

The Expectations of the Romanian Mediators. The Preliminary Results of a Survey Analysis

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Abstract. *The article presents the preliminary results of the first professional survey done in Romania, developed by the Romanian Institute for Evaluation and Strategy (IRES), regarding the perceptions and expectations of the Romanian mediators. It provides also an analysis of the electoral behavior of the Romanian mediators in comparison with the results of the electoral process for the Romanian Mediation Council.*

Keywords: *mediation, Romanian Mediation Council, survey, Romanian Institute for Evaluation and Strategy (IRES).*

Introduction

Developing the mediation in Romania as a primary tool in conflict settlement proved to be a long and unsuccessful endeavor. After a good start it seems that the initial enthusiasm lost its force and magnitude. All the hopes of the Romanian mediators are projected to the newly elected Mediation Council.

In this article we study some of the causes that brought to the current situation of the Romanian mediation and the perceptions and expectations of the Romanian mediators. Our first approach is an historical one and then we support our conclusions on the first professional survey ever done, to our knowledge, developed by the Romanian Institute for Evaluation and Strategy (IRES). A separate section is dedicated to an analy-

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sis of the mediators' electoral behavior and the results of the electoral process for the Romanian Mediation Council.

Mediation in Romania

The History

Prior to the mediation law no. 192/2006, several attempts of introducing the mediation in Romania have been made, starting with 2000 when a draft law regarding mediation was registered at the Romanian Chamber of Deputies, but the Legislative Council has given a negative opinion (Chereji & Tanul, 2005). After this failed attempt, the next four following years another four drafts of a possible mediation law were initiated, with the same result. Only in 2005, an improved version became a project endorsed by the Minister of Justice herself, Mrs. Monica Louisa Macovei, and finally was adopted an year later as the first Romanian mediation law, the Law no. 192/2006.

Parallel with the legislative attempts of institutionalizing mediation in Romania, a few NGOs developed projects that stimulated the use of ADR methods, especially mediation. Their work spread on a wide area, from conferences to trainings for lawyers and judges. Even an MA program in conflict mediation was developed at the A.I. Cuza University in Iași (Ibid., 2005). The history of NGOs' involvement in promoting mediation begins in 1996 when the Foundation for Democratic Changes developed a project in partnership with the Canadian International Institute for Applied Negotiation, including several representatives of the legal professions and the Ministry of Justice. In the following period, another project financed by the Open Society Foundation – Soros recommended for the first time the design of a mediation law. Later on, between 1999 and 2000 the Ministry of Justice with help from the American Bar Association and the Open Society Foundation developed a small pilot program for promoting and use of mediation in Bucharest (Lungu, 2010).

The mediation initiatives gained substantial support after the 2003 approval of the Reform Strategy for the Judicial System in Romania (Topor & Dragomir, 2012). The first real breakthrough was the Pilot Mediation Center in Craiova, developed in 2003 at the initiative of the International Judicial Academy and initially funded by the US State Department ("International Judicial Academy," n.d.). It had the support of the US Embassy in Romania and the Romanian Ministry of Justice, through the Craiova First Instance Court and the Craiova Tribunal. Its main purpose was the training of 400 to lawyers from all the Romanian counties as professional mediators (Centrul de Mediere Craiova, 2015), under the supervision of American trainers. At that time it does considered to be the best method for introducing institutionalized mediation to the Romanian society. The program evolved in the next years into a network of 43 mediation centers all over Romania, under the umbrella of the Association Craiova Mediation Center. Beside

trainings, and important numbers of mediation have been held with some promising results (Ibid, 2015).

The first Mediation Council was appointed by the minister of justice in 2006, based on the law number 192/2006. A number of documents and regulations regarding mediation and mediation trainings were put in place as part of the official launch of mediation as an independent profession in Romania ("Consiliul de Mediere (Ghid de Mediere)," 2013). After this important milestone for the Romanian mediation, the number of practitioners grew constantly in the following years. In 2012 they reached 3,171 mediators, doubled in 2013 with 7,380 members and touched a high point in 2014 with 8,522. The beginning of 2015 was the first time in the Romanian mediation history when the number of mediators decreased (to 6,805) (Ursan, 2015). According to internal documents provided by the Mediation Council, the mediators are organized in 120 professional associations, but only 16 of them have more than 100 members, the biggest accounting about 2000 mediators. There are also 23 certified training programs for mediators ("Consiliul de Mediere," 2015a).

