



ADR CENTER INTERNATIONAL ACCREDITED MEDIATION TRAINING

IN LINE WITH:

1. ADR CENTER'S INTERNATIONAL ACCREDITATION AND
2. INTERNATIONAL MEDIATION INSTITUTE (IMI) QUALITY STANDARDS FOR TRAINED MEDIATORS



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PROGRAM DESCRIPTION

ADR Center International Accredited Mediation Training



with international accreditation from the
International Mediation Institute (IMI) for IMI Certified Training Programs

The goal of the program is to build the participants' capacity to resolve disputes effectively through mediation.



Time	Content	Description
Pre-training Individual work	Learning style inventory. Response to conflict style. Individual preparation.	The training participants will be enrolled in ADR Center Academy, ADR Center's state-of-the-art Learning Management System (LMS), where they will be able to access course information and start their preparation, engage ADR Center's trainers, ask questions and clarify all the details needed for effective participation to the training activities. This stage is essential for an effective mediation training, as it includes opportunities for trainees to engage the training faculty through videoconference or asynchronous lessons. In fact, the training participants will use the ADR Center Academy to access course information throughout the entire training, as our course administrators and trainers will upload course materials there to ensure they will be accessible for all training participants.
Training Day 1	Welcome and mediation fundamentals	After opening and introductions, the training participants will be engaged in a practical exercise that will challenge their assumptions related to the role of the mediator. The experience will form the foundation for the group discussion related to the mediation fundamentals, where conflict analysis techniques, alternative dispute resolution processes, principles, and stages of mediation will be discussed in detail. The training participants will be provided at the end of the first training day with the opportunity to observe and discuss a mediation demonstration. On the first training day, the participants will be presented with the core competency areas and related skills of a professional mediator.
Training Day 2	Negotiation theory	The training participants will learn on the second training day that the role of a mediator is to facilitate a negotiation process. Hence, the participants will learn basic negotiation knowledge, theories, and skills. Specifically, they will be able to recognize, practice, and manage two fundamentally different approaches or "mindsets" to the negotiation. The first is called the "distributive" approach to negotiation (also known as adversarial, positional, competitive, resource claiming, or "outside-in" bargaining). Distributive negotiation is what negotiators most typically experience in the marketplace when "haggling" for simple goods or services. The second approach to negotiation is called the "integrative" approach (also known as problem-solving, interest-based, collaborative, resource-creating, or "inside-out" bargaining). Integrative negotiation requires a deeper understanding of what the parties need to move forward successfully from a negotiation. To learn all these, the training participants will engage actively in practice sessions, presentations, plenary, and small group discussions.
Training Day 3	Mediation stages 1 and 2: Preparation and the	Once a solid foundation is laid with mediation fundamentals and negotiation theories, the course participants will be taught "Preparation" and the "Fact-Finding (First Joint Meeting)" - the first two stages in the ADR Center's 5x5 model

Fact-Finding (First Joint Meeting)

that describes the mediation process. Each stage will be presented with detailed information for goals, activities (physical actions), and different strategies, skills and tools that can be used. Common mistakes and a custom-made “did I achieve my goals checklist” are also included for each stage presented. As ADR Center is managing more than 7000 mediations per year, our trainers are full-time practitioners and bring significant experience to the training room. For each stage, the training participants can engage in mediation simulations and build their mediation skills. This training methodology was proven to be successful in all our mediation training programs, and therefore we allocate significant durations for role-playing preparation, simulation, and debriefing to ensure that mediation knowledge is understood and mediation skills are developed.

Training Day 4

 Mediation stages 3 and 4: **Exploration (Initial Private Sessions)** and **Negotiation (Later Private Sessions)**

In continuation to the previous training day, the training program will focus on the third and fourth stages of the mediation process. During these stages, the ADR Center trainers will underline why private sessions are essential in the mediation process and how they can best inform various approaches and techniques to stimulate further progress. The ADR Center’s trainers will divide the day into two – the initial (exploration) and later (negotiation) private sessions, with the same structure used on the previous day for both stages. The ADR Center will explain why the “negotiation” can be successful in achieving settlement agreements when parties are open to engaging in a meaningful “exploration” of their needs and interests. Also, the ADR Center trainers will discuss the communication and facilitation skills needed for the mediators during this important stage of the process. Then, as per the previous sessions, the course participants will have ample opportunities to role-play and practice both the initial and later private sessions to develop mediation skills.

