



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

[www.IMImediation.org](http://www.IMImediation.org)

## Singapore International Dispute Resolution Academy (SIDRA)

*IMI Mediation Advocacy Qualifying Assessment Program (MA QAP)*

### About the Organisation

The Singapore International Dispute Resolution Academy (SIDRA) is Asia's global thought leader for learning and research in negotiation and dispute resolution. A Singapore-based organization devoted to advancing and enriching the dispute resolution profession in Singapore and around the world, SIDRA engages in research and development (R&D) projects and collaborations, conducts training and accreditation programmes, and organises think-tank and community events. In addition, SIDRA provides consultancy services, lawyers, mediators, government officials, judicial officers and trainers.

SIDRA provides training and consultancy services to those seeking skills, strategies and systems in negotiation and dispute resolution. The organization does not merely supply its clients with boilerplate training packages, but creates bespoke programs based on the needs and interests of each of its clients, and draws on the expertise of a global network of trainers and faculty members. SIDRA's international faculty facilitate programmes that are based on the latest practice-based research. These programmes, both public and private, are focused on the individual and cover a broad variety of topics. Some programmes lead to professional accreditation, which provides participants with formal recognition and certification of their skill-set while others are developed in collaboration with SIDRA's partners. Where solutions are required at a more "macro" level, SIDRA helps businesses and governments to design, develop and establish systemic frameworks for conflict management and dispute resolution. SIDRA's training programmes make up the heart of its operations and present the face of the SIDRA brand to the world.

<b>Year formed, and under which jurisdiction</b>	Established in 2016, under the laws of Singapore.  SIDRA is a non-profit organisation supported by the Ministry of Law. It is a subsidiary of the Singapore Academy of Law and the Singapore Mediation Centre and is based at the Singapore Management University, School of Law.
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<b>Locations and Languages</b>	Singapore.  Languages: English

## 1. 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 mediation advisor/advocate in at least five mediations. The QAP must include clearly identified criteria on this requirement.*

*Exemptions: IMI Certified Mediators. Mediators having acted as sole mediators in at least 10 cases/200 hours (in countries where there are no Qualifying Assessment Program of IMI Certification).*

Applicants must submit evidence of acting as a mediation advocate in at least five mediations as evidenced by a log book. The log book should contain:

- a) Institution through which mediation was conducted, if any, and relevant verification;
- b) A mediator's contact information in the case of private mediations;
- c) The type of mediation (i.e. workplace, commercial, cross-cultural, family, etc.);
- d) The number of people in attendance in total;
- e) The number of parties;
- f) The length of the mediations in hours;
- g) The mode of mediation (i.e. in person, telephone, online or blended);
- h) The parts of the mediation that the candidate (as mediation advocate) attended;
- i) Any other information the candidate considers useful to verify that the mediation took place (provide mediator information?)

In addition, applicants must submit at least two pieces of user feedback from clients and/or mediators from at least two different mediations.

## 2. 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-bibliography>). MA-QAPs may use the listing of Core Competency Knowledge Elements set out in Annex 1 of the IMI Competency Criteria for Mediation Advocates/Advisors.*

Applicants are required to attend a SIDRA Mediation Advocacy training course (SIDRA MA) which covers mediation advocacy knowledge and skills. In terms of knowledge, the SIDRA MA course covers of the Core Competency Knowledge Elements set out in Annex 1 of the IMI Competency Criteria for Mediation Advocates/Advisors and is based on Mediation Advocacy theory. Applicants are assessed on their mediation advocacy knowledge by way of a written test.

Note: IMI Certified Mediators with updated Feedback Digests are exempt from this requirement.

### **3. 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 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. The ISC expects that the methodology used by MA-QAPs will address all the Practical Skills sections and subsections in Annex 2 of the IMI Competency Criteria for Mediation Advocates/Advisors 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 of the IMI Competency Criteria of Mediation Advocates/Advisors will be assessed in the same depth, and MA-QAPs 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.*

Applicants are required to attend a SIDRA Mediation Advocacy training course (SIDRA MA) which covers mediation advocacy knowledge and skills. In terms of practical skills, the SIDRA MA course offers opportunities for candidates to learn and practise the Practical Skills outlined in Annex 2 of the IMI Competency Criteria for Mediation Advocates/Advisors. Applicants are assessed on their mediation advocacy Practical Skills by way of a role play (including a post roleplay self-reflection) with the applicant acting as a mediation advocate.

