
ONTARIO MANDATORY MEDIATION PROGRAM

Application Form

Revised – September 2002

General Information for Applying to the Mediation Roster For The Ontario Mandatory Mediation Program

THE MANDATORY MEDIATION PROGRAM

Applications are being accepted from mediators interested in providing services in the City of Toronto, the Regional Municipality of Ottawa-Carleton and the County of Essex for the Mandatory Mediation Program.

The Mandatory Mediation Program came into effect on January 4, 1999 under Rule 24.1 of the Rules of Civil Procedure, in the City of Toronto and the Regional Municipality of Ottawa-Carleton. It is anticipated that the Program will be expanded throughout the province within several years. Under the program, civil (non-family) case managed actions will be referred to a three-hour mandatory mediation session to be held within 90 days of filing the first statement of defence.

On September 1, 1999, Rule 75.1 of the Rules of Civil Procedure came into effect, bringing estates matters within the Mandatory Mediation Program. While Rule 75.1 incorporates many of the provisions of Rule 24.1 and uses the Program's administrative structure, it differs in a number of ways.

THE MEDIATOR ROSTER

Local Mediation Committees, which have been appointed for the City of Toronto and the Regional Municipality of Ottawa-Carleton, are responsible for selecting mediators and for maintaining a current list of mediators.

The list, which is known as the "mediation roster", is used by parties for the purpose of choosing a mediator. If parties fail to agree on the selection of a mediator, the Local Mediation Co-ordinator will appoint a mediator from the roster. Mediators on the roster are paid directly by the parties based on a fee tariff established under the Administration of Justice Act.

Please note that being on the mediation roster does not guarantee work.

THE SELECTION PROCESS

The Local Mediation Committee has the sole discretion to determine who will be selected for the roster under the Mandatory Mediation Program. In order to be considered for the mediation roster, **you must fill out the attached application form**. Your application will be assessed by members of the Local Mediation Committee in the county where you are applying based on selection criteria that have been developed by the Ministry of the Attorney General. The Ministry has designed a score sheet for the Local Mediation Committee to evaluate applicants which is included as Appendix A to the document entitled "Local Mediation Guidelines for Selecting Mediators". Attaining the minimum number of points does not ensure placement on the roster.

The criteria include:

- experience as a mediator;
- training in mediation;
- educational background;
- familiarity with the civil justice system; and
- references.

Please note: Applicants must have conducted a minimum of 5 mediations as a sole or co-mediator, excluding mediations or role-plays done as a student or coach.

A Mediator may be appointed to the roster without an interview. However, Local Mediation Committees may decide to interview a candidate being considered for the roster. The Local Mediation Committee will notify you in writing if you are selected for the roster.

DISCLOSURE OF APPLICATION INFORMATION AND WAIVER

The information included in your application and any additional information you choose to submit with your application will be used by the Local Mediation Committee to decide whether to include you on the mediation roster in your county. The information may also be used by the Ministry for program evaluation purposes.

Further, information provided on this application may be included on the roster and made available to the public under the Mandatory Mediation Program. The Ministry of the Attorney General and the Local Mandatory Committee will not be held liable for the use and/or disclosure of the information contained in the application.

If you are selected for the roster, your name will be included on a written roster and/or computer database which will be publicly available.

SERVICE ACCESSIBILITY

The Ministry of the Attorney General is committed to making mediation services accessible to parties with disabilities and parties with diverse language and/or cultural backgrounds. For this reason, information is requested in the application regarding the accessibility of a mediator's services and his or her experience in providing services for members of various cultures. In addition, mediators who are selected for the roster will be encouraged to provide information to parties regarding the accessibility of their services.

THE APPLICATION FORM

This application form must be completed by any mediator who wishes to be considered for selection on the Mediation Roster for the City of Toronto and/or the Regional Municipality of Ottawa-Carleton. Applicants may apply at any time during the two year period.

You may attach additional pages as needed.

To be considered for selection on the Mediation Roster you must:

- complete the attached application form, including the Acknowledgement and Undertakings section
- sign and date the completed application form
- submit three written references which directly address your mediation skills and experience, with your application ***[At least two of these references must be from people you have mediated for or with]***
- forward the completed application ***[1 original plus 4 copies]*** to:

Civil/Family Policy & Programs Branch

Re: Mediator Application

720 Bay Street, 6th Floor

Toronto, Ontario

M5G 2K1

Note: If sending your application by fax, please also mail the original plus 4 copies to the Program Office.

Please note: The Ministry and the Local Mediation Committee have the right to verify any information contained in this application, including contacting educational and professional organizations and referees.

Mediator Application Form for the Ontario Mandatory Mediation Program

Please print clearly.

Please indicate for which mediation roster you are applying:

Toronto	Ottawa-Carleton	Windsor	Toronto/Ottawa-Carleton
Toronto/Windsor	Ottawa-Carleton/Windsor		Toronto/Ottawa-Carleton/Windsor

Part One: Background Information

PERSONAL INFORMATION

Name:

Last name (Surname)

First name

Middle initial

Indicate if there is a title you wish attached to the beginning of your name:
(eg. Reverend, Rabbi) _____

Mailing Address:

Company/Firm name (if applicable)

Street number Street name Office/suite number

City Province Postal code

Phone number Fax number

mail address E-

Do you have liability insurance which covers mediation?

yes no

If yes, please indicate insurer and amount of coverage:

Have you ever been found guilty of a criminal offence for which a pardon has not been granted? yes no

If yes, please provide details:

Have you ever been disciplined by a professional association or regulatory body?

yes no

If yes, please provide details:

Have you ever been denied a license for a business, trade or profession (e.g., CGA, real estate broker, lawyer, physician), or had such license revoked?

yes no

FACILITIES AND SERVICE ACCESSIBILITY

Do you have facilities available for conducting mediation sessions?

yes no

If yes, please give address of mediation facilities:

Is there a charge associated with the above mediation facilities?

yes no

If yes, please identify the cost to the user, per hour and/or per day

Are above mediation facilities accessible for people with disabilities?

yes no

Identify below which services you have available to persons with disabilities:

- braille
- accessible meeting space
- large print materials
- audio tapes
- TDD
- sign language interpreter
- other:

Please indicate if your level of fluency in French is sufficient to conduct a mediation:

Oral

Written

Part Two: Experience as a Mediator

How would you describe your style as a mediator?

How many mediations have you conducted? (*Include both paid and volunteer mediations, excluding mediations or role-plays done as a student or coach.* **Please note: The following are not considered mediations: acting as counsel at a mediation, conducting a pre-trial in the absence of all parties, and acting as an arbitrator.**

1-4

5-10

11-20

over 20

How many of these mediations have you conducted as a sole mediator?

As a co-mediator?

Please provide the following information for the five most recent mediations you have conducted.

*Date of
Mediation*

*Describe Type(s) of Parties
(e.g. insurance company,
individual, government)*

*Brief Description
of Mediation*

If you have no direct or limited experience mediating, identify how many mediations you have observed in the past year or participated in as a student or trainee:

Have you ever designed a dispute resolution system for an organization, institution or other entity? yes no

If yes, please give details: _____

Have you mediated in a court system or administrative tribunal?

 yes no

How many court-connected mediations have you conducted?

Check any of the following subject matters of disputes that you have mediated and indicate roughly the percentage that this represents of the disputes that you have mediated:

<u>TYPE</u>	<u>%</u>	<u>TYPE</u>	<u>%</u>
Bankruptcy	___	Labour Relations	___
Collection	___	Landlord and Tenant	___
Construction Lien	___	Motor Vehicle Accidents	___
Corporate/Commercial	___	Personal injury	___
Criminal	___	Products Liability	___
Education	___	Professional Negligence	___
Environmental/Land Use	___	Small Claims Court	___
Estates	___	Trust/Fiduciary Duty	___
Family	___	Wrongful Dismissal	___

Other(please specify) _____

Have you ever mediated in situation(s) where the parties spoke different languages and/or came from different cultural backgrounds?

yes

no

If yes, please describe your experience as the mediator in these situations.

Have you ever mediated complex disputes?

yes

no

Have you participated as a student or trainee in a mentoring/training program?
yes no

If yes, please provide details about the program.

Have you ever designed or delivered courses on mediation and/or ADR?
yes no

If yes, please provide details.

Part Four: Education and Professional Background

Please list any higher education you have completed (or are in the process of completing), including professional degrees, certificates and/or designations, major area of study.

<i>Name of Institution</i>	<i>Degree or Certificate (Use abbreviation)</i>	<i>Area of Study</i>	<i>Year Completed</i>
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Please list any current memberships and/or affiliations with ADR organizations or groups.

Please list other professional designations/affiliations/memberships.

Part Five: Familiarity with the Civil Justice System

Are you familiar with the Ontario civil justice system?

yes no

If yes, please explain how you are familiar with the Ontario civil justice system including your experience and training.

Part Six: References

For your application to be considered, you must attach three written references which directly address your mediation skills and experience. At least two of these written references must be from people you have mediated for or with, which could be parties or counsel to the mediations you have conducted, or co-mediators.

Part Seven: Acknowledgement and Undertakings

I have read the application, including the General Information section, and I understand that this application will be used to assess my suitability for the mediation roster and for Mandatory Mediation Program evaluation purposes.

I understand that if I am selected for the mediation roster, the information contained in this application may be used on a written roster or computer data base which will be publicly available.

I understand that selection for the mediation roster will be made by the Local Mediation Committee which will have the sole discretion to select mediators for the roster.

I understand that being on the Mandatory Mediation Program mediation roster is not a guarantee of work.

I understand and agree that submission of this application does not create or confer any legal rights upon me, and that there is no obligation on the part of the Local Mediation Committee to place or keep my name on the roster. I hereby release any rights that I may have at law or otherwise against any person or entity, including the Crown and members of the Local Mediation Committee, that could arise from the failure to place or keep my name on the roster.

If I am selected for the mediation roster, I undertake to do all of the following:

- provide mediation services at a fee stipulated by regulation under the Administration of Justice Act;
- attend an orientation session and any other training that may be required for roster mediators under the Mandatory Mediation Program;
- abide by the Code of Conduct, Complaints Procedure and any other policies and procedures under the Mandatory Mediation Program;
- maintain with proof, professional liability insurance with a minimum coverage of one million dollars;
- agree to conduct up to twelve hours of pro bono mediations per year under the Program;
- act as a mentor, if requested, in accordance with the Program's mentoring policy;
- participate in program evaluations as required, including providing statistical information; and
- pay any fees that may be required.

I understand that if I am selected for the Mediation Roster, I am required to comply with the above undertakings and that if I do not comply, I may be removed from the roster.

I verify that the information in this Application Form is correct to the best of my knowledge. I hereby give permission to the Ministry of the Attorney General, the Mandatory Mediation Program and the Local Mediation Committee to verify the accuracy of all the information provided, including references.

Name

Date