

The Society since March 2001: What we've been doing

During the past six months, the Society has continued to focus its attention on further developing the Mediator Roster. Exploring the issues involved in creating a family chapter, promoting the Roster, and ongoing enhancement of the website have been the prime areas of Society activity.

Proposal to establish a roster of family mediators: In June 2001, the Society formally announced its decision to create a family chapter of the Mediator Roster. The Society's proposal for establishing this new chapter included the concept of utilizing Family Mediation Canada's (FMC) standards and guidelines as the basis for admission. The proposal, which was the result of many months of research and discussion by the Society's directors, was developed in recognition of the fact that the admission criteria for a family chapter must address the public's concerns about safety and impartiality in family mediation.

A number of Roster members responded to the Society's proposal with a range of concerns and comments regarding the concept of using FMC's standards and guidelines as admission criteria. In order to respond to these concerns, the directors have decided to meet with Roster members and other interested parties to hear more of their views.

The meetings will take place in Kelowna, Vancouver and Victoria during the fall of 2001. All Roster members and other key stakeholders identified by the Society will be invited to attend.

Roster members will be advised of the details of the meetings by mail, once they have been finalized. Information will also be posted on the Society website, in the section "What's New?"

Listings purchased for individual Roster members in the *Lawyers Directory 2002*. The Society has purchased a listing for every Roster member admitted to the Roster prior to July 2001 in the upcoming Canadian Bar Association (BC Branch) *Lawyers Directory*. The listing will include each Roster member's name, phone number, fax number and e-mail address (provided the member has agreed to make these contact points "public").

The listings will appear in the "Professional Services" section of the Directory, and in the new searchable electronic version of the Directory on CD-ROM.

The cost of being included in the *Lawyers' Directory* for individual mediators is normally \$30 per listing.

Promotion: Beginning in May 2001, the Society began promoting the Roster in the Vancouver Bar Association's bi-monthly publication for lawyers, *the Advocate*. An advertisement which highlights the Society's on-line directory of mediators (*insert on left*) will appear in all of the coming year's issues.

The Society has also purchased, for the third year in a row, an

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choose a trained and experienced mediator



Visit our on-line Directory
of Mediators for cv's
and contact information
on over 100 mediators

or call us toll free
1-888-713-0433

www.mediator-roster.bc.ca

advertisement and listing describing the B.C. Mediator Roster Society in the Canadian Bar Association's (BC Branch) *Lawyers' Directory 2002*. The Directory will be distributed during the fall of 2001.

Roster Society website:

Discussion Forum created for Roster members: In July 2001, a discussion forum, available only to Roster members and directors, was added to the Society website. The forum, which is in a bulletin board format, is intended to be a non-intrusive means for Roster members to communicate ideas, information and questions to each other and to the directors of the Society. It is also to be used by the Society to canvass members' opinions and ideas, and to keep them informed on an ongoing basis about Society activities.

Key word search added to the "Directory of Mediators": In response to consumer requests for information about mediators who meet highly-specialized criteria, the Society augmented the search capabilities of the "Directory of Mediators" by adding a key word search field. The new field allows consumers to search the entire text of every Roster member's profile for a specific word or set of words.

"Mediation in BC" section expanded: With British Columbians looking increasingly to the Society website for information about a wide variety of mediation-related topics, the Society began the first in a series of expansions to the section "Mediation in BC". To date, two new segments have been added: "Mediation Training and Education Opportunities in BC" and "Mediation Organizations in BC".

As of September 24, 2001, visits to the site exceeded 17,000. The "Directory of Mediators" remains the most frequently visited section. ❖

Thank you to Victoria's ICAM . . .

A special thank you goes to the Institute of Conflict Analysis and Management in Victoria.

During the spring of 2001, the Institute included nearly 1,000 copies of the Society's pamphlet, *The Mediator Roster: choosing mediation*, in one of their local promotional efforts. All Victoria businesses with more than 20 employees received a copy of the pamphlet in the Institute's mailout. ❖

New Members

The Board of Directors would like to welcome the following recently admitted Roster members:

Gerard Aust
Margaret Eriksson
Martin Golder
Judith I. Kennedy
Ted Lederer
Amy J. Lewis
Christopher S. Lott
Ruth McGuigan
Ayne Meiklem
Alexander Ning
Leanne Rebantad
Loreen May Williams

Information about the new Roster members can be found on the Society website at: www.mediator-roster.bc.ca/select.cfm

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The Board of Directors

M. Jerry McHale (President)
Tom Kalpatoo (Vice-President)
Ron Tucker (Secretary)
Ron Smith (Treasurer)

Catherine Morris (Chair, Roster Committee)
Peggy English (Vice Chair, Roster Committee)

Sally S. Campbell
Michael Fogel
Terry Harris
Jane Morley, Q.C.
Doug F. Robinson, Q.C.
The Honourable Mr. Justice David H. Vickers

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The Roster Report is a membership newsletter, published twice a year by the B.C. Mediator Roster Society.

Editor: Susanna Jani, Roster Administrator

The Notice to Mediate Regulations and the "Roster Organization"

The B.C. Mediator Roster Society office frequently receives questions about the "roster organization" referred to in the various Notice to Mediate regulations. Under the regulations, when participants in an action are not able to appoint a mutually acceptable mediator within the time required, any participant may apply to a "roster organization" designated by the Attorney General for an appointment of a mediator. The following are some of the most commonly asked questions:

1) **Which organizations are designated "roster organizations"? Where can a list of these "roster organizations" be obtained?**

The B.C. Mediator Roster Society is the only organization which has been designated as a "roster organization" for the purpose of the Notice to Mediate regulations. Accordingly, there is no list of "roster organizations".

