



(Please read Membership Criteria and on pages four and five before completing this application)

1. **Sponsor:**
2. **Co-sponsor:**
3. **Nominee Information** Include the following: Name, Firm, Address, City, State/Province
Zip/Postal, Country; Phone/Fax, and email

4. **Description of Nominee's Practice** (include information regarding the market in which the Nominee practices, eg., whether courts mandate mediation and how frequently mediation is utilized in that market)

5. Please attach the Nominee's current curriculum vitae, including mediation certifications, training, speaking, writing, teaching and training.
6. **IAM Conference Attendance**
Please list the place and date of all IAM Conferences attended by the Nominee:

7. **IAM Members Known.** Please identify any IAM members the Nominee knows

8. Mediation Experience

- a. How many years has the Nominee served as mediator for compensation in commercial disputes? _____

- b. How many days has the Nominee served as a mediator for compensation in commercial disputes?
 - i. In the past 12 months _____
 - ii. In the past 3 years _____
 - iii. in the Nominee’s career _____

(Commercial disputes do not include residential landlord/tenant or dissolution of marriage matters. A day is at least 4-6 hours or more, including preparation time.)

c. Please attach a description of any other mediation-related experience that the Nominee considers to be relevant to this nomination for membership (eg., mediation training, teaching, presiding over settlement conferences as a judge or magistrate, etc.).

9. References

Please list three references whom the Sponsors have contacted and submit summaries of each reference’s comments along with this form. References should be counsel, parties, or party representatives with whom the Nominee has worked in a mediation session in the past year.

Name/Address/Phone/Email

Name/Address/Phone/Email

Name/Address/Phone/Email

10. Background

Has the Nominee ever been convicted of or are charges pending regarding a violation of any criminal law (other than minor traffic offenses), ethical, code of conduct, or disciplinary rules of any state government or provincial agency, bar association or private or public professional entity? _____

If yes, please explain status and/or resolution in an attachment.

Nominee Affirmation

The undersigned Nominee affirms and verifies that he or she has read and understands the information provided herein, and that the information is true and complete to the best of his or her knowledge, information and belief. Nominee also confirms that he or she understands this submission does not create any obligation on the part of the International Academy of Mediators to admit me as a member. If granted, membership is subject to the conditions of the IAM By-laws and Constitution, including but not limited to dues and conference attendance requirements.

Nominee's Signature/Date

Sponsors' Affirmations

We the undersigned sponsor and co-sponsor of this Nomination, affirm that based on our personal knowledge and review of at least three professional references, the Nominee meets all the qualifications for membership in the IAM and accordingly, we are pleased to nominate _____ to become a Fellow/Distinguished Fellow (circle one) of the IAM immediately upon approval of this Nomination by the Board of Governors. (Please attach any additional comments regarding this Nomination that you believe will be helpful to the Board in reviewing the Nomination)

Sponsor's Signature/Date

Co-sponsor's Signature/Date



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Andrew M. Diamond

Andrew is a leading, Toronto-based mediator and arbitrator with over 16 years' experience as a third party neutral in the public and private sectors.

Andrew's mediation and arbitration practice focuses on:

- employment law matters including, wrongful dismissal, harassment and discrimination claims, and workplace disputes;
- tort litigation including auto accidents, accident benefit, product liability and slip and fall cases; and
- commercial and construction cases including contracts, partnership disputes, construction lien litigation, insolvency related cases and claims officer appointments.

Andrew is an arbitrator on the Canadian Transportation Agency List of Arbitrators and an approved facilitator for the Ontario Energy Board and PEI Potato Board. He is a claims officer dealing with matters that fall under the *Companies' Creditors Arrangement Act* (CCAA) and other insolvency law matters for companies such as Nortel, Fraser Papers and Radio Shack. Andrew is an approved mediator and arbitrator for the National Automobile Dealer Arbitration Program (NADAP).

Andrew was a public sector adjudicator and mediator from 2005 to 2018 including 10 years with the Ontario Human Rights Tribunal between 2008 and 2018. He was the former Vice-Chair of the Ontario Licence Appeal Tribunal and the former Registrar in Bankruptcy, appointed by the Chief Justice of the Superior Court of Ontario.

Andrew was on the ADR Chambers appointed list of mediators and arbitrators handling cases involving the *Insurance Act* and *Statutory Accident Benefits Schedule* (SABS) between 2012 and 2018.

