



(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

FALECK & ASSOCIADOS

Diego Faleck is a business mediator, settlement counsel and a dispute resolution processes designer, with a unique track record in highly complex cases. He is the founder of Faleck & Associados, a private firm focused on mediation and settlement strategies, leading a team of 130 full-time mediators.

His noted work includes designing and implementing compensation systems with the use of mediation and facilitation due to major aircraft accidents (TAM, 2007, Air France, 2009), large environmental tragedies (Mariana, 2015, Brumadinho, 2019) and a preventive evacuation and compensation system for thousands of families due to subsidence claims (Maceió, 2020). For the past 10 years, he has been working with several of the largest national and international companies doing business in Brazil and renowned law firms and leading the Brazilian business mediation market. He has been acting on some of the most complex and high-profile cases, including reinsurance, construction, energy, telecommunications, real estate, contracts, finance, judicial recovery and partnership disputes cases, national and international, and also those involving major public companies.

He received his LL.M. degree from Harvard Law School and his Phd degree from the University of São Paulo. He held significant government positions in antitrust and consumer protection matters. He is an Adjunct Professor at the Pepperdine Caruso Law School (Malibu – CA, USA). He is co-leading the International Chamber of Commerce Mediation Task Force in Brazil, a member of the Brazilian Advisory Board for the CPR International Institute and the CAM-CCBC Mediation Commission. He has several national and international publications on dispute resolution. He is a frequent speaker in national and international colloquiums. He is IMI certified.

He was highlighted as a Global Elite Thought Leader by Who's Who Legal 2019 and as a Brazilian Thought Leader in 2020. He was also ranked as the best business mediator in Brazil by Leaders League 2020. He has been featured as a prominent dispute systems designer in Harvard Professors' Frank E. A. Sander and Robert C. Bordone (et al.) publication "Designing Systems and Processes..." (Wolters Kluwer, 2013, appendix one).

Mr. Faleck has several national and international publications on dispute resolution. He is a frequent speaker both at Brazilian and International Colloquiums (e.g. Harvard Law School – Program on Negotiation – 2010, invited professor for Harvard Law School classes on Dispute Systems Design – 2010 and 2013, speaker at Columbia Law School, New York University, Fordham University, King's College London, Universidad de Los Andes, Bogotá, Colombia). He been invited for the keynote speech at the International CPR Congress in São Paulo (2018) and the CBAR Mediation Congress (2017).

Publications

1. Books

- 1.1 FALECK, Diego. Manual de Design de Sistemas de Disputas: Criação de Estratégias e Processos Eficazes para Tratar Conflitos. Editora Lumen Juris, Rio de Janeiro, 2018.
- 1.2 FALECK, Diego. Lost Lawyer Found: The Problem-Solving Lawyer. Saarbrücken: LAP Lambert Academic Publishing, 2011.

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2. Articles

- 2.1 FALECK, Diego. *Letter from São Paulo*. Harvard Law Bulletin, Cambridge – MA (USA), June 4th, 2009.
- 2.2 FALECK, Diego. *Introdução ao Design de Sistemas de Disputas: Câmara de Indenização* 3054. Revista Brasileira de Arbitragem, Porto Alegre e Curitiba, ano V, n. 23, p. 7-32, jun.-ago.-set. 2009.
- 2.3 FALECK, Diego. *Desenho de Sistemas de Disputas e o Rompimento das Barragens de Fundão e Santarém: Programa de Indenização Mediada (PIM)*. Revista da Defensoria Pública do Estado de Minas Gerais, Minas Gerais, ano I, n. 2, p. 13 -15, nov. 2017.
- 2.4 FALECK, Diego. **Mediação Empresarial: Introdução e Aspectos Práticos**. Revista de Arbitragem e Mediação: RArb, São Paulo, v. 11 n.42, p. 263-278, jul/set. 2014.
- 2.5 FALECK, Diego. *Do programa extrajudicial de prevenção ou reparação de danos: inovação da Lei de Ação Civil Pública*. In: ASSIS, Araken de; MOLINARO, Carlos Alberto; GOMES JUNIOR, Luiz Manoel; MILHORANZA, Mariangela Guerreiro. *Processo Coletivo e Outros Temas de Direito Processual*. Porto Alegre: Livraria do Advogado, 2012.
- 2.6 FALECK, Diego. ALVES, Rafael Francisco. *Concordar em discordar: por quê, o quê e como negociar o procedimento arbitral*. Revista de Direito Empresarial, São Paulo, v.1, p. 249 – 280, 2014.
- 2.7 FALECK, Diego. *Desenho de Sistemas de Disputas (DSD): Raízes do Dispute Review Board (DRB)*. In: MARCONDES, Fernando (Coord.). *Direito da Construção, estudos sobre as várias áreas do direito aplicadas ao mercado da construção*. São Paulo: Pini, 2014.

