



Centre de Médiation de l'Europe de la Méditerranée et du Moyen Orient

- Italian Delegation -

The Centre de Médiation de l'Europe de la Méditerranée et du Moyen Orient (CEM), Italian Delegation, is the body of the European Center for Arbitration and Mediation (CEAM), which promotes mediation and administers mediation proceedings.

The European Centre of Arbitration and Mediation (*Centre Européen d'Arbitrage et de Médiation*) is a legal entity formed in 1959 and having its registered offices in Strasbourg, in the offices of the Strasbourg Bar. It was formed under the patronage of the Council of Europe and of other bodies. Its territory is Europe, including Eastern Europe, the Mediterranean, the Middle East and the Black Sea countries.

Our mission to help the parties at disputes, who look for alternative solutions, in a spirit of service to them above any other goal; and to contribute in a friendly way with any other similar institution to create a culture of ADR.

CEM is registered as n. 166 in the roster for accredited body by the Italian Ministry of Justice for providing services of training for professional mediators, held at the General Directorate of Civil Justice, pursuant to the Inter Ministerial Decree of 18 October 2010, no. 180.

IMI Qualified Assessment Program (QAP Program)

EVALUATION CRITERIA

The IMI Qualified Assessment Program is open to any experienced mediator who: a) has attended a 50 (fifty)-hour minimum basic training course organized by qualified ADR providers and coaches according to Italian law, or pursuant to the requirements of the country of residence of the candidate; b) proves to have participated as a mediator in at least 20 (twenty) mediation proceedings; and c) demonstrates the participation in updating courses or ADR training events for an overall duration of at least 100 hours in the 5 (five) years prior the submission of the application for the present accreditation.

Languages: Italian and another foreign language – fluent in writing and speaking – are required to apply.

Option: The exam could also be offered in English to appeal mediators from other countries.

1. Mediator Experience

Candidates are requested to submit the application forms and the following attachments:

- i) Certificate proving the attendance of the 50-hour basic training course organized by qualified ADR bodies;
- ii) Certificate/s or self-declaration with the completion 18-hour updating courses in ADR due every two years and organized by qualified bodies;
- iii) Self-declaration with list of mediation procedures held over the last 5 years reporting: a) month and year; and (b) the mediation body within the proceedings took place;
- iv) 10 (ten) references from parties or attorneys involved in the mediation procedures listed in the self-declaration mentioned at point iii).

In addition, the candidate must submit a cover letter (max one sheet A4, font Times New Roman, size 12, spacing 1.5) describing the reasons that stimulate him / her to participate in the program and his / her approach to mediation.

2. Mediation Knowledge

a) *Written test* - duration 90 (ninety) minutes - where the candidate will be asked to write n. 2 (two) brief essays (up to 1 sheet A4 each) on topics in the following major areas:

- Recent developments in the field of ADR
- Mediation process management
- Conflict management

Passing grade: minimum 40 points on a maximum of 80 as a sum of the grades of the two essays.

b) *Oral interview* – duration 45 (forty-five) minutes based on the comments provided by the candidate about a practical case showed during the interview

Passing grade: minimum 25 points on a maximum of 40.

The assessment criteria for the mediation knowledge are determined as follows:

10-19

The structure of the report/answers is basic and non-coherent. There is a partial identification of the issues and trends related to the topic chosen by the candidate or asked by the examiners. Limited use of technical and specific language.

20-29

Discussions relating to the assessment demonstrate a satisfactory understanding of the main concepts. The structure of the report/answers is satisfactory and coherent overall. There is a correct identification of the main legal and strategic issues involved the topic chosen by the candidate or asked by the examiners. The use of specific language is appropriate.

30-39

Discussions relating to the review of the assessment topic demonstrate a good understanding of the main concepts. The structure of the essay/answers is solid and eases the examiners' comprehension and evaluation.

There is a correct identification of the main issues involved with further discussion of their various inferences, providing also some critical insights. The report shows good use of technical and specific language.

40+

Discussions relating to the review of the assessment topics demonstrate a very good, excellent or exceptional understanding of the main concepts. The structure of the report/answers is clear and properly built with the purpose of providing professional insights. There is a full identification of the issues, as well as a persuasive discussion of their various inferences. The report/answers show extensive independent research and lead to reasoned critical insights.

