



International Mediation Institute  
PROFESSIONAL MEDIATION WORLDWIDE  
Promoting Consensus and Access to Justice  
[www.IMImediation.org](http://www.IMImediation.org)

## Conflict Coaching International (CCI)

*IMI Qualifying Assessment Program (QAP)*

### About the Organisation

Conflict Coaching International (CCI) is a business registered in Australia and Hong Kong. CCI provides conflict support services and training specifically in mediation and conflict coaching in Australia, Hong Kong, South East Asia and the Pacific (see [www.conflictcoachinginternational.com](http://www.conflictcoachinginternational.com)). The principals of CCI are Dr Nadja Alexander and Dr Samantha Hardy.

We base our service and training on principles of reflection, engagement, artistry and learning – REAL. We pride ourselves on basing everything we do on considered reflection, engagement with all stakeholders, artistry in our actions and lifelong learning to constantly improve what we do. In other words, we walk our REAL talk. We are curious, creative, passionate about our work and committed to our field.

### 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.*

CCI experience requirements for mediators to be qualified for IMI Certification:

1. Applicants are required to submit adequate proof (testimonials from parties or advisers, log book entries, correspondence, invoice statements, etc.) of completion of 200 hours of mediation practice within the past 3 years immediately prior to the candidate's application.
2. Applicants are also required to present the analytical summary of the conducted mediations describing the nature of the mediation (workplace, commercial, cross-cultural, etc.); mediation style and the length of mediations conducted by the applicant.

### 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.*

CCI mediation knowledge requirements for mediators to be qualified for IMI Certification:

CCI appreciates that mediators have different styles and that effective and experienced mediators are people who understand the values and principles that drive their mediation style and their choice of interventions. The following requirements aim to establish that applicants have a high level of practical and theoretical mediation knowledge.

Applicant's statement: Applicants are required to submit a one-to-two page statement addressing the following questions:

- How would you describe your approach to mediation?
- What are the values and principles your approach to mediation is based on?
- In your work what do you see as the main goals of mediation?
- How would you define a successful mediation or mediation session?

### 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.*

CCI mediator's skills requirements for mediators to be qualified for IMI Certification:

1. Adequate proof of attendance at workshops, courses or e-lectures relating to mediation for not less than 25 hours over the past 24 months. Up to half of the 25 hours may refer to participation as trainer, presenter or coach.
2. Referee's report: Applicants are required to submit a report from a referee such as a co-mediator, a trainer, a colleague, or a mentor who is familiar with the mediator's work. The referee's report should address the referee's understanding of the applicant's approach to mediation practice and skills. The following points may be used as guidelines for the report:
  - The applicant's practical understanding of the mediation process and the roles of the various participants in it, for example parties, lawyers and mediator.
  - The applicant's verbal and written communication skills used during mediations.
  - The applicant's demonstrated skills in relation to listening, demonstrating empathy, facilitating negotiations between the parties.
  - The applicant's commitment to ethical mediation practice, for example in relation to confidentiality, conflicts of interest and situations where the mediator might terminate the mediation process.
  - The applicant's professionalism.
  - The applicant's competence as a mediator.

3. Either i. or ii.
  - i. Written evaluations of at least 10 parties, or their advisers, that the practitioner's conduct of the process has demonstrated a high level of competence in the process

OR

- ii. The evaluation by two qualified independent assessors (not necessarily CCI QAP assessors) approved by the CCI IMI Accreditation Committee of demonstration by the practitioner of a high level of competence in mediation.
4. One hour of a video-taped mediation: either live or role-play. The applicant is responsible for organizing the video in a format that can be viewed by the responsible members of the CCI IMI Accreditation Committee. Within one hour it is not expected that an entire mediation be demonstrated, especially in relation to live mediations that are video-taped. For the applicants who undertook the role-play assessment with CCI, or another organisation recognised by CCI, that video could be used if the application is submitted within one year from the date of the tape.

