

GUIDELINES FOR EMPANELMENT OF MEDIATORS

I. SELECTION PROCEDURE:

QUALIFICATION:

- Legal Practitioners with atleast 10 years standing at the Bar at the level of the Supreme Court or the High Court or the District Court or equivalent status;
- Experts or other professionals with atleast 15 years experience or retired Senior Bureaucrats or retired senior executives.

A. PREFERENCE:

- Those who are in regular/active practice at the Bar will be given preference.

B. AGE:

- He/she should be atleast 40 years old. In suitable cases, this requirement may be relaxed at the discretion of the Committee for TNMCC, High Court, Madras.

C. DISQUALIFICATIONS:

- He/she should not have been adjudged as insolvent or declared to be of unsound mind;
- No criminal charges involving moral turpitude should have been framed against him/her by a Criminal Court and pending.
- He/she should not have been convicted by a Criminal Court for any offence involving moral turpitude.

- No disciplinary proceedings or charges relating to moral turpitude should have been initiated against him/her by the appropriate disciplinary authority which are pending or resulted in punishment.
- He/She should not have been within last 10 years-
 - (a) debarred or suspended from the practice of law;
 - (b) denied admission to the Bar for reasons of character or unethical conduct; and
 - (c) publicly reprimanded or publicly disciplined for professional misconduct.

E. SELECTION PROCESS:

- Depending upon the pendency of cases in the High Court/ District Court /Sub Court and at Taluk Level, the number of Mediators may be selected for empanelment. For example, in the District Head Quarters, the number of Mediators to be empanelled may be between 15 and 25 and at the Sub Court and Taluk Level, it may be between 4 and 10. The number may vary at the discretion of the Committee for Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.
- After conducting One Day Awareness Programme on Mediation in the locality to sensitize the Advocates and Litigants about Mediation, *the Director, Tamil Nadu Mediation and Conciliation Centre (TNMCC)*, shall call for applications from the Advocates of the High Court practising at its

Principal Seat or the Madurai Bench and the *Principal District Judge/District Judge* of the concerned District shall call for applications from the Advocates at the District Court/Sub Court and at Taluk Level, to be submitted in the prescribed format, as per **Annexures A to C**; and forward the list of selected candidates, who are willing to undergo 40 Hours Mediation Training Programme to the Committee for TNMCC, High Court, Madras, for approval.

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➤ [The condition of one day Awareness Programme to participate in the 40 Hours Mediation Training Programme is dispensed with and it is left to the discretion of the learned Principal District Judge to send the panel of Advocates and Judicial Officers depending upon their experience, age and suitability for such training programme.]

II. TRAINING PROCESS:

a) 40 Hours Mediation Training Programme (5 Days): (Mandatory for Empanelment)

- The selected candidates will be imparted 40 Hours Mediation Training Programme, as per the Curriculum /Agenda approved by the Mediation and Conciliation Project Committee, Supreme Court of India, New Delhi.

1. Inserted vide Minutes of the Hon'ble Committee for Tamil Nadu Mediation and Conciliation Centre, Dated : 19.06.2019. R.O.C.No.296/2017/T.N.M.C.C./Hct./Ms.,

- The Mediation Training Programme will be organized by Tamil Nadu Mediation and Conciliation Centre at Chennai, Madurai and Coimbatore by utilizing the services of the Trainers of TNMCC, with prior intimation to MCPC.
- Selection Letters duly intimating date, time and venue of the Training will be issued to the selected candidates/Trainees by the Director, TNMCC.
- Attendance is compulsory for all the five days.

III. EMPANELMENT PROCESS:

- After successful completion of 40 Hours Mediation Training, the final List/Panel of Mediators will be prepared and approved by the Committee for TNMCC, High Court, Madras.
- Thereafter, the approved Panel of Mediators in respect of Districts will be forwarded to the Principal District Judges concerned, who in turn, shall publish the same on the respective notice boards of the District Court/Sub Court and Taluk Courts.
- Insofar as High Court is concerned (both Madras and Madurai Bench), the Director, TNMCC shall notify the Panel of Mediators, in the respective Notice Boards, as well as in the High Court Cause List.

- ² [Normally, the Trained Mediator shall be allowed to have his/her name in one of the panels at the concerned District Level, however, at the discretion of the Committee a Trained Mediator may be allowed, on application, to act as Mediator at more than one place or to shift from one Panel to another Panel at a different place / Court, by deleting his/her name from the earlier Panel.]
- The trained Mediators shall be in the panel initially for a period of three years from the date of approval of the Panel by the Committee for TNMCC, High Court, Madras.

IV. ACCREDITATION PROCESS:

a) Pro-bono Service:

- The trained Mediator shall do *pro-bono* service, initially for a period of two years.
- During pro-bono period, he/she is required to do Mentorship Mediation (supervised mediation) under a Senior Mediator and act as a Co-mediator, in atleast 20 mediations.
- The trained Mediator shall do mediation regularly and continuously throughout the period of *pro-bono* service.

2. Substituted vide Minutes of the Hon'ble Committee for Tamil Nadu Mediation and Conciliation Centre, Dated : 19.06.2019. R.O.C.No.296/2017/T.N.M.C.C/Hct/Ms.,

b) *Declaration as 'Accredited Mediator':*

- Upon completion of 10 successful mediations resulting in settlement and atleast 20 mediations in all and upon completion of two years of *pro-bono* service, he/she shall be declared as an 'Accredited Mediator' and 'Accreditation Certificate' will be issued to them.
- After being declared as an Accredited Mediator and issued with an Accreditation Certificate, his/her name will be placed in the regular Mediators Roster and cases will be allotted to them regularly.
- They must complete the task entrusted to them sincerely, efficiently and in conformity with the Ethical Standards prescribed and also maintain punctuality and integrity.
- To remain as an 'Accredited Mediator' after Empanelment, a Mediator must complete 20 Hours Refresher Course every three Calendar Years to refresh their mediation skills and techniques, as per MCPC guidelines.

c) *Payment of honorarium:*

- The Accredited Mediators alone are entitled for payment of honorarium, as per the norms fixed by the High Court.

V. RENEWAL PROCESS

- The regularity of Mediators for each Mediation Sessions will be assessed for continuing in Panel.
- If any trained Mediator does not appear for three consecutive sessions, he/she may not be allotted any fresh case for mediation.
- The trained Mediators, who do not come for mediations regularly will be placed in the non-roster roll for a period of one year and if he/she fails to show any involvement or interest in mediation, his/her name will not be renewed for continuing in the Panel.
- There shall be periodical assessment of performance of the Mediators. Successful settlement of cases will also be a criterion for evaluating the potential of a Mediator to continue in the panel.
- Any complaint received against the Mediators or breach of Ethical Standards or both will attract disqualification to continue them in the Panel.
- The panelist/Mediators shall exercise their willingness to continue in the panel and submit his/her renewal application, a month prior to the expiry of three years period.

- Renewal of the Panel of Mediators shall be at the discretion of the Director or the Principal District Judge/District Judge, as the case may be, with the prior approval of the Committee for TNMCC.
- The Director or the Principal District Judge, as the case may be, with the prior approval of the Committee for TNMCC, may from time to time, add or delete the name of any Mediator from the Panel of Mediators.

VI. MODIFICATION, AMENDMENT OF THE GUIDELINES:

The guidelines may be modified /amended by the Committee for TNMCC from time to time.

//BY ORDER//

//TRUE COPY//



DIRECTOR

TAMIL NADU MEDIATION AND CONCILIATION CENTRE