



---

# **ADR Center Two-Track Methodology in Building an ADR Infrastructure**

Developing the demand and  
the supply sides of ADR

---

**February, 2017**

This publication was written by Leonardo D’Urso, Constantin-Adi Gavrilă and Romina Canessa. For any questions or additional information please contact **[international@adrcenter.com](mailto:international@adrcenter.com)**.

# ADR Center Two-Track Methodology in Building an ADR Infrastructure

## Developing the demand and the supply sides of ADR

It has been proven that the use of Alternative Dispute Resolution (ADR) improves access to justice, the trade and economic growth of a country, and attracts foreign investments. Unfortunately, many international projects on the promotion of ADR do not accomplish results as a result of a fragmented approach to the project, lack of a proven methodology and framework, or an inexperienced ADR provider as designer and implementer of the project.

With more than 4,000 mediations administered per year, ADR Center is one of the largest ADR providers based in Europe. ADR Center has extensive experience in consulting on ADR reforms<sup>1</sup>, developing ADR systems based on daily first-hand experience that are consistent with established standards and norms and, in many cases, represents cutting-edge practices in ADR.

Our team members have played major roles in such work at the regional level, such as in the European Union and the MEDA countries, as well as at the country level, such

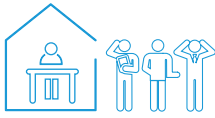
as in Afghanistan, Barbados, Nigeria, Turkey and, of course, Italy.

Based on both our daily experience in the administration of mediation and on our 18 years of international experience in ADR capacity building assistance, we have developed a comprehensive proven system the “ADR Center Two Track Methodology”. More than 50 activities and outputs make up the two tracks which represent the demand and the supply sides of ADR.

Our experience has also taught us that each region and each country is unique and that it is important not to predetermine any program approach automatically. Indeed our work in these countries has extended beyond assessment and design, but also includes implementation at the countrywide levels and building sustainability. ADR Center has strong experience in applying effective regional and international practices in challenging and often changing local markets. We have a deep appreciation for the unique issues, needs and institutions that each market presents.

---

<sup>1</sup> Please see the following link <http://www.adrcenterinternational.com/publications/> for access to the studies and reports ADR Center has completed for the European Parliament. Additional information on ADR Center projects can be found at the following link: <http://www.adrcenterinternational.com/projects/>.



### DEVELOPING ADR DEMAND (TRACK A)

The demand focuses efforts on building the effective recourse to ADR through advocating a proven ADR legal framework, judicial and court referral programs, public awareness to key stakeholders, long term educational programs with the aim of creating the conditions and incentives needed to overcome barriers to ADR that exist each society.

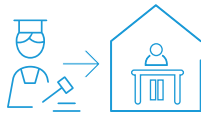


### DEVELOPING ADR SUPPLY (TRACK B)

The supply places great attention on building the value of ADR and the regulatory incentives to engage in ADR. Track Two, supply, directs efforts at the traditional approach of building excellent mediation capacity through adapting best practices to local contexts, developing an effective service provider organization, and providing training for the service providers team and ADR professionals.



#### A.1 ADR legal framework



#### A.2 Judicial Referral to ADR



#### A.3 ADR Public Awareness



#### A.4 Long Term ADR education



#### B.1 Development of a framework for the effective supply of ADR



#### B.2 Development of Quality assurance Mechanisms



#### B.3 Development of private and public ADR centers



#### B.4 Capacity Building



## DEVELOPING ADR DEMAND (TRACK A)

### A.1 ADR legal framework

- › A.1.1 Assessing the ADR legal framework
- › A.1.2 Drafting and proposing ADR reform
- › A.1.3 Workshop for policy makers

### A.2 Judicial Referral to ADR

- › A.2.1 Judiciary Outreach and Assessment
- › A.2.2 Develop a court-annexed or court-connected mediation program
- › A.2.3 Workshop for judges on mediation referral
- › A.2.4 Guidance for the first Court Annexed Mediation Program
- › A.2.5 Design and organize a settlement week

### A.3 ADR Public Awareness

- › A.3.1 Stakeholder Assessment and Engagement
- › A.3.2 Design a Strategic Outreach and Promotion Plan
- › A.3.3 Implement the promotional plan
- › A.3.4 Workshops for businesses
- › A.3.5 Workshops for lawyers
- › A.3.6 Workshops for other interested stakeholders

### A.4 Long Term ADR education

- › A.4.1 Develop ADR curricula for universities and schools of law
- › A.4.2 Develop a pilot mediation clinic at a University
- › A.4.3 Trainings for Trainers (ToT) for Mediation courses
- › A.4.4 Consultancy for training providers

## DEVELOPING ADR SUPPLY (TRACK B)

### B.1 Development of a framework for the effective supply of ADR services

- › B.1.1 Assessment of Current ADR Environment
- › B.1.2 Recommendation of a framework based on best international practices that works in the local context

### B.2 Development of Quality assurance Mechanisms

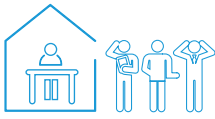
- › B.2.1 Development of quality standards
- › B.2.2 Accreditation schemes for ADR providers, mediators, and ADR training centers

