

Singapore Mediation Centre (SMC) Competency Framework for Assessments

Knowledge of Mediation Advocacy

1. The Singapore Mediation Centre (SMC) adopts the criteria set by IMI to assess Knowledge of Mediation Advocacy (see IMI Annex 1 at <https://imimediation.org/en/orgs/competency-criteria-mediation-advocates-advisors/>).
2. Applicants are required to attend the SMC Mediation Advocacy Training Course (SMC-MATC) which covers mediation advocacy knowledge and skills. In terms of knowledge, the SMC-MATC covers the Core Competency Knowledge Elements set out in Annex 1 of the IMI Competency Criteria for Mediation Advocates/Advisors. For an outline of the topics covered in the SMC-MATC, see Appendix A.
3. Applicants are assessed on their mediation advocacy knowledge by way of Written and Practical (role-play) Assessments: SMC Mediation Advocacy Skills Assessment (SMC-MASA).

(a) SMC-MATC: Formative Assessments (Classroom Exercises/Activities)

- (i) The 7 Elements of Effective Negotiation
- (ii) Case Analysis (Suitability for Mediation)
- (iii) Client Interview (Preparing the Client for Mediation)
- (iv) Drafting an Opening Statement/Case Statement
- (v) Ethical and Legal Concerns in Mediation Advocacy
- (vi) Participation in Mediation, and Roles and Duties of the Mediation Advocate during Mediation

For the SMC-MATC (a 2-day course), besides video and live lectures, the Classroom Exercises/Activities include case studies, small group discussions, low-stakes group work, class discussions, self-reflection and self-evaluation, peer-evaluation, mediation simulations/role-plays, with instructor review and feedback. Formative assessments are not graded, but are meant to provide opportunities to improve learning and teaching – to close the gap between current and desired learning and performance.

(b) SMC-MASA: Summative Assessments (Written and Practical Assessments)

- (i) Participating in Mediation as a Mediation Advocate (Role Play/Practical Assessment)
- (ii) Self-Reflection Statement (Written Assessment)
- (iii) Written Assessment – MCQs, Short Answer Questions, Long Answer Question (Written Assessment)

For the SMC-MASA practical assessment component, it involves a 1 hour mediation simulation where the applicant/candidate role-plays the mediation advocate (via live/video evaluation by 2 assessors). The grade awarded is: Pass, Pass with Distinction, or Fail.

For the SMC-MASA written assessment component, applicants/candidates are required to submit a 500-1,000 word Self-Reflection Statement of their experience during the mediation simulation/role-play. The grade awarded is: Pass or Fail.

Applicants/candidates are also required to sit a 1 hour written assessment paper (with MCQs, Short Answer Questions, a Long Answer Question). The grade awarded is: Pass, Pass with Distinction, or Fail.

Practical Mediation Advocacy Skills

1. The Singapore Mediation Centre (SMC) adopts the criteria set by IMI to assess Mediation Advocacy Skills (see IMI Annex 2 at <https://imimediation.org/en/orgs/competency-criteria-mediation-advocates-advisors/>).
2. Applicants/candidates are required to attend the SMC-MATC which covers mediation advocacy knowledge and skills. In terms of practical skills, the SMC-MATC provides opportunities for applicants/candidates to learn and practise the Practical Mediation Advocacy Skills outlined in Annex 2 of the IMI Competency Criteria for Mediation Advocates/Advisors. For an outline of the topics covered in the SMC-MATC, see Appendix A.
3. Applicants/candidates are assessed on their mediation advocacy practical skills by way of a role play (including a post role-play self-reflection) with the applicant/candidate acting as a mediation advocate: SMC-MASA.

(a) SMC-MATC: Formative Assessments (Classroom Exercises/Activities)

- (i) The 7 Elements of Effective Negotiation
- (ii) Case Analysis (Suitability for Mediation)
- (iii) Client Interview (Preparing the Client for Mediation)
- (iv) Drafting an Opening Statement/Case Statement
- (v) Ethical and Legal Concerns in Mediation Advocacy
- (vi) Participation in Mediation, and Roles and Duties of the Mediation Advocate during Mediation

For the SMC-MATC (a 2-day course), besides video and live lectures, the Classroom Exercises/Activities include case studies, small group discussions, low-stakes group work, class discussions, self-reflection and self-evaluation, peer-evaluation, mediation simulations/role-plays, with instructor review and feedback. Formative assessments are not graded, but are meant to provide opportunities to improve learning and teaching – to close the gap between current and desired learning and performance.

