CENTER FOR INTERNATIONAL LEGAL STUDIES

2nd Biennial

Mediation Symposium

8-11 June 2017

Schloss Leopoldskron, Salzburg, Austria

Chaired by: **The Hon. Ken Fields (ret)**, Phoenix, Arizona, United States

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General Information

Professional Sessions - Coffee Breaks

Sessions convene according to schedule on Thursday, 8 June, in the *Parker Hall* (one flight up at end of the Meierhof Lobby) in the Meierhof. Coffee Breaks will take place in *Meierhof Lobby* (library).

Cocktail Reception - Palace Tour - Piano Concert

A welcome cocktail is hosted in the *Great Hall* (ground floor) and/or the *Terrace* (weather permitting) of Leopoldskron Palace. A tour of the palace will commence in the *Great Hall* and end in the *Marble Hall* with the opening dinner. The piano concert before Saturday's concluding dinner will also be held in the *Great Hall*.

Breakfasts - Lunches - Dinners

All breakfasts, lunches and dinners will be served in the *Marble Hall* of Leopoldskron Palace. Breakfasts are scheduled Friday, Saturday and Sunday, buffet lunches Thursday, Friday, and Saturday; and dinners Thursday (served) and Saturday (buffet) for registered delegates and guests. All dinner drinks, or wine/beer at lunch, are on the individual's tab.

After-Dinner Drinks - Bar Service - Free Evening

Bar service is hosted in the *Meierhof Café* at the entrance to the Meierhof. Consumption is on the individual's tab. Friday is a free evening: Restaurants near the Palace are *Marchart's* right next to the Meierhof (very nice Steaks and Thai food) and *Strasserwirt* (Austrian), about a 5 minute walk; in the near vicinity are *Stiegl's World of Brewery* and *Riedenburg* (Austrian) both a 4 min drive or 20 min walk, or *DaGiacomo* 3 min drive/15 min walk (Italian). For restaurant suggestions in the Old Town, please talk to the Front Desk; there are too many to list.

Check Out

Check out time at the Leopoldskron Palace is at 10 AM. If you wish to check out later, please let the front desk know as soon as possible. Accommodation, meeting arrangements, and meals are charged to the CILS account. You will be asked to pay your incidentals (bar, mini bar, telephone, copies…)

Center for International Legal Studies (CILS)

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Director: **Dennis Campbell**, dennis.campbell@cils.org

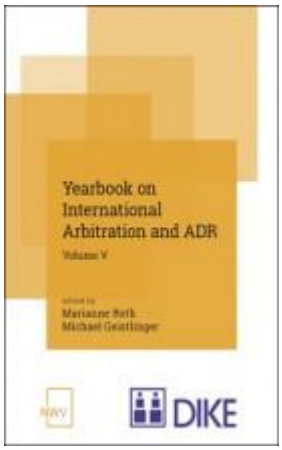
Assistant Director, FDI Moot Director: **Christian Tyler Campbell**, christian.campbell@cils.org

Event Manager: **Manuela Ines Wedam**, manuela.wedam@cils.org

Websites: http://cils.org, http://fdimoot.org, http://legaledu.net

Publication of Papers

Transnational Dispute Management, media partner of the Center for International Legal Studies, is a network for International Arbitration, Mediation and ADR, and International Investment Law and has gained popularity with many (international) companies, governmental organisations, law firms international agencies, academic and think-tank institutions.



The **Yearbook of International Arbitration and ADR** takes up recent trends in international arbitration and alternative dispute resolution and leads them in scholarly debate. The editors of this yearbook series, Prof. Marianne Roth and Prof. Michael Geistlinger of the University of Salzburg, would again be happy to include suitable papers for publication in the upcoming 6th edition.

Submission deadline for both, the electronic publication via the TDM Journal and the print publication via the Yearbook, is **31 October 2017**.