### B.3 Development of private and public ADR centers

- › B.3.1 Design effective facilities and office space for the ADR center
- › B.3.2 ADR center establishment
  - › B.3.2.i Organizational Bylaws, Statement or Charter
  - › B.3.2.ii Template appointment memoranda for members of managing bodies
  - › B.3.2.iii Organizational chart
  - › B.3.2.iv Staff engagement contracts
  - › B.3.2.v Detailed staffing plan
  - › B.3.2.vi Recruitment of key personnel
  - › B.3.2.vii Staff Performance Management Procedures
  - › B.3.2.viii Initial Financial Plan
  - › B.3.2.ix Development a website
- › B.3.3 Rules for the ADR center
  - › B.3.3.i Development of domestic and international ADR rules
  - › B.3.3.ii ADR Fee schedule
  - › B.3.3.iii Code of Conduct
- › B.3.4 Internal procedures for the ADR center
  - › B.3.4.i Case Management Manual with forms and templates
  - › B.3.4.ii Service feedback and monitoring procedures
  - › B.3.4.iii ADR Case Management Software (ACMS)
  - › B.3.4.iv Criteria for recruitment of ADR professionals
  - › B.3.4.v Criteria for appointment of ADR professionals
  - › B.3.4.vi Complaints Management Procedures
- › B.3.5 Staff Capacity Building
- › B.3.6 Twinning Agreements with other ADR service providers
- › B.3.7 Study Tour to learn from international best practices

### B.4 Capacity Building

- › B.4.1 Basic and advanced mediation courses
- › B.4.2 Basic and advanced arbitration courses
- › B.4.3 ADR Practicum
- › B.4.4 Practice Development Review Sessions
- › B.4.5 Development of Curricula and ToT Manual
- › B.4.6 Workshop on center procedures and conduct standards (for mediators and arbitrators)
- › B.4.7 Coaching and mentorship



## Developing ADR demand (Track A)



### AREA OF INTERVENTION: A.1 ADR LEGAL FRAMEWORK (RECOURSE TO ADR BY THE LAW)

An important aspect of making sure that an ADR center is sustainable is ensuring that the legal framework for supporting ADR is in place. ADR Center supports drafting enabling legislation and professional policies in the field of dispute resolution.

#### Activity: A.1.1 Assessing the ADR legal framework

At the outset of the engagement, ADR Center conducts a Legal Framework Assessment. This maximizes the effectiveness of the engagement by identifying risks, issues, and opportunities in the legal, regulatory, and institutional environment that can be addressed as part of, or in conjunction with, the engagement. The Assessment includes identification of and meeting with stakeholders on the legal, judicial, business, government, donor institution, and NGO sides, as well as review of relevant legislation, regulations, and existing analyses on ADR. It also includes consideration of recent legislative changes to the ADR regulatory framework.

**Output:** An assessment and recommendations report.

#### Activity: A.1.2 Drafting and proposing ADR reform

Based on the results of the legal framework and enabling environment assessment, ADR Center then proposes several methods of ADR reform, if necessary. Upon consultation with the client and the relevant stakeholders, ADR Center experts commence drafting the proposed reforms with the final goal of achieving a “Balanced relationship between Mediation and Judicial Proceedings<sup>2</sup>”. ADR Center has extensive experience in drafting ADR legislation and regulations and will bring this experience to the assignment.

**Outputs:** Proposals for reform of ADR framework; Legislative drafts.

#### Activity: A.1.3 Workshop for policy makers

ADR Center holds different workshops for policy makers such as those in various ministries and the legislature, on the proposed reforms. This is an opportunity to introduce the policy makers to ADR and facilitates a discussion on the proposed reforms, the reasoning behind those reforms, and their importance.

**Output:** Workshop for Policy Makers.



### AREA OF INTERVENTION: A.2 JUDICIAL REFERRAL TO ADR (RECOURSE TO ADR BY JUDICIAL REFERRAL)

Court-referred mediation and arbitration will likely constitute a critical component of the recourse to ADR.

A Court Protocol will establish well-informed standards on case referral, including providing guidance on cases appropriate for referral and cases that are not appropriate.

<sup>2</sup> The complete report is available at: <http://www.adrcenterinternational.com/balanced-relationship-mediation.pdf>

**Activity: A.2.1  
Judiciary Outreach and Assessment**

ADR Center conducts a series of meetings with judges from all court levels. Judges can often be resistant to ADR for a variety of reasons, and convincing them that referral to mediation is in their best interest will take some time and effort. Much of this resistance can be overcome by having them meet and discuss with former judges who have experience with mediation. Upon conclusion of the meetings, a report summarizing the outcome and providing recommendations for the way forward is developed.

**Outputs:** Meetings with judiciary; Initial Assessment and recommendations.

**Activity: A.2.2  
Develop a court-annexed or court-connected mediation program**

Based upon the initial assessment, ADR Center develops a court-annexed mediation program and all related protocols which are agreed upon with the client. One or more courts are selected for pilot court-annexed mediation programs.

A specific roll-out plan is developed and coordinated with the court and the client for every court in which mediation will be rolled out to, the plan includes specific timing of activities, planning for training sessions with judicial officials and administrators of the program.

**Outputs:** Court-annexed mediation protocols; Specific Roll-out plan to selected courts; Training session with administrators of the program.

**Activity: A.2.3  
Workshops for judges on mediation referral**

Training judges on mediation referral is one of the most important factors in determining the success of a court-annexed program. ADR Center develops concise and clear materials for the judiciary on mediation and arbitration, as well as discussing the value of the ADR process and the role of the judiciary.

