

## REQUIREMENTS TO BECOME AND BE A MEDIATOR IN LITHUANIA

Nr.	QUESTION	INFORMATION
1	Who can be a mediator? Normative regulation	<p>According to the Law on Mediation of the Republic of Lithuania (until 1<sup>st</sup> January 2019 named as Law on Conciliatory Mediation in Civil Disputes of the Republic of Lithuania), person can serve as a mediator if he or she is registered in the list of the mediators of the Republic of Lithuania (further - List of Mediators) (Art. 4, part 1.). Exception is envisaged for foreign mediators if their qualification is already confirmed according the national law of other European Union member states.</p> <p>In order to be registered in the List of Mediators, person must fulfil these general qualification requirements:</p> <ul style="list-style-type: none"> <li>• Possessing a higher university education diploma;</li> <li>• Attending not shorter than 40 academic hours trainings on mediation within 5 years before the application for enlisting in the List of Mediators;</li> <li>• Passing mediator's qualification exam;</li> <li>• Possessing impeccable reputation.</li> </ul> <p>Several exceptions from the above indicated qualification requirements are applied for attorneys, notaries, bailiffs, judges and mediation trainers with PhD degree.</p>
1.1	Definition of mediator / certified mediator / mediator in criminal cases	<p>According to the Art. 2, part 5 of the Law on Mediation, mediator is a third neutral natural person, who fulfils requirements set up by this law, and who is registered in the List of Mediators and serves parties helping them to resolve their disputes.</p> <p>The concept of certified mediator is not used in Lithuania, because those, who wish to serve as mediators might be registered in the List of Mediators.</p> <p>There are no special qualification requirements for mediators specializing in mediation in criminal cases.</p>
1.2	Which legal norms regulate becoming a mediator?	<p>The Law on Mediation of the Republic of Lithuania.</p> <p>Procedural details of including persons in the List of Mediators are provided in rules confirmed by the order of Minister of Justice of the Republic of Lithuania (Art. 4-6).</p>
1.3	Can anyone be a mediator? Are there certified / registered and non-certified / non-registered mediators?	<p>All people, who wish to serve as mediators have to be registered in the List of Mediators.</p>

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Project number: 2016-1-LV01-KA203-022660

1.4	Are there civil law / criminal law / other divisions of mediators?	There are 2 categories of mediators in the List of Mediators: court mediators (can be only judges) and other mediators. In the second case it is allowed for mediators to indicate their specialization, if there is such, in the List of Mediators.
2.	Requirements raised towards mediator	In order to become a mediator, person must be registered in the List of Mediators. For registering, he or she must fulfil these formal requirements: <ul style="list-style-type: none"> <li>• Possessing a higher university education diploma;</li> <li>• Attending not shorter than 40 academic hours trainings on mediation within 5 years before the application for enlisting in the List of Mediators;</li> <li>• Passing mediator's qualification exam;</li> <li>• Possessing impeccable reputation.</li> </ul> Several exceptions from the above indicated qualification requirements are applied for attorneys, notaries, bailiffs, judges and mediation trainers with PhD degree.
2.1	Age	No formal requirements.
2.2	Reputation	Impeccable reputation is required.
2.3	Education	Higher university education is required. The field of education is not specified.
2.4	Knowledge of languages and level of knowledge	No formal requirements.
2.5	Previous learning (hours of courses in mediation, which courses)	Not less than 40 academic hours of courses in mediation. Minister of Justice of the Republic of Lithuania has confirmed the detailed list of topics with hours' requirements, which should be covered by mediation course in order to be accepted as suitable.
2.6	Necessity of registration / certification	In order to become and act as a mediator, person must be registered in the List of Mediators.
2.7	Prohibition to be criminally convicted / in the status of suspect in the criminal case	No formal requirements. Impeccable reputation is one of the requirements for the person to be included in the List of Mediators. Thus a person, who is criminally convicted or is in the status of suspect in the criminal case, would not be deemed as having impeccable reputation. Hence, would not be included in the List of Mediator.
2.8	Other requirements / prohibitions (recommendations, previous practice, CV, etc.):	Mediator's qualification exam must be passed in order to be included in the List of Mediators. All mediators are required to submit their CV for publication in the List of Mediators. Previous practice neither in mediation, nor in any other practice field is not required.

