



ACCREDITED

**Civil & Commercial  
Mediation**

# Civil and Commercial Mediation Accreditation Scheme

Application for membership

Education and Training Unit  
Version 1

Name

Applicant number (office use only)

Type of membership applied for (please tick the relevant box)

General membership

Practitioner membership – development route

Practitioner membership – direct route

Applicants are invited to note the following points when completing this Civil and Commercial Mediation Accreditation Scheme application form.

- Applicants are advised to read the criteria for the Civil and Commercial Mediation Accreditation Scheme before completing this form.
- Applicants must answer the questions stated to be relevant to the type of membership being applied for and ensure that they submit all the supplementary papers requested (supplementary papers should be clearly marked with the question number to which it relates).
- Applicants, where possible, should type their answers and their responses to those questions requiring completion of supplementary sheets (any application deemed illegible by the Solicitors Regulation Authority (SRA) will be returned to the applicant to be completed again).
- Applicants who find that their answer will not fit into the allotted space provided may attach additional sheet(s) to their application but must clearly mark the question number on any additional sheet(s).
- Applicants should ensure that they advise their referees that the SRA will send them a standard form for the reference and this should be returned to the SRA as quickly as possible in the envelope provided.
- Applicants must sign and date the declaration at section 7.
- Applicants must ensure that the application fee of £352.50 (inclusive of VAT) in the case of general membership and £411.25 (inclusive of VAT) in the case of practitioner membership is submitted with their application (cheques are payable to "The Law Society" endorsed "Account Payee Only").
- All applications should be returned to

The Law Society  
Finance Department  
Ipsley Court  
Redditch  
Worcestershire  
B98 0TD

or

DX 19114 Redditch

## Section 1 – Personal background

To be completed by all applicants

**Full name**

**ID number  
or ILEX membership  
number**

**Firm name**

**Firm address**

**DX number**

**Telephone number**

**Fax number**

**Email**

**Applicant number**

**(For office use only)**

**1.1** If you are a solicitor admitted in England and Wales

- (a) have you been admitted in England and Wales for at least three years? Yes/no

(please specify your date of admission.....)

- (b) do you hold a current unconditional practising certificate? Yes/no

- (c) have you remained in practice throughout the period since your admission? Yes/no

**1.2** If you are a Fellow of the Institute of Legal Executives in England and Wales

- (a) have you been qualified as a Fellow in England and Wales for at least three years? Yes/no

(please specify the date you qualified as a Fellow.....)

- (b) are you currently employed by a solicitor? Yes/no

- (c) have you remained in practice throughout the period since you qualified as a Fellow? Yes/no

**1.3** If you are registered with the SRA as a registered European lawyer (REL)

- (a) have you been admitted to practise in your home jurisdiction for at least three years? Yes/no

(please specify the date of your admission .....)

- (b) do you hold a current unconditional practising certificate? Yes/no

- (c) have you been in practice throughout the period since your admission? Yes/no

**1.4** If you answered "no" to any of the questions above or if questions 1.1-1.3 do not apply to you, please consider the following questions.

- (a) If you were previously at the Bar or a FILEX and are now admitted as a solicitor in England and Wales, on what date were you admitted to the Bar or did you qualify as a Fellow?

.....

(b) If you have had a career break, when did you take your career break, for what reason and for how long?

.....  
.....  
.....

(c) If you are or were admitted to practise in another jurisdiction (and are not a REL), please outline the jurisdiction(s) and the date and nature of your qualification(s).

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.....  
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(d) If you have had significant involvement in the field of civil/commercial mediation either in England and Wales or in another jurisdiction, please describe your experience and activities and the duration of your involvement.

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**1.5** If you consider that there are exceptional circumstances that should be considered to waive the eligibility criteria, please outline the circumstances.

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**1.6** If you are a general member of the Civil/Commercial Mediation Accreditation Scheme, on what date were you awarded membership? .....

## Section 2 – Dispute resolution knowledge

To be completed by applicants for general and direct route practitioner membership. Answers to questions 2.2-2.3 should be clear and concise, on a supplementary sheet marked with the question number, in double-line spacing. Questions may be answered using bullet points. Each answer should be no less than approximately 200, and no more than approximately 500, words in length.

### 2.1 Risk assessment

Assume that you act for a company claimant in a disputed breach of contract claim. The claim is for £60,000 and there is a counter-claim for £30,000. You have assessed the client's prospects of success on the claim at 60 percent and that there is a 50 percent chance that the defendant will succeed on the counter-claim. You estimate that your costs to trial will be £20,000. A without prejudice meeting with the defendant is planned for next week. Your client is keen to settle the matter as the claim is disrupting its business. Your costs are currently £10,000.