Training Day 5

 Mediation stage 5: **Resolution** (Closing phase). Mediation ethics.

The fifth training day will start with the fifth, closing phase of the mediation process, where training participants will discuss and practice the role of the mediator in facilitating S.M.A.R.T. agreements and ensuring a responsible exit from the mediation process. A specifically designed case study will be used to practice the related mediation skills within this fifth process stage. Further, the fifth training day will include a conversation about mediation ethics and the framework within which mediation can occur with primary and secondary legislation applicable nationwide, mediation rules applicable at the level of the mediation provider of services, and the agreement to mediate that the parties and the mediator sign. The training component related to mediation ethics is critical for the sustainable implementation of mediation because it teaches participants how to deal with various dilemmas that occur while mediating. We include here specific information related to cultural dimensions, a gender-diverse approach to mediation, and managing threats and reprisals in mediation. The fifth training day ends with a final mediation simulation of a complex case.

Post-training Individual work

 Individual reading.
 Course feedback.
 Shadowing and coaching.

The training participants will be invited and will have the possibility to provide course feedback through ADR Center Academy. They will also be encouraged by the ADR Center trainers to read articles and books included in the recommended reading list. Also, depending on the context and when possible, ADR Center offers shadowing and coaching opportunities to the training participants. This “supervised practice” is a very important stage in the development of any professional. Finally, ADR Center will establish and include the course participants in a “global community of practice” to facilitate networking and the ongoing transfer of good practices.

Figure 1 - ADR Center 5x5 matrix for describing the mediation process and transferring know how to new mediators

	PREPARATION STAGE	FACT-FINDING STAGE	EXPLORATION STAGE	NEGOTIATION STAGE	RESOLUTION STAGE
GOALS	I.1 GOALS FOR PREPARATION STAGE	II.1 GOALS FOR FACT-FINDING STAGE	III.1 GOALS FOR EXPLORATION STAGE	IV.1 GOALS FOR NEGOTIATION STAGE	V.1 GOALS FOR CLOSING STAGE
ACTIVITIES	I.2 ACTIVITIES FOR PREPARATION STAGE	II.2 ACTIVITIES FOR FACT-FINDING STAGE	III.2 ACTIVITIES FOR EXPLORATION STAGE	IV.2 ACTIVITIES FOR NEGOTIATION STAGE	V.2 ACTIVITIES FOR CLOSING STAGE
STRATEGIES	I.3 STRATEGIES FOR PREPARATION STAGE	II.3 STRATEGIES FOR FACT-FINDING STAGE	III.3 STRATEGIES FOR EXPLORATION STAGE	IV.3 STRATEGIES FOR NEGOTIATION STAGE	V.3 STRATEGIES FOR CLOSING STAGE
SKILLS	I.4 SKILLS FOR PREPARATION STAGE	II.4 SKILLS FOR FACT-FINDING STAGE	III.4 SKILLS FOR EXPLORATION STAGE	IV.4 SKILLS FOR NEGOTIATION STAGE	V.4 SKILLS FOR CLOSING STAGE
TOOLS	I.5 TOOLS FOR PREPARATION STAGE	II.5 TOOLS FOR FACT-FINDING STAGE	III.5 TOOLS FOR EXPLORATION STAGE	IV.5 TOOLS FOR NEGOTIATION STAGE	V.5 TOOLS FOR CLOSING STAGE

The tentative training agenda is listed below.

The timing of the sessions may be reorganized by the trainers in consultation with training participants.