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3	Institution certifying mediators	The State Guaranteed Legal Aid Service is responsible for including persons in the List of Mediators. Special mediators' examination commission organizes the qualification exam for mediators. There are no formal requirements for the organizations providing mediation trainings.
3.1	Name of the institution certifying mediators	The State Guaranteed Legal Aid Service is responsible for including mediators in the List of Mediators. Special mediators' examination commission is responsible for evaluation of the skills and knowledge of the candidates to the List of Mediators.
3.2	Supervision of the institution certifying mediators	Ministry of Justice of the Republic of Lithuania is the main executive body supervising the process of including mediators in the List of Mediators.
3.3	Contents of the institution certifying mediators	The mediator's qualification exam commission consists of 5 members, appointed by the Minister of Justice. Representatives of Ministry of Justice (1), Universities (2), Mediators self-government organizations (1) and Council of Judges (1) are suggested for the minister to be appointed.
3.4	Restrictions for members of the institution certifying mediators (family ties, professional ties, etc.)	The member of exam commission has a duty to dismiss himself or herself from the participation in decision making in case the candidate is his spouse, close relative or certain other close relations exist, which may raise doubts about the impartiality of the commission member. A person, who seeks to pass mediators' exam, has a right to require a dismissal of certain members of the commission in case he or she files in writing a motivated request addressed for the chairperson of the commission.
4	Process to become a certified / registered mediator	To be included in the List of Mediators, person is required to pass mediator's qualification exam and submit to the State Guaranteed Legal Aid Service a request to be included in the List of Mediators together with the documents proving his compliance with the requirements for mediators.
4.1	Where and when to apply to become a certified / registered mediator?	Person has to apply to the State Guaranteed Legal Aid Service both for holding a mediator's qualification exam and for applying to be included in the List of Mediators.
4.2	How often per year certification / examination process of candidate mediators proceed?	The mediators' qualification exam is being organized under request. No less than 10 applications should be registered for an exam to be organized.
4.3	Payment to become a mediator:	16 euro payment - for the mediator's qualification exam. 19 euro payment – for including in the List of Mediators.
4.4	Documents to be submitted to become a mediator:	Person should provide to the State Guaranteed Legal Aid Service the following documents: <ul style="list-style-type: none"> <li>• Request to be registered in the List of Mediators;</li> <li>• Copy of ID card or passport;</li> <li>• Copy of higher university education diploma;</li> </ul>

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		<ul style="list-style-type: none"> <li>• CV;</li> <li>• Declaration for the impeccable reputation;</li> <li>• Document proving attendance of not shorter than 40 academic hours trainings on mediation within 5 years before the application for enlisting in the List of Mediators;</li> <li>• Document proving a successful mediator's qualification exam passing or other requirements, which allow to be included into the List of Mediators without mediator's qualification exam passing;</li> <li>• Document proving the payment of the fee for the inclusion in the List of Mediators.</li> </ul>
5	Contents of the exam for mediators	<p>There is a special program for the mediator's exam, which is approved by the order of the Minister of Justice of the Republic of Lithuania. The program consists of the following topics, with further detalisation:</p> <ul style="list-style-type: none"> <li>• The Concepts of a Conflict and a Dispute, Main Methods of Their Resolution;</li> <li>• The Concept of Mediation;</li> <li>• The Principles of Mediation;</li> <li>• The Role of the Mediator;</li> <li>• The Process of Mediation;</li> <li>• Techniques of Communication and Negotiations Applied by the Mediator;</li> <li>• The Peculiarities of the Mediation in Different Categories of Civil Disputes;</li> <li>• Judicial Mediation;</li> <li>• Mediator's Professional Activity;</li> <li>• Basics of Legal Knowledge for the Mediators;</li> <li>• Mediation Practical Tasks.</li> </ul>
6	Mediator's certificate (form, contents, validity term)	Mediator is included in the List of Mediators once and may perform his mediation practice since that moment without certain time limits.
7	In which cases certificate of the mediator is annulled / stopped?	<p>The decision to remove the mediator from the List of Mediators may be passed by the State Guaranteed Legal Aid Service if the mediator:</p> <ul style="list-style-type: none"> <li>• Dies;</li> <li>• Requests so;</li> <li>• Fails to continue his qualification and does not provide any documents to prove his continuous education in the field of mediation to the State Guaranteed Legal Aid Service;</li> <li>• If the State Guaranteed Legal Aid Service determines that person does not fulfill the formal requirements, which were necessary for his inclusion in the List of Mediators;</li> </ul>