Prior to his public appointments, Andrew practiced law at Osler, Hoskin & Harcourt LLP and Blake Cassels & Graydon LLP, focusing on insolvency and restructuring litigation, competition law, securities litigation and corporate commercial disputes. He has appeared before all levels of court in Ontario and a number of boards and tribunals, including the Ontario Labour Relations Board, the Ontario Municipal Board and the Assessment Review Board.

Andrew lectures on bankruptcy, presents at conferences across Canada on insolvency law, and has published articles in the *Employment and Labour Law Reporter*, *The Canadian Bankruptcy Reports* and the *Annual Review of Insolvency Law*.

He is a past member of the Board of Directors of the Society of Ontario Adjudicators and Regulators (SOAR), a past member of the Commercial List Users Group, and the Advocates' Society.

Andrew earned his LL.B. at Osgoode Hall Law School in 1989 and his M.B.A. with Distinction at Schulich School of Business in 2003. He has a B.A. from McGill University and is a member of the Law Society of Ontario. He was called to the Ontario Bar in 1991.

Andrew Diamond - IAM Nomination Form attachment

8. Mediation Experience

c. Please attach a description of any other mediation-related experience that the Nominee considers to be relevant to this nomination for membership (eg., mediation training, teaching, presiding over settlement conferences as a judge or magistrate, etc.).

Andrew has attended the Harvard Negotiation Program and the Stitt Feld Handy ADR Program. He was a Claims Officer in Nortel and the Registrar in Bankruptcy of the Ontario Superior Court.

9. References

1. Sarah C. Crossley
Filion Wakely Thorup Angeletti LLP
P: 416-408-5514
E: scrossley@filion.on.ca

"I am pleased to provide a reference for Andrew Diamond for his nomination to the International Academy of Mediators.

I have used Andrew as a mediator for several years now. I repeatedly recommend him to not only my clients but colleagues as well. Not only does Andrew have a substantive legal background in a number of areas of law, he is skilled in dealing with some of the most difficult counsel. While firm and authoritative when required for a particular matter, he is also able to relate with all types of clients – whether a sophisticated executive or someone not as familiar with mediation or legal type processes, Andrew is able to relate to them and communicate with them in a way that is respectful and conducive to a productive mediation.

Andrew is often successful in bringing the parties to a resolution but even in cases where a "deal" was not had – I always know that, in those cases, a deal was not to be had on that day. Even in the cases where there is "no deal" (which is rare), Andrew has always earned the respect and trust of my client.

Lastly, and certainly not least, Andrew is pragmatic and often guides the parties to a practical resolution (and even one the parties may not have considered).

In short, I have no hesitation whatsoever recommending Andrew as a mediator. I regularly use him for wrongful dismissal matters, sensitive human rights matters and/or matters which involve pension, complicated executive compensation and/or disability benefits.

If you require any additional information, do not hesitate to contact me."

2. Amy R. Tibble

Hicks Morley Hamilton Stewart Storie LLP

P: 416-864-7539/416-362-1011

E: amy-tibble@hicksmorley.com

"I am a partner at the law firm of Hicks Morley—practicing in labour and employment law representing employers only. I was first introduced to Andrew Diamond approximately 5 years ago. Since that time, Andrew has become one of my preferred mediators. He has worked with me on dozens of mediations and while I have not calculated all the precise number of times, we have worked together I estimate it is likely 50 or so. Andrew is a courteous, effective, and personable mediator. He listens to the parties, discerns with efficiency the goals of the parties and works to get them to a mutually agreeable resolution. He is also willing to continue to work with the parties in the unlikely event a resolution is not achieved during the scheduled mediation hours. Several of our clients will only use Andrew as their mediator and this, in my opinion, speaks highly of his skills and acumen.

I am certain Andrew would be an asset to the International Academy of Mediators and strongly recommend him for your consideration."

3. Lorenzo Lisi

Aird & Berlis LLP

P: 416-865-7722

E: llisi@airdberlis.com

"I started working with Andrew at the beginning of his mediation career and since that date, have used him on almost 40 mediations for employment related matters, each one of these with the agreement of opposing counsel which in my view speaks volumes of his ability as a mediator.

Andrew takes a thoughtful approach to mediation. He of course understands the legal landscape and is fully prepared on the date of mediation with respect to the pleadings and facts of the case, but his true strength is his ability to read the room and understand the personalities, which allows the parties to move towards an agreement rather than having one seemingly imposed. This is an important and critical talent for a mediator, particularly when both sides believe their case is supported by the law and the equities. This approach leads to higher rates of settlement but more importantly, allows the parties to walk away with a resolution that they can live with.