The ADR Center approach to training mediators and mediation trainers is based on the ADR Center’s 5x5 matrix that describes the mediation process and has been successful in transferring the know-how from practitioners to new mediators.

TRAINING AGENDA

Mediation fundamentals	
Day 1	
Morning session (Day 1)	Session no.
9 ⁰⁰	1. Group discussion: Welcome and trainers’ introduction (presentation, goals, agenda, essential skills and competencies, ADR Center accreditation);
	2. Assessment: Initial/entry knowledge assessment test;
	3. Practical activity/Exercise: The Fundamental Choice, to settle or to turn it to an authority? (The Rare Table exercise)
	<i>Break</i>
	4. Course/Discussion: Mediation fundamentals (ADR Spectrum, Conflict analysis and dynamics, mediation definitions, underlying principles of mediation (eg. confidentiality, neutrality/independence, impartiality, self-determination), mediation process and stages - ADR Center’s 5x5 matrix);
13 ⁰⁰ – 14 ⁰⁰	<i>Lunch break</i>
Afternoon session (Day 1)	
	5. Course/Discussion: Mediation fundamentals (ADR Spectrum, Conflict analysis and dynamics, mediation definitions, underlying principles of mediation (eg. confidentiality, neutrality/independence, impartiality, self-determination), mediation process and stages - ADR Center’s 5x5 matrix) (continued);
	<i>Break</i>
	6. Practical activity/Role-play: Demonstration of mediation principles and stages (video of a simulated dispute / in-class live demonstration of a mediation process);
	7. Group discussion: “Issue Board” session (reserved for discussion of other issues raised by participants during the day);

18⁰⁰

8. Final reflections and end of training day 1.

Day 2 Negotiation
Morning session (Day 2)

 09⁰⁰

 9. **Group discussion:** Day 1 Review & Introduction to Day 2

 10. **Course/Discussion:** Distributive Negotiation

- General principles for analysing the negotiation
- Negotiation and communication techniques
- Negotiation methods (based on interests and positions, intuitive, distributive)
- Basic negotiation theory

Break

 11. **Practical activity/Exercise:** “Value claiming” negotiation

- Common practices
- Possible Area of Agreement (ZOPA) / BATNA / WATNA
- Facilitated discussion / debrief

 13⁰⁰ – 14⁰⁰
Lunch break
Afternoon session (Day 2)

 12. **Course/Discussion:** Integrative Negotiation

- “Principles based” negotiation
- Method of negotiating through the four Harvard principles from Fisher and Ury's book “Getting to Yes”
- How these principles relate to negotiating behaviours

Break

 13. **Practical activity/Exercise:** “Value creating” negotiation

- Common practices
- Generation options based on needs and interests
- Facilitated discussion / debrief

 14. **Group discussion:** “Issue Board” session (reserved for discussion of other issues raised by participants during the day);

 18⁰⁰

15. Final reflections and end of training day 2.

Day 3 Initiating the process
Morning session (Day 3)

 09⁰⁰

 16. **Group discussion:** Day 2 Review & Introduction to Day 3

 17. **Course/Discussion:** Stage 1 – Preparation (Bilateral meetings)

- Creating a safe, constructive, and effective environment
- Mediation enabling factors
- Encouraging people to participate in mediation
- Selecting the mediator
- Controlling conflicts of interest
- Code of Ethics / Confidentiality
- Initial contact of a mediator with lawyers and parties
- Place of mediation / space selection
- Determining mediation fees
- Liability issues

Break

 18. **Practical activity/Role-play simulation:** Mediation simulation #1. Preparation. Facilitated discussion / debrief.

13⁰⁰ – 14⁰⁰

Lunch break

Afternoon session (Day 3)

 19. **Course/Discussion:** Stage 2 – Fact-Finding (Opening Joint session)

- Start of the joint session
- Explain to parties the procedure and rules
- Mediation principles
- Inaugural Joint Meeting and mediator’s opening statement
- Communication & Intervention Techniques
- Active listening / Asking questions / Writing / Framing / Summary / From positions to interests and needs

 20. **Practical activity/Exercise:** Mediator’s opening statement practice. Facilitated discussion / debrief

Break

 21. **Practical activity/Role-play simulation:** Mediation simulation #2. Fact-Finding (Opening Joint session). Facilitated discussion / debrief.

