

CERTIFICATION MEDIATION TRAINING PROGRAM, Sporazumenia Association, Bulgaria

2020

<p>This is a 60 academic hours (6 days) certification mediation training. The prototype of it has been developed 15 years ago, based on the USAID Training Methodology. It was updated in the years based on the experience of our team (mostly in joint trainings) with colleagues from the Harvard Mediation Program, US, as well as colleagues from UK, Germany, Italy, Romania, etc. and our practice as mediators in Bulgaria.</p> <p>It complies with the requirements of the Bulgarian legislation and with the highest standards of interactive mediation trainings.</p> <p>The contents and the learning objectives (which also include <i>the mediator's competences</i>) of the training include:</p>	
Mediation Training, Level 1, 3 days	
Module 1: Essence of Conflict	Module Duration: 1 hour and 30 minutes (80 minutes exercises)
Module Objectives: Participants will be able to: Define conflict and its levels, list the reasons for conflict and six stages of the cycle of the conflict.	
Module 2: Methods of Dispute Resolution. Legal framework of mediation	Module Duration: 2 hours (80 minutes video and exercises)
Module Objectives: Participants will be able to: Compare the different methods of dispute resolution, analyze the legal framework and <u>principles</u> of mediation and the types of mediation.	
Module 3: Negotiations: Positions and Interests	Module Duration: 2 hours (80 minutes exercises)
Module Objectives: Participants will be able to: Define negotiations based on positions and negotiations based on interests and demonstrate the basic steps to move from positions to interests using the 4 principles.	
Module 4: Mediation Stages	Module Duration: 3 hours (2 hours and 20 minutes exercises, of which 120 min. <i>simulated mediations in small groups and in big group</i>)
Module Objectives: Participants will be able to: Describe the logic of stages in mediation (preparation, opening, defining disputable issues, exploration of interest, generating and evaluating options, conclusion); appropriate use of joint meetings and caucuses, and demonstrate skills of leading parties through all stages.	
Module 5: Basic Communication and Mediation Tools	Module Duration: 3 hours and 30 minutes (2 hours and 40 min. practice, of which 60 min. <i>simulated mediation</i>)
Module Objectives: Participants will be able to: List the different elements of non-verbal communication, demonstrate skills to actively listen, ask different types of questions, to paraphrase and summarize, to establish rapport and actively practice empathy, as well as to apply different mediator techniques – Reframing, Reality check, incl. BATNA/WATNA, Proposals of the mediator (within the facilitative mediation legal framework).	
Module 6: Settlement Agreement. Suspension and Termination of Mediation.	Module Duration: 2 hours, (1 hour and 40 min. exercises, of which 60 min. <i>simulated mediation</i>)
Module Objectives: Participants will be able to: Formulate a draft agreement, list its characteristics and explain its legal effect and legal opportunities for enforcement; and describe the possible reasons for suspension and termination and the respective legal requirements and obligations of a mediator.	

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Conclusion	Duration: 30 minutes
Practicum and Evaluation – Exam, Level 1	Duration: 10 hours, 4 simulated mediations
<p>Total of 4 mediations in 1 day, accompanied by extensive feedback, coaching, and evaluation. These mediations are part 1 of the legally required <i>practical exam</i>.</p> <p>The entire practical exam consists of 2 days of simulated mediations - 3 mediations/ co-mediations per participant. More information – at the end of the program description.</p>	
Mediation Training, Level 2, 3 days	
Module 1: Participants in Mediation - Roles and responsibilities	Module Duration: 2 hours, (90 min. exercises, of which 60 min. open simulated mediation)
<p>Module Objectives: Participants will be able to: Describe the rights, responsibilities and functions of each of the participants in the procedure - mediator, parties, <u>attorneys</u>, experts, others); and define strategies to successfully involve attorneys in the mediation procedure.</p>	
Module 2: Working and Conflict Styles in Mediation	Module Duration: 1 hour and 15 minutes (75 min. exercises)
<p>Module Objectives: Participants will be able to: Discern and explain working styles and behavior styles in conflict (e.g. based on Merrill-Willson, Thomas-Killman tests) and their influence on the mediator’s conduct, and apply strategies to effectively adjust their styles according to the situation in mediation.</p>	
Module 3: Participants’ Difficult Behavior	Module Duration: 2 hours and 15 minutes (90 min. exercises, of which 60 min. simulated mediation)
<p>Module Objectives: Participants will be able to: List the basic difficult behaviors of the participants in mediation and practice successful strategies for coping with them.</p>	
Module 4: Working with emotions	Module Duration: 1 hour and 30 minutes (90 min. exercises, of which 60 min. simulated mediation)
<p>Module Objectives: Participants will be able to: Demonstrate skills for identifying emotions and the reasons for them, and show mediator techniques for effective work with emotions - identification, recognition, refocus on needs, values, goals.</p>	
Module 5: Advanced Mediator Techniques and Dealing with Impasse	Module Duration: 2 hours (100 min. exercises)
<p>Module Objectives: Participants will be able to: Apply advanced mediator techniques in the mediation process (mirroring, transparency, stories, specific use of reframing, change of space, time, and participants), as well as strategies for creative solutions – brainstorming and others, and demonstrate skills for dealing with impasses.</p>	
Module 6: Mediation in Different Types of Disputes	Module Duration: 2 hours (100 min. video and exercises, of which 60 min. simulated mediation)
<p>Module Objectives: Participants will be able to: Explain three to four specific elements of the mediation procedure in family, labor, administrative and commercial disputes, and others.</p>	

