Given the opportunity and the means to form their own solutions to their problems, many disputants find that it empowers them and allows what could be a very complicated litigious process to be a lot simpler, more successful, and less cumbersome. Mediation techniques can be employed to solve several different types of disputes, including family matters such as divorce or child custody, owner/tenant or builder/homeowner problems, community disagreements, or disputes in the workplace.

Mediation can also save time and money. For instance, in a divorce/child custody case being settled by litigation, both sides might spend thousands of dollars in attorney fees. It might result in several court appearances and numerous phone calls back and forth between their respective law firms. In the end, a judge would decide the outcome and essentially seal their fate, whether the terms were acceptable to them or not.

A similar case handled through mediation, however, can often be worked out through several sessions with a mediator, at a cost much more reasonable than if the case were litigated. At the conclusion, the two sides draft what is termed a "Memorandum of Understanding," which spells out the agreements between them and, unless positively outlandish, would be accepted by a judge at a final dissolution hearing, and allow their own wishes to be the ones that they follow.

How can a paralegal become a mediator? Unlike therapists or attorneys, whose educational and licensing requirements are highly regulated by states, no such standards currently exist regarding the certification of mediators. This is likely to change in the future, as the role of mediators become more recognized as a profession, so when choosing a training program, be sure to follow these guidelines:

- Find an accredited program. There are several types of accrediting bodies, but the best programs will offer college credit from a regionally accredited school. Schools with "regional" accreditation undergo stringent review processes to ensure quality, and their credits are more readily accepted by other colleges and employers, as opposed to credits from schools with "national" or "professional" accreditation. Do your homework!
- Find a program that offers a practicum. Practicums can offer you real life experience as a mediator, and the more cases you are able to have a hand in mediating, the better your skills will become.
- Find a program that offers more than one generic course in mediation. Since mediation is used for many different disputes, there is specialized knowledge that should be obtained for each. Look for a program that will teach you more than the basics.
- Find a program with experienced mediators as instructors. Investigate how long the faculty members have been involved with mediation, and what types of disputes they have helped to resolve.

As paralegals, our job description is always evolving, so it pays to continuously enhance our skill set. After undergoing mediation training, you, too, will be ready to embark on the amazing journey of helping other people help themselves, making them active participants in their own destiny. Jennifer D. Grassini is the Executive Assistant for IADR - The Institute for Advanced Dispute Resolution (<http://www.advanced-resolution.com>), a school which provides in-depth specialized training in mediation. She earned her paralegal certificate through the Washington Online Learning Institute. She is passionate about the mediation process, and speaks to various groups regarding the benefits of alternative dispute resolution.