The Law

Law no. 192/2006 on mediation and organization of the mediation profession regulates the mediation activity all over Romania. However, there are some European recommendations relating to mediation, that establish some directions and principles for the member states that can be found also into the Romanian law. For example, there are Recommendation no. 98 (1) on mediation in family matters, especially divorces, Recommendation no. 99 (19) concerning mediation in criminal matters and aiming to improve the victim-offender relation in criminal proceedings, Recommendation no. 2001 (9) on the alternatives to disputes between administrative authorities and private parties and Recommendation no. 2002 (10) with regarding the subject of mediation in civil matters (Bunea, 2014; Goga, 2014). Maybe the most important document is the Directive no. 2008/52/EC of the European Parliament regarding mediation in civil and commercial matters, which allowed European States to transpose some provisions of the Directive into their internal procedures or into pre-existing legislation (Goga, 2014).

According to Romanian law mediation can be extrajudicial or out of the court meaning that before the referral of the case to a court of law the parties can try to settle their dispute with the aid of a mediator. In this case the judge can, if the parties consider it necessary, acknowledge the settled agreement or the parties can present the agreement to a public notary in order to make it enforceable (Topor & Dragomir, 2012). The judicial mediation can intervene in every point of the judicial process and can bring the case to an end if the parties are willing to find their own solution to their dispute. Both as an extrajudicial or a judicial procedure, mediation is applicable to a large array of conflicts starting with disputes of civil, family or commercial nature to workplace,

consumer rights and intellectual property disputes. New Romania the mediation can also be used in criminal matters, but only for the crimes for which the withdrawal of the complaint or the party reconciliation precludes criminal liability (Bunea, 2014).

Mediation Council is an autonomous institution, self-funded, who runs the destinies of the Romanian mediation. Apart the first Mediation Council, the mediators have elected all the next four teams of nine members. The Romanian Mediation Council is the only who has the right to authorize practitioners of mediation, to regulate the trainings for mediators, to approved training programs, and to administer the Panel of Mediators (Gavrila, 2012).

There are some basic requirements for a person to become mediator. She or he has to have a high education degree, a work seniority of at least three years, to enjoy a good reputation and no criminal record and to graduate an 80 hours mediators training program (*Legea nr. 192 din 16 mai 2006 privind medierea și organizarea profesiei de mediator*, 2006). No law degree or legal expertise is required to became a Romanian certified mediator (Gavrila, 2012).

The mediation in Romania is governed by four principles: neutrality, impartiality, confidentiality and self-determination. As a result, the mediator has no power over the settlement of the disputing parties and therefore is not acknowledgeable for the final agreement. His role is mainly to facilitate communication, help the parties to identify their best needs and interests and guide the parties through the difficult moments of their conflict.

The mediator is free to use whatever methods and techniques he considers necessary during a mediation, as far as the procedure respects the mediation principles. The law imposes a standard procedure only before mediation, regarding the steps needed for inviting all the parties. There are also a few mandatory documents, like the binding contract between the mediator and the parties and the final report that indicate the way the mediation ended. In some specific cases, especially in the judicial mediation, an agreement is requested as a written document to be presented to a judge as proof the conflict settlement (*Legea nr. 192 din 16 mai 2006 privind medierea și organizarea profesiei de mediator*, 2006).

Reforming mediation

In the last nine years, there have been made several minor adjustments of the Law 192/2006. The most important was the Governmental Ordinance no. 12/2010, which put in accordance the Romanian legislation on mediation with the Directive 2008/52/CE of the European Parliament(Lungu, 2010). However, the Law no. 115/2012 introduced a major modification into the mediation process. Starting with July 2013, before going to court the claimant had to attend an information session about mediation advantages and procedure (Gavrila & Chereji, 2015). Another legislative document, the Governmental

Emergency Ordinance number 19/2012 set a sanction, starting with August 2013, in the claimant failed to prove that he attended the mandatory information session.

Even if the information session should have been, by law, a free service provided by mediators, a series of abuses have been reported (Ibid, 2015). There was also some confusion, even between mediators, regarding what was mandatory, the mediation per se or just the information session. For the clients the confusion was even bigger because the law allowed other professions to perform the information session, like the judges, the lawyers and other practitioners of law.

