



The New South Wales Bar Association

ACCREDITATION OF MEDIATORS IN 2009

Information Session being held at 5.15pm 3 June 2009

- 1 An information seminar will be held by the Alternative Dispute Resolution Committee at 5.15pm on 3 June 2009 for barristers interested in being accredited as mediators under the National Standards and/or in being selected for the NSW Supreme Court panel of mediators.
- 2 Applications for accreditation and for selection for the Supreme Court panel will be called for in August 2009 and will close on 25 September 2009.
- 3 Barristers should note the accreditation criteria referred to below and read the Standards. Those barristers who do not currently meet the qualifications are advised to start working towards meeting the criteria as soon as possible. A copy of the report on National Mediator Accreditation and the practice standards and approval standards are available on the ADR webpage of the Association's website.
- 4 To be accredited by the Bar Association and qualify for a court panel, mediators must have, in addition to the minimum requirements set by the Standards, at least 10 points of mediation experience over their careers. It is possible, however, to be accredited by another organisation such as LEADR, IAMA or another mediation provider which offers courses that comply with the Standards.
- 5 The Information Seminar on Wednesday 3 June 2009 in the Bar Association Common Room will attract 1.5 CPD points in the Bar Association's Advocacy, Mediation, and other Barristers' Skills strand as well as 1.5 CPD points towards the requirements for accreditation. All barristers who are considering applying for accreditation or for the Supreme Court mediators' panel should attend.
- 6 As accreditation under the Standards is for a period of 2 years and mediators are selected for the Supreme and District Courts panels also for two years, applications for accreditation are to be made at the same time each year as the applications for selection for the Court panels.
- 7 The Standards provide for accreditation as 'experience qualified' mediators and 'new' mediators. Application forms for accreditation in each category (including applications for selection for the Supreme Court mediators' panel) will be available at the Information Seminar and on the Bar's website.

Criteria for Accreditation

- 8 In order to fulfill the threshold requirements for accreditation, all barristers must
 - (a) hold a current NSW barrister's practising certificate and the required professional indemnity insurance;
 - (b) have 5 years experience as a legal practitioner before accreditation.
- 9 For accreditation as 'new' mediators, barristers must demonstrate that they have:

- (a) completed a 38 hour mediation course and 1.5 hour assessment that comply with the National Standards, and
 - (b) achieved at least 10 points of mediation experience required in the past for inclusion on both the District Court and Supreme Court mediators panels, that is:
 - having acted as a mediator constitutes three points per mediation;
 - having acted as a co-mediator constitutes two points per mediation; and
 - having represented a party at a mediation constitutes two points per mediation.
- 10 For accreditation as 'experience qualified' mediators, barristers must demonstrate that they have:
- (a) undertaken an initial mediation training course of three to four days;
 - (b) achieved 25 hours of mediation, co-mediation or conciliation in the two years prior to their application; and
 - (c) achieved 20 hours of ADR-related CPD in the two years prior to their application, which may comprise:
 - up to 20 hours of seminars, workshops etc on mediation or related skill areas (see s 7 of the Practice Standards);
 - up to 16 hours of presentations at mediation or ADR workshops, including 2 hours preparation time for each hour delivered;
 - up to 8 hours of representing clients in 4 mediations;
 - up to 10 hours of coaching, instructing or mentoring trainees and/or less experienced mediators in training courses;
 - up to 8 hours of role playing for trainee mediators and candidates for mediation assessment, or observing mediations;
 - up to 10 hours of mentoring less experienced mediators and enabling observational opportunities;
 - up to 10 hours of being mentored; and
 - up to 15 hours of external supervision or auditing of their practice.
- 11 In addition to the information session on 3 June, the Alternative Dispute Resolution Committee intends to hold an all day Advanced Mediation seminar at the Bar Association on Saturday 15 August 2009 which will provide a minimum of 6.5 points towards the CPD points for accreditation, and a number of these points may also be accumulated towards the Bar Association's requirement of 10 CPD points this year. CPD points from seminars on ethics, confidentiality, and forms of alternative dispute resolution other than mediation will also count towards the accreditation requirements.
- 12 The Committee has introduced a mentoring scheme to assist barristers in gaining knowledge about mediation. Mentors and mentees will be able to claim up to 10 hours (10 CPD points) towards accreditation. A list of the accredited mediators willing to mentor is available on the ADR page of the Bar Association's website.