



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE
Promoting Consensus and Access to Justice
www.IMImediation.org

Erickson Mediation Institute (EMI)

IMI QUALIFYING ASSESSMENT PROGRAM

Introduction & Background

Erickson Mediation Institute (EMI), located in Minneapolis, Minnesota, was founded in 1977 by Marilyn McKnight and Stephen Erickson and is the longest-standing private mediation firm in the United States. In addition to mediating cases in all areas including family, workplace, elder, divorce and property, EMI provides training for new and practicing mediators and seminars for professionals using their Client-Centered Model of mediation. EMI is dedicated to expanding the field of mediation and use of mediation as the primary method of dispute resolution.

1. Mediator Experience

The Qualifying Assessment Program (QAP) must include a methodology for ensuring that Applicants have demonstrated to the satisfaction of the Program's Assessors a substantial level of experience as a mediator. The QAP must include clearly identified criteria on this requirement.

Applicants will sign an affidavit (swearing under oath) describing in detail their mediation experience listing a minimum of 200 hours of actual mediation work comprising a minimum of 20 completed mediation cases. The applicant's experience will be further assessed through applicant submitting a video of an actual mediation which will be assessed by three assessors, two of whom who are affiliated with EMI and one who is independent of any relationship with EMI. The assessors will each view the video and assess the mediator's work through a detailed rating system that is built upon the Family Mediation Canada's rating system. This rating system will assess the appropriate use of interventions engaged in during the mediation session. These interventions assessed are categorized as follows:

1. Use of empathy and other relational building skills
2. Ability to create a mutual and cooperative environment
3. Demonstration of respect for self-determination of the parties
4. Understanding of mediator's role

5. Refraining from engaging in evaluative and/or adjudicative approaches
6. Knowledge of subject being mediated
7. Knowledge of mediation process
8. Appropriate use of process management skills
9. Understanding of participant dynamics as they affect mediation process
10. Drafting skills
11. Understanding the importance of neutrality and impartiality; applicants' actual use of neutrality principles
12. Management skills related to applicants' skill in directing the flow of the discussions
13. Management skills that demonstrate control of the process, implementation of protocols and guidelines for the session yet respect client self-determination.

2. Mediation Knowledge

The QAP must include a methodology for determining that Applicants have demonstrated a strong understanding of general mediation theory and practice which may be based on written tests, essays, reports, theses interviews and/or other testing platforms.

The applicant who has the requisite experience described in "1." above will first take a written exam to demonstrate understanding of family mediation general knowledge, theory and practice. This written test may be supplemented by articles, papers and other writings written by applicant (both published and unpublished). The written test will determine each applicant's understanding of basic mediation theory and practice as it relates to family mediation. Through use of true/false questions and multiple choice questions that set forth appropriate as well as inappropriate mediator responses to certain factual situations described, the applicant will be asked to respond and choose the most appropriate choice among the multitude of choices a mediator must make during a typical mediation session. The areas of focus are as follows:

1. Neutrality questions and situations.
2. Process questions related to choices made by the mediator as the conflict escalates.
3. Knowledge questions related to children's needs, finances, emotions, research, laws and the role of the law.
4. Child support questions related to the law and regardless of the particular law in place in the jurisdiction in which the applicant resides, a demonstration of an understanding of how to assist parents in arriving at a fair method of sharing the costs of the children.
5. Conflict and mediation theory questions that show an applicant's understanding of basic theory as well as of some of the disputed and unresolved areas of mediation practice.

6. Questions that demonstrate an understanding of cultural issues, cultural differences and diversity.
7. Questions related to property distribution of asset valuation.
8. Questions related to domestic violence and management of power, control and abusive behavior in session.
9. Effects of separation and divorce on families.
10. Ethics.
11. Understanding the importance of creating a Parenting Plan as opposed to mediating "custody and visitation".
12. Use of Practice Skills and Tools.
13. Theoretical understanding of the concept of spousal maintenance.
14. Division of retirement assets.
15. Taxes.
16. Law and legal issues as they relate to the practice of mediation and the difference between an adversarial process and a meditative process.

