

IIAM REVIEWER GUIDELINES



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IIAM Feedback Digest:

IIAM Feedback Digest is prepared based on the comments made by the disputants in the Feedback Request Form and the comments given by lawyers and co-mediators in the Skill Evaluation Form.

The IIAM Feedback Request Form and the Skill Evaluation Form are designed based on the model and guidelines of the International Mediation Institute (IMI) Feedback Request Form, which will draw out the parties' satisfaction in relation to the Mediator's competency and style as a mediator and to generate specific observations that may be useful to the Mediator and to future users wishing to work with the Mediator. Mediators value feedback from users to help them improve their professional practice as mediators. Similarly, disputants are equally interested in the feedback offered by parties who have previously engaged the mediator because this can have a bearing on their choice of the mediator.

IIAM Reviewer:

Every IIAM Mediator empanelled with Indian Institute of Arbitration & Mediation (IIAM) and under the PeaceGate App, has to mandatorily select a Reviewer of his choice from the list of Reviewers available. The Reviewer selected by a Mediator should be above the Grade of the Mediator and must not be a member of the family, or someone who is subordinate to the Mediator in a professional relationship. The identity of the Reviewer will be mentioned in the Feedback Digest.

- The IIAM Reviewer is responsible for preparing the Feedback Digest of the Mediator. The Reviewer shall be a Certified Commercial Mediator, Certified Senior Commercial Mediator or IMI Certified Mediator.
- The Reviewer will also receive future Feedbacks for updating the Mediator's Feedback Digest as required to maintain the Certification and for upgradation under the IIAM QAP.
- The Reviewer will also guide junior mediators during the first 3 mediations done by the Mediator as a Mentor and shall also guide them on any professional or ethical dilemmas.
- The Reviewer will be appointed as Assessors under the respective QAPs.
- The members of the IIAM Mediator Disciplinary Committee to process the IIAM Mediators' Conduct Assessment will also be selected from the IIAM Reviewers.
- The Reviewer can withdraw as a Mediator's Reviewer at any time, after informing the Mediator and IIAM. Similarly, the Mediator can also change the Reviewer at any time, after informing the Reviewer and IIAM.

Importance of Review:

As mediation invariably takes place in private, it is difficult to judge a mediator's actual competency in the absence of extensive prior experience with that mediator. Feedback, if independently and responsibly prepared, and if made available to prospective users, is a good indicator of competency and can also provide guidance to users in relation to style and suitability. Negative feedback needs to be handled with particular care to address the legitimate and natural concerns of mediators while also maintaining objectivity, relevance and reliability from a user perspective. The main problem with making feedback available publicly concerns unfavourable comments. It is known that some disputants who are dissatisfied with their own performance in a mediation will occasionally express their frustration through negative feedback on the mediator's performance and it would be unfair on a mediator, and not useful to a prospective user, to make public such subjective negative remarks taken out of context.

To address the need of users for insight into prior users' experiences with a mediator, while simultaneously protecting the mediator's reputation against unjustified criticism, Feedback Digest has to be prepared and updated by the Reviewer as per the Guidelines given in this document. The Feedback Digest is a vital part of the IIAM Mediator's Profile.

Guidelines for preparing Feedback Digest:

Reviewers are expected to provide an honest and objective summary of feedback about their Mediator's performance based on the information on Feedback Forms received from Users and Skill Evaluation Form from Lawyers/Co-mediators, who have worked with the Mediator.

1. Prepare each Feedback Digest from the perspective of a future user, trying to objectively summarize accumulated feedback to date as accurately as possible. It is important that the Digest is honest and is credible to future users. Feedback shall be summarized onto one page, indicating the number of cases and parties from which the feedback has been sourced, and the name of the Reviewer compiling the Feedback Digest.
2. Emphasize any special strengths and characteristics repeatedly mentioned. Focus on perceived skills and styles, illustrating briefly where appropriate. If there are no reportable negative feedback, the Digest should say so.
3. Avoid merely offering a selection of quoted extracts from Feedback Forms, especially if these may be misleading when taken out of context. Avoid the Feedback Digest being stylistically perceived as a marketing endorsement, which could compromise credibility.
4. Please include in the Feedback Digest any specific negative feedback, only if:
 - Substantially the same unfavourable or negative comment has been made by more than three feedback providers in different cases in the previous 12 months, the Reviewer shall contact the Mediator and inform him about the same and advise him accordingly. But if the same unfavourable or negative comment is given in a further two feedbacks, the Reviewer shall record it in the Feedback Digest. The Reviewer has an option to personally interview such providers of that feedback, and also to the Mediator, to understand the circumstances in each case and believe the feedback to be relevant to future users;

