



SUMMARY OF QUALIFICATIONS FOR ADMISSION: CIVIL ROSTER

THE MEDIATOR ROSTER

In March 1997, the Dispute Resolution Office (“DRO”) of the Ministry of the Attorney General initiated a consultation process regarding the creation of a province-wide Roster of mediators. As a result of that consultation, the British Columbia Mediator Roster Society (“Society”) was incorporated. In May 1998, the Society began operating a province-wide Mediator Roster (“Roster”) with the administrative support of the DRO.

Increased public support for, and public use of, mediation dictates the need for ready public access to mediators with objectively verified and adequate levels of training and experience. The Roster operates as a central and accessible list of trained and experienced mediators. In its initial form, the Roster primarily supported the use of mediation for civil/non-family cases in the British Columbia Supreme Court. As of June 2002 it expanded to create a list of mediators for family disputes.

The Roster is operated by the Society. A Board of Directors, drawn from leading practitioners in the field, is responsible for governing the operation of the Roster. Through a “Roster Committee” the Board assesses applications for admission to the Roster. The Board establishes such rules and policies as are necessary to facilitate the objective of maintaining an accessible roster of qualified mediators.

Essentially, the Roster is simply a way to organize and distribute information to the public about mediators who meet a minimum set of criteria. By defining a minimum level of training and experience the Roster provides a measure of protection to the public. At the same time, the Roster provides guidance for mediators about acceptable levels of training and, by defining standards of conduct, ensures a common understanding of standards for ethical practice.

MEDIATOR QUALIFICATIONS

1. Training and Education Requirements

- a) 80 hours of core education in conflict resolution and mediation theory and skills training (40 hours specifically on mediation including 10 hours of simulated, or role play, mediation under direct supervision). Extensive mediation experience could substitute in part or in whole, for training time; and
- b) 100 additional hours of related training in dispute resolution or in a “related field”. A related field will be interpreted to include substantive professional disciplines such as law, social work, and psychology, or any other discipline involving a significant element of negotiation, communication skills, conflict management, etc.; and
- c) 20 hours per year of ongoing professional development or continuing education, defined to include courses, conferences, workshops, coaching, mentoring or supervising mediation trainees; and
- d) for non-lawyers, a minimum of 2 days (14 hours) of instruction in civil procedure .

2. Experience Pre-requisites

- a) completion of a minimum number of civil mediations as a primary mediator or sole mediator, being:
 - (i) 10 fee paid private mediations, or
 - (ii) 10 mediations in a structured setting under the auspices of an accepted mediation organization; or
 - (iii) 10 mediations in a fully supervised and accepted practicum; or
 - (iv) a combination of the above.
- b) acceptability demonstrated by 2 positive references from individuals familiar with the applicant’s mediation work. They must refer to work done in civil mediation within the last 5 years, and must speak credibly to the applicant’s mediation skills and commitment to civil mediation. The referee must have observed the applicant mediating, and be familiar with the mediation process. The references cannot be from immediate relatives, business partners or parties.

3. Character and Fitness

Mediators must satisfy the Society that they are of good character and repute, and are fit to conduct mediations in a competent and effective manner, and in compliance with the Standards of Conduct endorsed by the Board of Directors of the Society.

4. Code of Conduct

As a condition of admission to the Civil Roster, mediators must subscribe to the said Standards of Conduct.

5. Insurance

Mediators must have adequate liability insurance:

- (i) for mediators not licensed to practice law, professional liability insurance coverage of \$2,000,000.00 aggregate;
- (ii) for lawyers whose mediation work is not insured through the Law Society, professional liability insurance coverage of \$2,000,000.00 aggregate;
- (iii) members in good standing of the Law Society of B.C., and whose mediation work is insured through the Law Society, are assumed to be adequately covered.

6. Additional Discretionary Requirements

- a) The Roster Committee will, on occasion, ask for an interview as part of the admission process.
- b) Additionally, in the course of considering an application, the Roster Committee may:
 - (i) receive or request further information or submissions from an applicant;
 - (ii) decide when extensive experience and established credibility in a community of users of mediation services can substitute for mediation training or for instruction in civil procedure;
 - (iii) request additional evidence demonstrating that requirements have been met;
 - (iv) make admission to the Civil Roster provisional, conditional, or on terms;
 - (v) require that a mediator's experience be with respect to issues appropriate to the Supreme Court civil, non-family, context.
- c) The Roster Committee reserves the right to refuse admission to an applicant despite the fact that the applicant meets the technical requirements for admission. In such situations the Committee will offer the applicant an interview prior to making a decision to refuse admission.

APPLYING ROSTER CRITERIA

In cases where applicants have qualifications that are not identical to those laid out above but are, in the opinion of the applicant, at least equivalent, the Roster Committee can be asked to consider the proposed qualifications and exercise discretion to admit the applicant.

The Society, through the Roster Committee and Board of Directors, will be responsible for monitoring qualifications for admission in order to determine adjustments or changes, to be made from time to time. It is expected that over time, as mediation matures as a discipline and as more is learned about mediator qualification, the criteria for admission to the Civil Roster will change.

APPLICATION PROCESS

- a) Mediators wishing to be admitted to the Civil Roster will pay a one-time, non-refundable application fee and thereafter renew their membership annually:
 - (i) For applicants who are not a member of the Family Roster, the application fee will be \$200.00 and the annual membership fee will be \$200.00.
 - (ii) For applicants who are a member of the Family Roster, the application fee will be \$125.00 and the annual membership fee will be \$75.00, provided membership on the Family Roster is maintained.
- b) An applicant who is refused admission may reapply at any time, provided the Roster Committee has not specified otherwise.
- c) Persons interested in submitting an application for admission to the Civil Roster should contact:

B.C. Mediator Roster Society

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Phone: 250.381.9006

Toll Free in BC: 1.888.713.0433

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