

The mediator is the manager of the process and skills in this regard are very important, rather than knowledge of the subject matter of the dispute. The essential aspects of being a mediator have been described in the Mediation Construct⁷, based on four cornerstones with further elements built upon that base:

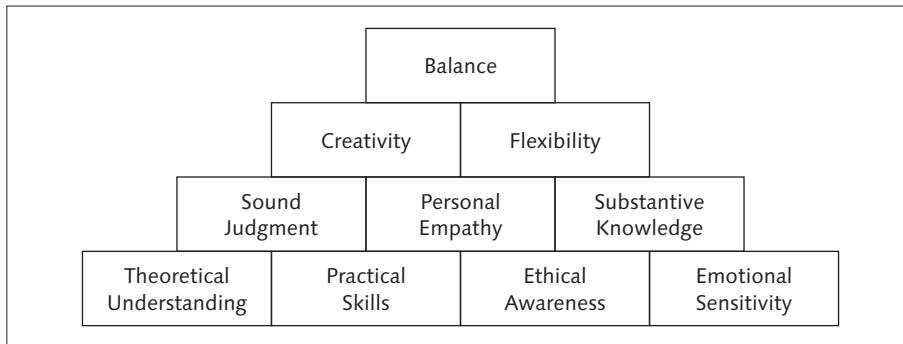


Figure 10.2: The Mediation Construct
Source: Brown and Marriott (1999)

To call yourself a mediator is one thing. To be one is another. Many mediators are lawyers. Other mediators may be professionals like psychologists and engineers, depending on the kind of conflicts being mediated. Mediation providers usually require additional education and practical experience and/or training in mediation.

It is often discussed whether general knowledge and experience with regard to the area of law of the dispute is important for the mediator or whether this might have a negative impact on the mediator's creativity in assisting the parties. In building confidence and trust, however, general knowledge and experience with regard to the area of law may be important. Otherwise, the parties may wrongly infer that lack of knowledge of the area of law means lack of mediation skills.

Mediation providers will often have ethical rules of their own. Lawyers mediating as part of their practice of law are comprised by the ethical rules of the Bar and Law Society. Ethical rules for Danish court mediators, whether they are judges or practising lawyers, are being prepared.

⁷ Brown and Marriott (1999) page 329