Schedule

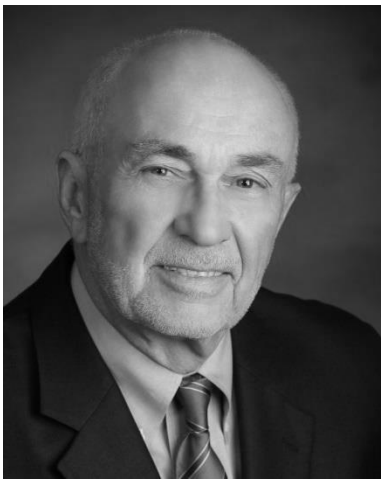
Thursday, 8 June

Opening Lunch: 11:30 AM-12:30 PM

Symposium Opening

12:45-1:00 PM

Chairman



The Hon. Judge Kenneth (Ken) L. Fields (ret.) is a retired Judge of the Superior Court of Arizona in Maricopa County, Phoenix, Arizona, having presided over civil, juvenile, criminal, probate, special assignment and family court calendars. Since his retirement as an active judge, Judge Fields has maintained an active mediation and arbitration private practice as well as teaching. He is the presiding commissioner for a 5-person arbitration commission deciding disputes between the Navajo Nation and the Hopi Tribe (both Native American Indian tribes). He has acted as a trainer and guest lecturer in Mexico, Kosovo, Russia, Serbia and Wales on alternative dispute resolution, U. S. business law and comparative law.

Status of Mediation World Wide – Part I

A discussion of the acceptance nationally and internationally of mediation as a dispute resolution process.

Panel Chair

Hon. Paul Anthony Smith, Land Court of Queensland, Brisbane, Australia – member of the Queensland (Australia) Judiciary for over 16 years, having been first appointed as Deputy President of the Land and Resources Tribunal in 2000 and subsequently to the Land Court in 2004 where he is now the 2nd most senior member; He is a Harvard trained Mediator and Negotiator and a CILS Senior Lawyer Visiting Professor having taught in Siberia, Ukraine and the Czech Republic.

Speakers:

Christof Siefarth, GÖRG Partnerschaft von Rechtsanwälten mbB, Cologne, Germany - Partner; Dr. iur. (Cologne), LLM (University of Georgia, United States), Attorney-at-Law (New York); mainly representing foreign clients as counsel in international commercial arbitration proceedings, with an emphasis on distribution law disputes.

Claudia Caluori, Eptalex ATLF, Beirut, Lebanon – Senior Foreign Counsel; Attorney at Law, duly qualified in Italy, certified Mediator, LLM Candidate. Her international practice includes International Development Strategy and Foreign Investments, International Contracts and Transactions, and Intellectual Property Law. She started to practise mediation in Italy in the field of Consumer Law and Telecommunication disputes, and collaborates with Studio dell'Avvocato Antich in Florence, Italy.

Aloysius Goh, Singapore International Mediation Centre, Singapore - Deputy Chief Executive Officer; certified Mediator; holder of the NUS Research Scholarship; holder of postgraduate degrees from the NUS and BC. Faculty member Singapore International Dispute Resolution Academy and Singapore Mediation Centre; member of IMI's Qualifying Approval Committee.

Afternoon Coffee: 2:15-2:45 PM

Status of Mediation World Wide – Part II

A continued discussion of the acceptance nationally and internationally of mediation as a dispute resolution process.

Panel Chair

Terry Tomsick, Bled, Slovenia - JD, LLM, Hearing officer for police and fire disciplinary cases, Civil Service Commission, Denver, Colorado; Judge appointed in Dacono, Firestone, WheatRidge, Lakewood, Edgewater, Central City, Magistrate Judge in Denver, Colorado (1990-2014); trial and litigation practice.

Speakers:

Lynn Cole, Mediator and Arbitrator, Tampa, Florida, United States - IMI certified mediator; Her domestic experience in mediation started in the early 1990s serving as a Florida Supreme Court appointed initiating member for 12+ years on the Florida Mediation Qualification Board. She has assisted in the design of court-related mediation systems in Bulgaria, Kosovo and Jordan (the first court-related mediation program in the Arab Middle East), and Sri Lanka. She authors articles, teaches and trains in mediation around the world.