Module 7: Comparative Legal Review , EU Legislation	Module Duration: 40 minutes (15 minutes exercise)
Module Objectives: Participants will be able to: <ul style="list-style-type: none"> List the basic acts of the EU, the basic documents of the Council of Europe (CE) on mediation issues and formulate the basic requirements of mediation in the legal framework of the EU – the Mediation Directive 2008/52, basics of cross-border mediation. 	
Module 8: Organization of Mediators’ Activity	Module Duration: 40 minutes (30 minutes discussion)
Module Objectives: Participants will be able to: Describe the establishment, administration, main functions and basic documents of Mediation Centers, and for organizing own mediation activity.	
Module 9: Court Referral Programs	Module Duration: 40 minutes (30 minutes video and discussion)
Module Objectives: Participants will be able to: Explain which disputes are appropriate for referral, and define the elements and timing of the referral process according to the legal requirements, as well as the basic rules of referral.	
Conclusion	Duration: 1 hour and 30 minutes
Summary of Level 2 two days, including legally required examination (1 hour test)	
Practicum and Evaluation - Exam Level 2	Duration: 10 hours, 3 <i>simulated mediations</i> and legally required <i>interview</i> on the topics of the training

DETAILED CURRICULUM,

Mediation Training, 60 academic hours (45 minutes each), **6 days**

Equal to **45 astronomic hours** (of which **8 hours theory, 15 hours practical exercises, 21 hours simulated mediations** (including 13 hours exam mediations), **1 hour written test, 1 hour interview**), 18% theory, 33% practical exercises, 47% simulated mediations (including exam mediations), 2% test.

Mediation Training,	
<u>LEVEL 1, 3 DAYS</u>	
Duration: 30 academic hours (45 minutes each), equal to 22,5 astronomic hours (of which 4,5 hours theory, 7,5 hours practical exercises, and 10,5 hours simulated mediations (7,5 hours exam mediations)).	
Introduction	Duration: 30 minutes
Introducing trainers and participants, course objectives, topics and methodology	
Module 1: Essence of Conflict	Module Duration: 1 hour and 30 minutes (80 minutes exercises)
Module Objectives:	

After completing this module, participants will be able to:

- Define conflict and its levels.
- List the reasons for conflict.
- Describe a six stages of the cycle of the conflict.
- **Practical exercises:** 70 minutes, 1. Simulated problem solving in groups – analysis of the components and reasons for conflict – 50 min, 2. Conflict map - exercise in pairs – 30 min.

**Module 2: Methods of Dispute Resolution.
Legal framework of mediation**

Module Duration:
2 hours (80 minutes video and exercises)

Module Objectives:

Upon completing this module, participants will be able to:

- Define the different methods of dispute resolution, including their advantages and shortcomings.
- Analyze the legal framework and principles of mediation - voluntary recourse, equality, neutrality, impartiality, confidentiality (5 according to the Bulgarian legal framework) and the guarantees for them during the mediation process
- Define the types of mediation (e.g. evaluative and facilitative mediation, transformative, co-mediation)
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- **Practical exercises:** 80 minutes, 1. Comparative analysis of ADR methods - 20 min; 2. Video mediation and analysis of mediation principles and stages - 60 min,

Module 3: Negotiations: Positions and Interests

Module Duration:
2 hours (80 minutes exercises)

Module Objectives:

At the end of this module the participants will be able to:

- Define negotiations based on positions and negotiations based on interests and list their objectives and principles.
- Use the basic steps and techniques to move from negotiations based on positions to negotiations based on interests.
- Define and apply the four principles of negotiations based on interests

Practical exercises: 80 minutes, 1. Negotiation roleplay in pairs and analysis - 50 min; 2. Exercise in the 4 Negotiation Principles – moving from positions to interests using questions - 30 min,