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		If the Commission on the Evaluation of Mediators' Activity passes a decision to remove him or her from the List of Mediators;
8	Obligations of the mediator	Mediator is obliged to provide to his clients information about all circumstances, which may raise doubts on his impartiality. Mediator as well is obliged to fulfill ethics requirements stated in the European Code of Conduct for mediators. Mediator has a duty to inform parties on their request about his experience and education. It is not allowed for the mediator to be an arbitrator or a judge in the case he was mediating or is mediating, except the situations, when parties to a dispute agree to appoint the mediator to serve as an arbitrator and he or she agrees to be appointed. Mediator cannot be a legal representative of the parties to the mediation in the dispute, which he or she mediates or has mediated.
8.1	Towards supervisory institution of the mediators (participation in annual meetings, annual payment to the mediators' supervisory institution, etc.)	Mediators' self-governance currently is not an object of legal regulation in Lithuania. Mediators as all other professionals are free to join into certain legal bodies. In 2016 the Chamber of Mediators of Lithuania was established. The form of this organization is an association. Currently it joins about 60 mediators from all over Lithuania. Members of this institution are invited to participate in annual meetings, educational events, mediations' supervisions and etc. The symbolic annual payment of 50 euro is charged from the members of the association.
8.2	Towards clients in mediation (working in accordance with rules, principles, code of ethics, conclusion of agreement with client, issue of certificate about participation in mediation, etc.)	Mediation may be carried on only under the written agreement. Mediators assist parties in preparing it. Mediators in Lithuania must fulfill their obligations under the European Code of Conducts of Mediators and national legal regulation. At the end of mediation, mediator normally assists the parties in drafting the settlement agreement. In case of non-successful mediation, mediator issues a certificate about participation of a party in mediation. This document allows parties to claim for reduced court costs. In case of mandatory mediation in family disputes, which enters in Lithuania in force on the 1 <sup>st</sup> of January 2020, such certificate is a prerequisite to start a court procedure.
9	Supervision of mediators	The main institution supervising mediators is the Commission of the Evaluation of the mediators' activities.
9.1	Institutions supervising mediators:	The Commission of the Evaluation of the mediators' activities is a commission established under the order of Minister of Justice of the Republic of Lithuania. It consists of 5 members (representatives of Ministry of Justice, State Guaranteed Legal Aid Service, Lithuanian Bar Association, Mediator's organizations, Council of Judges).

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9.2	Review of complaints about mediators (statistics, typical complains, results, tendencies)	Since the Commission of the Evaluation of the mediators' activities is a new one, it is impossible to report its' activities and achievements yet. The legal regulation envisages to this commission the duty to investigate the claims of the clients related to the non-proper behavior of mediators. After the investigation the commission may impose sanctions to the mediators including the removal from the List of Mediators.
9.3	Are decisions of institution certifying mediators appealable and where?	Yes, it is possible to appeal the decision of the mediator's qualification exam commission and State Guaranteed Legal Aid Service in regard of exam and refusal of including in the List of Mediators. The decisions of the mediator's qualification exam commission may be appealed to the Minister of Justice, who is obliged to investigate the claim and to leave the decision as it is or satisfy the claim. Decisions of the Minister of Justice may be appealed to the administrative court. The decisions of State Guaranteed Legal Aid Service in regard of refusal to include person in the list of the Mediators may be appealed to the administrative courts.
10	Process of repeated attestation of mediators (if any).	There is a requirement for every mediator, who is registered in the List of Mediators, to develop his knowledge and skills in the field of mediation and to present to the State Guaranteed Legal Aid Service every 5 years the documents proving his qualification development. The requirement is to attend 20 academic hours of mediation trainings. Trainings may be changed by such activities as participating in conferences, seminars, other events, publishing materials on the mediation topic or reading the lectures in the field of mediation.
11	Envisaged future developments in mediation	Mediation in civil justice already is supported by a strong regulatory framework which established sufficient measures to foster mediation usage in the field. However, mediation in other fields of justice is yet poorly developed. The biggest need is to pay more attention for the mediation development in criminal justice. Currently there is no adequate legal regulation in this field and it creates many obstacles for the further development. Mediation in administrative justice as well is in the primary stage of development and cries for bigger attention from the legislator.

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