- (a) What factors would you consider in making a risk assessment and determining a possible settlement range?
- (b) What process would you use to determine the possible settlement range?
- (c) How might a mediator use the risk assessment/settlement range in mediation?

### 2.2 Settlement implementation

Please answer (a) or (b)

- (a) The claimant, Joe Black, and the defendant, Jack Smith, are in dispute over an alleged debt of £10,000 in the County Court (claim no. MX5/12345). They have reached a settlement in without prejudice negotiations without the need for a trial.
  - (i) If they wish to record the terms of their settlement, what are the options relating to the form that this record could take?
  - (ii) What are their options in relation to the proceedings in the County Court?
- (b) If the terms of the settlement between Joe Black and Jack Smith are that Jack will pay Joe the sum of £5,000 within 28 days in full and final settlement (each will bear their own costs), draft an appropriate Tomlin Order.

### 2.3 Other dispute resolution topics

Please answer any two of the following four questions

- (a) A court action is stayed to allow the parties to attempt mediation. The mediation takes place, but is unsuccessful. The solicitor for one of the parties wishes to call the mediator to give evidence at the trial. The solicitor also seeks to have admitted into evidence a document produced by the other party in the mediation. Please comment on both issues.
- (b) What issues could arise in mediation if a party has entered into a conditional fee agreement and/or has legal expenses insurance?

- (c) Explain whether, and if so to what extent, legal aid is available for non-family mediation. What issues could arise in mediation if a party is legally aided?
- (d) List the broad tax issues that may need to be considered on a settlement of a dispute between a company and an individual.

### Section 3 – Mediation training

To be completed by applicants for general and direct route practitioner membership.

Answers to questions 3.4(c)(i)-(v) should be clear and concise, on a supplementary sheet marked with the question number, in double-line spacing. Questions may be answered using bullet points. Each answer should be no less than approximately 200, and no more than approximately 500, words in length.

**3.1** Please identify the provider of the mediation training you have attended by ticking the relevant box:

- Academy of Experts
  - ADR Group
  - CEDR
  - Chartered Institute of Arbitrators
  - Internal firm training
  - Other (please specify name and address) .....
- .....

**3.2** Did the training comprise at least 24 contact hours over at least three days?  
Yes/no

**3.3** Is the course approved by the SRA (refer to the scheme membership criteria and conditions, for details of approved courses)?  
Yes/no

If "no", please attach a copy of the course programme, syllabus and course papers to enable the course to be assessed against the SRA's civil/commercial mediation training standards.

**3.4** Assessment/accreditation

(a) Were you assessed/did you undertake an accreditation procedure either as part of the training or subsequently (ie - were you observed in mock mediations and did you have to submit written work and was your performance assessed)?

Yes/no (please specify the organisation that assessed/accredited you)

.....

(b) If "yes"

(i) What did the assessment or accreditation involve?

.....  
.....  
.....  
.....

(ii) Did you pass the assessment or obtain accreditation? Yes/no

(iii) Please enclose proof of assessment or accreditation.

(c) If "no" to either (a) or (b)(ii), please answer the following five questions.

(i) Please refer to the SRA's competencies for civil/commercial mediators (Appendix B to the accreditation scheme criteria). What strengths and weaknesses in relation to each stage set out in the competencies did you identify in yourself during the training? How might you tackle the weaknesses?

(ii) Comment on whether a mediator is responsible for ensuring the substantive fairness of the settlement reached by the parties in the mediation. If so, when and how?

(iii) How might a mediator tackle the problem of competing experts in the mediation process?

(iv) What can a mediator do if a party's lawyer is dominating or subverting the mediation process?

(v) Please refer to the Law Society's code of practice for civil/commercial mediation (Appendix B to the scheme criteria). Comment on the rationale of including in the code the provisions relating to

- conflicts of interest and neutrality (section 3); and
- confidentiality and privilege (section 7).

## Section 4 – Mediation experience

To be completed by applicants as indicated

4 a. To be completed by applicants for general membership only

General members are expected to comply with the practitioner membership – development route eligibility criteria by the end of their general membership. To encourage applicants to start giving consideration to the relevant criteria, applicants for general membership are required to complete the compliance plan overleaf.

Activity and requirement	Strategy/methods for achieving requirements	Target date for activity
1) Mediations <ul style="list-style-type: none"> <li>- actual or mock</li> <li>- as lead mediator, co-mediator, pupil/assistant mediator, legal representative or client</li> <li>- min. four cases (min total 30 hours)</li> <li>- <b>provided</b> that at least two (min total 14 hours) actual mediations as lead mediator, co-mediator or pupil/assistant mediator</li> </ul>		
2) Written summaries <ul style="list-style-type: none"> <li>- 200-500 words each</li> <li>- after each mediation experience</li> <li>- min total of four hours on this activity</li> </ul>		
3) Self-reflection: <ul style="list-style-type: none"> <li>- can be done by personal debrief, debriefing another mediator, attending a meeting or forum of meetings or reviewing feedback after a mediation</li> <li>- evidenced by notes of 200-500 words each</li> <li>- min total of four hours on this activity</li> </ul>		
4) CPD <ul style="list-style-type: none"> <li>- min total of 16 hours</li> </ul>		
5) Mediation education/promotion <ul style="list-style-type: none"> <li>- max total of 12 hours</li> </ul>		

4b. To be completed by applicants for direct route practitioner membership only.

