



## School of International Arbitration

is delighted to announce the

### **Post-Graduate Diploma in International Mediation (ADR) – pg DipIM**

which is offered in association with



**CI Arb**

#### **THE CHARTERED INSTITUTE OF ARBITRATORS**

There has been, in recent years, an enormous expansion in the use of mediation, as a mechanism for the settlement of disputes in international transactions. It is widely acknowledged that, parallel to the state judicial system, a private independent justice system exists. Modern systems of alternative dispute resolution were established in the 20<sup>th</sup> century and often entrenched in the legal system overnight. Some ADR systems are significantly older but records and detailed descriptions are infrequent, but those systems rarely formed part of a regulatory regime.

Modern mediation is a voluntary system, according to which the parties enter a structured negotiation or refer their disputes to a third party for evaluation and/or facilitation of resolution. Mediation has been very welcome indeed as, in the 1980s and 1990s, state justice systems were flooded by disputes of variable importance and complexity. In addition, disputants were often intimidated by the atmosphere in the courtroom and the litigation process itself. As a result, ADR generally and mediation, in particular, have now become an acceptable and often preferred alternative to judicial settlement or settlement of disputes by arbitration. This is also in line with the general trend for privatisation of public services.

In all fields of civil and commercial dispute resolution, mediation now plays a significant role. Numerous ADR institutions have emerged, all providing comprehensive training and information as well as dispute resolution services. Both the UK government and the European Commission actively support the further development of mediation. The qualitative and ethical standards of practitioners are high although more will have to be done in the future to safeguard self-regulation. Current self-regulation standards are quite satisfactory but do vary from association to association. There is, however, a distinct and developing gap in the advanced education and training of practitioners and party advisers.

The problem is where to find education and how to train and give the requisite experience to lawyers, other professionals and experts who are, or are to become involved, in some capacity, in international mediation. In the past, lawyers and mediators have developed their own expertise from experience. However with the expansion in international trade, educational and vocational courses have become of

greater importance in all forms of professional life. There is now an increasing need for those involved in mediation to have some appropriate professional and educational background, and to be able to be at the leading edge of developments. There is also a need to support the development of international perspectives but until now most programmes have operated purely domestically.

So, January 2006 sees the start of a new post-graduate Diploma in International Mediation (ADR) offered jointly by the School of International Arbitration, Centre for Commercial Law Studies, Queen Mary, University of London ([www.ccls.edu](http://www.ccls.edu)) and the Chartered Institute of Arbitrators (CIArb) ([www.arbitrators.org](http://www.arbitrators.org)). The post-graduate Diploma in International Mediation (DipIM-ADR) is dedicated to providing a post-graduate course in international alternative dispute resolution with a strong focus on mediation and conciliation. The Diploma will not only provide an understanding of the theoretical, practical and ethical problems relating to international mediation, but will also provide a stepping stone to more professionals becoming involved in international ADR.

It is the aim of the School of International Arbitration, established in 1985, to develop programmes at post-graduate level for those involved with dispute settlement, whether as arbitrators, mediators, counsel, or expert witnesses, as well as to participate in areas of research relating to dispute resolution. The School has undisputed expertise in delivering courses, taught in London or by distance learning, and has trained more than 2000 students in the settlement of international disputes.

An added bonus for the new programme has been the participation of the CIArb throughout its development and its recognition that students who succeed in the diploma will be fully exempt from all of its academic requirements for Fellowship of the Institute.

It is intended that the Diploma will fill a *lacuna* in the educational programmes available to those wishing to study the law and practice of international mediation. All subjects will be taught with an international viewpoint taking account of relevant factors in comparative law and with reference to different legal, political, cultural and economic systems - all relevant factors in almost every international business context. Special attention will also be given to psychological and managerial dimensions of dispute settlement by mediation.

As Professor James Cohen, the Director, Dispute Resolution Institute of Hamline University's Law School stated, "While short courses in mediation are prolific around the world, no programme offers a rigorous and comprehensive exposure to mediation practice. Moreover, even those graduate programmes that allow students the flexibility to make mediation a centrepiece of a general dispute resolution degree do not sufficiently focus on business disputes, which increasingly are subject to mediation through party choice, contractual obligation, or court order. In sum, this Diploma, grounded in international business is sorely needed."

## **THE DIPLOMA PROGRAMME**

*Students who pass the diploma examinations are fully exempt from the academic requirements for Fellowship of the Chartered Institute of Arbitrators.*

The distance learning version will start on 9 January 2006 while the London taught version will commence in October 2006 and will be available every year. The programme is designed as a postgraduate diploma course involving part-time study for a full year.

General admission procedures and requirements, attendance, fees and other general aspects of the diploma programme are detailed below. It is expected that you will need to dedicate an average of eight hours per week on the diploma.