All lasted about a year because the Decision no. 266/2014 of the Romanian Constitutional Court declared the mandatory information session not constitutional. It was considered that could hinder the free access to justice. One of the immediate effects was the radical drop of the number of mediations and the lack of interest for mediation trainings.

The practice

Unfortunately, there are no official data about the number of mediations in Romania. There are, however, some studies that estimate a number of 5,696 mediations in 2014, but they are counting only the judicial mediations. Comparing with 2013 the number of mediations almost doubled (from 2,769 mediations) when the number of mediators increased only by 13,4% from 2013 to 2014 (from 7,380 to 8,522) (Ursan, 2015). Also, the numbers presented above reflect only the successful mediations, the one ended with a written agreement, and it does not take into consideration the attempts and/or the failed mediations.

Methodology

The Romanian Institute for Evaluation and Strategy (IRES¹) conducted two surveys related to mediation starting with 2014. One of the studies was carried out in May 2014 and it focused on the population's perceptions on mediation². The second one was conducted among mediators³, between 19th and 20th of February 2015 and its main purpose was to reflect the mediators' expectations regarding the newly elected Mediation Council (abbreviated MC below).

The sample chosen for the first study is representative for the Romanian population aged 18+; the survey was conducted on 1243 respondents, from both rural and urban

1 Institutul Român pentru Evaluare și Strategie (IRES) is an independent think tank doing social research since 2009.

2 The survey results are available at <http://www.ires.com.ro/articol/260/perceptiile-romailor-despre-mediare> (Romanian language only).

3 The survey results are available at <http://www.ires.com.ro/articol/294/medierea-in-romania> (Romanian language only).

areas and the margin of error is $\pm 2,8\%$, for a confidence level of 95%. The target population of the second study was comprised of all mediators who had the right to vote for the 2015 Mediation Council elections⁴. The method for choosing the 926 respondents was simple random sampling and the margin of error is $\pm 3\%$, for a confidence level of 95%. The interviewing method used in both studies was CATI (Computer Assisted Telephone Interviewing).

The study results for the second survey will be presented below and some of the information will also reflect the general population's perspectives on mediation (first survey).

The questionnaire for the second survey had 50 items, and questions were grouped in 3 main categories: **perceptions on mediation and the Mediation Council (1), electoral opinions and behaviour (2)**, and, finally, **facts and figures about respondents' mediation related activities(3)**.

The gender structure of the respondents (42% male, 58% female) mainly reflects Romania's overall gender structure, which means that there are no specific inclinations of either gender towards the profession. The survey conducted on the general population shows that more than one third of the respondents would not be interested in the gender of their mediator; however, one quarter of the interviewees would prefer their mediator to be a man and one third of the respondents would prefer their mediator to be a woman.

The youngest interviewed mediator was 24 years old, part of the smallest age group of mediators answering the survey (24-35 years old, 17%), while the oldest respondent was 78 years old, the 51+ age group representing 27% of the sample. More than half of the interviewees were 36-50 years old (55%).

25% of the mediators who answered the survey declare that their main profession is jurist, 14% declare they are economists (or expert accountants), another 14% – lawyers, 10% – engineers, 4% – teachers / professors, and 3% declare that their main profession is mediation. Other professions frequently mentioned were: manager, public servant (2% each), Ministry of Internal Affairs' employee, pensioner, journalist / PR / communication specialist, medical professions, other juridical professions (mentioned by 1% of the respondents each). 2% of those who were interviewed did not want to answer this question.

While 33% of the study participants do not want to declare their income, 9% gain up to 1000 lei per month (~225 Eur), 20% of the respondents have an income ranging

4 The full list of mediators was published on the Council of Mediation website, on the 2nd of February 2015, at <http://www.cmediere.ro/page/1154/lista-finala-a-mediatorilor-cu-drept-de-vot-actualizata-la-data-de-02-02-2015>

between 1001 and 2000 lei per month (~225-450 Eur), 14% earn between 2001 and 3000 lei per month (~450-675 Eur), 16% have incomes between 3,001 and 5,000 lei (~675-1125 Eur), while incomes higher than 5001 lei per month are gained by 8% of the respondents. The average respondents' monthly income (irrespective of its source) is 3713 lei (~715 Eur).