## 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](http://www.IMImediation.org) and will include a direct link to the credentialing organizations' websites.*

These are published at [www.conflictcoachinginternational.com](http://www.conflictcoachinginternational.com)

## 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.*

CCI requirements for the Assessors:

The appointment of CCI QAP assessors for each Program is at the discretion of CCI Accreditation Committee with the following must have characteristics. Assessors must

- be recognised as accredited mediators in their own jurisdiction or be IMI Certified;
- have completed at least 200 hours of mediation;
- have coached mediators on at least three previous courses in the past three years;
- have received feedback from a lead trainer and participants on coaching;
- have assessed at least ten candidates in relation to 'accredited mediator' status in their relevant jurisdiction or for IMI Certification; and
- have received feedback from a lead assessor on assessing;
- be prepared to participate in CCI professional development programmes for coaches and assessors.

The majority of assessors are independent of CCI. The majority of CCI QAP assessors are independent mediators, trainers, coaches and/or assessors who work for several accrediting bodies and mediation organisations within Hong Kong, Australia and elsewhere. As such they are independent of CCI. Independence is further enhanced by virtue of the fact that all applicants are assessed independently by two assessors, at least one of whom must be independent of CCI.

The following people have agreed to be assessors and members of the CCI IMI Accreditation committee (only Nadja Alexander and Samantha Hardy are from CCI ):

- Dr Nadja Alexander, Hong Kong and Australian accredited mediator, trainer, coach and assessor, member of the Hong Kong Steering Committee on Mediation, the Hong Kong Mediation Accreditation Association Limited. She is a Principal of Conflict Coaching International and co-founder of the REAL Conflict Coaching™ System
- Dr Samantha Hardy, Australian accredited mediator, one of only five Certified Transformative Mediators in Australia. She is a Principal of Conflict Coaching International and co-founder of the REAL Conflict Coaching™ System
- Michael Beckett, Hong Kong and Australian accredited mediator, trainer, coach and assessor
- Dr Jill Howieson, Hong Kong and Australian accredited mediator, trainer, coach and assessor, Director of the RMAB (Recognised Mediator Accrediting Body) at the University of Western Australia
- David Sandborg, Hong Kong and US accredited mediator, trainer, coach and assessor, member of the Hong Kong Working Group on Mediation 2008-2010.
- George Fox, Australian accredited mediator, trainer, coach, assessor, solicitor.

## 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.*

CCI QAP assessors participate in a detailed briefing session before assessment and receive 'Guidelines for IMI QAP assessors', a guide to assist them in their role.

As indicated previously, applicants for IMI mediator certification are assessed by two different assessors. Each assessor independently determines the mediator candidate's suitability and then discusses and compares their assessment with the other assessor. This practice offers an ongoing monitoring of assessors performance and practice. Where differences between the assessors' views cannot be reconciled, a third assessor will be appointed to consult with the original two assessors. In addition, the applicant may be required to submit further details or attend an interview.

CCI holds continuing professional development programmes for QAP assessors, regular assessors, assistant assessors and coaches. CCI QAP assessors are required to attend at least one of these programmes per year.

CCI confirms its agreement to provide all necessary information and accept monitoring from IMI in relation to this point.

## 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*

CCI's assessment process is open to everyone who meets the pre-requisites for assessment without regard for gender, race, ethnicity, age, religion, sexual orientation or other personal characterisation. In terms of information available to CCI, CCI's assessors exhibit diversity in relation to race, gender, age, mediation styles, disciplinary background, religion, and ethnicity.

## Appendix 1

Proposed SIDRA MA Assessors:

### [Ms Nadja Alexander](#)

Nadja Alexander is an award winning author and educator (2011, 2007, 1997) and a conflict intervention professional. She holds professorial appointments Australia and the United States and has taught mediation at universities and in corporate settings all over the world.

Nadja is an independent adviser on mediation policy to national governments and international bodies, such as the World Bank Group. She has been engaged in the field of conflict resolution in more than 30 countries and is a sought-after commentator on the international circuit.

Nadja sits on the international mediation panels of Singapore, Hong Kong and Australia. She is listed in the International Who's Who of Commercial Mediation and practices in the English and German languages.

Nadja has published more than 10 books and 100 papers on conflict resolution and her work has appeared in the English, German, Russian, French, Arabic and Chinese languages. Nadja is editor of the international book series, Global Trends in Dispute Resolution and co-editor of *Tán Pàn* the Chinese-English Journal on Negotiation and the Kluwer Mediation Blog. Her major legal work, *International Comparative Mediation: Legal Perspectives*, won the CPR Award for Outstanding ADR book (New York 2011).

