



(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 (live or virtual) 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

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** are encouraged to **attend at least one live or virtual IAM conference** at the **invitation of a member** (any Fellow or Distinguished Fellow may invite with approval of the Recruiting Chair) before their Sponsors submit a Nomination on their behalf.
- **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**

Scott W. Densem, B.A., J.D.

Densem ADR Solutions Inc.

Mediation & Arbitration

479 Hounslow Avenue, Toronto, ON M2R 1J1

Phone: (416) 456-8294 E-mail: scott@densemadr.com

Background/Education

- Called to the Ontario Bar, 1983
- 40 years Advocacy and ADR Experience
- Insurance, Tort, Contract, & Commercial Cases

JD Graduated in 1981 with a Juris Doctor degree from Osgoode Hall

BA Graduated with High Honours in 1978 with a Bachelor of Arts degree from University of Toronto

Legal Experience

- Associate Lawyer at Walker Ellis, 1983 – 1989
- Partner/Managing Partner at Lawson, McGrenere, 1989 – 2008
- Counsel on many cases in the Ontario Superior Court and the Ontario Court of Appeal
- Insurance practice involved the representation of both plaintiffs and defendants, with more emphasis on defence.
- Areas of insurance practice included:
 - *Property and general liability claims*
 - *Automobile litigation*
 - *Statutory Accident Benefits Claims*
 - *CGL policy claims*
 - *Occupiers' liability*
 - *Sports and Recreational claims*
 - *Disability and life insurance*
 - *Products liability*
 - *Excess insurance*
 - *Fire losses*
 - *Medical Malpractice*
 - *Environmental claims*
 - *Marine law*
 - *Professional negligence*

Professional Memberships/Affiliations

- Ontario Academy of Mediators & Arbitrators – A Chapter of the Canadian Academy of Distinguished Neutrals
- Canadian/Ontario Bar Association
- County of York Law Association

Legal and ADR Educational Activities

Selected List of Papers & Presentations

- **Certified by the Advocate's Society as having completed the Harvard Law School Mediation Workshop, July 1998.**
- **The Effective Negotiation and Mediation of Personal Injury Claims, June 2002 presentation to the Law Society of Upper Canada Continuing Legal Education Program.**
- **Making Mediation Work: The Essentials for a Winning Approach, June 2007 presentation to the Canadian Institute's 7th Annual Conference on Litigating Insurance Coverage Disputes.**
- **Effective ADR Management of Insurance Coverage Disputes, June, 2008 presentation to the Canadian Institute's 8th Annual Conference on Litigating and Managing Insurance Coverage Disputes.**
- **Ten Mistakes That Lawyers Make at Mediation (and How to Avoid Them), April, 2009 presentation to the Osgoode Hall Law School Professional Development Continuing Legal Education Conference on Managing & Litigating Motor Vehicle Accident Claims.**
- **The Do's and Don'ts of Mediating Insurance Claims, November, 2009 presentation to the Ontario Bar Association Continuing Legal Education.**
- **The Joys of the Comprehensive General Liability Policy, February 1996 presentation to the Ontario Insurance Adjusters Association.**
- **How to Read a Comprehensive General Liability Policy, September 1997 presentation to the Canadian Risk Insurance Managers Annual Conference in Toronto.**
- **Reading and Understanding the Comprehensive General Liability Policy, October 1997 presentation to AXA Insurance.**
- **Punitive Damages: The Good, the Bad Faith, and the Ugly, November 1998 presentation to CGU Insurance and Analysis of the Automobile Rates Stability Act (Bill 59), February 1999 presentation to Halifax Insurance Company.**
- **Occupier's Liability; Claims Handling and Negotiation, November 1999 presentation to CGU Insurance.**
- **Developing Trends in Personal Injury and Advertising Liability in Comprehensive General Liability Policies, May 2000 presentation to the Canadian Institute.**

Scott Densem

- The Law Regarding the Trespass to Property Act and Powers of Private Security Personnel on Commercial Premises, June 2000 presentation to Intercon Security Limited.
- An Overview of Ontario Occupier's Liability Law, June 2000 presentation to K&K Insurance Company, Fort Wayne, Indiana.
- Six Tips on Making an Impact with Your Opening Jury Address, June 2000 presentation to the Canadian Bar Association Continuing Education Program.
- Bill 59, Present Status and Interface with the Statutory Accident Benefits Schedule, November 2000 presentation to Cunningham Lindsey Canada Limited's Accident Benefit Conference.
- Six Easy Steps to Better Claim Files, February 2002 presentation to ACE INA Insurance.
- Hold Harmless, Exclusion Clauses, and other Contract Defences in Premises Liability Claims, May 2002 presentation to Intercon Security.
- Management of a Property Claim File – Avoiding a Bad Faith Claim, June 2002 presentation to Belair Insurance.
- Collateral Benefits: Plaintiff and Defence Perspectives, November 2007 presentation to the Ontario Bar Association.

