

Panel of Experienced Civil and Commercial Mediators



What is an experienced civil and commercial mediator?

An experienced civil or commercial mediator must be a member of the Chartered Institute of Arbitrators who has demonstrated to an interview panel advanced knowledge and understanding of mediation and its practical application, evidencing a professional approach to parties and the public interest.

Against what standard will an applicant be judged?

The standard to which an applicant will be judged is competence to serve the public as a mediator in an ethical manner.

Who may apply?

Applicants will be accepted from members of the Chartered Institute of Arbitrators. The following table sets out the documents which an applicant must provide (unless otherwise agreed with the Chartered Institute of Arbitrators).

No.	Pre-requisite for interview	Evidence required	Evidence submitted	
			Yes	No
1	Evidence of membership	Evidence of membership.		
2	Details of experience as a mediator	This evidence must include experience as a lead mediator in at least three mediations, and any relevant mentored experience.		
3	Proof of recognised accreditations	<p>Candidates must submit evidence of achievement of one of the following mediation accreditation programmes:</p> <ul style="list-style-type: none"> i. The Chartered Institute of Arbitrators ii. Academy of Experts iii. ADR Group iv. CEDR v. Core Mediation vi. Global Mediation Services vii. ICE viii. RICS <p>Or, an equivalent and recognised accreditation programme or university qualification considered acceptable by the Scottish Branch.</p>		
4	References	Three written references from parties or legal advisers as to the applicant's competence and skill as a mediator in mediations undertaken.		
5	Curriculum Vitae			
6	Fulfilled CPD requirements in past three years	Evidence, if applicable, of compliance with Ciarb's relevant Continuing Professional Development requirements in the past three years preceding the application for interview.		

The interview

The purpose of the interview is to assess the relevant knowledge, skills, and attitude of an applicant. Applicants presenting themselves for interview should be prepared to answer probing questions from the interview panel which will test the reality of their knowledge and experience including:

- The depth and breadth of core knowledge of the mediation process, people skills to apply that knowledge in the conduct of mediation in a civil or commercial environment and the ability to demonstrate their knowledge and skills by drawing on their practice experience.
- The reality of any experience claimed.
- Attitude towards ethical and practical conduct of mediations.

The criteria

An applicant must be able to satisfy the interview panel that they have the required knowledge, skills, attitudes and experience as described in the following criteria and is, in all respects, a suitable person for inclusion on the Scottish Branch Panel of Experienced Civil and Commercial Mediators:

Assessment criteria

An applicant must demonstrate advanced knowledge and understanding of civil or commercial mediation and its practical application, evidencing a professional approach to parties and the public interest.

Knowledge assessment criteria

The applicant must be able to demonstrate:

- An understanding of the legal framework within which mediation operates.
- A detailed understanding of the process of mediation and of the law relevant to mediation and the practical application of both, including the duties, powers and obligations of a mediator.
- A practical understanding of the practice and procedure of mediation.
- Awareness of the practical application of the Chartered Institute of Arbitrators' Code of Professional and Ethical Conduct for Members.

Skills assessment criteria

The applicant must be able to demonstrate the ability to:

- Manage the mediation process effectively.
- Act impartially and fairly.
- Build rapport.
- Create an environment in which the parties feel safe to explore possible settlements.
- Encourage understanding between the parties.
- Listen carefully, accurately identify the issues and the interest of the parties and have a quick understanding and grasp of problems.
- Come to sensible, logical conclusions reached through analysis.
- Communicate effectively orally.
- Not to get flustered or be indecisive.

Attitude assessment criteria

The applicant must be able to demonstrate:

- The capacity to inspire the parties to have confidence in the process of mediation and the mediator.
- The capacity to discretely demonstrate personal authority, to be firm but courteous and to conduct themselves in a manner that would establish and maintain the independence and authority of the mediator.

How to apply

To apply to the Scottish Branch Panel of Civil and Commercial Mediators this application form must be completed and returned to: Scotland.secretary@ciarb.org.