As a recognised thought leader in dispute resolution, Prof. Alexander plays an international leadership role through her research and writing and its application to practice, law and policy making. For example, her research has been used in the preparation of arguments before the Canadian Supreme Court, international arbitral awards, and mediation legislation in more than eight jurisdictions. In 2015 Nadja was awarded a Fellowship at the Max Planck Institute of Foreign and Comparative Law in Hamburg, Germany, to research issues related to the enforceability of international mediated settlement agreements

In terms of policy appointments, Prof. Alexander is Vice Chair of the Mediation Committee of the International Bar Association and a board member and a director of the Singapore International Mediation Institute. Nadja was previously appointed to the Hong Kong Mediation Steering Committee (2012-2016) and the Hong Kong Mediation Taskforce (2010-2012) by the current and previous Secretaries for Justice. Prof. Alexander is a former member of the influential Australian think tank and policy body, NADRAC (National ADR Advisory Council) and the German National Council to advise on the drafting of a Mediation Law.

### [Ms Sam Hardy](#)

Dr Samantha Hardy has various undergraduate and postgraduate qualifications in law, education and conflict resolution, including a PhD in conflict resolution. She also has many years of international experience as a conflict resolution practitioner. In addition to offering conflict coaching and mediation services, Sam is a well-known trainer, university educator and writer in the field of conflict management and resolution.

Sam has been mediating and conflict coaching since 1997. She practices primarily in the workplace context, and in the university sector. Sam is a Nationally Accredited Mediator under the Australian

Standards and a Certified Transformative Mediator by the US Institute of Conflict Transformation. She is an experienced conflict coach and the co-founder of the REAL Conflict Coaching System. Sam has a particular interest in education and has been recognized as a leader in this field, including receiving a University Teaching Excellence Award, a Australian National Citation for an Outstanding Contribution to Student Learning and a Fellow of the Higher Education Research and Development Society of Australia. She has most recently held appointments as Student Ombudsman at the University of Wollongong, and Associate Professor of Conflict Resolution and the Director of the Conflict Resolution Programs at James Cook University. She is also Adjunct Associate Professor at the University of New South Wales, Adjunct Associate Professor at Bond University, Adjunct Associate Professor at University of Tasmania, Adjunct Professor at Hong Kong Shue Yan University, and Affiliate Scholar at the Center for the Study of Narrative and Conflict Resolution within the School for Conflict Analysis and Resolution at George Mason University.

Sam has published widely in conflict resolution, including her books *Dispute Resolution in Australia*, 3rd Ed. (2014) co-authored with David Spencer, *Mediation for Lawyers* (2010) co-authored with Olivia Rundle, and *Sex, Gender, Sexuality and the Law: Social and legal issues facing individuals, couples and families* (2016) co-authored with Olivia Rundle and Damien Riggs.

#### [Mr Hal Abrahamson](#)

Professor Abramson has been deeply involved in the development and practice of domestic and international dispute resolution for more than twenty years. He contributes as a teacher, trainer, author, and participant on professional committees and serves actively as a mediator and facilitator. For his contributions to the field of dispute resolution, Hal Abramson received the 2013 Peace Builder Award from the New York State Dispute Resolution Association. He has been selected for the International Who's Who of Commercial Mediation since its inaugural year in 2011 (first year, 194 selected worldwide). And his widely used book, *Mediation Representation*, received the annual book award from the CPR International Institute for Conflict Resolution and Prevention. (From: <http://www.tourolaw.edu/AboutTouroLaw/default.aspx?pageid=499>)

#### [Mr Joel Lee](#)

Joel Lee is an Associate Professor at the Faculty of Law, the National University of Singapore. Joel co-pioneered the teaching of Negotiation and Mediation in the Singapore Universities and has played a significant role in furthering the development of mediation in Singapore, not just in education but in practice. A graduate of Victoria University of Wellington and Harvard Law Schools, Joel is an affiliate partner with CMPartners (USA) and a principal mediator with and the Training Director of the Singapore Mediation Centre.