Hon. David Gladstone (ret.), Tel Aviv, Israel - arbitrator and mediator; David serves as trustee on behalf of the Court and on behalf of the parties and as Estates Manager. The main areas of his expertise in arbitration and mediation are, inter alia, banking, real estate, planning and construction law, professional negligence, personal injury claims, commercial contracts, partnerships and intellectual property.

Orit Asnin, Asnin Law Office, Haifa & Tel Aviv, Israel - founder; Since 1999 she focuses exclusively, on mediation of business and personal disputes. Orit has vast experience in complex multi-party mediations, in emotionally loaded conflicts, involving corporations, public institutions, family businesses, and individuals, some involving multi-cultural parties. She also serves as a vice chairperson of the section of dispute resolution of the Israeli Bar, and as a lecturer on the subject of mediation and conflict resolution.

Cocktail Reception: 5:30 PM Tour of the Palace: 6:15 PM Dinner: 7:00 PM

Starting / Inspiring a Mediation Culture and a Mediation Practice

The panel will discuss both (a) acceptance of mediation as an alternative dispute mechanism within the context of European, Commonwealth and American culture; and (b) developing and sustaining a mediation practice. The history of mediation in the panelist's countries, the support from governmental and private institutions for mediation, the challenges of creating a mediation culture, and the practical problems, do's and don'ts of developing a practice, are all within the topic. The panelists will discuss any particular any cultural restrictions, needs, attitudes or regulation that affect mediation in their countries.

Panel Chair

Hon. Colin F. Campbell (ret.), Osborn Maledon, Phoenix, Arizona, United States - Colin was appointed a Judge of the Maricopa County Superior Court in 1990. During his seventeen years as a Judge, he sat on every assignment (civil, criminal, juvenile and family), and was Presiding Judge from 2000 to 2005. On returning to Osborn Maledon in 2007 after his retirement from the Bench, Colin has had an active commercial and public law trial practice.

Speakers:

Hon. Christopher M. Skelly, Scott, Skelly & Muchmore LLC, Phoenix, Arizona, United States - partner; He retired as a superior court judge approximately fifteen years ago and started a mediation and arbitration practice. He has been working full-time in that capacity ever since. Scott, Skelly & Muchmore, LLC is a three-member firm that serves only in the capacity of a neutral mediator or arbitrator.

Presentation Title: **Development and Widespread Acceptance of Private Mediation in the Civil Justice System in the United States**

Chris will speak briefly about the development and widespread acceptance of private mediation in the civil justice system in the U.S. and how he developed his mediation practice.

Alexander Walker, National Center for Peace and Conflict Studies, University of Otago, New Zealand – Current Master's student in Peace and Conflict Studies; from Rochester, Minnesota, United States; BA in Cultural Anthropology and Intercultural Peace Building with certification in mediation; Executive Training and Intake Officer for Otago Peer Mediation, University of Otago, New Zealand.

Alexander will discuss Indigenous Maori culture and their effect on New Zealand culture pertaining to acceptance of ADR practices and how the Otago Peer Mediation group has overcome cultural challenges since its formation three years ago.

Cezary Rogula, Adw. Cezary Rogula Law & Mediation Office, Krakow, Poland - Attorney at Law (Adwokat, Polish Bar) and mediator with his own law and mediation office; Specialises in commercial and consumer mediation; Participant of Joint PhD Programme in Law (UAntwerpen, Jagiellonian University); Involved in ICC Mediation Competitions since 2009 and CDRC Vienna since 2015; Previously: HLS (2005), KU Leuven (2008) Heidelberg University (2011). Jagiellonian University: School of American Law (2007), Postgraduate Diploma in Banking Law (2011).

Morning Coffee: 10:15-10:45 AM

Enforcing Mediation Clauses and Mediated Settlement Agreements

A presentation on enforcing mediation clauses and mediated settlement agreements, including options on how to craft agreements to ensure compliance in the absence of treaties or specific statutes and a discussion of the efforts and progress in drafting an international instrument to enforce such agreements.