 22. **Group discussion:** “Issue Board” session (reserved for discussion of other issues raised by participants during the day);

 18⁰⁰

23. Final reflections and end of training day 3.

Day 4 Managing the process
Morning session (Day 4)

 09⁰⁰

 24. **Group discussion:** Day 3 Review & Introduction to Day 4

 25. **Course/Discussion:** Stage 3 –Exploration (Initial Private sessions)

- Initial Private meetings of the Mediator with the parties
- Initial Private Sessions’ Goals / Agenda / Techniques & Tools
- Communication and intervention techniques and tools in the initial private sessions
- Active Listening Repetition Correspondence Summary, Questioning, Framing, Reality Check, Nonverbal Communication
- Finding common points
- Encourage parties to develop options

Break

 26. **Practical activity/Role-play simulation:** Mediation simulation #3. Exploration (Initial Private sessions). Facilitated discussion / debrief.

 13⁰⁰ – 14⁰⁰

Lunch break

Afternoon session (Day 4)

 27. **Course/Discussion:** Stage 4 –Negotiation (Later Private sessions)

- Later Private meetings of the Mediator with the parties
- Later Private Sessions’ Goals / Agenda / Techniques & Tools
- Communication and intervention techniques and tools in the later private sessions
- Risk analysis
- Transfer of proposals with the consent of the parties
- Reality testing

Break

28. **Practical activity/Role-play simulation:** Mediation simulation #4. Negotiation (Later Private sessions). Facilitated discussion / debrief.

29. **Group discussion:** "Issue Board" session (reserved for discussion of other issues raised by participants during the day);

18⁰⁰

30. Final reflections and end of training day 4.

Day 5 Concluding the process


Morning session (Day 5)

09⁰⁰

31. **Group discussion:** Day 4 Review & Introduction to Day 5

32. **Course/Discussion:** Stage 5 – Resolution (Closing phase)

- Selecting options
- Facilitating informed agreements
- "S.M.A.R.T." agreements
- Settlement as implementation plans
- Power imbalance management techniques
- Dealing with impasse and barriers / resistances / breaking deadlock techniques
- Using decision trees to manage risk

33. **Practical activity/Role-play simulation:** Mediation simulation #5. Closing session. Facilitated discussion / debrief.

Break

34. **Course/Discussion:** Mediation ethics. Mediating across cultures.

- Problem solving mind of a mediator, its potential and boundaries.
- Ethics and deontology
- The mediator's ethical filter
- Cross-cultural theories.
- Facilitated discussion / debrief

35. **Practical activity/Exercise:** Dealing with ethical dilemmas.

13⁰⁰ – 14⁰⁰

Lunch break

Afternoon session (Day 5)

36. **Practical activity/Role-play simulation:** Mediation simulation #6. Full mediation. Facilitated discussion / debrief.

Break

37. **Assessment:** Final/exit knowledge assessment test

18⁰⁰

38. Course feedback, group picture and closure.

Experts' bios

Leonardo D'Urso, International mediator and trainer



Leonardo D'Urso is a full-time mediator, co-founder and CEO of ADR Center, Adjunct Professor at Straus Institute for Dispute Resolution at Pepperdine University (Malibu-CA, USA) and member of the Board of Director of the Weinstein International Foundation – Mediating a Better Future. With more than 23 years' experience in the field of Alternative Dispute Resolution (ADR), he has mediated over 2.000 complex civil and commercial mediations, workplace disputes and facilitated various public dialogue processes. In the field of consulting, his current focus is developing ADR strategic policies for Governments, Ministries of Justice and large organizations and drafting effective legislative frameworks to increase the recourse to mediation and the quality of mediation services. From 2017 to 2019, he has been Scientific Expert of the Working Group on Mediation of CEPEJ at the Council of Europe and currently is in the panel of selected CEPEJ Experts on mediation.