2) **What is the procedure for requesting the appointment of a mediator under the regulations?**

The procedure is identical for all of the regulations:

- a) The request may be made by any participant in the action. It should be submitted in writing to the B.C. Mediator Roster Society, PO Box 9280 Stn. Prov. Govt., Victoria, B.C. V8W 9J7.
- b) To accelerate the process, it is advisable to forward the request by fax. The Society's fax number is: 250-387-1189.
- c) The written request should include the following information:
 - It should indicate that the parties have been unable to select a mediator within the time required by the regulation.
 - It should identify the section of the regulation under which the request is being made [i.e., section 7 of the Notice to Mediate Regulation for motor vehicle actions; or section 4 of the Notice to Mediate (Residential Construction) Regulation; section 7 of the Notice to Mediate (General) Regulation; or section 4 of the Education Mediation Regulation].
 - It should list the names and contact points of counsel involved in the action, as well as the names of the parties which they represent.
 - If the request is being made under the Notice to Mediate (General) Regulation, it should state the nature of the action (e.g., wrongful dismissal, personal injury).

d) A copy of the Notice to Mediate which was

delivered to the participants should be attached to the request.

3) **Does the B.C. Mediator Roster Society charge a fee for appointing a mediator?**

The Society does not charge a fee for this, or for any of the other services that it offers to the public.

4) **What happens after the request is made for the appointment of a mediator?**

When asked to appoint a mediator, the Society follows the appointment procedure outlined in the relevant regulation. The procedure is similar for all of the regulations:

- a) The Society, within 7 days after receiving the request, provides to all participants in the action an identical list of possible mediators. The list contains at least 6 names.
- b) Under the Notice to Mediate Regulation for motor vehicle actions and the Notice to Mediate (Residential Construction) Regulation: within 10 days after receipt of this list, each participant:
 - may delete up to 2 names from the list,
 - must number the remaining names on the list in order of preference, and
 - must return the amended list to the Society.Under the Notice to Mediate (General) Regulation and the Education Mediation Regulation: within 7 days after receipt of this list, each participant:
 - may delete up to 2 names from the list,
 - must number the remaining names on the list in order of preference, and
 - must return the amended list to the Society.
- c) If a participant does not return the amended list within the required time, the participant is deemed to have accepted all of the names.
- d) Within 7 days after the expiry of the time referred to in paragraph (b), the Society selects the mediator

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from the remaining names on the list. If no names remain on the list, the Society selects from any available mediators, whether or not they were included on the original list.

5) **How long does it take for a mediator to be appointed?**

The length of time for the appointment process is primarily dependent on the time frames provided in the various regulations. (Described in response to question 4, above.) For the Notice to Mediate (General) Regulation and the Education Mediation Regulation, the maximum length of time for the process is 21 days; for the other Notice to Mediate regulations, the maximum length of time is 24 days.

In practical terms, the length of time for the appoint-

ment process may be reduced by various factors – for example, when all participants deliver their amended list of names to the Society before the expiry of the time required by the regulation.

6) **Does the "roster organization" have any further role after it has appointed the mediator?**

The regulations do not provide for any further involvement by the "roster organization". While the Society is available to answer questions and provide whatever assistance it can after the appointment, it does not have a formal role. The Society collects information on the availability of the participants and mediators on the list, and distributes this information to the parties; however, it is not involved in scheduling the mediation session or in providing other services related to organizing the mediation. ❖

Welcome to Our New Directors

*May 2001 brought several major changes to the Society's Board of Directors. **Marg Huber**, former director of the Justice Institute's Centre for Conflict Resolution, departed from the Board for a position with the African Children's Choir. The time, energy and expertise Marg generously offered during her three years as a director was of vital importance to the Roster's development, and the Society continues to benefit from her many contributions.*

*Joining the Board were three new individuals, familiar to many in the dispute resolution community: **Sally Campbell**, **Terry Harris** and the Honourable Mr. Justice **David Vickers**:*

Sally Campbell is a lawyer who has been mediating and facilitating for 16 years. Sally has designed and delivered conflict resolution training in a broad range of settings across Canada. She has specialized training, experience and interest in high conflict and multi-cultural contexts. Sally is a lead trainer for Continuing Legal Education's Dispute Resolution Program and is a senior trainer for the Justice Institute of B.C., focusing particularly on the areas of multi-party disputes and First Nations negotiations skills training. She is certified as a comprehensive Family Mediator through Family Mediation Canada. Sally lives on Hornby Island.

Terry Harris has been practicing as a mediator since 1993. He has practiced as a litigation lawyer for 17 years and prior to that worked with children and families in the social service sector. Terry provides mediation services in

insurance related cases and in child protection matters, as well as private commercial and family disputes. In addition, he trains mediators at the Justice Institute of British Columbia, the Continuing Legal Education Society of British Columbia and as a mentor in the Court Mediation Practicum Program. He is a member of the Family Law Mediation Subcommittee of the Law Society of B.C. and is a Practice Advisor in mediation with the Canadian Bar Association. Terry co-authored the Professional Standards of Practice and Certification Program for the Mediation Development Association of B.C.

Prior to his appointment to the Supreme Court of British Columbia in 1992, the **Honourable Mr. Justice David Vickers** practiced law for nearly 30 years in Vancouver and Victoria. During 1973 - 1977, Justice Vickers was the Deputy Attorney General for the Province of British Columbia. He has lectured in the Faculty of Law at the University of British Columbia and the University of Victoria, and has participated on the Boards of numerous associations, including the G. Allan Roeher Institute, Victoria Community Diversion Centre, British Columbia Public Interest Advocacy Centre, Public Legal Education Society, and Lawyers for Nuclear Disarmament. Justice Vickers is currently a member of the Advisory Committee of L'Institute Roeher Institute, and is Chair for the International Council of the National Institute of Disability Management and Research. ❖