Joel is an adjudicator with the Financial Industry Disputes Resolution Centre and was a member of the International Mediation Institute's Independent Standards Commission and Intercultural Taskforce. He was also a key member of the Ministry of Law's Working Group on International Commercial Mediation. Joel is presently the founding Chair of the Board of the Singapore International Mediation Institute.

Joel has taught overseas at the University of Copenhagen (Denmark), University of Law, Economics and Science of Aix-Marseille (Aix-en-Provence France) and Anglia Law School (UK) and is the co-editor and co-author of the book "An Asian Perspective on Mediation" and the General Editor for the Asian Journal on Mediation. In 2011, Joel was awarded the Outstanding Educator Award which is the National University of Singapore's highest teaching award.

[Mr Aloysius Goh](#)

Mr Aloysius Goh is the Deputy Chief Executive Officer of the Singapore International Mediation Centre and a Certified International Mediator. He has mediated more than 100 cases of various complexities and values including medical negligence, shipping, commodities trading, insurance, employment, and construction disputes.

Holder of the prestigious NUS Research Scholarship, Aloysius has postgraduate degrees in Law and Education Leadership from the NUS and Boston College respectively. He is a faculty member of the Singapore International Dispute Resolution Academy and Singapore Mediation Centre, and also teaches mediation at the National University of Singapore (NUS) Law School.

Aloysius is a member of the International Mediation Institute (IMI)'s Qualifying Approval Committee and was a member of the Taskforces set up by the IMI to propose International Mediation Advocacy Standards and Multi-Cultural dispute resolution

Since 2014, Aloysius has served as the Chairman of the Asian Mediation Association's Young Peacemakers Network whose mission is to educate Asian youth in non-violent ways of resolving disputes.

[Mr Khory McCormick](#)

Khory McCormick, is a high profile market recognised expert. He heads Minter Ellison's International Dispute (National) and Commercial Advisory and Dispute Resolution (Brisbane) groups. Khory provides strategic and innovative advice to the highest level decision makers including Boards, CEO's, directors and political figures and a wide variety of entities in both the private and public sector. He regularly acts in complex litigation or arbitration and as mediator or party representative across a diverse range of dispute subject matters, resource commodities and long term contracts, infrastructure projects and diverse contractual settings, as set out below.

Khory's conflict resolution expertise is recognised through his roles within key dispute resolution and arbitration bodies. He is an accredited mediator and is recognised by independent legal publications such as the 2009 International Chambers Global Directory (disputes/litigation), the Financial Review Peer Review as one of Australia's leading Government lawyers, Best Lawyers International 2009, 2010 and 2011 in the area of Australian Government/Local Authorities and listed as one of approximately 180 Global Who's Who of International Commercial Mediation. With his 'go-to reputation', Khory occupies a unique space in both the private and public sector issues management and conflict resolution space. (From: <https://imimediation.org/khory-mccormick>)

## Appendix 2

The following tables are adapted from Annexes 1 and 2 of the Competency Criteria for Mediation Advocates/Advisors, available on the IMI website.

Figure 1: General Knowledge Expected of Mediation Advocates

Knowledge	Description
Suitability of the mediation process	Knowledge of suitability (or not) of mediation as a process to address particular issues.
ADR process knowledge	The ability to identify procedural options and preferred processes for reaching optimal outcomes.
MDR process knowledge (multi-tiered dispute resolution)	Knowledge of multi-tiered, hybrid and blended dispute resolution processes (for example, arb–med, med–arb, mediation windows in arbitration or other dispute resolution settings and others) and their potential advantages and drawbacks in different circumstances.
ODR process knowledge	Knowledge of online dispute resolution technology and processes.
Timing	Understanding of, and ability to, apply the best timing for each dispute resolution process.
Mediation landscape	Understanding of the nature, procedure, appropriateness, and advantages and disadvantages of mediation schemes and programmes, procedural rules and relevant costs.
Mediation models	Understanding of a variety of mediation practice models and the differences among them.
Role of mediator	Understanding of the role of a mediator.
Key factors in mediation success	Awareness of the key factors for making the most out of mediation.
How to prepare for mediation	Knowledge of forms of written preparation for mediation: <ul style="list-style-type: none"> <li>• Case summary</li> <li>• Issues paper</li> <li>• Mediation memo</li> <li>• Chronology</li> <li>• Constellation</li> </ul>
Negotiation and party dynamics	Knowledge of negotiation and solution-generating processes as well as party and participant dynamics, as contextualised by the choice of mediation model.
Mediation law	Knowledge of relevant laws affecting mediation practice including structure and enforceability of agreements to mediate, confidentiality and (non-) admissibility of evidence of mediation communications, and structure and enforceability of mediated settlement agreements.
Interests	Knowledge of interest-based negotiation and the distinction between positions, interests and issues.
Alternatives and solutions	Familiarity with methods of formulating solutions, including assessing options on the table and alternatives to a mediated settlement agreement and preparing client and self for joint/private mediation meetings.

