



## **The Worshipful Company of Arbitrators' Mentorship Scheme Guidance for Mentees and Mentors**

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## (1) Background

The Company's educational objectives are looked after by the Education and Pupillage Committee of the Company. We support education at all levels in private dispute resolution (PDR<sup>1</sup>), particularly through the Company's Mentorship Scheme [**"The Scheme"**] for aspiring arbitrators, mediators and adjudicators who wish to gain or increase their practical experience. This Scheme is unique in the UK and is a flagship programme of the Company.

The Scheme offers practical experience and mentoring to those progressing their private dispute resolution careers as practising neutrals, whether in arbitration, mediation or adjudication and whether in the UK or internationally.

The Scheme is normally a two year programme, although this may be extended by agreement. It is spent under the co-operative interaction with a third-party mentor who may practise in the areas of arbitration, mediation or adjudication, or a combination of these. The objective is to provide guidance and in so far as possible practical experience of procedural matters and hearings and awards in arbitration and decisions in adjudication, and the opportunity to observe and then assist at mediations (as appropriate).

Every effort will be made to match each Mentee with a suitable Mentor. A set of criteria has been established for Mentees, with the emphasis firmly on quality and not quantity. In summary, we look for a sound academic background and/or appropriate work experience, the particular qualities necessary for private dispute resolution in the chosen field, and the ability to observe confidentiality. Mentees are expected to hold a professional/vocational qualification relevant to the particular area of third party neutral practice that they wish to pursue. They will also be strongly motivated and articulate with strong communication skills.

Mentees are encouraged to keep a logbook and to liaise regularly with their Mentor. They will also be expected to meet (or aspire to meet) the criteria for acceptance as a Freeman of the Company and to apply for the freedom of the Company within 12 months of joining the Scheme.

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<sup>1</sup> Also referred to as Alternative Dispute Resolution (ADR)

## (2) The Steps Through the Scheme

Progress through the-Scheme follows the following stages:

1. **Application:** The prospective Mentee completes a simple application form which is sent to the Company. Mentees who appear to meet the requirements of the Scheme are then invited for interview, normally in London. Each application requires two referees who will be contacted prior to any interview.
2. **Interview:** The mentee will be interviewed by a panel of up to three, appointed from the Company's Education and Pupillage Committee. The criteria for selection are given below. Interviews will normally be held twice per year, so mentees may expect some delay between application and interview.
3. **Acceptance & Appointment of Mentor:** Following a successful interview, the mentee will be assigned a Mentor, usually from within the Company. The Mentor will be chosen so as to form the best fit with the area of PDR that the mentee intends to pursue.
4. **Plan:** Every mentee is different. For that reason, it is important that, early under the Scheme, the Mentor and Mentee develop a 'Plan' together which details what the mentee expects to achieve during their time on the Scheme and how that might be achieved. A sample of what a Plan might involve is provided in this guide (see Appendix 1).
5. **Log Book:** During the Scheme, the mentee is encouraged to maintain a log of activities performed as part of the Scheme. It is important that the mentee identifies the learning outcome of each activity and how it contributes to achieving the Plan. A sample log book is included in this guide. (See Appendix 2)
6. **Completion:** It is expected that a mentorship will last for two years. By agreement with the Mentor, this may be extended.

### **(3) Interview: Criteria for Selection**

Although there are no hard and fast criteria for selection, the interviewers will look for the following when selecting mentees for the Scheme:

1. A sound academic background or appropriate work experience. The Scheme is intended to develop practical skills in PDR rather than academic skills, so mentees should demonstrate that they have reached an academic level where they have the necessary theoretical skills for their chosen form of PDR. For example, in arbitration, this might be the equivalent Fellowship of the CIArb Pathway Scheme in the chosen form of PDR. Experience of PDR in a professional capacity will be advantageous.
2. Strong interpersonal skills and communication. The practice of PDR requires a high level of ability in this area.
3. Strong motivation. Establishing a successful practice as a neutral in PDR is a difficult task, so interviewers will assess whether the mentee is sufficiently motivated to succeed in this difficult environment.
4. Good understanding of current practice. Interviewers will assess whether the mentee has a reasonable understanding of how PDR is performed in their chosen field and the need for confidentiality.
5. An understanding of the Worshipful Company of Arbitrators and a willingness to meet the requirements for membership of the Company and participation in its activities which may include speaking about their experience of the scheme at a Company event and/or being interviewed on a podcast.
6. Mentees should have a connection with the City of London.
7. Places in the scheme are limited, so it is likely that individuals who the interview panel considers are likely to make a considerable professional contribution to the field of Private Dispute Resolution and the work of the Company will be preferred.

