

# CAYMAN ISLANDS ASSOCIATION OF MEDIATORS AND ARBITRATORS

## REGULATIONS

### 1. **Membership**

As set out in Articles 11 to 17 of the Articles of Association:

- 1.1 Any person wishing to be admitted as a member of the Association must meet the membership criteria set by the Board from time to time.
- 1.2 It is a condition of membership that members:
  - 1.2.1 Reside in the Cayman Islands;
  - 1.2.2 Provide evidence of qualification through;
    - 1.2.3.1 having completed a recognised mediation training course consisting of at least 25 hours of contact time and have passed an assessment at the conclusion of that course – and supply a copy of his or her training certificate to the Association; or,
    - 1.2.3.2 evidence that they have served as a professional mediator or arbitrator on 10 cases in the preceding 2 years; or,
    - 1.2.3.3 evidence that they have mediated or arbitrated more than 25 disputes; or,
    - 1.2.3.4 evidence that they have engaged in more than 500 hours of dispute resolution as mediator, facilitator, arbitrator, trainer, conflict coach, ombudsman or in a related area.
  - 1.2.3 Agrees to be bound by and abide by the Code of Ethics of the Association;
  - 1.2.4 Agrees to submit to periodic monitoring;
  - 1.2.5 Upon request provide 10 hours annual pro bono dispute resolution services;
  - 1.2.6 Thereafter completes annually five hours of mediation related CPD at least three hours of which must be certificated;
  - 1.2.7 Agree to the publication of their name in a list of members of the Association; and,
  - 1.2.8 Provides evidence of such relevant insurance as may be required by the Board.

- 1.3 Every proposal for membership must be submitted to the Board for consideration and acceptance or rejection at the meeting of the Board next following receipt by the secretary of the proposal or at a subsequent meeting as soon as it is practicable to do so.
- 1.4 Proposals must be submitted in writing to the Secretary of the Association.
- 1.5 Any member of the Association which becomes bankrupt, insolvent, subject to any administration procedure, or regulatory intervention in any jurisdiction; ceases to reside in the Cayman Islands or breaches the Code of Ethics may be suspended immediately as a member of the Association and will be notified in writing of such suspension by the Board.
- 1.6 Associate Membership of the Association shall also be open to:
  - 1.6.1 organisations and individuals based or ordinarily resident overseas who by reason of domicile only are ineligible under Regulation 1.2.1 of these Regulations to become members; and
  - 1.6.2 any other organisation which, or individual whom, while not meeting the criteria set out in this Regulation, share the aims and objectives of the Association and are considered by the Board to be appropriate for Associate Membership.
  - 1.6.3 Associate Members shall not be eligible to vote, or propose or second resolutions, or to stand for election to the Board, but shall otherwise, on payment of the relevant subscription, be able to enjoy the benefits and rights attaching to Members.

## 2. **Officers**

- 2.1 There must be a Chairman, a Deputy Chairman, a treasurer and a secretary ("the Officers") who must be elected by the Association at the annual general meeting and hold office until the day after the next annual general meeting but may be re-elected.
- 2.2 There must be a board of directors ("Board") consisting of:
  - 2.2.1 the Chairman, Deputy Chairman, treasurer and secretary for the time being;
  - 2.2.2 such other persons as may be elected from time to time in accordance with these Regulations.
- 2.3 Subject as provided below, elected members of the Board must be elected at the annual general meeting for one year until the day after the next annual general meeting after their election and are eligible for re-election for that following year.
- 2.4 At the annual general meeting for the purposes of electing the Officers and members of the Board members of the Association shall have one vote for one person standing for election to each of the positions as an Officer of the Board. Members shall have one vote for one person for each of the vacant positions as members of the Board.

- 2.5 Any elected member of the Board who attends (whether in person or by proxy) fewer than half of the meetings between two consecutive annual general meetings (excluding for the purpose of this clause of this article meetings held in August in any year) must, if his term of service has not expired, retire on the day after the second of such meetings unless the Board decide otherwise, and is ineligible for re-election for the next year.
- 2.6 If a casual vacancy occurs in any of the offices or among the elected members of the Board between one annual general meeting and another, the Board may appoint a member to fill the vacancy; but the member so appointed may hold office until only the day after the next annual general meeting, unless at such meeting he is re-elected for a further period of one year.
- 2.7 If a member appointed under Regulation 2.5 to fill a vacancy among the elected members of the Board offers himself for re-election, he may be elected for the remainder of the period for which his predecessor had been elected.
- 2.8 In determining whether a member appointed under article 2.5 to fill a vacancy among the elected members of the Board is ineligible for re-election under article 2.4 regard must be had to the proportion of his attendances to the number of meetings held after his appointment.
- 2.9 The quorum of any meeting of the Board shall be 4. In the event of deadlock the Chairman shall have a casting vote.
- 2.10 If an officer or member of the Board is unable to attend a meeting of the Board they shall be entitled to appoint a proxy to attend in their place on condition that the identity of that person is communicated to the Secretary not less than one working day before the meeting.
- 2.11 All resolutions of the Board must be approved by at least two thirds of those officers and members (or their proxies) in attendance at any particular meeting.
- 2.12 The Board may make such honorary appointments as it thinks fit.
- 2.13 The Board may establish such committees and sub-committees as it shall think fit.

### 3. **Entrance and annual fees**

In accordance with Article 13:

- 3.1 Save as set out in Regulation 3.5 below, the one-off entrance fee (the “Entrance Fee”) to be paid by new members admitted to the Association is CI\$25.
- 3.2 Save as set out in Regulation 3.5 below, the annual membership fee (the “Annual Fee”) is CI\$100 and the annual associate membership fee is CI\$75.
- 3.3 The Annual Fee covers membership from 1<sup>st</sup> January to 31<sup>st</sup> December of any year.

- 3.4 If a member is accepted by the Association during the course of a year then the Annual Fee will be prorated and charged on the basis of  $\frac{1}{4}$  of the Annual Fee for each complete 3 month period remaining of that year.
- 3.5 For members accepted by the Association prior to 31<sup>st</sup> December 2010, the Annual Fee only is payable and will cover membership until 31<sup>st</sup> December 2011. For those members accepted by the Association after 31<sup>st</sup> December 2010, both the Entrance Fee and Annual Fee will be payable.