Panel Chair

Alan M. Anderson, Alan Anderson Law Firm LLC, Minneapolis, Minnesota, United States - FCIArb; Fellow and member of the Council of the Australian Centre for International Commercial Arbitration (ACICA); member - Forum for International Conciliation & Arbitration (FICA); JD (Cornell University), LLM (University of London); PhD (King's College London); specializing in complex commercial litigation and international arbitration.

In addition to chairing the Panel, Alan will also give an overview and summary of the efforts of UNCITRAL Working Group II to negotiate an international instrument for the enforcement and recognition of international mediated settlement agreements, which has been on-going for the past several years.

Speakers:

Fabien Gélinas, McGill University, Faculty of Law, Montréal, Québec, Canada - PhD (Oxon); barrister; Sir William C. Macdonald Professor of Law; co-founder of the Montreal Cyberjustice Laboratory; head of Private Justice and the Rule of Law Research Group; former Associate Dean of Law and Director of the Institute of Comparative Law at McGill; Norton Rose Fulbright Faculty Scholar in International Arbitration and Commercial Law; graduate of the University of Montreal and the Paris School of Diplomatic and Strategic Studies; director of SICANA; former General Counsel of the ICC in Paris and immediate past Chair of the Canadian Arbitration Committee; adviser and delegate to UNCITRAL, UNECE, and the EC; expert on dispute resolution to CIDA projects, UNESCO; and OECD; designated Appointing Authority by the Secretary General of the PCA.

Fabien will take a look at the challenges raised by mediation undertakings found in international contracts, including settlement agreements, where different legal traditions or governing laws may have an impact on effectiveness.

Maryam Salehijam, University of Ghent, Faculty of Law, European Private Law, Ghent, Belgium - PhD Researcher, LL.B. in European Law, LL.M. in International Laws; Member of YMI, DIS40, YIAC, LCIA, and YOGEMID. Her research focuses on the validity and enforceability of ADR agreements, the obligations of the parties under an ADR agreement, and whether such legal questions can be regulated at the international level.

Presentation Title: **Validity and Enforceability of Agreements to Mediate – Challenges and Remedies.**

States have ample leeway to regulate (or not regulate) agreements to mediate and to determine their legal nature and effect. Certain jurisdictions have specific mediation legislation governing the agreements, while in others, significantly varying general contract

law provisions apply. In some countries, they are considered a condition precedent to litigation or arbitration; in others, it is uncertain what the available (procedural or contractual) remedies are in the event of non-compliance. Moreover, there are different rules on the precise point at which the obligation to mediate begins and ends, and on the exact obligations of the parties to an agreement to mediate. Her presentation focuses on how these differences may give rise to problematic situations in a transnational context and whether these problems can be remedied.

Rodney F. Page, Bryan Cave LLP, Washington, DC, United States – partner; Member of the DC and Virginia State Bars; Registered Foreign Lawyer with the SRA; A graduate of Harvard Law School, he practices litigation and arbitration, with a focus on corporate and securities claims, business tort cases, and commercial disputes. Mr. Page is a board member and past president of the Washington-based court reform organization Council for Court Excellence.

Presentation Title: **Enforcing Agreements Made At Mediation in the United States**

Agreements reached through mediation are considered contracts under U.S. law. As contracts, agreements in mediation are enforceable in the same manner as other contracts. Most mediation in the U.S. is conducted under the auspices or supervision of a court or other dispute resolution body, such as the Financial Industry Regulatory Authority (FINRA). The rules and procedures of those courts and bodies provide other mechanisms for reducing a mediated agreement to judgment on an expedited basis. The Uniform Mediation Act, adopted in a dozen states, and the federal statute establishing mediation procedures in federal courts, anticipate the enforcement of mediated agreements. Parties themselves and mediators may aid the prospects for enforcement through drafting of an agreement to mediate or in the negotiated mediation settlement. The success of mediation in dispute resolution in the U.S. is due in large part to the availability of enforcement mechanisms when agreements are reached.