The results

Perceptions on mediation and the Mediation Council

More than half of those interviewed (57%) consider that mediation in Romania is going in the wrong direction, while only 33% believe the direction is right and 10% do not know or do not answer the question.

When asked about their trust in the MC, irrespective of its membership, 47% of the respondents declare they have much or very much trust in this institution, while 51% express little or very little trust. However, mediators authorized between 2008 and 2011 trust the MC to a lesser extent: 34% have much or very much trust in the MC, while 63% have little or very little trust in it. However, the respondents' satisfaction related to the Mediation Council ending its commission in March 2015 is more polarized: looking at the entire sample, only 32% interviewees declare that they are satisfied with the MC's activity, while 40% are dissatisfied and a quarter of the participants are neither satisfied, nor dissatisfied. Additionally, looking at those who declare that mediation is their main profession, differences are higher: only 28% declare their satisfaction, while 51% express dissatisfaction and only 20% are neither satisfied, nor dissatisfied. Furthermore, 21% of those who were authorized between 2008 and 2011 declare they are satisfied with the MC's activity, and 52% declare they are not satisfied, while those neither satisfied, nor dissatisfied represent a quarter of the interviewees authorized during the first years of mediation in Romania.

The main reasons survey participants offer for being satisfied with the late MC's activities (the 32% who express satisfaction) are that its members have been promoting mediation (14%), that they have been communicating with mediators (13%), they have been offering help when one needed help (9%), that they have implemented legislative changes (9%), its representatives have been involved (8%), they have fulfilled their duties (6%), etc.

The 40% of the interviewees who expressed their dissatisfaction with the late MC's activity mention reasons such as: the members' lack of interest, involvement and fulfillment of duties (26%), poor promotion of mediation (18%), failure in representing the mediators' interests (11%), the fact that the information session about mediation's benefits is no longer mandatory (9%), the lack of a legislative framework for mediation (6%), the fact that mediation does not function in Romania (6%), etc.

While mediators are both satisfied and dissatisfied about how mediation has been promoted, 57% of the respondents from the general population have heard about mediation and 42% have not heard about it. However, three quarters of those who know about mediation trust both mediation and mediators.

73% of mediators interviewed believe mediation should be mandatory in Romania, while only one quarter do not consider mediation should be mandatory and 2% of the respondents do not know.

Electoral opinions and behavior

One quarter of the survey participants are not interested in the 2015 elections for the MC, 74% declare they are interested in these elections, while 1% of the interviewees did not know that elections are being held (the answer "I did not know about the elections" was not offered to respondents; consequently, those who declared not knowing anything about elections, did it spontaneously and, therefore, the percentage of mediators who were not aware elections will be held in a few weeks could be higher).

The same percentage of respondents mentioning they are interested in the elections declares they will also vote (either by correspondence – 62%, or at the MC's headquarters – 12%), 12% of those interviewed declare they will not vote, while 14% are undecided. The percentage of mediators authorized between 2008 and 2011 who answer they will definitely vote is higher – 78%, while the percentage of respondents whose main profession is mediation and declare they will vote increases further to 89%.

In order to reduce costs for correspondence voting, the MC emailed mediators several times and posted a request on their website, asking that they inform the Council about their preferred option for voting (either by correspondence or direct voting, in the MC headquarters, in Bucharest). Although the deadline for mediators to send this information to the MC was 20th February, the Secretariat informed that by the 14th February, there were less than 1000 (~15%) mediators who sent an email expressing their voting option. Consequently, the Council decided that all those who did not communicate their voting option, will be considered voters by correspondence and will be sent the ballot via courier. When asked whether they have sent an email to the MC declaring their option for voting (correspondence or at the MC headquarters), only 29% of the interviewees declared they have already done this, while 47% mentioned they did not send this sort of email, but they intend to do it. 4% of the respondents did not know that they were supposed to inform the MC about their chosen method of voting.⁵ The

5 Although the survey was conducted on the 19th and 20th of February 2015 (i.e. the day before the deadline for sending the email and the day with the deadline), percentages of respondents declaring they intend to send this informative email are similar for both days. Consequently, it could be interpreted that interviewees did not pay very close attention to the deadline.

percentage of respondents whose main profession is mediation and declare they have already sent this email is higher – 47%.