## **(4) Confidentiality**

1. The Company emphasises the importance of maintaining appropriate levels of confidentiality. This will be discussed with mentees at the time of interview, but involves confidentiality in at least three important respects.
2. Firstly, at the time of application to the Scheme, the Mentee will be required to provide a Confidentiality Undertaking and if accepted sign as appropriate a Confidentiality Agreement.
3. Secondly, a mentee will often be given access to information arising out of a Mentor's work as Arbitrator, Adjudicator or Mediator. In those cases, the Mentor will seek the permission of interested parties to such access being given, but it will be expected that the Mentee will expressly acknowledge that there is a duty on the Mentee to maintain confidentiality in respect of such information. Often the interested parties will expect this confidentiality to be reflected in a specific written declaration.
4. Thirdly, part of the scope of the Scheme is to assist Mentees in dealing with situations which may arise in the Mentee's early appointments as arbitrator, adjudicator or mediator. This gives rise to particular problems of confidentiality which will require discussion between Mentee and Mentor on a case by case and situation by situation basis.
5. In addition, the Company expects and requires strict adherence to the laws and practices of Data Protection in any relevant jurisdictions.
6. Mentees will be required when appropriate to undertake conflict checks.

## Appendix 1: Sample Plan

### Aims

By the end of the Scheme:

1. [name of mentee] will have attended a number of arbitrations (mediations, adjudications) as a Mentee and written shadow instructions and awards to the satisfaction of [name of Mentor].
2. [name of mentee] may have gained experience of some or all of the following as appropriate:
  - a. Writing instructions and awards
  - b. Single arbitrator arbitrations
  - c. Multi-arbitrator arbitrations
  - d. A variety of arbitration rules including ICC, LCIA, UNCITRAL
  - e. International arbitrations
  - f. Multi-party arbitrations
  - g. Arbitrations specifically concerned with disputes involving particular spheres of activity
  - h. Adjudications
  - i. Dispute Boards
  - j. Mediations
3. [name of mentee] will have, with the support of [name of Mentor], may have applied to be included on a number of panels of arbitrators, adjudicators or mediators including those most likely to encounter disputes in his/her area of speciality such as:
  - a. LCIA
  - b. ICC
  - c. HKIAC
  - d. SIAC
  - e. China
  - f. Malaysia
  - g. USA (AAA/JAMS)
  - h. Other
4. [name of mentee] should have increased his/her profile within the international arbitration or domestic PDR community and within the Worshipful Company of Arbitrators through methods such as:
  - a. Direct contact with arbitrators (adjudicators, mediators)
  - b. Writing & presenting papers
  - c. WCA events and seminars and podcasts
5. [name of mentee] may attended such courses and undertaken such additional training as is identified as necessary during the course of the Mentorship.

## Appendix 2: Sample Log Book

Date	Activity	Learning Outcome (Plan ref)	Notes from Mentor
1 January 2014	Attended directions hearing & wrote shadow directions	Ability to write directions for an ICC arbitration (1,2)	Excellent shadow directions – remember to allow enough time for report writing by expert witnesses
2 January 2014	Helped organise WCA mediation contest	Saw a number of mediation styles in action (4)  Introduced to a number of Mediators (4)	
3 January 2014	Attended 3 day international arbitration hearing. Wrote shadow award.	Appreciation of the practical difficulties in managing an international hearing (1,2)	Excellent shadow award.
4 January 2014	Co-mediator at Mediation with [name of mentor].	Application of theory learned at mediation course (1,5)	Mediation settled successfully as result of novel suggestions & interventions by [name of mentee].