Please refer to the attached Appendix 2 for the assessment methodology SIDRA will use as it evaluates applicants.

#### **Assessment Criteria**

*All MA-QAPs must implement an assessment methodology for assessing whether each applicants 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*

*International Mediation Institute*  
*representing clients in mediation and/or teaching/assessing mediation advocacy skills.)*

SIDRA offers two distinct pathways for IMI Mediation Advocacy Certification:

*SIDRA Workshop and Assessment Pathway*

The SIDRA Workshop and Assessment Pathway is appropriate for applicants who are seeking IMI MA certification through training and professional development provided by SIDRA. Applicants will attend a SIDRA Mediation Advocacy training course, after which they will be assessed by the following three components:

1. Role-play;
2. Written assessment;
3. User feedback from at least five mediations where the applicant acted as a mediation advocate for one of the parties; this may entail a free form feedback method, or SIDRA may supply applicants with a checklist.

After completion of items 1 and 2, applicants will be eligible for SIDRA MA Certification. Once applicants have additionally completed Item 3 within the required time frame, they will be eligible for IMI MA Certification.

1 + 2 = SIDRA MA Certification

1 + 2 + 3 = IMI MA Certification

*SIDRA Experience-Based Assessment Pathway*

The SIDRA Experience-Based Assessment Pathway is reserved as an exceptional approach, appropriate for highly experienced mediation advocates. Applicants who can demonstrate significant and exemplary experience as mediation advocates may make a submission to apply for IMI-MA Certification without undergoing the SIDRA-MA training via this path in SIDRA. This pathway is reserved for applicants with significant user feedback and will require:

1. Curriculum vitae highlighting professional training and experience in mediation, particularly in the role of mediation advocate.
2. Presentation of a log book (or equivalent documentation) to show professional roles in mediations over the past three years.
3. A 500-1,000 word statement about your approach to mediation advocacy. This should include an explanation of the mediation advocacy model/style you adopt. Standard documentation that you use in your role as mediation advocate may be included as an appendix to the statement.
4. Testimonials from at least three different clients from three different mediations, and mediators from three different mediations, in which the applicant acted as mediation advocate.

SIDRA reserves all rights in relation to the discretion to qualify applicants for IMI Certification via this pathway.

## **4. Program Transparency**

*The substantive criteria (i.e., assessment benchmarks applied by an approve 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](http://www.IMImediation.org) and will include a direct link to each credentialing organization's website for that program.*

SIDRA's substantive criteria (i.e. assessment benchmarks) applied to applicants by Programme Assessors will be published on the SIDRA website.

## 5. Program Integrity

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

SIDRA's panel of assessors will have substantial experience of mediation advocacy and/or teaching/assessing mediation advocacy competency.

Assessors are required to undergo an initial SIDRA assessor training, which would entail several hours of coaching and instruction and may be conducted in person or remotely. Initial proposed assessors are on the SIDRA faculty, but in any given assessment measures will be taken to ensure that they were not trainers on that course.

Assessors are also required to complete assessor updates every two years (see Ongoing Monitoring of Program, below). Please see the attached Appendix 1 for the names of initial proposed assessors.

## 6. 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.*

Assessors are required to complete assessor updates every two years by providing a portfolio containing updated assessee feedback, records of teaching/training that the Assessor has conducted, mediation advocacy logbooks, any relevant CPDs undertaken by the Assessor, and other relevant updates the Assessor would like to provide.

SIDRA staff will supply a checklist cover page for Assessor Update portfolios and will review it upon return by the Assessor with the portfolio to ensure that all the relevant information has been included. The performance and practice of our assessors is subject to IMI audit.

## 7. Commitment to 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 state on each MA-QAP website.*

The SIDRA-IMI MA-QAP is accessible on an equal basis to applicants regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization. This statement will appear on the SIDRA website.

## 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.