3. Book chapters

- 3.1 FALECK, Diego; TARTUCE, Fernanda; GABBAY, Daniela. *Meios alternativos de solução de conflitos*. 1. ed. Rio de Janeiro: Editora FGV, 2013. v. 1. 96p
- 3.2 FALECK, Diego; TARTUCE, F. *Introdução histórica e modelos de mediação*. In: Armando Sérgio Prado de Toledo; Jorge Tosta; José Carlos Ferreira Alves. (Org.). *Estudos Avançados de Mediação e Arbitragem*. 1ed. Rio de Janeiro: Elsevier, 2014, p. 171-189.
- 3.3 FALECK, Diego. *Um passo adiante para resolver problemas complexos: desenho de sistemas de disputas*. In: Carlos Alberto de Salles; Marco Antônio Garcia Lopes Lorencini; Paulo Eduardo Alves da Silva. (Org.). *Negociação, Mediação e Arbitragem – curso básico para programas de graduação em Direito*. 1ed. São Paulo: Método, 2013, v. , p. 257-272
- 3.4 FALECK, Diego. Appendix A: Designers' Stories (p. 383/393). In: Rogers, Nancy et. al. *Designing Systems and Processes for Managing Disputes*. Aspen, 2013.

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4. Commentaries on legislation for legal practitioners

- 4.1 Lei de Mediação Comentada Artigo por Artigo. Coord: Trícia Navarro Xavier Cabral e César Felipe Curi. São Paulo, Ed. Foco, 2018 – comentário ao art. 43.
- 4.2 Código de Processo Civil Anotado. Coord. José Rogério Cruz e Tucci, Manoel Caetano Ferreira Filho, Ricardo Aprigliano, Rogéria Dotti e Sandro Gilbert Martins, AASP – OAB/PR, 2018 – comentários aos arts. 165 a 175.

From: Chuck Doran cdoran@MWI.ORG 
Subject: RE: IAM membership
Date: October 13, 2020 at 8:40 AM
To: Jeffrey Hand jhand@ilslaw.ca, Claude Amar claud@amar.cc
Cc: Rob Daisley rob@daisleymediation.com, Steve Paul steve@swpaul.com



Jeff and Gents:

I reached out to both of Diego's references and received one email of support and the other reference said I will get back to me soon about why he would be happy to recommend Diego. (I have asked him to send me a brief email of support ASAP.)

I would consider these to be two positive endorsements and would move for a vote if we're reviewing applications tomorrow. Thanks.

Chuck.

Reference #1:

Dear Chuck,

Many thanks for your e-mail. I had Mr. Diego Faleck as mediator in 5 different cases.

I will briefly describe 2 out of these cases to point out why I believe Diego is an outstanding professional.

I) Dispute about the level of production of a powerplant based on sugarcane pulp/bagasse (confidential case): Diego Faleck presented a decision tree that was key to the development of the case;

II) Dispute on investments made on a paper recycle plant (confidential case): after 3 rounds of negotiation the parties were before a dead end road. Diego presented a Mediators' proposal that was very creative and pragmatic at that stage of the negotiations.

In view of the foregoing, I am glad to state that Diego Faleck is a very skilled, knowledgeable and creative mediator and dispute resolution designer.

Should you need any additional comment, please do not hesitate to contact me.

Kind regards,
Paulo Macedo

Reference #2:

Dear Chuck,
Thank you for your message.

Sure, it will be my pleasure to recommend Diego.
I will write to you shortly in such regard.
All the best,



www.baptista.com.br | Av. Paulista, 1294 – 8º andar | 01310-100 | São Paulo | Brasil



Immediate Past President | Distinguished Fellow
International Academy of Mediators | www.iamed.org

From: Jeffrey Hand <jhand@ilslaw.ca>
Sent: Tuesday, October 6, 2020 12:49 PM
To: Claude Amar <claudio@amar.cc>
Cc: Chuck Doran <cdoran@mw.org>; 'Rob Daisley' <rob@daisleymediation.com>; Steve Paul <steve@swpaul.com>
Subject: RE: IAM membership

Dear Claude,
Thanks very much. Chuck, perhaps you could reach out to the other two referees?
Jeff



Innovative Legal Solutions LLP
Jeffrey A. Hand *
Partner
** Law Corporation*

Phone: (604) 449-3830 | **Fax:** (604) 669-2990 | www.ilslaw.ca
Suite 530 - 625 Howe Street, Vancouver, BC V6C 2T6

From: Claude Amar claudio@amar.cc 
Subject: Re: IAM membership
Date: October 9, 2020 at 10:28 AM
To: Jeffrey Hand jhand@ilslaw.ca
Cc: Rob Daisley rob@daisleymediation.com, Steve Paul steve@swpaul.com



Dear Jeff,

I have interviewed Gisela Mation about Diego.
I have not copied Chuck who is to interview Diego's other references.

Gisela is a local high power lawyer, working both in Rio and Sao Paolo.
She has carried research on ADR at Yale and taught ADR in India.
Gisela had won the ICC Competition twelve years ago.

She admires Diego's actions towards raising mediation awareness in Brasil, whether with lawyers or in local universities.

Gisela has worked with Diego as mediator, in her capacity as one party's lawyer, in several occasions amongst which one very complicated mass case following a plane crash where Diego had articulated a very innovative and powerful mediation process which led to an amicable resolution as well as in a difficult and complex environmental case, unique in Brasil.
Gisela personally recommends Diego Faleck whether for his personal as well as professional qualities.

I can only add that Diego will be a fantastic addition to our roster.

Warmest regards,

claudio amar
mediator

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phone: +33 (0)1 4434 0888 | email: claudio@amar.cc
<https://mediation-resolution.net>
www.imimmediation.org/member/claudio-amar/



*Out of clutter, find simplicity.
From discord, find harmony.
In the middle of difficulty lies opportunity.*

- Albert Einstein

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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**