

March 18, 2005

The Question

Once again I have received a conference announcement for a program offered by a single mediator to be held in a facility with subsidized or free space at a cost of \$250 (lunch on your own) for the day and 7.5 CEU's. I am asking what kind of contribution is it to the profession of Mediation to be profiteering on your profession at the expense of your colleagues? Yes, I understand caveat emptor and "whatever the market will bear". There are always those in such need of CEU's, obligation to the presenter or just so awash in wherewithal that convenience trumps cost. The rest of us need to make a living and still meet our CEU needs with quality programs. "Just go to the cheap events" is not an answer when accessibility to quality programs becomes economically discriminatory.

In my experience with multiple professions such profiteering is just not an acceptable practice. Contribution to the profession means reasonable fees. Most professional CEU programs come in at a cost of \$10 to \$20 per hour of credit. Preparation for my certification as a mediator came in at just over \$25 per hour, but that is a very rigorous and essential program with multiple speakers. Charging over \$33 per hour just seems to me to be ethically offensive practice.

Yes, there are some organizations offering programs in this cost range. But they do this as education marketing companies, not under the aegis of a certification, and they typically pay for speakers, high quality publications and high tech presentation in privately contracted facilities. Some even offer lunch. It just isn't the same. Do we have any standards of practice with regard to the offering of CEU programs, other than content?

Submitted by a Certified County and Family Mediator
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Authority Referenced

Rules 10.600, 10.620, 10.690(c), 10.900(a), Florida Rules for Certified and Court-Appointed Mediators
Florida Supreme Court Administrative Order AOSC00-8

Summary

Ethically, a certified mediator is required to preserve the quality of the profession, to maintain forthright business practices, Rule 10.600, not provide any service that would compromise the mediator's integrity or impartiality, Rule 10.620, and should support the advancement of mediation by participating in public education, Rule 10.690(c). Consistent with those provisions, it is permissive for the charges for CME to be set by competitive market forces.

Opinion

The Committee provides advisory opinions in response to "ethical questions arising from the Standards of Profession Conduct." Rule 10.900(a). While these standards apply to mediators in the practice of mediation, not to training program providers, the Committee acknowledges that there are some general ethical standards which would arguably apply to certified mediators who are also mediation training providers. Specifically, the Committee notes that a mediator is required to "preserve the quality of the profession" and is responsible for "maintaining ... forthright business practices..." Rule 10.600. In addition, a mediator "should support the advancement of mediation by encouraging and participating in ... public education," Rule 10.690(c), and "shall not ... provide any service ... that would compromise the mediator's integrity or impartiality." Rule 10.620.

Mediators have a variety of options to fulfill their continuing mediator education (CME) requirements, including some low or no cost options. These are codified in an administrative order of the Chief Justice, AOSC00-08. It provides that so long as the course or activity has "significant intellectual or practical content," constitutes "an organized program of learning directly related to the practice of mediation," and is conducted by an individual or group "qualified by practical or academic experience," it can qualify for CME credit. The order also provides that individuals may complete their hours by listening to audio tapes, rather than attending live programs. Although 50 percent of all CME must be done in a "live" format, even this can be accomplished by listening to tapes, so long as it is done with another person and the individuals discuss the information presented on the tape. Mediators can (and do) create their own "low cost" CME activity.

Although the Chief Justice has set guidelines which cover the required hours and reporting procedures (among other matters) for CME, monetary limits for training have not been established. Therefore, implicitly, the charges for CME are set by the providers based on competitive market forces.

Date

Fran Tetunic, Committee Chair