Module 4: Mediation Procedure Stages

Module Duration:
3 hours (2 hours and 20 minutes exercises, of which 120 min. *simulated mediations in small groups and in big group*)

Module Objectives:

At the end of this module, participants will be able to:

- List and describe the logic of stages in mediation (preparation, opening, defining disputable issues, exploration of interest, generating and evaluating options, conclusion)

- Describe the objectives and appropriate use of first joint meeting, caucuses, following joint session, including assess the necessity to hold caucuses.
- Demonstrate skills in opening mediation (opening words of the mediator, introduction of the parties, review of the agreement to mediate)
- Demonstrate skills in conducting mediation through all stages.
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- **Practical exercises:** 140 minutes, 1. Preparation and Screening cases – 20 min., 2. *Simulated mediation – exercising opening and stages 60 min*; 3. Open mediation of a case in front of the group with possible participation of everyone – focus on the importance of exploring interests and correct passing through the stages Negotiation Principles, analysis - 60 min.

Module 5: Basic Communication and Mediation Tools

Module Duration:

3 hours and 30 minutes (2 hours and 40 min. practice, of which 60 min. *simulated mediation*)

Module Objectives:

At the end of this module, participants will be able to:

- List the different elements of non-verbal communication.
- Describe the basic characteristics of active listening.
- Demonstrate skills to ask different types of questions, to paraphrase and summarize, to establish rapport and actively practice empathy
- List and define the different mediator techniques – Reframing, Reality check, Proposals of the mediator (within the facilitative mediation legal framework), BATNA/WATNA.
- Explain when to use the different techniques.

Practical exercises: 160 minutes, 1. 5 exercises for each key skill – 100 min. 2. *Simulated mediation – exercising the tools – 60 min*; analysis.

Module 6: Settlement Agreement. Suspension and Termination of Mediation.

Module Duration:

2 hours, (1 hour and 40 min. exercises, of which 60 min. *simulated mediation*)

Module Objectives:

At the end of this module, participants will be able to:

- Formulate a draft agreement, list its characteristics and explain its legal effect and legal opportunities for enforcement
- List the possible ways for development of the dispute after concluding an agreement through mediation.
- Describe the possible reasons for suspension and termination – appropriate measures in cases of violence, crime, inadequate behaviour, etc, and the legal requirements and obligations of a mediator.

Practical exercises: 100 minutes, 1. *Simulated mediation, drafting agreement and analysis – 80 min*. 2. Exploring case studies to decide whether to terminate mediation– 20 min.

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Conclusion	Duration: 30 minutes
Summary of Level 1 (the first three days)	
Practicum and Evaluation - Exam Level 1	Duration: 10 hours, 4 simulated mediations
<p>Total of 4 mediations in 1 day, accompanied by extensive feedback, coaching, and evaluation. These mediations are part 1 of the legally required <i>practical exam</i>.</p> <p>The entire practical exam consists of 2 days of simulated mediations - 3 mediations/ co-mediators per participant.</p>	

Mediation Training,	
Level 2, 3 days	
Duration: 30 academic hours (45 minutes each), equal to 22,5 astronomic hours (of which 3,5 hours theory, 7,5 hours practical exercises, 10,5 hours simulated mediations (5,5 hours exam mediations, 1 hour interview), 1 hour written exam).	
Introduction	Duration: 30 minutes
Introducing the topics of level 2, discussing the participants' experience with the mediation tools in the period between Level 1 and Level 2	
Module 1: Participants in Mediation - Roles and responsibilities	Module Duration: 2 hours, (90 min. exercises, of which 60 min. open <i>simulated mediation</i>)
<p>Module Objectives:</p> <p>At the end of this module, participants will be able to:</p> <ul style="list-style-type: none"> • Describe the rights, responsibilities and functions of each of the participants in the procedure - mediator, parties, <u>attorneys</u>, experts, others). • Define the legal responsibilities of the mediator. • Explain the role of the attorneys, experts, consultants, and define strategies to successfully involve attorneys in the mediation procedure. <p>Practical exercises: 90 minutes, 1. <i>Open Simulated mediation with lawyers</i> and analysis – 60 min. 2. Exploring cases of specific participants and their influence, interests and strategies to deal with them – 30 min.</p>	
Module 2: Working and Conflict Styles in Mediation	Module Duration: 1 hour and 15 minutes (75 min. exercises)
Module Objectives:	

At the end of this module, participants will be able to:

- Discern and explain working styles and their influence on the mediator’s conduct
- Discern and explain behavior styles during a conflict
- Manage effectively their behavior in accordance with the basic strategies for resolution of conflicts.