Familiarity with mediation techniques	Familiarity with techniques like questioning, summarising, (active/effective) listening, framing and re-framing, reflecting and paraphrasing.
Intercultural fluency	Familiarity with intercultural settings and dynamics.
Cross-border mediation	Understanding of cross-border mediation procedures, paradigms, laws and regulatory structures.
Multi-party mediation	Knowledge of processes when dealing with multiple parties or participants.
Ethical standards	Understanding of professional and ethical standards and behaviours and the use of ethics in generating, informing and/or setting norms.
Mediated outcomes	Ability to understand and interpret mediated settlement agreements and procedural options.
Mediation within its regulatory framework	Ability to explain the operation of relevant court-connected mediation schemes, ad-hoc or institutional procedural rules, applicable costs, and applicable professional codes of conduct or ethics.
Negotiation	Knowledge of the distinctions between distributive (positional) and problem-solving (interest-based) approaches to negotiation. Knowing when, why and how to use each approach.
How to make use of mediation processes	Knowledge of techniques to productively support the parties, their representatives, the mediator and the process, and using the mediator and the process effectively to generate a mutually accepted outcome.

Figure 2: Selection of mediator and mediation process

Skill set	Description
Identify, negotiate and select mediation process and mediator	
	Selecting and co-designing the most suitable mediation procedure, style and approach (consider mediation meta-model, hybrid forms, co-mediation), including consideration of common mediation approaches used locally and elsewhere.
	Determining whether mediation should be institutionally administered or self-administered. Applying specific aspects of court-connected mediation processes.
	Finding, selecting and appointing the most suitable and competent mediator/s for this case, these parties and the specific circumstances.
	Selecting and convening a co-mediation team in collaboration with the other side.
	Selecting a suitable mediator for a particular case, including, mediation style and skills, and identifying the need for a specialist or generalist.
	Collaborating and negotiating with other parties, their representatives and the mediator/s about process choice and design, logistics and timing. For example, working with the other participants and the mediator/s to:

	<ul style="list-style-type: none"> <li>• determine the need for a mediation agreement;</li> <li>• select a venue;</li> <li>• identify participants;</li> <li>• make process choices on the use of written preparation, opening statements, time allocations, the mediator's role, and joint and private sessions.</li> </ul>
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Figure 3: Mediation Advocacy Skill Set: Pre-Mediation

Skill set	Description
Case diagnosis and process selection	
	Identifying the most appropriate process. Skills to assess (contra-) indications, pros and cons, and strengths and risks of each method. Being able to convincingly convey that understanding to the client.
	Design, customisation and implementation of appropriate conflict resolution processes.
	Considering possible application of hybrids and other process design options.
Pre-mediation analysis	
	Application and interpretation of alternatives analysis, BATNA, WATNA and BRATNA (see Chapter 6).
	Whether or not to use norms to set ZOPA and leverage such analyses (see Chapter 3).
	Understanding different levels of readiness of the client to accept mediation and the ability to address their concerns effectively.
	Conducting a risk analysis of the client's case.
	Identifying the necessary documents to be exchanged with knowledge of applicable confidentiality rules.
	Preparation of self, client and the mediator.
Clarifying and initiating process	
	Initiating contact with the other parties or their representatives, and/or with mediation institutions.
	Consider whether the parties wish to use norms, subjective interests, or a combination of the two to resolve the dispute, and what norms (if any) to use (for example, laws, customs, community response).
	Consider the relevance of past, present or future events, and whether to focus on the past or the future as a basis for seeking resolution of the dispute.
	Counselling clients, principals, participants and relevant stakeholders, as appropriate to identify and resolve procedural issues and options separately from substantive issues to be mediated, and if so when and how to mediate. Explaining mediation goals and process.
	Communicating effectively with the other side to bring them to mediation in the right frame of mind.