3. Mediation Skills

Mock of a 90 (ninety)-minute mediation session that will be videotaped to allow a more accurate evaluation of the assessment. The evaluation will take into account:

i) Communication skills (1 to 6 points)

Use on non-verbal communication

Creation of a safe space

Building true and trustworthy relations with the parties and their counsels

Active Listening

Empathy

Consideration of all inputs and interventions

Engagement of all parties

Use of paraphrase

Awareness of emotional needs of the parties

Analysis and frame of positions taken by the parties and the relevant issues involved

Ability to identify and separate the mediator's personal values from issues under consideration

Use of flip-chart and other means of visual aid

ii) Negotiation skills (1 to 6 points)

Positive rephrasing and turning negative language to positive

Use of positive language

Use of clear and neutral language

Gathering information with the use of open questions

Checking understanding and narrowing matters with the use of closed questions

Reality check

Helping parties to invent creative options and alternative solutions

Helping parties to identify their own BATNA and WATNA

Dealing with contractual power imbalances between the parties

Ability to shift to move the perspective of the parties from the past into the future

iii) Process management skills (1 to 6 points)

Flexibility

Dealing with inappropriate behaviors

Managing time

Dealing with deadlocks

Passing grade: 10 points on a maximum of 18

Assessment Criteria:

The mediation skills at section c) will be assessed through the lenses of the criteria are derived from the mediation hiring examination scales in Honeyman, 1988 (Christopher Honeyman, On Evaluating Mediators, Plenum Publishing Corporation, Negotiation Journal January 1990).

a) Investigation: Effectiveness in identifying and seeking out relevant information pertinent to the case.

3 Asked many relevant and insightful questions, especially early in the process. Vigorously sought to understand facts, reasons, and interests behind initial positions and counter-proposals of the parties. Sought clarification through relevant and important follow-up questions. Systematic, thorough approach to questioning. Kept track of new information and changing positions. Subtle analysis of facts being presented.

2 Asked at least the obvious questions. Case data was used, but did miss some issues or avenues of questioning. Generally appeared to discover and comprehend the case facts, though not with great depth or precision. Missed at least some aspects of the underlying facts, reasons, or interests of one side or the other. Missed some aspects of settlement possibilities for either side.

1 Asked few or mostly irrelevant questions. Appeared at a loss as to what to ask in follow-up questions. Was easily overwhelmed with new information or trapped by faster thinkers. Disorganized or haphazard questioning idled with gaps and untimely changes in direction. Did not explore the settlement possibilities for both sides on most or all issues.

b) Empathy: Conspicuous awareness and consideration of the needs of others.

3 Avoided appearance of bias or favoritism for or against either party. Asked tough questions of parties but did so in a sympathetic manner. Demonstrated concern for parties' feelings. Effectively fostered working relationship with parties through actions and attitudes. Listened politely to others and responded with understanding. Conspicuously recognized good points, and the importance of problems and issues, raised by others. Encouraged parties in making their own decisions, did not foist mediator's ideas on the parties unnecessarily.

2 Listened to others and did not antagonize them. Conveyed, at least, some appreciation of parties' priorities. Avoided asking some tough questions, thus sidestepping putting self and others in difficult situations at the cost of missing possible opportunities for joint gains. Helped when asked, but missed opportunities to volunteer.

1 Asked misleading, loaded, or unfair questions exhibiting bias. Engaged in oppressive questioning to the disadvantage of one of the parties. Threatened more than persuaded. Came into the discussion abruptly to challenge others. Disregarded others' warnings. Saw others' problems as of their own making and did not want to be bothered.

c) Inventiveness and problem-solving: Pursuit of collaborative solutions, and generation of ideas and proposals consistent with case facts and workable for opposing parties.

3 Avoided commitment to solutions early in process. Recognized underlying problems as opposed to symptoms. Invented and recommended unusual but workable solutions consistent with case facts. Vigorously pursued avenues of collaboration between the parties. Encouraged parties themselves to seek and develop new solutions. Thought and acted without being urged.

2 Interrelated at least some proposals and compromises with ideas of other party. Worked well with solutions parties suggested, but did not pursue inventive or collaborative solutions. Appeared to comprehend case facts/problems as they developed, though not with great depth. Allowed collaborative problem solving, but did not stimulate it.

1 Prematurely tried to come up with solutions, pushing to judgment prior to establishing essential facts. Ideas were ineffective and unworkable. Waited for things to happen. Blocked efforts at seeking collaborative solutions. Did not initiate suggestions; required considerable help from the parties.

d) Persuasion and presentation skills: Effectiveness of verbal expression, gesture, and "body language" (e.g., eye contact) in communicating with parties.

