



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Instituto de Certificação e Formação de Mediadores Lusófonos (ICFML)

IMI MEDIATION ADVOCACY QUALIFYING ASSESSMENT PROGRAM (MAQAP)

NB: in Portugal and Portuguese-speaking countries, the title “advogado” can only be used by lawyers who have passed a bar exam. This is why we intend to offer two QAP programs: the first open to “advogados” only (IMI Certified Mediation Advocates), the second open to all other experts supporting their clients in mediation, such as psychologists, notaries, etc. (IMI Certified Mediation Advisors).

I. GENERAL REQUIREMENTS

Any MA-QAP must meet the following general criteria in order to be able to qualify professionals for IMI Mediation Advocacy Certification:

1.1 Methodology

All MA-QAPs must implement an assessment methodology for assessing whether each applicant’s performance meets each of the Substantive Criteria in Section 2 below.

Comment: The assessments may be based on written material, role-play or live action evaluations, other suitable methods, or any combination, and may include videotaped and online assessments such as web dramas, self-assessments, interviews, peer reviews, user feedback and other in-practice skill evaluations. Assessors must be experienced in representing clients in mediations and/or teaching/assessing mediation advocacy skills.

The assessment is based on prior submitted written materials, live or video assessment and a written test, as described in more details in this document. The materials include a certificate of mediation advocacy training, logbooks of mediation advocacy practice, logbooks of reflective practice/supervision/peer learning activities, user feedback forms, conference presentations, lectures or papers.

B. Transparency

The substantive criteria (i.e. assessment benchmarks applied by an approved MA-QAP) must be published and be openly accessible on the organization's website.

Comment: Details of all approved MA-QAPs will be listed on the IMI web portal www.IMImediation.org and will include a direct link to each credentialing organization's website for that program.

The MA-QAP's benchmarks and criteria will be published and openly accessible on our organization website, at www.icfml.org.

C. Integrity

Each Assessor must have substantial experience of mediation advocacy and/or teaching/assessing mediation advocacy competency.

Assessors will have to follow a dedicated training about the certification process delivered by ICFML Accreditation Committee before assessing Mediation Advocates/Advisors. They will also have to satisfy the following criteria:

1. Be fluent in Portuguese language;
2. Have a substantial mediation experience (for instance being an IMI Certified Mediator or IMI Certified Mediation Advocate/Advisor);
3. Have judged at least 6 role-plays in international mediation moots or assessments;
4. Have signed a protocol with ICFML mentioning the collaboration procedures, costs and quality commitment rules.

At least one of the 3 assessors will be independent of ICFML and will be randomly chosen. Their names and resumes will be openly published on our website.

D. Ongoing Monitoring of Programs

The MA-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.

For Assessors, we will use the following performance and practice monitoring tools to guarantee a high level of professionalism and impartiality:

1. Peer-review between assessors at the end of each assessment;

2. A learning diary in English to be filled at the end of each assessment and that will be available to IMI;
3. IMI representatives will be welcome as observers of the assessment sessions.

E. Diversity

The MA-QAP must be accessible on an equal basis to applicants regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization. This should be clearly stated on each MA-QAP's website.

The ICFML MA-QAP will be accessible on equal basis to all Advocates/Advisors regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization. The Mediation Advocate/Advisor accreditation will be purely based on evaluation under the MA-QAP based on the Mediation Advocate/Advisor's grading. Training or Orientation programs on mediation advocacy received by candidates, on equal rating with ICFML programs as accepted by ICFML, will entitle the Mediation Advisor to apply under ICFML MA-QAP.

2. Substantive Criteria

Any program qualifying candidates for IMI Mediation Advocacy Certification must meet the following minimum substantive criteria with respect to all applicants:

A. Experience of the Mediation Process

The MA-QAP must include a methodology for ensuring that Applicants have demonstrated to the satisfaction of the Program's Assessors experience of mediation as a client representative in at least five mediations. The QAP must include clearly identified criteria on this requirement.

Applicants to the program shall demonstrate a significant level of experience as mediation advocates/advisors, this level being in accordance with the level of development of mediation in the CPLC countries and in accordance with our global methodology defined in paragraph 1.1. The following requirements are the minimum, annual requirement for approved ICFML Mediation Advocate/Advisor but it is expected that most ICFML Mediation Advocate/Advisor exceed these requirements. The requirements are grouped in three different elements to reflect different areas of practice development. In line with best practice, the requirements for each element stand-alone:

1.Practice: 10 points (2 cases at 5 points per case)

1.1 Live cases or equivalent ICFML role plays.

2. Case Consultation: 5 points

2.1 Reflective Practice, Supervision, Sharing and Learning related to actual cases = 1 point per hour. (2 points per hour if presented at a sharing and learning meeting).