	Composing mediation teams. Identifying/mediation participants on each side.
	Identifying and overcoming possible misperceptions (for example, concerns of appearing to be weak if agreeing to negotiate).
	Collaborating and negotiating with other parties, their representatives and the mediator about process choice and design, logistics and timing. Setting, collaborating and negotiating about mediator selection criteria with the other parties and their representatives and where appropriate, working with the other parties to identify, set and implement each mediation parameter.
	Negotiating and (where applicable) drafting the mediation agreement.
	Drafting written preparation for mediation.
	Dealing productively with any obstructive or fencing behaviour of the other party or the party's representatives.
	Advising on mediation clauses, mediation rules and regulations of mediation providers and professional bodies, ethical guidelines, codes of conduct, complaint schemes, disciplinary processes, liability issues, confidentiality, privacy, refusals to participate, mandates, and authorities to settle.
	Advising on the roles of client and advocate.

Figure 4: Mediation Advocacy Skill Set: During the Mediation Process

Skill set	Description
General	
	Monitoring progress and checking whether the mediation process needs to be adapted to the circumstances.
	Ability to effectively communicate with the mediator and the other side.
	Focusing persuasive communication at the decision-makers on the other side, not the mediator.
	Collaborating with own client, the other party, and the other party's representative to facilitate a constructive outcome based on problem-solving techniques
	Advising the client on financial, tax, social, legal, reputational, commercial and other relevant interests.
	Making an informed choice between several approaches to, and options for, resolving the issues, and knowing when to suggest each approach (including whether and when to terminate the mediation process as necessary).
	Balancing between (1) claiming value and advocating the client's interests and (2) creating value and motivating participants to reach a settlement.
	Acting as a client coach and reality check to help client gain familiarity and confidence with the process, his/her relevant roles and whether client's positions are compatible with the client's interests.
	Collaborating with the mediator, ensuring the mediator

	understands the client's core interests and constructively adapting and implementing the mediation process from the perspective of all participants.
	Ability to adapt procedural parameters when dealing with multi-party or complex cases involving numerous participants.
<b>Phase 1 Information and Theme Gathering</b>	
	Breaking the ice and creating constructive conditions for a productive mediation process.
	Identifying interests, topics for discussion, information to be exchanged (give and take) and possible impasses to be overcome.
	Contributing to, and shaping, the agenda.
	Coaching clients, where applicable, to prepare and deliver effective openings in accordance with the style of mediation or negotiation approach.
	Supporting information exchange by summarising facts and addressing queries from the other party, the other party's representative or from the mediator.
	Interpreting the other party's opening and identifying key information, interests, opportunities and impediments.
<b>Phase 2 Exploration</b>	
	Seeking to understand the motivations behind individual positions.
	Eliciting interests and distinguishing positions from interests.
	Prioritising interests.
	Applying communication skills like active listening, reframing, paraphrasing, summarising.
	Identifying topics for further discussion and information to be exchanged.
	Dealing with emotions, social and status issues, and intercultural dynamics. Conveying an understanding of these matters to clients.
	Balancing confidentiality and the need to provide the information necessary for exploring the dispute to reach the best possible outcome.
	Dealing with difficult parties, party representatives, clients or inappropriate mediators. Ability to work with the mediator and the other parties and their representatives to overcome impasses.
	Identifying the right time for, and working with the mediator to call for, private sessions, time-out, breaks, private client meetings, joint sessions, changes of venue, and changes of negotiation team members.
<b>Phase 3 Problem-solving</b>	
	Preparing the client to be open to new possibilities.
	Prioritising options.
	Assisting the client to be an effective negotiator.
	Ability to make strategic choices that can help strike a balance between positional claims that advocate the clients' interests and