Lin Adrian, University of Copenhagen, Faculty of Law, Copenhagen, Denmark - Ph.D., MS and LLM, Associate Professor in Mediation; Has worked with mediation in theory and practice since the late 1980s and written books and many articles on different aspects of mediation practice and regulation. Her current focus is on the institutionalization of mediation and her approach is a combination of empirical studies and legal analysis; past head of the Danish National Association for Mediation and co-chair of a Scandinavian Network of Mediation Researchers.

Presentation Title: **Legal Enforcement Instruments - A Wonder Drug in Mediation?**

Enforcement regulation for mediation agreements is in fashion. The EU has pushed for implementing legislation in cross-border disputes, and the UNCITRAL's Working Group II is working on a legal instrument to ensure the enforcement of commercial agreements resulting from conciliation. The underlying assumption in such efforts is that mediation and parties gain from this. While this is likely so in some respects, it is not always the case. Based on the results of an empirical study of agreements in court-connected mediation, this presentation discusses the pros and cons of regulating enforcement.

Lunch: 12:00-1:00 PM

Family Mediation: The Cinderella Syndrome – Forgotten Foundations

The mediation of Family disputes has provided the roots, foundation and pointed the way for mediation in non-family based contexts. It continues to do so. Within a brief historical over-view, the Panel will explore the currency of Family mediation and its on-going developments. In using Cinderella as a metaphor, Family mediation is emerging from the shadows to provide a point of intersection for continuing mediation practice innovation and application in both Family and non-Family disputes.

Panel Chair

Hon. Nancy Flatters (ret.), Mediation, Arbitration, ADR & Judicial Settlement Conferencing Trainer & Educator, Calgary, Alberta, Canada - BA, LLB, LLM (spec. ADR); Chartered Mediator (AMIC); Certified Civil and Family Mediator and Trainer (Mediation Board of Trinidad and Tobago); She brings over 30 years of hands-on experience to her international training programs in family mediation and arbitration, mediation in policing, judicial settlement skills and access to justice, amongst other areas of dispute resolution.

Speakers:

Thomas S. Clifton, Professional Law Corporation, Oakland, California, United States – founder; Tom Clifton has substantial experience representing public agencies. His recent areas of emphasis include contractual disputes, wage determination and labor law compliance, and private attorney general fee claims.

Anna Plevri, University of Nicosia School of Law, Nicosia, Cyprus - Attorney at Law (Greece, Cyprus), Mediator on Civil, Commercial, Family, Workplace Disputes and ODR and Mediator's Trainer, Arbitrator (Adr-Odr International, CIArb, WMO), Lecturer of Private Law and ADR, School of Law, University of Nicosia. She is the Cyprus representative of Adr-Odr International and member of many ADR organizations such as CIArb, WMO et.al. She has participated as a judge the ICC Mediation Competition of 2017.

Presentation Title: **The New Draft Law on Family Mediation in Cyprus**

This paper aims to present in a comparative way and with critical remarks, the new draft law on mediation in family disputes in Cyprus.

David N. Horowitz, May, Potenza, Baran, & Gillespie, P.C., Phoenix, Arizona, United States - David is a fellow of the American Academy of Matrimonial Lawyers, co-chair of its mediation committee and serves on the Family Law Executive Council for the State Bar of Arizona. He serves on the Arizona Supreme Court's Child Support Guidelines Review Committee, the State Senate's Domestic Relations Committee, and the Parenting Coordinator Committee. David also serves as a Judge Pro Tempore for the Maricopa County Superior Court.

Afternoon Coffee: 2:30-3:00 PM

Digitising the Dispute Resolution Process

The format of this panel is an introduction by the moderator (5 minutes), presentations by the speakers (10 to 15 minutes) and a Q&A session (20 minutes).