Mediators interested in being members of the MC were able to submit their candidates' files between the 4th and 14th February. During this time, as more candidates enrolled, their list was daily updated on the MC's website, until the 18th February (when there were 74 candidates enumerated). On the 27th February, the final table showing eligible candidates was uploaded on the MC's website (69 candidates listed). Voting mediators were supposed to choose a minimum of 1 and maximum of 9 people for being members of the next MC, from the list of 69 candidates. Survey participants had to answer a question related to how many candidates they heard about (as a result of their activities) and a quarter of the respondents said they knew none of the candidates, while only 7% declared they knew 10 or more than 10 candidates. More than a half, though, (57%) mentioned knowing between 1 and 5 candidates. Consequently, eight out of ten respondents knew the activities of up to five candidates. The situation is slightly different for mediators authorized between 2008 and 2011, who declared knowing more than 6 candidates to a greater extent (25%) when compared to the entire sample (18%).

Eight in ten respondents consider the elections are useful, 88% believe that the elections respect the mediators' right to vote, 78% think that they respect the mediators' right to be elected, 54% consider that the elections' organization is transparent and 54% think that the elections are well organized.

Respondents were asked to mention the main five qualities they would like a member in the newly elected MC to have. The most frequently listed characteristics are: being a good / competent mediator, openness (availability / good communicator / negotiator), implication / dedication, honesty, integrity / lack of financial interests, transparency, correctness, practical experience as a mediator, determination / resolution, good manager, promoter of mediation.

Additionally, although the MC's President is not directly elected by mediators (the President is voted by the members of the Council), respondents also listed three main characteristics they would like the President to have and these correspond to the traits also mentioned above, for the MC's members; however, one additional feature was proposed: being a leader; also, a few of the qualities referred to above ranked higher related to the mediators' expectations from the President: honesty, being a good manager and determination.

The main activities of the new MC, in the participants' opinions, should be: revising the legislation regarding mediation, promoting mediation, implementing mandatory mediation / information session about mediation, communication with mediators, struggling for the mediation to function, reorganizing the profession, collaboration with other institutions (such as the Supreme Council of Magistracy, courts, the Ministry of Justice).

When asked about how much a MC's member allowance should be, 8% of the respondents declared that members of the MC should have no allowance and 53% did not know or did not answer the question. The average monthly amount mentioned by interviewees was 2,239 lei (~500 Eur); however, if calculating the average including the "0 (zero)" responses, the average is 1846 lei / month (~415 Eur).

Facts and figures about respondents' mediation related activities

As detailed above, only 3% of those who were interviewed declare that their main profession is mediation. This question about respondents' profession did not contain further details or descriptors; however, the call center operators were asked to prompt for answers related to the interviewees' current occupation, the job taking up the most of their time, rather than the respondents' formal qualification (given by the title offered together with graduation degrees). Additionally, one other question refined the answers: participants in the study were asked whether mediation is their main activity (the one earning the largest part of their income) and the answer was "yes" for 13% of the cases. Differences between percentages of mediators answering these two questions could be explained by fewer interviewees actually doing only mediation-related activities in their working time (the 3%) and more respondents (the 13%) gaining a larger part of their income from mediation when compared to their main profession.

As expected, most of the respondents (76%) received their authorization to practice mediation between 2012 and 2014. During 2010 and 2011, 17% of those who were interviewed obtained their authorization, while only 7% of the interviewees were authorized as mediators between 2008 and 2009. The intervals described above reflect the different stages and types of motivation Romanians had in order to become mediators: while those who were authorized between 2008 and 2009, and even up to 2011 represent first-line mediators, the larger group of mediators, those authorized after 2012 could be depicted as the "opportunists".

When asked how many cases of mediation (documented with a contract and a closing written document) they had during 2013, 16% of the respondents declared "0 (zero)", 22% mentioned having between 1 and 5 cases, 20% – between 6 and 60 cases, 3% declared having had over 61 cases and 38% that the question does not apply to them⁶. The **average** number of mediation cases in **2013** is **11.84**. Responses offered for same question asked about **2014** reflects the change in legislation: the **average** number of mediation cases being higher: **12.42**, the percentage of mediators with 0 (zero) cases of mediation decreasing with 4 percent and the percentage of mediators with a number

6 Because it was not specifically mentioned in the answering options, this percentage reflects mostly mediators not being authorized in 2013, but some of those with no cases mediated could have also considered the question does not apply to them.

between 1 and 5 cases increasing to 31%; similarly, the percentage reflecting more than 6 cases (up to 60) increases to 33%. Additionally, the number of mediators to whom the question does not apply decreases to 20%.