**4b.1** If you are a member of a mediation organisation

(a) Give the name and address of the organisation

.....  
.....  
.....

(b) What type of membership do you hold?

.....

(c) Have you maintained your membership to date? Yes/no

**4b. 2** If you have satisfied the mediation experience requirements imposed by your mediation organisation (eg - for the purpose of registration or CPD) and you consider that these requirements are comparable to those set out in the scheme criteria.

- (a) Attach a copy of the log of mediation experience and related activities that you have submitted to your mediation organisation for the purpose of satisfying its requirements.
- (b) Attach confirmation from your mediation organisation that you have satisfied its requirements.
- (c) Compare the requirements of your mediation organisation with those set out in the scheme criteria. Indicate in the table below where your organisation's requirements are more strict, less strict or the same as those set out in the scheme criteria:

<b>Requirements which are stricter</b>	<b>Requirements which are less strict</b>	<b>Requirements which are the same</b>

**4b. 3** If you are not a member of a mediation organisation, or if your mediation organisation does not have comparable mediation experience requirements, or if you have not yet submitted a log of your mediation experience to your mediation organisation, please complete section 4C.

**4c.** To be completed by applicants for development route practitioner membership and by those applicants for direct route practitioner membership who were directed by question 4B.3 to complete this section.

4c. 1 Mediation practice  
Complete the table with the required details.

Date	Duration	Role	Actual or mock mediation
<b>Total number of cases</b>	<b>Total number of hours spent</b>	<b>Total number of cases in which acted as lead mediator/co-mediator/pupil</b>	

4c. 2 Written summaries

Complete the table with the required details, and attach a copy of each summary (in the form required, see the scheme criteria).

Date of mediation	Time taken to write summary	Tick if summary is attached
	<b>Total number of hours spent</b>	

4c. 3 Self-reflection

- (a) Complete the table with the required details if you debriefed after an actual mediation as a lead mediator, co-mediator or assistant/pupil mediator, and attach a copy of each summary (in the form required - see the scheme criteria).

Date of debrief	How debriefed (individual mediator or group)	Duration of debrief	Tick if a personal reflection summary for each debrief is attached
		<b>Total time spent on debriefs</b>	<b>Total time spent on summaries</b>

(b) Complete the table with the required details if you debriefed another mediator, and attach a copy of each outline of the discussions (in the form required - see the scheme criteria).

Date of session	Name of the other mediator	Duration of session	Tick if an outline of the discussions for each debrief is attached
		<b>Total time spent on debriefs</b>	<b>Total time spent on outlines</b>

- (c) Complete the table with the required details if you attended a meeting or forum of mediators, and attach a copy of each outline of the discussions (in the form required - see the scheme criteria).

<b>Date and topic of meeting</b>	<b>Duration of meeting</b>	<b>Tick if an outline of the discussions for each meeting is attached</b>
	<b>Total time spent at meetings/forums</b>	<b>Total time spent on outlines</b>

- (d) Complete the table with the required details if you received and reviewed feedback received after an actual mediation as a lead mediator or co-mediator, and attach a copy of each summary of the learning points (in the form required - see the scheme criteria) and, if you wish, a copy of any written feedback received.

<b>Date of mediation</b>	<b>How was feedback obtained eg - orally, in writing, through a mediation organisation etc</b>	<b>Tick if a summary of the learning points for each feedback received is attached</b>
	<b>Total time spent on receiving and reviewing feedback</b>	<b>Total time spent on summaries</b>

4c. 4 CPD relating to mediation

Either complete the table with the required details or attach your CPD training record highlighting the mediation-related CPD entries.

Date of event	Event	Duration
		<b>Total mediation CPD hours</b>

4c. 5 Mediation education or promotion

Complete the table with the required details.