**Output:** Workshops for Judiciary on mediation referral.

**Activity: A.2.4 Guidance for the first Court Annexed Mediation Program**

Once the court-annexed or court-connected program is established, ADR Center experts provide assistance through coaching and guidance for an agreed-upon amount of time. During this time ADR Center experts are available either in-person or remotely in order to provide advice and guidance on running such a program and be able to quickly address any issues or questions that may arise.

**Outputs:** On-site visits; Observing and providing corrective guidance on program operations; Observing and commenting on mediations occurring during such visits; Holding sessions with the judiciary on court referral.

**Activity: A.2.5  
Design and organize a settlement week**

We design and organize a Settlement Week for the Court. Conducting a Settlement Week offers a high-profile way to build experience among judges and mediation professionals to handle cases in an intensive format. It also offers the Court-connected center with an opportunity to manage the logistics of organizing a complex and intense event.

**Output:** One Settlement Week designed and organized.



**AREA OF INTERVENTION: A.3 ADR PUBLIC AWARENESS (VOLUNTARY RECOURSE TO ADR)**

As the third element of developing demand for ADR, the voluntary recourse to ADR by litigants is based on public awareness and promotion of the advantages of ADR among the key stakeholders.

**Activity: A.3.1  
Stakeholder Assessment and Engagement**

Applied in the context of developing ADR demand, awareness of stakeholder concerns and the types of stakeholders is vital to the long-term success of the program and sustainability of mediation. This can

be done in several ways such as holding meetings, focus groups and developing an online survey for potential clients. Building from the information gained in the ADR enabling environment assessment, the project experts identify all stakeholders and distinguish between Activators to initiate the system and Amplifiers to implement and build awareness and support for it. Based on information gathered during these consultation meetings, a stakeholder Power-Interest Matrix will be developed and an inventory of all project related goals, concerns, issues and obstacles identified. From the information learned, an effective Stakeholder Engagement Plan is developed.

**Outputs:** One Stakeholder Engagement Plan; Stakeholder Power Interest Matrix and Inventory; Broad range of stakeholders and relevant issues identified

#### **Activity: A.3.2**

##### **Design a Strategic Outreach and Promotion Plan**

Based on the conclusions in the Stakeholder Assessment and Engagement and the ADR Enabling Environment Reports, ADR Center helps to develop a Strategic Outreach and Promotion Plan. The function of this Plan is to provide a strategic approach of communications that flows from the center's goals framework and addresses its initial outreach needs to build an understanding and comprehension of the center's service offering and value to businesses and society. It is based upon targeted messaging. The plan includes the following key components:

- Establishing Communication Objectives
- Targeted Audiences Identified
- Targeted Messages Established
- Tools and activities for messaging
- Process for evaluation and update of the Plan

ADR Center supports the design and development of promotional materials such as brochures, banners, online and offline ad campaign for relevant website and newspapers.

**Outputs:** One Strategic Promotion and Outreach Plan; Online and offline promotional campaign.

#### **Activity: A.3.3**

##### **Implement the promotional plan**

Based on the designed promotional campaign, ADR Center implements the planned activities and materials. For example, one of the principal efforts of communication and messaging will be through the web with a special focus on lawyers, businesses and main stakeholders. A specialized newsletter on ADR with dozens of articles is sent periodically to the selected target. An open house event for journalist and opening ceremony for the new established ADR providers is also organized.

**Output:** Implementation of the activities and materials of the promotional plan.

#### **Activity: A.3.4**

##### **Workshops for businesses**

Businesses, including Medium, Small and Microenterprises (MSMEs), and business representative and trade associations are key target audiences for awareness building. ADR Center works with the center to develop, market and deliver workshops and informational events targeted to the business community. Emphasis is placed on the effects of disputes on continuing business relationships and on the development of new business, and there is a detailed analysis of the costs of various kinds of disputes through litigation as opposed to the costs of pursuing mediation. These workshops and informational events create awareness of mediation as a viable business service option, reduce resistance toward ADR, inform management of how to incorporate ADR in contracting, business planning and corporate procedure, and inform participants of the center and its services.

**Output:** Workshop for businesses.

#### **Activity: A.3.5**

##### **Workshops for lawyers**

Part of the center's awareness campaign involves advocacy to lawyers and providing them with knowledge of ADR and the opportunities it brings to the legal profession. The workshop will focus on the



role of the attorney in the mediation and arbitration process and to provide legal representatives with comprehensive insight into the processes.

**Output:** Workshops for lawyers.

#### Activity: A.3.6

##### Workshops for other interested stakeholders

Advocacy to citizens and other stakeholders such as consumer and financial associations will also be important. ADR Center in conjunction with the client and the center develops a workshop presenting the center, the services the center provides, and the advantages that ADR can have.

**Output:** Workshops for citizens, consumer associations and stakeholders.



### AREA OF INTERVENTION: A.4 LONG TERM ADR EDUCATION (RECOURSE TO ADR BY LONG TERM EDUCATION)

One of the main ways to ensure sustainability and growth of ADR demand is to develop a culture of ADR by training the future generations of lawyers and judges and transfer of knowledge to local trainers

#### Activity: A.4.1

##### Develop ADR curricula for universities and law schools.

An important method of spreading awareness is through universities and law schools, to this aim ADR Center develops ADR curricula for public and private universities and law schools. Based on the specific needs, semester courses at universities could be of different degrees of specialization : Introduction to ADR, Negotiation Techniques for Lawyers, Introduction to Arbitration, Advanced Mediation, International Arbitration, etc. The detailed curricula includes topics for lectures and simulations, as well as including teaching materials, readings, and a training manual for professors.