As expected, the average number of mediation cases for those declaring mediation as their main profession is significantly higher: **26.25** in **2013** and **24** in **2014**. Interestingly, though, while for the entire sample the number of mediation raises for 2014 when compared to 2013, the situation seems to be reversed for those whose main profession is mediation. However, while the most frequent interval is between 1 and 5 cases per year (both 2013 and 2014) for the entire sample and for those whose main profession is mediation, a significant increase for a number of cases between 10 and 30 (from 15% in 2013 to 28% in 2014) can be observed. Additionally, while the question does not apply for 32% of the respondents whose main profession is mediation (2013), the situation is completely different for 2014, as the same question does not apply for 9% of the interviewees.

To sum up, taking into account the significant increase in number of authorized mediators during 2013⁷ (the number increased by 2.3 times) and the similar average number of cases of mediation declared by mediators participating in the survey for 2013 and 2014, one can determine that **the number of mediated cases (documented with a contract and a closing written document) has actually more than doubled between 2013 and 2014.**

The most common types of cases mediated in Romania during 2014, according to the survey participants' declarations are family disputes (44%) and commercial disputes (15%). Other types of disputes mentioned are: work related conflicts (5%), vicinity related conflicts (5%), inheritance conflicts (5%), etc. Parties have found their mediators, in the respondents' opinions', most frequently as a result of other parties' recommendations (30%), lawyers' recommendation (25%), by consulting the Mediators' Panel (17%), by consulting the mediator's website (5%), etc.

In order to better understand the mediators' business perspective, respondents were asked about implementing several management elements in their practices. The findings are that 57% of the interviewees have defined objectives for their practice, 45% of them have developed an action plan, 41% have thought about a marketing strategy and the same percent have a general offer describing their services and pricing, 40% drew up a development strategy and the same proportion have chosen a specific field for their services; additionally, only 39% of those interviewed have a social media account

7 There were 3,171 active mediators at the end of 2012 and 7,380 active mediators at the end of 2013, as indicated by Iuliu Ursan, at http://www.tabloumediatori.ro/files/Prezentare_Starea_medierii_-_instante.pdf (Romanian only).

(Facebook) and 32% have a website or blog. Comparatively, percentages for the same aspects in respondents' whose main profession is mediation are significantly higher: 83% have defined their practice's objectives, 67% have a development strategy, 65% have an action plan, 63% – a marketing strategy, 62% – a description of services and prices, 59% have a social media account (Facebook).

When asked about their income from mediation in 2014, one quarter of the interviewees do not answer the question and 29% declare they did not have an income by practicing mediation (0 – zero – lei). 23% of the survey participants declare having had incomes up to 1500 lei (~335 Eur) from mediation during 2014, 22% mention amounts between 1,501 and 5,000 lei (~335-1,125 Eur), while the average income from mediation in 2014 ranges from 2,018 lei (~455 Eur) (cases with amounts equal to 0 included) to 3,304 lei (~745 Eur) (only those declaring they earned an income from mediation).

Of course, mediators need to take into account, among other aspects, the parties' expectations and availability to pay certain amounts when deciding the prices for their services. While almost half the interviewees from the general population do not know how much they would be willing to pay for a mediation session and 16% state they would not be willing to pay at all, only 6% of those participating in the study would be willing to pay more than 701 lei per session (~155 Eur), 7% would be willing to pay amounts from 401 to 700 lei (~90-155 Eur), and a quarter of respondents would be willing to pay up to 400 lei (~90 Eur).

Considering the monthly general income respondents have (irrespective of its source) and the income they had from practicing mediation, one can conclude that the latter is approximately 13 times lower than the first. That is, the survey respondents earn an average of 3,713 lei (~715 Eur) **monthly** by practicing their main profession and an average of 3,304 lei (~745 Eur) **yearly** by practicing mediation. In other words, analyzing the respondents' statements, one earns yearly from mediation a little more than one earns monthly by practicing one's main profession.

Discussion

Although a questionnaire based survey such as the one for which the results have been described above is not aimed at gaining a deep comprehension of the respondents' views, but rather at simply highlighting facts based on the interviewees' opinions, we tried looking beyond data, in an effort to better understand the Romanian mediators' interests and motivations. We will highlight below a few of the findings.