Date	Event	Duration
		<b>Total hours spent</b>

4c. 6 Checklist of mediation experience requirements

- (a) How many hours of foundation mediation training have you had? .....  
hours

- (b) In how many actual and mock mediations (and for how many hours in total) were you a mediator, co-mediator, assistant/pupil mediator, legal representative or client?  
 ..... mediations ..... hours
- (c) In how many actual mediations (and how many hours in total) were you a mediator, co-mediator or assistant/pupil mediator?  
 ..... mediations ..... hours
- (d) How many mediation summaries have you supplied and how much time was spent on them? ..... summaries ..... hours
- (e) What is the total time you have spent on self-reflection activities (debriefing, attending a meeting/forum of mediators and reviewing feedback)?  
 ..... hours
- (f) What are your total CPD hours relating to mediation?  
 ..... hours
- (g) What is the total time spent on mediation education or promotion?  
 ..... hours
- (h) What is the total of the time listed in (a), (b), (d), (e), (f) and (g)?  
 ..... hours
- (i) Have all the activities referred to in (b)-(g) taken place in the last two years? Yes/no
- If "no" and you are a general member of the accreditation scheme, did you apply for an extension of time and was it granted (if so, please state when)?  
 .....
- (j) If you are applying for direct route practitioner membership, and were directed by question 4B.3 to answer section 4C, in case your mediation experience differs to the requirements set out in the scheme criteria and conditions, outline on a separate sheet the additional or different mediation experience you have and which you feel should be considered as comparable to the requirements.

## Section 5 - References

To be completed by all applicants

Please provide below, details of two referees who are not members of your firm. At least one of your referees must be able to comment on your abilities to mediate civil/commercial matters. Accordingly at least one of your referees should have either

- observed you in an actual or mock mediation, mediation training or a mediation workshop; or
- received feedback about you following your participation in an actual or mock mediation or in mediation training or a mediation workshop.

Please note that references will be taken up when your application is assessed without further contact from this office. It is essential therefore that your referees are aware of the fact that you have nominated them. Please also note that the SRA reserves the right to obtain references from other sources if considered necessary or desirable.

(a) **Name** .....

**Address** .....

.....

(b) **Name** .....

**Address** .....

.....

## Section 6 - Fitness and propriety

To be completed by all applicants

**6.1** Have you ever been convicted of an offence in any court of the UK or elsewhere (other than a motoring offence not resulting in disqualification)? Yes/no

If "yes", full particulars of any conviction must be given on a separate sheet and submitted with this form. The address of the court and the penalty imposed must be given.

**Note** - convictions which are "spent" under the Rehabilitation of Offenders Act 1974 should be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

**6.2** Please list any other matters affecting your suitability or fitness. If any matter is subsequently found in dealing with this application which is not disclosed this non-disclosure itself may be considered a matter affecting your suitability or fitness.

**Note** - a check will be made of all internal SRA/Law Society and LSC records.

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**6.3** Do you agree to abide by the SRA's competencies for civil/commercial mediators and the Law Society's code of practice for civil/commercial mediators (see Appendix B and C, respectively, to the scheme criteria and conditions)? Yes/no

**6.4** Do you agree to acquire during your accreditation scheme membership the requisite minimum number of CPD hours in mediation topics and to keep a written record of all CPD undertaken? Yes/no

**6.5** If you are applying for general membership, do you intend to apply for practitioner membership of the scheme by the end of your two-year period of general membership? Yes/no

**Note** - general membership is valid for two years. Applicants are expected to apply for practitioner membership by the end of that period. If practitioner membership is not sought within that period, membership of the Civil and Commercial Mediation Accreditation Scheme may be revoked (unless an extension of time has been sought before the expiration of that period, and there are exceptional circumstances: refer to paragraph 6.1(f) of the scheme criteria).

**6.6** If you are applying for practitioner membership, do you intend to apply for re-authorisation by the end of your initial three-year period of practitioner membership? Yes/no

**Note** - practitioner membership is for an initial period of three years. Applicants are expected to apply for re-selection by the end of that period. If re-selection is not sought within that period, membership of the Civil and Commercial Mediation Accreditation Scheme may be revoked (unless an extension of time has been granted before the expiration of that period, and there are exceptional circumstances: refer to the scheme criteria).

## Section 7 – Accreditation scheme declaration

To be completed by all applicants

### Declaration

I understand that I must be a fit and proper person to be a member of the SRA's Civil and Commercial Mediation Accreditation Scheme and I undertake immediately to inform the SRA of any matter which may have a bearing on my fitness to be a member of the scheme.

I certify that all information in this questionnaire is to the best of my knowledge and belief correct.

I have read and agree to comply with the Law Society's Code of Practice for Civil and Commercial mediation.

### Data Protection

1. I understand that details of my membership of a professional accreditation scheme will be published from time to time by the SRA. The data used for such publication will be that contained in the SRA's central solicitor's data base and may include: my name, my firm's name, my main practising address, practice telephone number, fax number and e-mail address and details of my firms web site where appropriate.
2. I **do/do not**\* wish to have my membership of a professional accreditation scheme made available to other selected organisations for the purposes of marketing suitable products relevant to my membership.

\*Delete as appropriate

**Signed** .....

**Name in full** .....

**Date** .....