**Output:** ADR Course Curriculum.

#### Activity: A.4.2

##### Develop a pilot mediation clinic at a University.

In conjunction with the beneficiaries, law schools and universities are selected and supported in establishing mediation legal clinics for their students. This activity is implemented by:

- Developing the clinics' curriculum;
- Developing relevant training materials, including case studies;
- Creating the pool of trainers - academics and practitioners (judges, attorneys, other mediation experts) who would deliver mediation training;
- Developing materials informing students on the clinics and inviting them to participate;
- Assisting the faculties' staff in technical coordination of the program;
- Developing promotional materials to inform potential users on legal clinic services.

This creates an opportunity for students to have practical mediation work (assisting the mediators, conducting case management work, etc.) along with theoretical coursework.

**Output:** Develop a pilot mediation clinic.

#### Activity: A.4.3

##### Trainings for Trainers (ToT) for Mediation courses.

ADR Center can design and conduct a Training for Trainers for different ADR courses: Basic Mediation, Advanced Mediation, Arbitration, Mediation Advocacy for Lawyers, Mediation Referral for Judges. The goal for each course is to transfer the training know-how and licensed training materials to local trainers. With this aim, ADR Center selects candidates that already have experience in training and ADR knowledge. The TOT courses include lectures on curriculum development, presentation, and facilitation skills. It employs ADR Center's own, tested module of an existing basic commercial mediation training course. Trainees will engage in role-plays, presentations and simulations, where they will have the opportunity to work as lecturer and to participate or observe role-plays. The courses cover working from specific training templates and processes, and training using ADR Center's own 4-step training method. At the end of the workshops participants will develop their own training

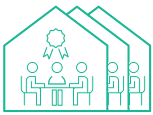
skills development plan including co-delivery of at least one mediation training together with an expert from the Project Team.

**Outputs:** ToT courses and materials.

**Activity: A.4.4  
Consultancy for training providers**

ADR Center works with clients in order to identify suitable training entities interested in working with ADR experts to develop a suitable ADR training program. ADR Center assists training entities in designing, developing and providing a comprehensive mediation training program meeting international standards and best practices.

**Output:** Consultancy for training providers, details to be agreed upon with clients.



## Development of a framework for the effective supply of ADR services (Track B)

Track Two directs efforts at the traditional approach of building excellent mediation capacity through developing effective service provider organizations, and providing training for the service provider team and ADR professionals (“supply”).



### AREA OF INTERVENTION B.1 DEVELOPMENT OF A FRAMEWORK FOR THE EFFECTIVE SUPPLY OF ADR SERVICES

**Activity B.1.1  
Assessment of the Current ADR Environment**

At the start of every project, ADR Center conducts an assessment of the current ADR environment in

the country or region. This assessment looks at the existence of ADR, if any, and the numbers of existing centers and their types, in order to best recommend a way forward for developing the supply of ADR services.

**Output:** Assessment of the Current ADR Environment.

**Activity B.1.2  
Recommendation of a framework based on best international practices adapted to the local context**

It is necessary to determine a suitable framework for the successful implementation of the center. Based upon the assessment of the legal framework and the current ADR environment, ADR Center works with clients and consults stakeholders in order to recommend a framework for the center that is viable from a regulatory point of view and best serves the center’s immediate acceptance by the national and international business and legal communities and provides sufficient flexibility for possible evolution in the future.

**Output:** Analysis and recommendations of a framework for the center.



### AREA OF INTERVENTION B.2 DEVELOPMENT OF QUALITY ASSURANCE MECHANISMS

**Activity B.2.1.  
Development of quality standards**

ADR Center develops quality standards for the center as a service provider and for mediators and staff. These standards are based on best practices and are developed for all staff and mediators, including managing bodies. These standards ensure that the center provides a streamlined service matching and exceeding the best international standards.

**Output:** Quality standards.

### Activity B.2.2

#### Accreditation schemes for ADR providers, mediators, and ADR training centers

ADR Center works with clients and the relevant government ministries to develop accreditation schemes, where they are not present, such as for ADR providers, mediators and ADR training providers. These accreditation schemes ensure that all the persons and organizations providing ADR services and training meet certain quality standards ensuring that citizens receive a high quality service.

**Output:** Accreditation mechanism and procedure.



## AREA OF INTERVENTION B.3 DEVELOPMENT OF PRIVATE AND PUBLIC ADR CENTERS

### Activity B.3.1.

#### Design effective facilities and office space for the ADR center

Every ADR center needs a physical facility that can serve multiple functions including those of client/public interface, office administration for case management, and handling of multiple, simultaneous mediations. ADR Center works with clients and the new center on the design specifications for renovating, refurbishing and establishing the dedicated office space for the center. The proposed design of the center provides for the office equipment and facilities necessary for the center to be fully functioning and operational according to international standards and best practices.

