THE LAW SOCIETY
OF NEW SOUTH WALES

Law Society Mediators Panel Selection Criteria

Introduction

The Law Society is a Recognised Mediation Accreditation Body (RMAB) under the National Alternative Dispute Resolution Advisory Council (NADRAC). Accordingly, National Accreditation and Membership of the Law Society of NSW is a pre-requisite for membership of the Law Society Mediators Panel ("the Panel").

The purpose of this document is to notify Solicitors who are accredited with a RMAB other than the Law Society of NSW, of their entitlement to apply for membership of the Law Society Mediators Panel.

Solicitors who are accredited as mediators by the Law Society of NSW are automatically appointed to the Panel.

Requirements for Membership of the Law Society Mediators Panel

The applicant must:

1. Be a member of the Law Society of New South Wales; and
2. Hold a current practising certificate to practice as a legal practitioner of the Supreme Court of New South Wales and hold appropriate professional indemnity insurance for acting as a mediator; and
3. Have a minimum of five (5) years practice as a solicitor or barrister; and
4. Hold accreditation as a Mediator under the National Mediator Accreditation System.

Determination of Membership of the Panel

1. Applications to join the Panel will be determined by the Mediator Accreditation subcommittee of the Dispute Resolution Committee.

2. Proof of National Accreditation, qualifications and experience will be required.

3. Membership to the Panel may be offered subject to conditions such as the completion of certain continuing legal education, mentoring with experienced Panel members or co-mediation practice.

4. The list of mediators appointed to the Law Society Mediators Panel will be published on the Law Society web site.

The Law Society encourages Solicitors from diverse backgrounds, especially those from rural areas, to apply for inclusion on the Panel. To this end the Dispute Resolution Committee may exercise its discretion to allow membership to the panel subject to conditions.

For example:

- if an applicant has experience that does not meet all the required criteria and is located in a regional location or the inclusion of that person may offer greater diversity to the panel; or
- in the case of minor deviation from the criteria or if an applicant has other equivalent experience, the Dispute Resolution Committee may exercise a discretion to allow membership of the panel.
- interstate applicants, who are ineligible for a NSW practising certificate and full NSW Law Society membership pursuant to s41 of the *Legal Profession Act 2004*, will meet the required criteria as referred in 1 & 2 above if they hold an equivalent interstate practising certificate and association membership.

Continuing Responsibilities.

Membership of the Law Society Mediators Panel is a privilege, not a right, and requires practitioners to fulfil continuing obligations to the profession and to maintain professional standards.

The required continuing responsibilities are:

1. Minimum of 5 hours continuing legal education in mediation which may form part of the practitioner's overall continuing legal education requirement every year; and

2. Participation in co-mediation or mentoring. Members of the Panel are expected to participate in debriefing and in mentoring of less experienced mediators who may wish to qualify for the Panel; and

3. Maintenance of professional standards. Law Society mediators will practice in accordance with the Revised Guidelines for Solicitors who Act as Mediators and or such other codes of conduct or guidelines as are adopted by the Law Society. The Dispute Resolution Committee strongly recommends that mediators debrief with an experienced mediator from the Panel after every mediation.

Failure to Comply

If it is the view of the Dispute Resolution Committee that a member of the Panel has not fulfilled the Continuing Responsibilities, or is otherwise no longer an appropriate person to be a member of the Panel, the Committee may, after allowing the Panel member the opportunity to be heard and to make submissions, remove that person from the Panel.

Review of the Panel

Panel membership may be reviewed every two years.

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