

# CIVIL MEDIATION COUNCIL

meeting at 12, Bloomsbury Square  
London WC1A 2LP

018 2335 0277 (Secretary's DDI)

4<sup>th</sup> November 2004

Dear Colleague,

## **Invitation to Individual Membership of the Civil Mediation Council**

As you may know, the Civil Mediation Council, under the chair of (Lord Justice) Sir Brian Neill, was formed in 2003. It has had an active two years with successful projects such as the National Mediation Helpline and the POCA Seminar amongst its recent achievements. More details are given below.

The CMC's Board, which comprises elected members from all areas of the mediation community, operates under a constitution. It will stand for re-election in 2005 and it is beginning the process of recruiting members who will be able to vote in the elections and participate in supporting its broader work and purposes.

Membership is open to individuals and to mediation providers. Applications are now invited by responding to this letter: details of membership fees are given below.

### **Purpose - Article 3 of the Constitution**

The Purpose of the Council is to represent the common interests of Mediation Providers and Mediators in promoting mediation; to do so through the performance of the Council's objects; and, generally, by improving the understanding of the uses and applications of mediation.

### **Mission Statement**

*The Mission of the CMC is to influence the policies and practices of the UK government and other governments, as well as the professions and the public, increasingly to adopt mediation as an effective means of dispute resolution.*

### **How the CMC has met its objectives and purposes in 2003/2004**

The specific objects for which the Council is established are as follows:

1. to be a neutral and independent body to represent and promote civil and commercial mediation and other dispute resolution options as alternatives to litigation and thereby to further law reform and access to justice for the general public;

\* *The CMC submitted an amicus brief in the Court of Appeal case Halsey v Milton Keynes NHS Trust, a landmark case in which the Court provided the definitive judgment on whether the court can order unwilling parties to mediate and whether the court should impose costs sanctions when a party has unreasonably refused to mediate. In its judgment the Court of Appeals held, inter alia, that all members of the legal profession who conduct litigation should now routinely consider with their clients whether their disputes are suitable for ADR; most cases are suitable for mediation; the court should encourage parties to mediate but not compel them to do so; and finally although the CPR permits a judge to make costs orders against a successful party, the decision to deprive a successful party of some or all of his costs on the grounds that he has refused to agree to ADR is an exception to the general rule that costs should follow the event.*

\* *Representatives of the CMC met on 26 May 2004 with the Minister David Lammy at which they discussed, amongst many topics, the Department of Constitutional Affairs' interest in Proportionate Dispute Resolution, Community Mediation, pre-action and in-court mediation, and promoting mediation awareness.*

\* *The CMC has established a close and on-going relationship with the Better Dispute Resolution department of the DCA and is following developments in their PSA3 programme.*

2. to create a culture of best practice by encouraging research, continuing education and quality standards in the field; by issuing codes of good practice; and by conducting accreditation of mediation providers and through them individual mediators;

\* *The CMC is actively participating in the European-wide adoption of Codes of Good Conduct through its participation in various conferences and meetings organised by the European Commission*

\* *In 2005, the CMC will adopt accreditation standards and procedures for Mediation Providers and actively carry out a rational and rigorous programme of accreditation, which will be open to all provider organisations.*

3. to be a focal point for the impartial and learned consideration of issues surrounding mediation and other dispute resolution options;

\* *On 2<sup>nd</sup> December 2004 the CMC will hold a seminar on the application to mediators of the Proceeds of Crime Act with presentations by officials from the Home Office and National Criminal Intelligence Service, judges and mediators, representatives of the professional bodies and Board members.*

4. to foster, and be a commissioning body for, research into the use and application of mediation and other dispute resolution options;

\* *the CMC is beginning a study ahead of practical research into success rates in Court-based mediation*

5. to be a forum for debating issues surrounding mediation including through an annual series of conferences and seminars;  
  
*\* The CMC's POCA Seminar on 2<sup>nd</sup> December 2004 is part of this process.*
6. to be a portal for access by potential users of and referrers to mediation and other dispute resolution options including judges, lawyers and the general public;  
  
*\* The CMC has worked actively with the DCA on the creation of a national mediation helpline to offer telephone access to the public to information about mediation and case referrals to Accredited Mediation Providers. This goes live in November 2004.*
7. to establish and foster the fullest understanding amongst the judiciary, lawyers and the general public of mediation and other dispute resolution options, including means of access, cost-benefits and the simplicity of mediation procedure;  
  
*\* the CMC has worked to increase awareness during 2003/2004 and plans to increase its role in the next two years.*
8. to identify and lobby for effective legal and regulatory provisions to support mediation and its effective use; and to offer to government and others access to the considered views of the mediation community as a whole;  
  
*\* the CMC is represented at the EU Civil Justice meetings which have recently agreed the EC Code of Conduct for mediators.*
9. to collate and offer appropriate information on and about mediation and other dispute resolution options including the means of access to services and practitioners;  
  
*\* this is now part of the CMC remit with the National Mediation Helpline and will grow in other areas.*
10. to assemble and make generally available an impartial online library of information about mediation and other dispute resolution options including practice methods, accrediting bodies, providers and practitioners; and  
  
*\* this awaits funding in 2005/2006.*
11. to liaise with all other relevant bodies, persons and departments for the achievement of its purposes.  
  
*\* This is a key purpose and the CMC is already a recognised stakeholder in the development of mediation.*

The CMC will continue to grow and believes that with the support of an active and committed membership, from a diverse background in the mediation community, this can only be beneficial.

### **Membership fees**

If you are interested in joining the Civil Mediation Council, the annual membership is £50 for individuals. Please complete the attached form and return it to:

**The Secretary  
Civil Mediation Council  
Equity House  
Blackbrook Park Avenue  
Taunton TA1 2PX**

Ideally, this should be received before 1<sup>st</sup> December 2004 but membership can be taken out at any time.

Your cheque should be crossed and made out to "The Civil Mediation Council only".

We look forward to hearing from you

Yours faithfully,

**Jonathan Dingle, MCI Arb**  
Barrister & Mediator  
for and on behalf of the Civil Mediation Council

Sir Brian Neill  
Karl Mackie  
Richard Schiffer  
Robert Nicholas  
Mark Jackson-Stops  
Heather Allen  
Frances Burton  
Jonathan Tecks  
Evlynne Gilvarry  
Harry Hodgkin  
Philip Naughton QC  
Allan Connarty  
Stephen Ruttle  
David Richbell  
John Bishop

email: [cmcadmin@clara.co.uk](mailto:cmcadmin@clara.co.uk)  
tele: 018 2335 0277

# CIVIL MEDIATION COUNCIL

## INDIVIDUAL APPLICATION TO JOIN THE CIVIL MEDIATION COUNCIL

To be returned by 1<sup>st</sup> December 2004 to the address below.

<b>Name</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>DX Number if appropriate</b>	
<b>Contact telephone number</b>	
<b>Contact fax number</b>	
<b>Contact email address</b>	
<b>Interest in mediation</b>	
<b>Accredited by/to</b>	
<b>Professional qualifications</b>	
<b>Certification</b> I certify that the above information is correct. I confirm that I am content for this data to be captured and stored electronically or otherwise by and on behalf of the Civil Mediation Council. <b>I wish to be a member of the Civil Mediation Council and agree to abide by its Constitution.</b> I enclose my Cheque for £50 payable to the Civil Mediation Council.	Signed:          Dated:

**Please return to:**  
**The Secretary**  
**Civil Mediation Council**  
**Equity House Blackbrook Park Avenue**  
**Taunton TA1 2PX**