**Output:** One center design plan.

### Activity B.3.2

#### ADR center establishment

##### Activity B.3.2.i

##### Organizational Bylaws, Statement or Charter

ADR Center develops Organizational Bylaws, Statements, or Charters, which set out the mission, vision, and values for the center, and describes the

managing and operational bodies, what authorities and powers exist among them, and how members are appointed and dismissed.

**Output:** Organizational Bylaws, Statement or Charter.

##### Activity B.3.2.ii

##### Template appointment memoranda for members of managing bodies

ADR Center develops template memoranda of appointment for membership to managing bodies, covering the responsibilities and obligations of each member. The templates are adapted to any local regulations or customs.

**Output:** Template Appointment Memoranda.

##### Activity B.3.2.iii Organizational chart

Establishing clear and formalized roles and responsibilities are essential to build and maintain a streamlined and sustainable center that enjoys public confidence in its function. ADR Center helps centers develop an organizational chart outlining all of the roles and responsibilities of the managing bodies showing hierarchy and lines of authority. This ensures that the center operates in an efficient and organized manner.

**Output:** Organization Chart.

##### Activity B.3.2.iv Staff engagement contracts

ADR Center assists centers in developing employment agreements adapted to local regulations and customs containing detailed roles and responsibilities.

**Output:** Engagement contracts for all center staff.

##### Activity B.3.2.v Detailed staffing plan

ADR Center as a longstanding mediation provider has firsthand experience and expertise in determining what functions and processes are necessary and what team mix is optimal for running a smooth and effective operation providing valuable services to the community. ADR Center, along with the client and the managing bodies,

develops detailed job descriptions outlining the roles and responsibilities of each position as well as determines the specific staffing needs. In general, ADR Center recommends a Secretary General/Director, a Case Manager, and an Executive Secretary.

**Output:** Detailed job descriptions and staffing plan.

#### Activity B.3.2.vi

##### Recruitment of key personnel

Managing Board members are likely to be selected for appointment by the client. ADR Center assists clients and centers in documenting the appointment process, implementing it, and providing a brief training workshop on the basic responsibilities of board membership. We also assist in the identification, solicitation, and engagement of international experts to serve on the International Advisory Board (if it is decided this body is necessary) and provide them with online video conference-based training, since they are likely to be internationally based. Recruitment of key staff should be conducted as early as is feasible during the development process, following formation of the center, as their participation in the process will be crucial to their ownership and commitment to the center's initial operational processes and procedures. ADR Center helps clients put together the recruiting processes for center personnel and for initial ADR Professionals. For executive leadership and staff, we apply a process that advertises widely and, where appropriate, internationally to solicit expressions of interest from experienced professionals. The process also establishes initial selection criteria, top scoring CVs will be selected to participate in interviews with client personnel, interested center Board members, and ADR Center experts and, where appropriate, may include an examination. As part of this activity, ADR Center also assists in the advertising and recruitment process for personnel positions, including assistance in documenting the recruiting process and developing ads for executive leadership positions such as the Secretary General. For any positions

that will be temporarily performed by existing staff, we support the development of the necessary supplementary documentation to clarify new or shared responsibilities.

**Output:** Workshop for Managing Board Members; Identification, solicitation, and engagement of International Advisory Board Members; Workshop for International Advisory Board Members; Recruitment Plan and Process; Development of advertising for personnel positions; Engagement of key personnel.

#### Activity B.3.2.vii

##### Staff Performance Management Procedures

In order to successfully and sustainably operate an organization, or a business, it is essential to periodically review and evaluate performance. This provides the organization with vital information. The Staff Performance Management Procedures establish periodic goal setting and annual review processes to guide staff in planning and tracking performance and obtaining valuable performance feedback.

**Output:** Staff Performance Management Procedures.

#### Activity B.3.2.viii

##### Initial Financial Plan

Centers need to have financial planning in place that is built upon available resources and earnings estimates from the provision of ADR services. We assist centers in developing a financial plan process and an indicative financial for the first year. ADR Center provides technical assistance for centers to develop an initial financial plan following a template we have developed based on our experience as an ADR provider and as an ADR capacity builder. ADR Center has already developed financial plans for mediation centers in various countries (Afghanistan, Barbados, Nigeria, EU, etc.) and a comprehensive report for the European Union named "Study on the use of Alternative Dispute Resolution for Business to Business disputes in the European Union" where financial plans for

mediation and arbitration centers with different scenarios were developed. Following the Needs and Environmental Assessments, ADR Center develops a short and long-term financial forecast plan for the center. At the end of the project, the short-term forecast financial plan will be confirmed and the long-term revised.

**Output:** One short-term and one long-term financial plan.

#### Activity B.3.2.ix

##### Development of a website

One of the principal efforts of communication and messaging for the center is through its website. Externally, through the website, it is possible for the general public to learn about ADR, what the processes involve, and most importantly the center itself. The website is linked to the electronic case management system allowing mediators to remotely manage their own pending cases. The website also fosters and stimulates greater engagement by the public, with forums and linkages to social media, and provides online access to rules and regulations.

**Output:** Website Content and framework.

### Activity B.3.3. Rules for the ADR center

#### Activity B.3.3.i Development of domestic and international ADR rules

Centers need well-designed rules and regulations as well as forms in order to operate smoothly and transparently. Rules and regulations should, at a minimum, address such matters as initiating the process, confidentiality, neutral selection and substitution, conflict of interest enforcement, connection to other dispute resolution processes etc. ADR Center works with clients and centers to develop these rules of procedure, starting from a template based upon ADR Center's experience and making adjustments according to the local

regulatory and business environment. The Rules include sample mediation and arbitration agreement clauses for inclusion into contracts.