The elections for the Mediation Council and the expectations of the mediators

On 20 March 2015, the newly elected MC has been validated. From the total of 6714 mediators with the right to vote, 4,612, representing 68.69%, expressed their options for at least one of the 69 candidates for the MC (Comisia de Validare a Voturilor, 2015;

Consiliul de Mediere, 2015c). This figure is highly close the percentage shown by the IRES survey (74%). It is also true that 1628 ballots have been invalidated due to failure to respect the voting procedure (representing 35.29% from total number of ballots) (Comisia de Validare a Voturilor, 2015). Therefore, at the end only 44.44% of the mediators, from the 6,714, managed to cast a valid vote.

47% of the mediators that responded to the survey declare that they have much or very much trust in the MC. It seems that this number predicted an intention to vote because four of the nine members of the newly elected MC have been reelected (44.44%).

Some of the most common expectations interviewees had from the newly elected members of the Mediation Council were that they are good mediators and good managers. These statements also say more, in our opinion, about the mediators' expectations: they would like to learn by example from the representatives of their profession (good mediator) and they would like mediation in Romania to be organized and planned in such a manner that results can be predictable (good manager). Additionally, the interviewees' declare they would like members of the new MC to be more communicative with the mediators and to be transparent, which leads us to derive that they would like the MC to listen to their opinions and to consult them during the decision-making processes. When stating that they would like the MC to be transparent, respondents actually say, as we understand it, that they would like mediators to be informed about actions, resources and activities of the MC.

What is quite odd is that even if 73% from the responders shown interest in mandatory mediation only four of the new members of the MC supported some kind of mandatory mediation while the others have been more reserved on the matter (Consiliul de Mediere, 2015d). Several actions that respondents would like the newly elected MC to undertake shed more light on the interviewees' motivations. Their statements are that mediation should be mandatory, mediation should be better promoted and the MC should cooperate with other institutions. We identify here the interest respondents have for **more practice, more mediation cases**.

Another difference between the mediators' expectation and the promises made by the newly members of MC during the elections is represented by the need for reorganizing the profession. While almost all of the members highly supported the creation of some sort of a hierarchical structure, starting from local or regional level taking thus the focus from the professional associations as the main form of organizing the mediators, only 3% of the mediators consider that this should be the first action of the new MC. Following the same logic, 91% of the mediators do not consider that reorganizing the profession should be on the top three most important things to be done by the MC in the near future.

If we consider also the percentages regarding how well known where the candidates by the electors we might find possible explanation for the differences mentioned above.

All the new members of the MC are also trainers in mediation, most of them are presidents and/or representatives of the top 10 professional associations of mediators. It is fair to argue that for the mediators that casted their votes was more important if they personally met the candidate than his promises or electoral program.

Past, present and future of Romanian mediation

The numbers are showing that most mediators have between one and five mediations per year. Furthermore on the subject, as we have seen above, the average income mediators earn in a year is almost the same as the average income the same people earn in a month working in a different position. It is not difficult to predict, in this case, that mediators would actually like to earn more by doing mediation, so that they increase their incomes while practicing a profession they consciously and rationally chose in adulthood.

In the same time, the average number of mediation was more or less constant in the last two years (11.84 in 2013 and 12.42 in 2014). There was a small increase but only in the less than thirty mediations per year range. Both the figures from 2013 and 2014 were influenced by the mandatory information session. The wave of newly certified mediators in the same years (from 3,171 in 2012 to 7,380 in 2013 and to 8,522 in 2014) tells the same story. The data provided by the MC shows that almost half of the mediators that became certified in 2013 and 2014 have done their training before the mandatory information session and have just waited an opportunity for an easy practice (Consiliul de Mediere, 2015b).

Additionally, 40% of the mediators do not have objectives for short, medium or long term, more than 50% do not have an action plan or a strategy for developing a successful career (Sandu, 2013). More dramatically, more than 55% do not have a basic plan for promoting their services.

Putting together all these data we can conclude that most of the mediators have done mediations only by chance, helped by a favorable legislation. They became mediators driven by the promise of making some easy money. The real professionals who understand that mediation in Romania is a business and they should act accordingly are few and constant in number.

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