(b) SMC-MASA: Summative Assessments (Written and Practical Assessments)

- (i) Participating in Mediation as a Mediation Advocate (Role Play/Practical Assessment)
- (ii) Self-Reflection Statement (Written Assessment)
- (iii) Written Assessment – MCQs, Short Answer Questions, Long Answer Question (Written Assessment)

For the SMC-MASA practical assessment component, it involves a 1 hour mediation simulation where the applicant/candidate role-plays the mediation advocate (via live/video evaluation by 2 assessors). The grade awarded is: Pass, Pass with Distinction, or Fail.

For the SMC-MASA written assessment component, applicants/candidates are required to submit a 500-1,000 word Self-Reflection Statement of their experience during the mediation simulation/role-play. The grade awarded is: Pass or Fail.

Applicants/candidates are also required to sit a 1 hour written assessment paper (with MCQs, Short Answer Questions, a Long Answer Question). The grade awarded is: Pass, Pass with Distinction, or Fail.

Appendix A

Topics covered by the SMC-MATC

1. Introduction to Mediation
 - (a) Mediation and other Dispute Resolution Mechanisms
 - (b) What is Mediation?
 - (c) Mediation Institutions
 - (d) Evolving Roles of the Advocate in Mediation
 - (e) Benefits of Mediation
 - (f) Disadvantages of Mediation
 - (g) Common Types of Mediation and Mediators
2. Mediation to Landscape (1): Mediation Institutions
 - (a) International Mediation Institute (IMI)
 - (b) Singapore Mediation Centre (SMC)
 - (c) Singapore International Mediation Centre (SIMC)
 - (d) Singapore Mediation Institute (SIMI)
 - (e) Singapore International Dispute Resolution Academy (SIDRA)
 - (f) Community Mediation Centre (CMC)
 - (g) Industry Specific Mediation
 - (h) Private Organisations
3. Mediation Landscape (2): Legal Framework
 - (a) Legal Sources
 - (b) Basis of Mediation
 - (c) Mediation Act 2017
 - (d) Conduct of Mediation Advocates
 - (e) Conduct of Parties and Costs Consequences
4. The Lawyer as a Negotiator: The 7 Elements of Effective Negotiations
 - (a) Interests – *Positions vs. Interests; Clarify and Prioritise Interests; Joint or Common Interests*
 - (b) Options – *Inventing; Deciding*
 - (c) Criteria/Legitimacy – *Objective standards; Fair procedures*
 - (d) Alternatives – *Evaluating Options; Unilateral (not bilateral); BATNA, WATNA, MLATNA; Reality Testing*
 - (e) Communication – *Receiving messages (Listening); Conveying information (Speaking)*
 - (f) Relationship – *Between the parties; Between the mediator, the lawyers and the parties; Improving the relationship*
 - (g) Commitment – *Timing; In Writing; Realistic*
5. Preparation for Mediation: (1) Case Analysis; (2) Client Preparation; (3) Case Statement
 - (a) Case Analysis – *Suitability for Mediation; Timing; Persons to Attend*
 - (b) Client Preparation – *Understand the client's objectives; Explain the Stages of Mediation; Managing the client's expectations; Client's Opening Statement*
 - (c) Case Statement – *Information in a Case Statement and Opening Statement; Formalities relating to the Case Statement and the Opening Statement; Common drafting mistakes to avoid; Closing perspectives*

6. Ethical Concerns for the Mediation Advocate
 - (a) Role of a Mediation Advocate – *Before, During and After the Mediation; The Client; The Mediator; The Approach; Family Proceedings*
 - (b) Ethical Considerations for a Mediation Advocate – *Competence; Confidentiality; Courtesy and Fairness; Honour and Integrity; Honesty and Good Faith; Conflict of Interests*
 - (c) Duties of a Lawyer to a Client – *Competence and Diligence; Relevant Information; Advancing client' interests; Confidentiality; Proposals and Offers; Costs; Conflict of Interests*
7. Participating in Mediation: Roles and Duties of the Mediation Advocate during Mediation
 - (a) Mediation Advocacy at the Singapore Mediation Centre – *The Stages of Mediation and the Mediation Process; Preliminary Conference with lawyers; Mediator's Opening Statement; Parties' Opening Statement; Agenda Setting; Joint Negotiation – Exploration of Issues; Private Sessions; Concluding Session*
 - (b) Mediation Advocacy in the State Courts – State Courts' Practice Directions; The Mediation Process; The Role of the Mediation Advocate