Client References

- *Available upon request*

Ian D. Kirby, LL.B., C.S.
Gilbert Kirby Stringer LLP
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Suite 1920,
Toronto, ON,
M5H 1J8.
P 416-363-3100, ext 231
F 416-363-1379

I have had Scott as mediator on a number of cases (by memory I'm going to say about 10) over the last several years. I've always found him to do a very good job; settling all the cases I thought should resolve and even some I was convinced wouldn't. Indeed I have recommended Scott as a mediators to other members of my firm, lawyers in other firms and clients too.

In short, when I'm presented by the other side with a list of proposed mediators and Scott's name is on the list, he's always an unqualified "yes" from my end.

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Shanti Barclay (she/her) | Partner
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Website: www.ztgh.com

Scott is my go to mediator. He knows the facts and the law better than most counsel, from personal injury to complex property construction failures to product liability and professional negligence. He works so hard throughout the day, into evenings and even follows up after a failure to assist in making a settlement happen. He is very well respected. I have never had counsel say, "not Scott".

Most of all, he is extremely effective. I always know if an action cannot settle with Scott, there was nothing else I could do.

He has a lovely personality and treats everyone respectfully.

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With regard to Scott, I recall his helping me understand a complex insurance coverage matter where an insurer had gone bankrupt and there were outstanding claims against their various insureds (Markham General Insurance I think it was), when Scott was a senior insurance defence lawyer working at Lawson McGrenere LLP and I was a young lawyer working at Lee Fireman Regan, as it then was. That goes back to the late 1980s.

Scott has always been friendly and pleasant with his colleagues, including younger lawyers who have so very many questions. As a practicing litigator, Scott was professional and well prepared when at discoveries or in court.

He certainly has a great background in civil litigation, specializing in complex insurance matters, personal injury claims and commercial general liability files. He is always knowledgeable and keeps up with case law, even to this day when he no longer practices law but conducts a lot of mediations.

With that stellar reputation as the consummate professional in the practice of civil litigation, I was one of the first lawyers to use Scott as a mediator (so he tells me) in 2000 or 2001, when we first opened our law firm. He did a great job mediating, of course, and we got the first party homeowner's insurance claim settled. Both the insurer and the Plaintiffs left the mediation feeling they had been "heard", treated fairly and that they each had a reasonable outcome.

That is a very difficult task – making all parties happy or at least, feeling like the resolution achieved was fair for everyone.

Over the past 20+ years, I have continued to use Scott as my "go to" mediator for files that really need to be settled.

He is great with a wide variety of personalities, which is a helpful skill in his line of work. He is sympathetic and kind to those who have sustained physical or emotional injury and protective of their feelings. At the same time, I have never seen any mediator better with my insurer clients than Scott.

He understands the insurance claims process and what the adjusters go through, what they need to justify a particular settlement and the needs/considerations of their employers who in turn, must report to their superiors, shareholders and policy holders.

My clients (pretty much all insurance professionals) always feel that Scott understands where they are coming from, what they believe are the important facts/considerations and he helps them appreciate the exposure/risk they face if a matter does not settle. He never pressures them to settle but wisely guides them through the various options. I have never once had an insurance client comment that they were being bullied, pressured or mis-understood when Scott was mediating, even where claims did not settle, my clients felt contented with the mediator and the mediation process.

Quite often there will be a stale mate in negotiations, where a Plaintiff feels they simply cannot come down further and the Defendant's insurer believes it cannot justify a higher payout. Somehow, Scott comes up with a "good idea" to keep negotiations ongoing in spite of all the odds against it.

He has a way of phrasing and presenting settlement proposals (often not "offers") that guides the claim to a successful resolution.

Scott is always prepared and knows the background facts/evidence thoroughly. It is obvious when he mediates that he has read and absorbed everything. That is so important.

Scott truly is my Super Hero for getting extremely difficult cases settled against all odds.

Let me summarize by saying that I want Scott negotiating a successful resolution when it comes time for me to meet Saint Peter at the Pearly Gates.

I can think of no one more suited for the International Academy of Mediators. They would be most fortunate and enriched to have him.