**Output:** One set of domestic ADR rules; One set of international ADR rules; One set of forms.

#### Activity B.3.3.ii

##### ADR Fee schedule

ADR Center also works with centers and clients to establish an appropriate fee schedule for ADR services, taking into account the local market conditions, customs and regulations.

**Output:** One ADR Fee schedule.

#### Activity B.3.3.iii

##### Code of Conduct

ADR Center develops Codes of Conduct based on international standards, best practices and local regulations. This Code ensures that the provision of ADR services is done in an ethical way and outlines ethical responsibilities and consequences for breaching these responsibilities.

**Output:** Code of Conduct.

### Activity B.3.4 Internal procedures for the ADR Center

#### Activity B.3.4.i Case Management Manual with forms and templates

The Case Management Manual sets out in detail the management of Mediation and Arbitration procedures from the beginning, before intake, through its final phase and case closure. The manual covers all of the procedural, logistic, and administrative aspects of mediation and arbitration. It also includes, a case preparation guide, sample contact letters, and final report templates. Having a well-designed manual covering all processes is essential for a smoothly functioning center.

**Output:** Internal manual for case managers and mediators/arbitrators.

#### Activity B.3.4.ii

##### Service feedback and monitoring procedures

Our experience has shown us that in order to increase transparency and minimize the risk of corruptive practices (and the perception of possible corruption), it is necessary to institute a formal process of public feedback and monitoring. The Service Feedback and Monitoring System establishes a feedback and monitoring system (FMS) based on survey and analysis, allowing the center to evaluate its effectiveness and responsiveness to client needs and business concerns in ADR. Applying specialized survey templates and data monitoring processes, the FMS provides center management and staff with valuable information and feedback from clients and general public.

**Output:** Feedback Survey form and process development.

#### Activity B.3.4.iii

##### ADR Case Management Software (ACMS)

An ADR Case Management System (ACMS) is essential both to run and effectively manage an ADR center and to facilitate the submission of ADR requests for users and lawyers with the ability to monitor and manage their case and documents throughout the process. ADR Center works with clients and centers to develop and implement an ACMS with the following features:

- A Cloud-based platform. To be easily accessible for users, mediators, arbitrators, and case managers;
- Online filing and management for users. Disputants can file online, attach important documentation and have access 24/7 to all the relevant documents on their case;
- Case management for center staff. Manage thousands of cases easily with advanced filters, reporting, and staff assignment. Each case manager should have user-specific view of appeals that he/she has access to. Tasks and status are presented in an easy interface to streamline processing;
- Scheduling meetings. Case managers need to easily schedule meetings with the mediator and

all the parties involved;

- Reporting and statistics. Case outcome reporting;
- Customizable templates. For standard documents for users and case managers;
- Invoicing and fee management;
- Mediator/Arbitrator performance evaluation;
- Ability for mediators and arbitrators to log case notes from home or separate offices;
- Multilanguage. International users should have the ability to file and manage their case in different languages by simply switching an option in the software.

This system is developed based upon the system applied by ADR Center in its own services and in setting up other ADR centers and includes an on-going license for the center to use in the course of its business providing ADR services to clients. The system is comprehensive and automatic, and provides a transparent audit trail in case management.

**Output:** One ADR Case Management Software (ACMS); One ACMS

#### Activity B.3.4.iv.

##### Criteria for recruitment of ADR professionals

ADR Center helps centers develop a process to recruit, train, and select ADR panel professionals to serve as arbitrators and mediators. The design of an appropriate recruitment process and selection criteria for neutrals depends on several variables. These variables include the level of training and expertise locally available, current depth of the profession, regulatory requirements, certification requirements, and particular performance standards and criteria that might be desired by the client. In close coordination with the client and the center, ADR Center's experts develop a recruitment process for the center's ADR Professionals that most aptly suits the client's requirements.

**Output:** Recruitment process for ADR professionals.

#### Activity B.3.4.v

##### Criteria for appointment of ADR professionals

Appointment and removal from the neutral panels are processes that the client will want to maintain

close control over in order to ensure quality in the center's reputation. ADR Center develops appropriate selection criteria for the appointment and removal of mediators/arbitrators to the center's registry.

**Output:** Appointment procedures.

#### Activity B.3.4.vi

##### Complaints Management Procedures

To ensure transparency and accountability, the center will need to have in place a system to resolve complaints that may arise from time to time. ADR Center helps centers establish a fair and open system to review complaints. ADR Center works with clients and centers to develop procedures to handle, resolve, and record the results of complaints brought against the center or its neutrals in relations to ADR services provided by the center. ADR Center examines the feasibility of engaging volunteer independent professionals (for example, client Board Members or standing committee members who are not serving on the center's Managing Board) to serve on a committee to review complaints. The procedures include adequate provision for all sides to be heard and considered fairly, with determinations supported by clear rationales and explanations and records of case dispositions maintained openly and transparently.

