



ADR Point 3 Days ADVOCACY MEDIATION Training

Pre-Course Material

Pre-Course material to study: 2 weeks before the live training starting date the trainees will receive:

	Material
1	Mediation manual
2	Bundle of applicable legislation
4	Academic articles published in international and local magazines
5	General information for all mediation role plays

3 Days Training

The PPTs used in the live training will be distributed each morning

N	Topic	Mediation Core Competency Practical Skills*	Core Competency Knowledge Elements *
1	<p>DAY 1</p> <p>ADR & Mediation</p> <p>Introduction and presentation of the training program and the trainers</p> <ul style="list-style-type: none"> ◆ Introduction to ADR processes ◆ Definition of mediation, purpose of the procedure, basic principles, the role of the mediator. The role of the lawyer ◆ Legal Framework ◆ Types of mediation (Voluntary/Mandatory First Meeting/Judicial/Court-annexed /Court referral) ◆ Factors that favor or do not favor the choice of mediation as an appropriate method of resolving a dispute ◆ The Role of the Lawyer as a Legal Representative before the Courts and as a mediation advocate. Differences and Similarities. ◆ Advising clients to make use of mediation (including roleplay) <p style="text-align: center;">Simulations</p>	<p>1. Pre-Mediation Stage</p> <ul style="list-style-type: none"> √ Case diagnosis and process selection √ Clarifying and initiating process <p>2. Selection of neutral and preparation stage</p> <ul style="list-style-type: none"> √ Identify, negotiate and select mediation process and mediator √ Preparation 	<ul style="list-style-type: none"> ➤ Knowing when mediation may not be a suitable process to address particular issues. ➤ Identifying procedural options and preferred processes for reaching optimal outcomes ➤ Knowledge of hybrid dispute resolution processes (e.g., Arb-Med, Med-Arb, Arb//Med, Med-Con, Med//Con, MEDALOA) and their potential advantages and drawbacks in different circumstances ➤ Understanding and applying the best timing for each Dispute Resolution process ➤ Understanding of the nature, theory, procedure, practical application, methodology, appropriateness, benefits and disadvantages of the prevalent types of mediation, schemes or programmes, procedural rules and pertinent costs ➤ Knowledge of negotiation and solution-generating processes, as well as party and participant dynamics, as contextualised by the choice of mediation process/vehicle ➤ Understanding of the role of a mediator, and the palette of mediator methodology, psychology, core training, and practices ➤ Knowledge of relevant laws affecting mediation practice including structure and enforceability of mediation agreements (where relevant), confidentiality and privilege /professional secrecy, and structure and enforceability of settlement agreements

* For more details on the skills assessed in each step you can visit: <https://imimediation.org/practitioners/competency-criteria/#MA>

<p>2 DAY 2</p> <p>The role of the lawyer during the mediation process</p> <p>The steps of the mediation process</p> <p><u>Step 1: Preparation</u></p> <p><u>Step 2: Opening remarks and participation in the mediation process</u></p> <p><u>Step 3: Information exchange and exploration</u></p> <p><u>Step 4: Negotiations - Development of options</u></p> <ul style="list-style-type: none"> ● Negotiation and communication techniques <ul style="list-style-type: none"> ○ Communication tools ○ General principles of trading analysis ○ Negotiation methods/styles (based on interests and positions, intuitive, distributive) ○ ZOPA / BATNA / WATNA / RATNA ● Cross-cultural challenges ● Code of Ethics - How to deal with ethical dilemmas <p style="text-align: center;">Simulations</p>	<p>3. Mediation stage</p> <ul style="list-style-type: none"> √ General, √ Monitoring Progress √ Opening statements and Agenda Setting √ Exploration √ Generating Options & Negotiation 	<ul style="list-style-type: none"> ➤ Familiarity with methods of formulating solutions, including assessing alternatives (BATNA, WATNA, PATNA, RATNA [3] & preparing client and self for joint/caucus mediation meetings ➤ Ability to assist parties in separating interests from positions ➤ Ability to seek and understand the motivations behind individual positions as distinguished from the issues in dispute ➤ Familiarity with techniques like questioning, summarizing, (active/effective) listening, framing and re-framing, reformulating, reflecting and paraphrasing ➤ 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 ➤ Familiarity with cross-cultural settings and dynamics ➤ Understanding of cross-border and multi-cultural mediation paradigms ➤ Ability to adapt procedural parameters when dealing with multi-party or complex cases involving numerous participants ➤ Understanding of professional and ethical standards and behaviors, and the use of ethics in generating, informing and/or setting norms
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DAY 3**Finalizing agreement and completion of process**Step 5: Agreement: Implementation and enforceability

- Key success factors and challenges
- Experiences from abroad
- International disputes
- Hybrid mediation models
- Online mediation

Simulations**4. Closing and Implementation**

- *Ability to draft settlement agreements as discussed by the parties to the mediation*
- *Ability to understand and interpret settlement agreements and procedural options*
- *Ability to explain the nature, theory, procedure, practical application, methodology, appropriateness, benefits, advantages and drawbacks of prevalent types of mediation within or between relevant jurisdictions, court-connected mediation schemes, ad-hoc or institutional procedural rules, applicable costs, and professional applicable professional ethics codes*
- *Knowledge of problem-solving, interest-based negotiation techniques*
- *Knowledge of the distributive (adversarial) approach to negotiation, in addition to the problem-solving (interest-based) approach and knowing when and why to apply each. Knowing how to avoid and counter unhelpful adversarial attitudes, behavior and language*
- *Knowing how to use techniques for productively supporting the parties, their representatives, the mediator and the process, and using the mediator and the process effectively to generate a mutually accepted outcome*
- *Knowing how to effectively communicate with the mediator, prior to, during and after the mediation sessions*

ASSESSMENT

The assessment consists of 4 parts: Each trainee must undertake all 4 parts and reach a score of at least 70 points for the graded parts. The papers will be assessed according to the competency framework. Trainees will receive either a “competent” or “not yet competent” note

	Part	Details	Points out of 100
1	Participate in ADRpoint mediation advocacy training and assessment	Mediation brief and strategy plan based on a case	25
		Multiple choice test	25
		60 minutes role play	50
		Individual self-reflective paper (Trainees will receive either a “competent” or “not yet competent” note)	Mandatory but not graded
2	Details of experience	Submission of a CV, a logbook of mediations and a report on the candidate’s role and strategy in them	Mandatory but not graded

FACILITATION OF FURTHER DEVELOPMENT

1. The trainees who pass the exam will be provided with the opportunity to shadow an ADR point network mediator in a real mediation, provided that parties agree and the trainee speaks the local language.
2. All trainees will be provided with additional material to study post-training (articles, studies etc)
3. All ADRpoint trainees will be connected via private online platforms where they will be able to share experiences and network
4. Trainees will be encouraged to join initiatives such as YMI and participate in local and international events.