He has been appointed as mediator for a high-level workplace management dispute within European public institutions by the IPAM Independent Project Accountability Mechanism (IPAM) of the European Bank for Reconstruction and Development (EBRD) as Impartial and Independent Expert.

Since 1998, he has been nominated as senior expert in several international projects on ADR in Africa, Asia, Central America and Europe. In particular, he has been one of the leading experts in the two-year successful project for the creation of the first mediation center for commercial dispute in Kabul, Afghanistan. The most recent projects aimed to draft mediation legislative reforms and implement capacity building in Azerbaijan, Moldova, Serbia, Oman, Jamaica, Jordan, Turkey and Zambia based on the "Italian Mediation Model".

Author of several publications on negotiation and mediation, Leonardo has lectured on Negotiation and Mediation Techniques at several universities, Chambers of Commerce, and conducted hundreds of trainings courses for multinational corporations in the last 23 years. With ADR Center, he is the co-organizer of the Italian editions of the workshop "Negotiation for Executives" of the Program on Negotiation (PON Global) at Harvard Law School.

Mr. D'Urso complies with the minimum requirements included in the tender specifications document: academic diploma, English C2 CEFR level, 24 years of mediation practice, at least 15 years post education experience with designing and delivering mediation training programs, at least ten relevant mediation training projects designed and delivered in the last four years.

Constantin Adi Gavrilă, International mediator and trainer



Constantin Adi Gavrilă is a full-time professional mediator, CEO, and founder of ADR Center Romania, Weinstein International Foundation's Senior Fellow, having extensive experience since 2002 in supporting individuals, groups, companies, governments, and international organizations to resolve a wide variety of domestic and international disputes. Adi has trained more than 1000 mediators and has provided consultancy services to beneficiaries and governments from more than 20 countries to design and develop mediation programs.

Representative domestic cases include • the Division of a regional bread factory because of a dispute between shareholders; • a Dispute between a property developer and a constructing company; • a Real estate multi-party case involving banking procedural and methodological updates; • Disputes related to maintenance of medical equipment (CT scan); • High-value case regarding determining, valuing, and dividing marital property.

Adi is also an active mediator in the development space, working with the Office of the Compliance Advisor/Ombudsman (CAO) and Independent Project Accountability Mechanism (IPAM), the IFC/MIGA (World Bank), and EBRD accountability mechanisms to facilitate dialogue processes between the bank clients and communities concerned about the environmental and social impacts of bank-financed projects. Examples of multi-party cases supported by Adi are • Seismic impacts and other E&S concerns of communities regarding the technology used by the oil & gas sector; • Air quality impacts of the steel production industry; • Risk of rockfalls and landslides related to HPP construction works; • Community resettlement related to the expansion of mining activities; • Impacts of public transportation projects for pedestrian accessibility.

Adi is a co-founder and general manager of Craiova Mediation Center, Romania, Advisory Council's member of the Lord Slynn of Hadley European Law Foundation, London UK, first president of the Romanian Mediation Centers Union, vice-president of the first Mediation Council, and he served as Co-Chair of the Independent Standards Commission convened by the International Mediation Institute (IMI). Among other awards, Adi was honored with the Association for Conflict Resolution (ACR) International Development Committee's 2009 Outstanding Leadership Award for outstanding contributions to international conflict resolution. Adi received his Ph.D. from the University of Craiova with an emphasis on "Mediation and Access to Justice" and coordinates the Mediation Campus at the Law Faculty from Craiova University. Also, Adi is as associate professor at the Conflict Studies Center within the Faculty of Political, Administrative and Communication Sciences, part of Babeş-Bolyai University in Romania, where he is teaching "Developing skills in conflict resolution" and "ADR comparative systems". More information about Adi can be found at www.adrcenterfordevelopment.com/2018/05/21/constantin-adi-gavrila/ and adigavrila.com.