Practical exercises: 75 minutes, 1. Tests for behaviour Styles in Conflict, and Thomas-Killman test, and group analysis – 45 min., 2. Small group exercise - Advantages and disadvantages of each style and its effect on the work of the mediator. 30 min.

Module 3: Participants’ Difficult Behavior

Module Duration:

2 hours and 15 minutes (90 min. exercises, of which 60 min. *simulated mediation*)

Module Objectives:

At the end of this module, participants will be able to:

- List the basic problem behaviors of the participants in mediation - classification.
- Describe and practice successful strategies for coping with difficult behaviors.

Practical exercises: 90 minutes, 1. Group exploration of difficult behaviours and strategies for coping - 20 min. 2. *Simulated mediation with difficult behaviour* and analysis – 70 min.

Module 4: Working with emotions

Module Duration:

1 hour and 30 minutes (90 min. exercises, of which 60 min. *simulated mediation*)

Module Objectives:

At the end of this module, participants will be able to:

- Demonstrate skills for identifying emotions and the reasons for them
- Apply mediator techniques for effective work with emotions - identification, recognition, refocus on needs, values, goals.

Practical exercises: 90 minutes, 1. Group exploration of the appropriate response to emotions-identification, recognition, refocus on needs, values, goals – 20 min. 2. *Simulated mediation with difficult behaviour* and analysis – 70 min.

Module 5: Advanced Mediator Techniques and Dealing with Impass

Module Duration:

2 hours (100 min. exercises)

Module Objectives:

At the end of this module, participants will be able to:

- Describe and order the basic mediator techniques in terms of stages in the mediation process
- Apply advanced mediator techniques in the mediation process (mirroring, transparency, stories, specific use of reframing, change of space, time, and participants).
- Apply strategies and techniques for creative solutions – brainstorming and others.
- Demonstrate skills for dealing with impasses

Practical exercises: 100 minutes, 1. Exercises for practicing of advanced mediation tools (mirroring, transparency, stories, specific use of reframing, change of space, time and

participants), 30 min. 2. *Simulated brainstorming and its use in mediation* – 70 min.

Module 6: Mediation in Different Types of Disputes

Module Duration:

2 hours (100 min. video and exercises, of which 60 min. *simulated mediation*)

Module Objectives:

At the end of this module, participants will be able to:

- Explain three to four specific elements of the mediation procedure in family, labor, administrative and commercial disputes, and others
- Differentiate the specifics in the process of mediation in the different types of disputes.

Practical exercises: 100 minutes, 1. Commercial mediation Video and analysis – 40 min.
2. Simulated mediation – 60 min.

Module 7: Comparative Legal Review

Module Duration:

40 minutes (15 minutes exercise)

Module Objectives:

At the end of this module, participants will be able to:

- List the basic acts of the EU and the basic documents of the Council of Europe (CE) on mediation issues.
- Formulate the basic requirements of mediation in the legal framework of the EU – the Mediation Directive 2008/52, basics of cross-border mediation.
- Define four basic similarities of the mediation framework in different countries.

Practical exercises: 10 minutes, 1. Comparative analysis of mediation in the EU and Bulgaria.

Module 8: Organization of Mediators' Activity

Module Duration:

40 minutes (30 minutes discussion)

Module Objectives:

At the end of this module, participants will be able to:

- Describe the establishment, administration, main functions and basic documents of Mediation Centers.
- Organizing own mediation activity.

Practical exercises: 30 minutes discussion on the practical steps of organizing mediation practice.

Module 9: Court Referral Programs

Module Duration:

40 minutes (30 minutes video and discussion)

Module Objectives:

At the end of this module, participants will be able to:

- Define the elements and timing of the referral process according to the legal requirements
- Explain which disputes are appropriate for referral.
- Describe the basic rules of referral.

Practical exercises: 30 minutes discussion on the steps of referral, video and analysis.

Conclusion	Duration: 1 hour and 30 minutes
Summary of Level 2 two days, including legally required examination (1 hour test)	
Practicum and Evaluation - Exam Level 2	Duration: 10 hours, 3 <i>simulated mediations</i> and legally required <i>interview</i> on the topics of the training
<p>Total of 3 mediations in 1 day, accompanied by extensive feedback, coaching, and evaluation.</p> <p>These mediation are part 2 of the legally required <i>practical exam</i>.</p> <p>The entire practical exam consists of 2 days of simulated mediations - 3 mediations/ co-mediations per participant.</p> <p>The EXAM. According to the legal requirements, the exam consist of a written test, practical exam – consisting of at least 1 simulated mediation, and interview. We do apply high standards to certification, by assessing the trainees based on strict criteria for high performance- as described in the Mediator’s Competence file. They conduct 3 exam mediations instead of 1, and participate in 5 mediation during the training (instead of 3).</p>	

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