5. Favourable or unfavourable feedback more than 24 months old will be discarded from Feedback Digests.
6. Please remember that all information regarding a mediation, including the fact that it took place, the names of the parties and what happened during the process are generally confidential and you are expected to protect the confidentiality of all such information when preparing Feedback Digests.

Preparation of Feedback Digests:

A Community Mediator or Commercial Mediator, shall submit the Feedback Forms of the first 3 mediations to the Reviewer for preparing the Feedback Digest.

The Reviewer shall also make the Feedback Digest during Assessment under QAP-1 to QAP-4, when a Mediator so applies.

The Mediator can also request the Reviewer for updating the Feedback Digest, by providing latest Feedback Request Forms and Skill Evaluation Forms. Under normal circumstances, the Feedback Digest should be kept updated every 12 months, with a minimum of Feedbacks from at least 5 mediations conducted by the Mediator over the previous 12 months.

Guidelines for Assessment under IIAM QAP:

1. The credit for hours of mediation done by the applicant will be recorded in accordance with the Mediation Record Form maintained by IIAM or any other authentic record revealing the hours of mediation done by the mediator.
2. Feedback Forms and Evaluation forms are separate. Same individual shall not provide both Evaluation and Feedback forms. Persons giving Evaluation forms must have direct experience with the mediation process.
3. The Reviewer shall use the following guidelines for evaluating the mediator's mediation knowledge and skill.

Mediation Knowledge Evaluation:

- Knowledge of negotiation / mediation theory:25%
- Knowledge of mediation rules: 20%
- Knowledge of mediation ethics & code: 20%
- Fairly & accurately presenting the matter & assessment of the issue: 25%
- Confirming with time schedule and number of words: 10%

Mediation Skill Evaluation:

- Ingenuity and ability to communicate and facilitate dialogues: 20%
- Style, Poise, Courtesy & Demeanour: 10%
- Understanding of mediation theory & practice: 10%
- Covering the topics pertaining to the dispute: 20%
- Reflection of experience as a Mediator: 10%
- Time Management & Organization: 10%
- Structuring the mediation process (including plenary & caucus sessions) in a logical manner: 20%

Example of a typical Feedback Digest:

Mediator: Ms. Sharma
Reviewer: Mr. Thomas
thomas2019@imail.com
Last Update: June 1, 2019

This Feedback Digest has been updated to include 7 Feedbacks since June 1, 2018.

Ms Sharma was rated by users highly as having a professional and relief-oriented approach and many commented on her behaviour and genuine approach. A very high percentage of users have put her at level 5 in using her again as Mediator and recommending her to others.

Those who experienced Ms. Sharma's skills in setting up, explaining and preparing for the mediation regularly reported that she has treated all sides fairly and impartially, was efficient and attended to organizational details promptly. Several parties commented that she patiently explained aspects of the mediation when asked, and clearly negotiated and laid out the ground rules both before the mediation began and at the start of the process.

A high proportion of Ms. Sharma's mediations resulted in a resolution. She was especially congratulated for being a steadying influence when tensions among the parties increased and for keeping negotiators focused on key issues and future interests. She was reported as having a genuinely caring attitude, and for being a good listener.

A wide range of mediation skills have emerged from Feedbacks received in Ms. Sharma's case. No reportable negative comments have arisen in the past two calendar years.

Fee for Reviewer:

For preparing the Feedback Digest and for guiding the junior mediator for the first 3 mediations, the Reviewer is entitled for 50% of the Mediator fee of the said 3 mediation.

For preparing the Feedback Digest and acting as Assessor under the IIAM QAP's, the Reviewer is entitled to 50% of the relevant QAP fee.

For preparing updated Feedback Digest, the Reviewer is entitled for a fee of Rs. 2000/-