2.2 Peer Learning / books, articles, videos = 1 point per hour

3. Training/Education: 5 points

3.1 Presentation of a lecture/workshop on mediation advocacy = 2 points per hour

3.2 Presentation of a paper at an ICFML event = 3 points

3.3 Attendance at relevant lectures/conferences/workshops/seminars = 1 point per hour

4. For Mediation Advocates, adhere to their local code of conduct of lawyers and for Mediation Advisors, adhere to the code of conduct of their respective profession, which they will need to specify in their application.

The Applicants should keep a logbook of the mediations or role plays to which they participated (this can be presented as the Log with the names and identities of the parties removed), a logbook of the reflective practice and peer learning and conference papers or other materials to prove attendance.

The logbooks should include a strategy and reasoning of how to approach the particular cases and what challenges, special areas of attention and opportunities are connected to the cases. The Applicants must describe how they prepared for and initiated the cases and how they designed an appropriate process and what dilemmas and strategic choices they faced. The Applicants must also describe what was necessary to effectively prepare the client and manage the process with the parties, what factors may have been influencing the process, including how to adapt the process accordingly and design appropriate interventions.

The ICFML proposes that as a complement to the ICFML Mediation Advocate/Advisor certification, applicants may qualify for IMI Mediation Advocate/Advisor Certification if/when they submit:

1. a signed self-declaration stating that they have assisted clients in, at least, 5 mediations or 50 hours of mediation in the last 3 years, among which 2 should have

been practiced in the last 12 months before the date of application (this criteria will evolve as mediation becomes more mainstream in CPLC countries)

2. a log of their cases outlining: Start date of mediation, End date of mediation, Nature of the case, Face-to-face hours, Whether agreement reached, Number of parties to the mediation.

B. Knowledge of Mediation Advocacy

The MA-QAP must include a methodology for determining that Applicants have demonstrated a strong understanding of general mediation advocacy theory and practice.

Written tests, essays, reports, theses and interviews may be used to determine such knowledge. Applicants are expected to be tested on and exhibit a comprehensive understanding of Mediation Advocacy theory derived from the leading international textbooks on the subject (as listed in the annotated bibliography at:

<http://IMImediation.org/mediation-advocacy-bibliography2> [not yet live]).

MA-QAPs may use the listing of Core Competency Knowledge Elements set out in Annex 1.

1. Applicants must have completed at least 40 hours of mediation advocacy training which should cover at least the following topics:
 1. principles and goals of mediation;
 2. phases of the mediation process;
 3. role of the client advisor in mediation;
 4. traditional settlement of a dispute in mediation;
 5. indication, structure and course of mediation;
 6. legal framework of mediation;
 7. skills and techniques of communication and negotiation;
 8. developing a negotiation strategy before entering mediation;
 9. skills on how to communicate adequately with the mediator;
 10. skills and techniques of mediation;
 11. Administrative and legal aspects of coordinating a mediation.
2. Applicants must show evidence of their mediation training in the form of a certificate delivered by their training institute. Applicants can also provide proof of a graduate or postgraduate qualification in negotiation or ADR clearly covering Mediation Advocacy as a topic.

3. Applicants will have to successfully pass a written test (an example of which is included in appendix 1).

C. Practical Mediation Advocacy Skills

The MA-QAP must include a methodology for the assessment of performance as a mediation advocate against a variety of benchmarks that together demonstrate mediation advocacy competency. The assessed benchmarks may be based on role-play 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. The ISC expects that the methodology used by MA-QAPs will address all the Practical Skills sections and sub-sections in Annex 2 and will be sufficiently detailed (in the view of the ISC) to attest to an applicant's demonstrated high level of competency as a Mediation Advocate/Advisor. However, it is not expected that all detailed Practical Skills listed in Annex 2 will be assessed in the same depth, and MAQAPs will be free to assess other practical skills not listed in Annex 2. The ISC will take these issues into account when deciding whether to approve MA-QAP applications.

The Applicant's skills assessment will include:

1. User feedback forms of at least 3 mediations in which the applicant was a client advocate/advisor (form attached in [Annex 2](#)).
2. live role-play or video evaluation in front of a jury of 3 assessors. The assessors will be academics, researchers, lawyers or mediators selected by the ICFML Accreditation Committee. They will assess the live or video role-play using the assessment tool in [Annex 3](#). They will be experienced assessors who will have to follow a dedicated training by ICFML Accreditation Committee about the ICFML assessment process.