**Output:** Complaints Management Procedure.

#### Activity B.3.5 Staff Capacity Building

The workshop on center Operations is a course, between two and four days (or split up into two workshops), covering operational matters, such as case management, use and revision of the template forms for operations, understanding the center's mediation and arbitration procedural rules, customer service, managing the monitoring and feedback system, maintaining the center's website, and administering the Complaint Management Procedures. After this workshop, the center staff will be adequately prepared to run a dispute resolution center according to international standards and best practices. An Introductory ADR workshop/orientation

course focusing on both mediation and arbitration, covering the principles and processes of mediation and arbitration is also be held for the center staff.

**Output:** Workshop on center Operations; Introductory ADR workshop.

#### Activity B.3.6 Twinning Agreements with other ADR service providers

One of the best ways to keep an ADR provider current on best practices and build up an international profile is to establish twinning relationships with other reputable providers. To take advantage of this, ADR Center helps centers establish twinning relationships with several other centers. ADR Center develops a non-exclusive twinning agreement template for centers and conducts discussions with several reputable ADR providers worldwide. The twinning agreement covers mutual sharing of information upon request, assistance in locating qualified conflict management professionals in each other's countries, cross-referral service, conference/hearing space sharing, and promotion of each other's' centers in respective home countries. ADR Center assists centers in contacting, conducting discussions, and concluding twinning relationships for the center.

**Output:** Twinning Agreements concluded.

#### Activity B.3.7

##### Study Tour to learn from international best practices

One of the best ways to provide access to information on best practices and lessons learned by others and to open minds is to conduct a study tour. Study tours can be a powerful way not only to transfer knowledge and experience, but also to start forging relationships between people and organizations. Study tours are necessary in order to benefit from exposure to different situations and practices. They allow the relevant personnel to observe, speak, and make linkages with, and learn from the experience of other organizations – including lessons that may have been learned through trial and error. Rather than just hearing about it from visiting international experts, study tour participants gain from actually visiting other centers and seeing firsthand how they operate, what facilities are like, and what kind of staffing is required. The center's personnel

will benefit from observing and experiencing how other ADR providers operate. Each study tour includes an exercise for participants to form a study tour action plan to identify and implement key “take-away” ideas for the center. The total anticipated time for each study tour is 7 days (including travel). ADR Center organizes study tours of international locations for the center and key Board Members or personnel of the client.

**Output:** 7-day Study Tour (Location, number of participants, and number of study tours to be decided upon depending on budget and client consultations).



## AREA OF INTERVENTION B.4 CAPACITY BUILDING

Capacity building is another core aspect of Track Two (Supply of ADR) of our Two Track Approach to ADR development. We carry out activities under this Area of Intervention to generate the capacity for the center to operate effectively and provide high quality dispute resolution services. ADR Center develops the capacity of mediators and arbitrators so that they may serve on the center’s panels of neutrals.

### Activity B.4.1. Basic and advanced mediation courses

The introductory professional training course, typically five-days, covers each stage of the mediation process and reviews the procedures that mediators should follow to have a successful mediation. It encompasses introduction to mediation and related fields, such as negotiation and conciliation, different types of mediation, styles and techniques of mediation, stages of the mediation process, conflict management, listening and communication skills, managing lawyers, generation of options, reality testing, and an introduction to special interest topics such as dealing with impasse, high emotions, difficult clients, co-mediation, and ethics. The course includes intense role-plays and evaluation sessions and concludes with a multiple-choice examination. The course is adapted to ensure it complies with any local training

regulations. The advanced level course, typically five-days, builds upon concepts introduced in the Basic Mediation Course, addressing them at a deeper and more subtle level. These include trust building, listening skills and presentation exercises, using the caucus, managing imbalance, difficult clients, difficult lawyers, mid-course revisions, overcoming hurdles, guidelines for developing agreements, risk analysis, gap closing, cross-cultural matters, dealing with intertwined issues, use of decision trees, and effective closing statements. The course includes intense role-plays and evaluation sessions and concludes with a multiple choice examination. The course is adapted to ensure it complies with any local training regulations.

**Output:** Five-day basic mediation course; Five-day advanced mediation course.

### Activity B.4.2 Basic and advanced arbitration courses

The introductory professional training course, typically five-days, covers each stage of the arbitration process and reviews the procedures that arbitrators must follow to successfully complete an arbitration case. It encompasses modules on arbitration agreements, panel formation and disclosure requirements, pleadings (request, answer, special motions), arbitral tribunal formation, scope of review and terms of reference, prehearing conferences, procedural rules, hearing, award, and ethics. The course includes intense role-plays and evaluation sessions and concludes with a multiple choice examination. The course is adapted to ensure it complies with any local training regulations. The advanced level course, typically five-days, builds upon concepts introduced in the Basic Arbitration Course. It is designed to address need areas identified by ADR Center, the client, and the center during the Basic Arbitration Course delivery. Areas that may be covered include, arbitrability of disputes, discovery challenges, interim measures (such as orders to compel or enjoin), handling difficult counsel, management of complex cases, crafting awards, addressing cost issues. The course includes intense role-plays and evaluation sessions and concludes



with a multiple-choice examination. The course will be adapted to ensure it complies with any local training regulations.

**Output:** Five-day basic arbitration course; Five-day advanced arbitration course.

### Activity B.4.3 ADR Practicum

The Practicum, delivered at least 60 days after the advanced courses consists of key issue review and role-play scenarios for professionals to address these issues.

