



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Czech Bar Association

IMI Qualifying Assessment Program

About the Organisation

Organisation's full legal name	The Czech Bar Association/Česká advokátní komora
Year formed, and under which jurisdiction	Formed in 1996 under the Czech law
Organisation's contact details	Národní tř. 16, Praha 1, +420 273 193 114, dolezalova@cak.cz, www.cak.cz
Details of the person completing this questionnaire	JUDr. Martina Doležalová, PhD., Head of ADR Section of the Czech Bar Association, advocate and registered mediator
Type of application	IMI Certified Mediator (QAP certifying Mediators)
Locations and Languages	Covers the whole Czech Rep. - the Czech Rep. has only one Bar Association - i.e. we would like to certify all lawyers - mediators in the CR who will apply for IMI Certification. Language Czech, English

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.

Organisation's methodology and criteria for determining that Applicants for the program have a substantial level of experience as a mediator, and details of stated requirement for a minimum level of experience:

- A minimum level of experience as a mediator is more than 200 hours or 20 mediations.
- Styles: facilitative or evaluative.
- Each applicant must deliver his/her affidavit confirming the number of hours (or cases) of mediation handled.

N.B.: The Czech Bar may not inspect mediation files of its members other than for disciplinary reasons.

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.

Organisation's methodology and criteria for determining that Applicants have demonstrated a strong understanding of general mediation theory and practice:

All applicants:

- must be registered on the list of lawyers-advocates at the Czech Bar Association and be registered on the list of Certified Mediators of the Ministry of Justice of the Czech Republic. This registration declares the applicant has already achieved the appropriate legal level of theoretical and practical knowledge in mediation as applies in the Czech Republic (difficult written test about the mediation process - theory, psychology, sociology, law etc. See Annex 1 – content of the written exam) AND a successful oral role play showing the practical skills to manage a mediation process. These exams are conducted before a jury consisting of three examiners, one of them an advocate-mediator, one a non-lawyer professional mediator, and one representative of the Ministry of Justice who supervises the fairness of the process (See Annex 2 – Evaluation Sheet - Criteria.)

- must deliver a certificate showing they have followed at least 60 hours training in mediation (theory and practice based on written tests and roleplays) organised by the relevant authority in the Czech Republic or abroad.
- must deliver up-grade certificate (certificates of higher education in mediation) such as:
 - Business (Family, etc.) Mediation certificates issued by the Czech Bar Association or other relevant Czech authority or abroad, or
 - Certificates in negotiation issued by the Czech Bar or other relevant authority in the Czech Republic or abroad or
 - Brussels Diplomas in Mediation from 2011 - 2012 as the result of the European Grant Programme in Mediation between the Czech Bar Association and the Brussels Bar or
 - Certificates of participation at conferences, seminars (domestic or international) with mediation topic.

All showing that the applicant upgrades their mediation knowledge at least once in every 2 or 3 years.

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.

Organisation's methodology and criteria for the evaluation of candidates' performance in terms of the occurrence and effectiveness of mediation process and mediation techniques, against high competency benchmarks:

The Evaluation/Assessments will be based on a roleplay performed in English or Czech and evaluated by a jury of three experienced and respectful Mediators, chaired either by a member of the IAM (International Academy of Mediators) Mr. Patrick Van Leynseele, partner of the Belgian Law Firm Daldewolf based in Brussels www.daldewolf.com, or Dr. Dana Potočková, Professor of Anglo-American University in Prague and external lecturer for Hamline University in the U.S.A. (non-lawyer) www.conflict-management.org or Dr.

Martina Doležalová, PhD., Head of ADR Commission of the Czech Bar Association
www.advokatka-mediator.eu, mediators of high standing in the Czech Republic and/or
abroad.

The other two members of the jury will always be the examiners of the State exams of the Ministry of Justice (experienced examiners), mediators and members of the Bar, or already IMI Certified Mediators or experienced mediators of high standing, such as members of other respected organisations (IAM etc.). At least one of the members of the jury must be independent of the QAP.

There will be use of self-assessment and feedback skill evaluation techniques by all members of the jury.

Candidates will have to demonstrate, through mock mediation exercises and in cooperation with the examiners (chairman = Reviewer, both examiners = parties, actors) the competences described in Annex 2 using the Evaluation Sheet Criteria. The failure threshold for role play is 75% or above to pass as per this evaluation document. The role plays lasts a maximum of two hours. The type of case is commercial only (lawyer mediators mediate mostly commercial cases in practice). Applicants will draw lots from three cases (chosen by the examiners).

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 and will include a direct link to the credentialing organizations' websites.

Are your QAP's benchmarks and criteria published and openly accessible on your organisation's website, or will that be the case? If so, please indicate the link. If not, please explain why not and indicate whether you intend to published it and the timeframe for doing so.:

The benchmarks and criteria applied by this QAP will be transparently published and be openly accessible on the websites of the Czech Bar Association www.cak.cz – section Mediation.

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.

What criteria are applied in appointing your QAP's Assessors? Are the QAP's Assessors, or any of them, required to be independent of (a) your organisation and (b) the training faculty? If yes, please explain how independence is determined. If no, please explain the Assessors' relationship with your organisation.:

Each member of the jury at 3 above must have substantial experience of assessing the performance of mediators, i.e. must be either an examiner of the Czech Ministry of Justice's State Exams in mediation or be already an IMI Certified Mediator or an experienced mediator of high standing, such as a member of other respected organisations (IAM etc.). At least one of the members of the jury must be independent of the QAP. This means this independent Assessor will not be in close contact with the Bar, is not working for, and is not a member of the Czech Bar Association.

6. Ongoing Monitoring of Programs

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.

Please explain how the performance of your QAP's Assessors are/will be monitored to ensure a consistent application of high quality standards. Please confirm your agreement to provide all necessary information and accept monitoring from IMI.:

IMI will liaise closely with the recognised program organiser to maintain a sustainable quality control system. The performance of the Assessors at 3 above will be monitored to ensure a consistent application of high quality standards. This will be ensured by the proper choice of the Assessors described above at 5,3. Some sort of occasional peer group consultation between those who successfully passed the IMI Certification is possible and welcomed.

Duties for the candidates:

1. IMI Certification must be renewed every 2 (two) years, giving affidavit confirming the number of mediations handled: 10 mediations carried out.

2. Attached to the application form, candidates must submit at least 3 (three) feedbacks from the parties or attorneys involved, enclosing their specific authorization.
3. Renewal of certification is issued after a 20 (twenty)-minute interview.

The Czech Bar confirms its agreement to provide all necessary information and accepts monitoring by IMI in connection with this QAP.

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.

Please explain how participation in your QAP is accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation, or other personal characteristic.:

This QAP will be accessible on an equal basis to experienced mediators registered on the list of registered mediators at the Czech Ministry of Justice and paralelly on the list of advocates at the Czech Bar Association regardless of their gender, race, ethnicity, age, religion, sexual orientation, or other personal characteristics. Applicants may contact the person responsible for the program in order to obtain information about the certification process; details are available on the Bar´s website.

The Czech Bar Association collects and serves only to lawyers-advocates registered on their list of lawyers-advocates. Some of these lawyers-advocates are also registered mediators. This application concerns only IMI Certification of this group of people, nobody else. In the Czech Republic there are many mediators who are non lawyers, but they are not organized in the Czech Bar Association, so they can not be applicants under the Qualifying Assessment Program of the Czech Bar Association.