3 Demonstrated particular skill, confidence and persuasiveness in verbal communications throughout. Data presented and manner of presentation effectively altered positions of parties. Remained unflustered from start to finish; articulate and enthusiastic. Maintained eye contact and positive gesture; competently used all tools of communication. Was easily understood and logically organized.

2 Generally clear and concise communications. Choices of what to present and manner of presentation did not compromise goals of resolution. Generally but not always at ease with situations presented. Points and comments were sufficiently well organized and presented; but not particularly forceful. Eye contact and other gestures used adequately.

1 Presentations not well related to goals of resolution. Was difficult to understand or unclear in expression. Had little or no impact and did not persuade. Appeared flustered and uncomfortable most of the time. Readily withdrew when challenged or questioned. Little or no confidence expressed. Halting gestures, poor eye contact.

e) Distraction: Effectiveness at reducing tensions at appropriate times by temporarily diverting parties' attention.

3 Demonstrated acute sense of rising tension; invariably had quip or other tactic ready to disarm situation. When allowed tension to rise, did so to good purpose, such as to provide for venting of emotions or to demonstrate hollowness of a proposal or position. Had wide variety of techniques for redirecting parties' focus away from sullen or otherwise unproductive colloquies.

2 Generally recognized signs that discussion had turned sour, took action to try to redirect it. Appropriate use of humour, anecdotes, breaks, or switching to different subjects of discussion. Not always effective at lightening the atmosphere.

1 Made little or no effort to provide perspective on the parties' problems or to engineer lighter moments. Little or no sense of humour apparent. Opportunities for breaks ignored, or constant hammering away at difficult subjects made it hard for parties to see their dispute as a small part of their lives.

f) Managing the interaction: Effectiveness in developing strategy, managing the process, coping with conflicts between clients and professional representatives.

3 Made all decisions about caucusing, order of presentation, etc., consistent with rationale for progress toward resolution. Managed all client representative relationships present effectively. Handled emotional tensions and outbursts so as to encourage settlement. Gave appearance of being ready to cope with any exigent.

2 Controlled process, but decisions did not reflect a strategy for resolution. Did not dominate, but was not overwhelmed by, factual or legal complexities. Did not allow bullying by clients or representatives.

1 Decisions on procedure and presentation were unjustified. Was confused or overwhelmed by factual or legal complexities. Allowed clients or representatives to control process in ways counterproductive to resolution.

4. Program Transparency

Benchmark and criteria applied to the QAP are public and accessible through the link available as soon as the revamp of the web presence of CEM will be completed.

5. Program Integrity

Candidates will be evaluated by n. 3 (three) assessors. At least one of the assessors is independent of the QAP.

Assessors are selected within the listed ADR professionals at CEM, who have many years of experience of ADR and mediation training and evaluation of mediators,

The curricula of the examiners are available at the following links:

Internal examiners:

- Mr. Mauro Rubino-Sammartano, Research and Scientific Director (*Responsabile Scientifico*) of CEM
<https://www.transnational-dispute-management.com/about-author-a-z-profile.asp?key=2134> and
<https://www.leaders-in-law.com/lawyers/mauro-rubino-sammartano/>
- Mr. Federico Antich, President of CEM – Delegazione Italiana
<https://www.imimmediation.org/member/federico-antich/>

External independent assessor:

Ms. Maria Francesca Francese

<https://www.imimmediation.org/member/maria-francesca-francese/>

6. Ongoing Monitoring of Programs

Mediators:

IMI certification must be renewed every 2 (two) years, giving evidence of the practice (n. 10 mediations carried out), and of a leastwise 18 (eighteen)-hour training, or the mandatory minimum duration required in the country of residence of the candidate.

Attached to the application form, candidates must submit at least n. 3 (three) feedback from the parties or attorneys involved, enclosing their specific authorization.

Renewal of certification is issued after a 20 (twenty)-minute interview.

Assessors:

The CEM's Assessors undertake to periodically check, through meetings in presence or through electronic tools, also open to external examiners of other training bodies, both Italian and foreign, that the criteria indicated in the QAP and their implementation is effective, updated and effective.

7. Commitment to Diversity

CEM offers its accreditation program to all mediators who can prove to be and are in accordance with the minimum qualification standards in the country of origin, regardless area of professional practice, gender, race, ethnicity, age, religion, sexual orientation, and personal and social conditions.

8. Fees

Certification: IMI QAP € 900 + VAT

Certification renewal: € 90 + VAT