**Output:** ADR Practicum.

### Activity B.4.4 Practice Development Review Sessions

The Practice Development Review Sessions (PDRS) consist of one or two half-day sessions for professionals. These sessions consist of simulations and role-plays covering difficult situations and allow the mediators a chance to discuss and explore any issues or situations that have arisen. This provides an excellent learning and review opportunity for the mediators to identify missed opportunity moments in recent mediations and to rethink new approaches to these situations. It is this kind of feedback and discussions that helps mediators develop into strong professionals.

**Output:** One-day Practice Development Review Sessions.

### Activity B.4.5 Development of Curricula and ToT Manual

Continued capacity of the center to deliver trainings will be important, both to ensure neutrals can meet their continuing education requirements and to serve as an effective marketing activity for ADR. ADR Center delivers a completed training curriculum for delivery to future potential arbitrators and mediators for the center. ADR Center finalizes and delivers to the center Instructor Manuals for each course delivered, composed of the training presentations (PowerPoint Slides and handouts) along with specific and detailed instructor guidance notes.

**Outputs:** Basic mediation course curriculum; Basic arbitration course curriculum; Advanced mediation course curriculum; Advanced arbitration course curriculum; Practice Development Review Session curriculum; ADR Practicum curriculum; Basic mediation course instructor manual, Basic arbitration course instructor manual; Advanced mediation course instructor manual; Advanced arbitration course instructor manual; Practice Development Review Session instructor manual; ADR Practicum instructor manual.

### Activity B.4.6 Workshop on center procedures and conduct standards (for mediators and arbitrators)

This half-day workshop delivered before appointment to service on the center's panel of neutrals, covers the procedures and processes applicable to the center's ADR services. It covers the forms, templates and rules, including the Code of Conduct of the center. It concludes with a multiple-choice examination.

**Output:** Half-day center procedure workshop.

### Activity B.4.7 Coaching and mentorship

In order to provide continuing assistance and guidance to the center, ADR Center provides one of its key experts (coordinated and agreed upon with the client and the center) to participate in a mission each quarter to the center's premises on a subscription basis. This subscription continues through the completion of the third year following commencement of an engagement, although exact length of time is adaptable to clients' needs. Activities under this subscription can include:

- One onsite visit each quarter
- In addition to the onsite visits, regular offsite check-in sessions with center leadership via Skype
- Observing and providing corrective guidance on center operations
- Attending and commenting on mediations occurring during such visits
- Conducting practice development review sessions where arbitrators, mediators, and/or center personnel

present scenarios and difficult situations they have faced for comment and discussion by the ADR Center visiting professional

- Active advocacy with professionals in the judiciary toward referral of appropriate court cases to the center (including, if possible, establishment of a case referral protocol with judges or courts)
- Organization, each quarter, of additional half-day workshops for businesses and for legal and judicial professionals
- Assistance in updating procedures
- Periodically providing content for inclusion on the center's webpage
- Participating in periodic personnel goal setting or performance evaluation processes
- Participating in ADR professional trainings delivered by the center
- Participation in promotional workshops and events by the center for businesses, legal/judicial professionals, or for journalists

## DESIGNING AND BUILDING ADR CENTERS AND MECHANISMS

Based on our day-to-day experience in managing small and large commercial and civil disputes, we help our clients in designing, establishing and running various types of ADR centers and mechanisms.

ADR CENTERS AND MECHANISMS	DESCRIPTION	MAIN BENEFICIARIES
Court-Annexed Mediation Centers	Designing, establishing, and advising mediation centers annexed to or connected with Courts with an internal or external roster of mediators.	Ministry of Justice, Courts, Judicial Academies
Private or public ADR centers	Designing and establishing new private or public mediation and arbitration centers from scratch or enhancing existing ones. Our intervention ensures that the new ADR providers are immediately ready to open and offer services upon implementation. Each center is completed to the client's specifications and includes all the steps involved to opening a running and successful center.	Private and public investors, Chamber of Commerce, existing mediation centers, bar associations.
ADR mechanisms for business sector associations and public services organization	Designing and establishing neutral ADR mechanisms for business sector associations such as banking, insurance, telecommunications or public administrations like hospitals or public utilities. ADR Center designs and develops a mechanism for handling sector disputes, including intensive and comprehensive mediation skills training programs, to ensure the availability of competent mediators.	Business and sector associations, public administration organizations and independent authorities.
Independent Dispute Resolution Mechanisms	Where there is a need for facilitation of stakeholder engagement processes, for independent grievance mechanisms or for more developed institutional capacity building in accountability and compliance as components of corporate governance, ADR Center can help public authorities and private investors to design, develop, implement, and monitor effective independent dispute resolution mechanisms.	Independent Dispute Resolution Mechanisms
Ombudsman and complaint offices	Design of an independent Ombudsman office that prevents and resolves labor related disputes between employers and employees within multinationals, corporations, governmental entities, universities or large public organizations. ADR Center can also assist with designing complaints department with the goal of effectively managing client and user complaints.	Large private or public employers
Complex public and private international mediations	ADR Center has a sizeable roster of seasoned mediators. We can handle disputes and sensitive communications in virtually all sectors and industries, including complex multinational cases that require competent dispute resolution practitioners with substantial experience.	Public and private organizations



---

**Headquarters**

Via Marcantonio Colonna, 54 - 00192 - Roma

Tel. +39 06 36 09 37 - Fax +39 06 691.904.08

Email: [info@adrcenter.com](mailto:info@adrcenter.com)