



The New South Wales Bar Association

NEW NATIONAL STANDARDS FOR ACCREDITATION OF MEDIATORS

Bar Council Declares the Association a Recognised Mediation Accreditation Body

Information Session being held at 5.15pm 19 June 2008

- 1 On 22 May 2008, the Bar Council declared the NSW Bar Association to be a Recognised Mediator Accreditation Body under the Australian National Mediator Accreditation System Standards, which came into effect on 1 January 2008. 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.
- 2 Only those barristers who are accredited under the National Standards will be selected in future for the District Court and Supreme Court mediators' panels, (barristers must also have at least the experience as mediators that has been required in the past for inclusion on the panels).
- 3 The Alternative Dispute Resolution Committee will hold an Information Seminar on the National Standards and accreditation at 5.15 pm on Thursday, 19 June 2008 in the Bar Association Common Room. All barristers who act or intend to act as mediators should attend, and in particular, those who wish to be selected for the District Court mediators' panel – applications for which will be called soon and close on 26 September 2008. The seminar 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.
- 4 As accreditation under the Standards is for a period of 2 years and mediators are selected for the District and Supreme 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 (that is, for the District Court panel in September 2008 and for the Supreme Court panel in September 2009).
- 5 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 District Court mediators' panel) and information about the Standards will soon be available on the Alternative Dispute Resolutions page of the Bar Associations website.
- 6 Applications for accreditation and for selection for the District Court panel will be called for soon and close on 26 September 2008.

Criteria for Accreditation

- 7 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.
- 8 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.
- 9 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 within 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;
- 10 In addition to the information session on 19 June, the Alternative Dispute Resolution Committee is also holding an all day seminar at the Bar Association on Saturday 16 August 2008 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. Another seminar will be held at 5.15 pm on 15 September (1.5 CPD points). CPD points from seminars on ethics, confidentiality, and forms of alternative dispute resolution other than mediation will also count towards the accreditation requirements.
- 11 The Committee intends to introduce a mentoring scheme for barrister mediators and to barristers to gain experience through co-mediation and observation opportunities. Mentors and mentees will be able to claim up to 10 hours (10 CPD points) towards accreditation.