### **COURSE CONTENT**

All students will have to complete 8 credits including an advanced mediation skills seminar. Effectively there are three elements in DipIM-ADR:

- The core (3 credits) module, entitled Alternative Dispute Resolution, which interprets the subject as a truly interdisciplinary field comprising law, social science, economics, psychology and others. This is a newly emerged and vibrant area of scholarship, hence it is impossible to give “yes” or “no” answers to most of the questions. Accordingly, the module will employ critical thinking and an open discussion approach. It is expected that students will be willing to share results of their research and involved in active discussion of all issues.
- Advanced Mediation Skills residential weekend, which accounts for 2 credits
- A choice of other modules which must amount to 3 credits. The currently available options are:
  - Comparative ADR Law and Practice (1.5 credits)
  - Design & Organisation of Conflict Management Processes (1.5 credits)
  - Multi-party Negotiation and Mediation (1.5 credits)
  - Labour Disputes and Collective Bargaining (1.5 credits)
  - 15,000 words research paper on a topic not covered by the taught elements and to be agreed with supervisor (3 credits)
  - International Trade and Investment Dispute Settlement (3 credits)
  - International Construction – Contracts and Arbitration (3 credits)

The modules are delivered by leading academics and practitioners from all over the world.

Those who have completed the Diploma will find themselves better equipped to deal with an international mediation, in whatever capacity it is presented to them. Thus all courses will be practically structured rather than purely theoretical. On the other hand the post-graduate Diploma is to be an academic qualification. The diploma is aimed not only at lawyers, but also at other professionals who may be involved in mediation due to some expert knowledge that they have: a legal qualification will not be a pre-requisite for admission. All candidates will be expected to appreciate that the course will involve, inevitably, an understanding of law and legal implications. References and materials will be legally orientated, but this will enable the non-lawyer to be better equipped to deal with the issues raised in international business mediation.

Continuous assessment will enhance the student-tutor relation and will provide regular feedback. Students will also be able to address questions and concerns directly to the course convenor and the course director. Participants are entitled to use the specialist electronic databases, such as WESTLAW and LEXIS.

### **ADDITIONAL ADMISSIONS REQUIREMENTS**

The usual admissions criteria for the post-graduate programmes apply. An upper second class honours degree in law (or with law as a major element) at a British University or the equivalent in other universities. Equivalent professional qualifications and experience are accepted at the discretion of the course director. The course director will be happy to advise in cases of doubt.

Candidates should apply by returning to the diploma administrator the attached application form accompanied by

- Evidence of English language proficiency, if candidates has not studied in Britain before;
- One passport size photograph;
- Curriculum vitae;
- Copies of transcripts in English of previous academic qualifications;
- Two letters of reference.

### **COURSE MATERIALS**

All diploma students are supplied free of charge with required primary materials (laws, rules, conventions and other international instruments) as well as other teaching materials and handouts (in the form of a CD-ROM study guide) produced by The School of International Arbitration. The CD-ROM contains not only a reading list but also all the required, recommended and further reading materials making it a unique and comprehensive collection of ADR literature. Each course has also a specially designed password-protected website.

Students are also given access to the specialist libraries at Queen Mary, University of London, and at the Institute of Advanced Legal Studies, Russell Square.

### **FEES**

The fees for the candidates enrolling for the diploma starting in 2006 are £4000 payable at the start of the course. The fee covers course materials, examination and library use / use of databases. It also covers teaching, meals and refreshments breaks during the advanced mediation skills seminar.

### **CONTINUING PROFESSIONAL DEVELOPMENT**

Law Society CPD and General Council of the Bar NPP accreditation apply. Full attendance at Diploma classes will attract maximum CPD credits for the year.

*APPLICATION DEADLINE FOR THE 2006 INTAKE IS 28 NOVEMBER 2005.*

### **COURSE DIRECTOR**

Professor Loukas Mistelis, MCI Arb, Barrister (Athens Bar)  
Director of Studies, School of International Arbitration

### **ENQUIRIES**

To find out more about this diploma visit [www.ccls.edu](http://www.ccls.edu) or [www.arbitrators.org](http://www.arbitrators.org)

Or contact:

<b>Chartered Institute of Arbitrators</b>	<b>School of International Arbitration</b>
Sue McLaughlin The Chartered Institute of Arbitrators 12 Bloomsbury Square London WC1A 2LP  Tel: ++ (0)20 7421 7444 Fax: ++ (0)20 7404 4023 Email: <a href="mailto:smclaughlin@arbitrators.org">smclaughlin@arbitrators.org</a>	Mrs Sandra Baird School of International Arbitration Queen Mary, University of London 13-14 Charterhouse Square London EC1M 6AX Tel: 020 7 882 5733 Fax: 020 7 882 5767 Email: <a href="mailto:s.a.baird@qmul.ac.uk">s.a.baird@qmul.ac.uk</a>