3. Mediator Skills

The QAP must include a methodology for the evaluation of candidates' performance in terms of the occurrence and effectiveness of mediation process and mediation techniques, against high competency benchmarks. The Evaluations/Assessments may be based on roleplay or live action assessments, and may include videotaped and online assessments such as web dramas, self-assessments, interviews, peer reviews, user feedback and other in-practice skill evaluations.

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When the applicant has met the application requirements, the applicant must complete, one year from the date of application, the EMI performance-based skills assessment process by submitting a video presentation of a mediation (either simulated role play or live demonstration with clients who have signed a release). This includes a self-reflection exercise on the video that shall be submitted with the video.

The assessor's written evaluation of the skills demonstration will be provided to the candidate. The candidate must achieve a minimum score on the performance-based assessment to be eligible for certification.

The EMI assessor will review the video. The assessor will use an extensive checklist of knowledge, skills, abilities and other attributes to assess the candidate's

performance from the video. The assessor will methodically analyze the video and check off the areas where the candidate has shown proficiency. The assessor may also take notes of areas the candidate needs to improve upon. Upon completion of the assessment, the assessor will tally the number of areas passed, and if the candidate has passed 85% of the areas, shall report to EMI a recommendation for certification of the candidate. If the candidate scores below 85%, he/she will be provided a detailed list of those areas where he/she needs improvement. EMI will offer the candidate a suggested plan to follow to achieve the improvement necessary to become certified, if the candidate so desires.

4. Program Transparency

The benchmarks and criteria applied by the QAP must be published and be openly accessible on the organization's website. Details of all approved programs will be listed on the IMI web portal www.IMImediation.org and will include a direct link to the credentialing organizations' websites.

Upon approval by the IMI these criteria and all other relevant data will be posted on the EMI's training website including a listing of all knowledge and training requirements and a description of the application process for becoming an approved mediator or program. EMI will have a direct link to the IMI website as well.

5. Program Integrity

Each Assessor must have substantial experience of assessing the performance of mediators. At least one of the Assessors on each Program must be independent of the QAP.

EMI will engage independent Certifying Assessors possessing a high-level experience and competence in the field of family mediation and assessment. A certifying assessor shall have:

1. At least 100 hours of family mediation practice per year in the past three years; and
2. At least 20 hours of continuing education in mediation theory and skills taken or taught within the preceding year; and
3. Current knowledge of theory and skills of mediation (i.e., through recent training, readings, conferences); and
4. A clear working familiarity with the knowledge and skills necessary to demonstrate competence in the area of family mediation; and
5. Successful completion of a training program for EMI Certifying Assessors; and

6. Prior to undertaking training as an assessor, the affiliates and the EMI Board of Directors shall be given an opportunity to provide any pertinent information concerning the assessor candidate.

One Certifying Assessor for each program will be independent of EMI and will be chosen from outside of EMI from another QAP.

6. Ongoing Monitoring of Program

The QAP must include a process for the ongoing monitoring of the performance and practice of the Assessors. IMI will liaise closely with all recognised program organizers to maintain a sustainable quality control system.

The Assessors will be monitored by EMI's Certification Committee and under the guidance of IMI, will ensure strict interpretation and competent application of the Guidelines. EMI will annually evaluate the performance and practice of the Assessors using the following criteria: (i) responsiveness, (ii) timeliness, (iii) thoroughness, and (iv) objectivity. Assessors will be invited to assist EMI over time to improve the QAP and to develop the high standards. EMI will adhere to IMI's recommendations and ongoing discussions in order to continually improve its program.

7. Commitment to Diversity

The QAP must be accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization.

The EMI QAP is accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation, socioeconomic status or other personal characterization. To ensure this goal is achieved, a Diversity Committee is appointed by the EMI Board of Directors. This Committee oversees the diversity of the EMI QAP.