



Chartered
Institute of
Arbitrators

CI Arb

Practice Guideline 2: Selection and Appointment of Mediators by the Institute

These Guidelines complement, and should be read in conjunction with, the Mediation Rules of the Chartered Institute of Arbitrators.

These Guidelines should be observed when the Institute selects and/or appoints mediators in accordance with Rule 5 of the Mediation Rules.

1. Mediator selected by the Institute from its list of accredited mediators

When the mediator is to be appointed by the Institute in accordance with the Mediation Rules, the Institute should select the mediator from its Panel of Mediators, in accordance with the following criteria:

- 1.1 the Institute should take into consideration any method or criteria of selection agreed by the parties, in the absence of which the Institute should require the parties to indicate their preferences, objections or requests, as the case may be, within a reasonable time;
- 1.2 if requested by the parties or when it would be convenient in view of the matter in dispute, the mediator should have specific qualifications, such as language skills or mediation experience of the subject-matter;
- 1.3 the mediator should undertake to make available sufficient time to conduct the mediation without delay;
- 1.4 if the mediation is to take place face to face, the mediator should be prepared to travel to or be located in a place that will permit the mediation to be conducted without delay;
- 1.5 in international mediations, the mediator may be of the same nationality as a party, unless any party objects.

2. Eligibility for Appointment and Observance of Mediation Rules and Code of Conduct

Before appointing the mediator, however selected, the Institute should obtain from the mediator a statement to the effect that the mediator is not disqualified from acting as mediator in accordance with Rule 6 of the Mediation Rules and a statement of knowledge of, and an undertaking to comply with, the Mediation Rules and the Institute's Code of Professional and Ethical Conduct for Members when Acting as Neutrals.

3. Mediator's fees

The appointment of the mediator by the Institute should be subject to the condition that the fees of the mediator are either agreed in advance between the parties and the mediator or are established by the Institute under a scheme whereby the Institute is responsible for payment of its mediators.

4. Monitoring the Mediator

The Institute should monitor the performance of the mediator by encouraging feedback from the parties as to the mediator's competence, expertise and diligence shown during the mediation. Unless the parties object, the Institute may pass on the parties' comments to the mediator.