I have and will continue to use Andrew as a mediator. He is personable, has a great sense of humour and can relate to the parties he serves, both personal and professionally. I consider him to be one of the top mediators in the field.

I hope this assists but please feel free to either call me or send me a note if you require further information."

INTERNATIONAL ACADEMY OF MEDIATORS MEMBERSHIP CRITERIA

Overview

New IAM members will be admitted to membership in the Academy under the following guidelines:

- Membership is by **invitation only**
- Membership is limited to **professional commercial mediators** who are **well established and recognized** in their local or regional community as **leading mediators** in the field
- The IAM is dedicated to **inclusiveness** and **diversity** across a full spectrum
- The Membership and Recruiting Committees assist Academy members in identifying mediators who meet the criteria for invitation by the Board of Governors to join as **Fellows** or **Distinguished Fellows**

Criteria for Admission to Membership as Distinguished Fellow

Nominees for membership in the Academy in the **Distinguished Fellow** category must generally meet the following **minimum qualifications** with respect to **mediation experience**:

- in commercial mediation practice at least **5 years**, with corresponding certification for those mediators who practice in jurisdictions that have certifications for commercial mediation
- at least **a majority of their professional efforts** are dedicated to commercial mediation
- in developed markets, must have worked at least **600 commercial mediation days**
- in emerging markets¹, must have worked at least **300 commercial mediation days**
- in undeveloped markets², must have worked at least **100 commercial mediation days**
- **mediation days** consist of **at least 4 hours** of work focused on **mediation of commercial disputes** (including teaching, training or facilitating as well as mediating disputes and excluding days spent mediating pro bono, small claims and domestic relations matters)
- **alternative mediator experience** may be considered provided it is **substantially equivalent** (participation in mediations as party or counsel is not considered mediator experience)

Criteria for Membership as Fellow

Nominees for membership in the Academy in the **Fellow** category must generally meet the following **minimum qualifications** with respect to **mediation experience**:

- in commercial mediation practice at least **3 years**, with corresponding certification for those mediators who practice in jurisdictions that have certifications for commercial mediation
- at least **a substantial proportion of their professional efforts** are dedicated to commercial mediation
- in developed markets, must have worked at least **300 commercial mediation days**
- in emerging markets, must have worked at least **150 commercial mediation days**
- in undeveloped markets, must have worked at least **50 commercial mediation days**

¹ “Emerging” markets are those areas or regions where relatively fewer commercial disputes are mediated, in contrast with developed markets where the majority of commercial disputes get referred to mediation, whether by courts, counsel or parties. Factors include: the extent to which mediation is mandatory, the length of time mediation has been in use, the types of disputes that go to mediation and the numbers of mediators who practice on a full or substantial-time basis.

² “Undeveloped” markets are those areas or regions where mediation is just beginning to be utilized and thus very few commercial disputes are mediated and very few mediators practice on a full or substantial-time basis.

- **mediation days** consist of **at least 4 hours** of work focused on **mediation of commercial disputes** (including teaching, training or facilitating as well as mediating disputes and excluding days spent mediating pro bono, small claims and domestic relations matters)
- **alternative mediator experience** may be considered provided it is **substantially equivalent** (participation in mediations as party or counsel is not considered mediator experience)

Membership Nomination Process

Invitations to join the Academy are issued only upon **approval** by the **Board of Governors** of a **Nomination** from a qualified **Sponsor** and **Co-sponsor**

- **Sponsors** must be **Distinguished Fellows** who have been **members** of the IAM for **at least two (2) years** or **who have attended at least four (4) conferences**
- **Nominations** are **submitted** to the Board of Governors **only from** qualified **Co-Sponsors** on a form that includes **attestations vouching** that the prospective new member is a ***pre-eminent distinguished or rising star mediator*** in their local community
- **Nominees for membership** must **previously have attended at least one IAM conference** at the **invitation of a member** (any Fellow or Distinguished Fellow may invite with approval of the Recruiting Chair)
- **Mentees** in the Mentorship Program who have gained the **requisite experience** are encouraged to seek Sponsors for nomination as **Fellows**

Fellows who have gained the **requisite experience** are encouraged to seek Sponsors for nomination as **Distinguished Fellows**