	creating value based on interests.
	Formulating or supporting the client to formulate first offers.
	Responding or supporting the client to respond to first offers.
	<p>Private sessions:</p> <ul style="list-style-type: none"> <li>• Ensuring any private session is handled ethically and confidentially.</li> <li>• Working with the client and mediator to provide information and ideas useful for resolving the dispute.</li> <li>• Exploring options with the mediator.</li> <li>• Seeking and providing positive and constructive feedback to/from the mediator.</li> </ul>
	Where applicable, ensuring that the mediator presents the options proposed during private session accurately and maintains confidentiality.
	Dealing with clients' instructions that may be difficult to reconcile with opportunities and options, and resolving those inconsistencies.
	Working with the other party, the client, and the mediator to generate, develop, brainstorm and reality-test options. Ability to engage in, and consult on, several methods for generating options.
	Utilising the processes of negotiation, and participant dynamics, as contextualised by the choice of mediation process.
	Working with the mediator and the other side to establish mutually acceptable norms or reference criteria.
	Identifying objective and measurable criteria by which to assess feasibility and possible implementation of options.
	Responding constructively to positional tactics, attitudes, behaviour and language.
	Enlisting mediator's assistance for reality testing.
	Enlisting mediator's assistance to help the client formulate offers or responses.
	Identifying and dealing with impediments, and enlisting the mediator's support.
	Dealing with unexpected surprises or inconsistent negotiation styles.
	Maintaining momentum and dealing with decision fatigue.
	Dealing with reactive devaluation, where a party may 'devalue' offers made by the other side.
	Checking for confirmation bias by client, that is, the tendency to interpret new information as confirmation of one's existing beliefs and position.
	Identifying, analysing and dealing with impasses, breaking deadlocks and knowing how to support the client and the mediator on these issues.
	Applying reality-testing techniques to manage the expectations of the client and the other party.
	Clarifying intentions and motivations.
	Adapting communication styles and strategies in accordance with

	progress made and other participants' conduct.
	Securing the best available and workable outcomes that circumstances permit.
	Deciding whether to end or leave a mediation.
	Dealing with incomplete settlements or a party's inability to settle.
	Maintaining positive momentum and leaving a window open.
	Generating joint or single communication strategies and dealing with possible reporting or reputational impacts.
	Facilitating the mediation to progress to an enforceable mediated settlement agreement and preserving such relations as may be desired between the parties.
	Managing setbacks in the final stage of the mediation if new issues emerge.
	Sustaining a constructive and amiable atmosphere to promote successful implementation of the agreement (keep the door and communication open).
	Assisting with the drafting of any publicity statements and contingency questions and answers, where appropriate.
	Dealing with parallel judicial, administrative, arbitral or other proceedings.
	Closing documents and rituals (if any).
	Possible rescheduling of additional mediation sessions with the same or different mediator/s, and when or where to conduct such sessions.
	Considering possible final procedural options, hybrids and proposals.
	Understanding that not all disputes result in a settlement directly after a mediation and knowing how to identify and establish possible next steps to retain positive momentum and reschedule the matter for future consideration and settlement as and when appropriate.
	Considering possible compliance and enforcement requirements that may emerge post-mediation.
	Dealing with partial settlements and managing contingencies where applicable.
	Knowing the relevance of consent awards or homologation proceedings, where applicable and possible, as a means to ensure compliance.
	Drafting mediated settlement agreements as discussed by the parties to the mediation.

Figure 5: Mediation Advocacy Skill Set: Post-mediation

Skill set	Description
Monitoring, maintenance, securing enforceability, and closure	
	Co-drafting the mediated settlement agreement or finalising it

	insofar as this has not been completed during mediation.
	Maintaining a good-faith approach towards the mediated settlement agreement and dealing constructively with possible surprises.
	Dealing with settlement formalities and possible contingent documentation.
	Monitoring compliance with, dealing with, and finalising any outstanding post-settlement issues.
	Securing such appropriate court or tribunal recognition for a settlement (for example, use of consent awards).
	Assisting with the co-ordination of any follow up meetings.
	Ensuring that appropriate closing rituals take place.