Panel Chair:

The Hon. Judge Kenneth (Ken) L. Fields (ret.), Fields Mediation, Phoenix, Arizona, United States - is a retired Judge of the Superior Court of Arizona in Maricopa County, Phoenix, Arizona, having presided over civil, juvenile, criminal, probate, special assignment and family court calendars; member of National Academy of Distinguished Neutrals and Association of Attorney-Mediators; He has an active mediation and arbitration practice since his retirement from the bench.

Speakers:

Sylvie Cécile Cavaleri, University of Copenhagen, Faculty of Law, Copenhagen, Denmark - Assistant Professor; Swiss and Danish qualified attorney, specialized in international commercial dispute resolution and international contract law, with a special focus on construction law. She holds a PhD from the University of Copenhagen.

Susanne Kratzsch, Dr. Kroll & Partner, Stuttgart, Germany – MCIArb; mediator; member of the Governing Council of the International Dispute Resolution Institute (IDRI); Vice-President of the London Arbitration Club; ICC, DIS, VIAC et.al. arbitrator.

Virginie Colaiuta, Brown Rudick LLP, London, England – Partner; Virginie acts as counsel in international arbitration proceedings, also based on bilateral and multilateral investment treaties, arising out of construction and energy projects. She is admitted to practise in Paris, New York and England & Wales. She is the Publications Officer of the IBA International Construction Projects Committee Presentation and Editor of the IBA magazine *Construction Law International*.

Ethical Issues in Mediation

The format of the Panel will consist of a brief presentation by a panelist on one of the topics set out below, followed by a brief discussion and audience comments/questions on that topic, before proceeding to the next topic/presentation, with each following the same format.

Panel Chair

Hon. Edward O. Burke, Burke Mediation, Phoenix, Arizona, United States - Member, National Association of Distinguished Neutrals, and arbitrator for the American Arbitration Association; Served as a judge of the Maricopa County Superior Court for 12 years including in the civil (presiding judge), family and criminal departments and as one of the three complex civil court judges. Before his appointment to the bench, he practiced business law for 30 years, including the litigation of banking, construction, real estate and business disputes. After retiring from the Court in 2011, he opened his mediation and arbitration practice.

Speakers:

Carol Ludington, Ludington Ltd., Willernie, Minnesota, United States - CPA, CFF and CLP, testifying expert, consultant and neutral related to complex commercial disputes; Contributing Editor to The Sedona Conference Commentary on Patent Litigation Best Practices: Patent Mediation Chapter; author of a chapter on Initial Damages Assessments for an upcoming ABA book on ADR Strategies; observer for the Forum for International Conciliation and Arbitration at Working Group II of UNCITRAL.

Presentation Title: **Med-Arb: "If the Parties Agree"**

Carol will focus on the issues that can arise if there is not a clear understanding with the parties of the terms of a med-arb agreement. She will include a summary of some of the med-arb rules that allow med-arb "if the parties agree", and will highlight some of the potential issues that are often not addressed in a med-arb agreement but that can cause disagreements later in the process(when there is no good way to resolve these differences). It is important that the parties and the neutral all have a clear understanding of what they are agreeing to and work out these details at the beginning.

David Nolan SC, Barrister, Dublin, Ireland - Former Chairman of the Bar Council of Ireland; called to the Bar in 1985 and to the Bar of England and Wales; took Silk in 2003. He specialises in personal injury, non jury and commercial litigation acting for both Plaintiffs and Defendants. He is a Bencher of the King's Inns and has been appointed to a number of State and Semi State Boards including the Court Service, the Judicial Advisory Board and the Dublin Theatre Festival. He is an internationally recognised Advocacy Trainer and is acknowledged as one of Ireland's leading Mediators.

Alice Fremuth-Wolf, Vienna International Arbitration Centre, Vienna, Austria - Deputy Secretary General Deputy Secretary General since 2012; Mag. iur. 1995, Dr. iur. 2002 (Vienna University and Utrecht University 1994), LSE (LL.M. 1998); assistant professor, Department of Civil Procedure Law, lecturer for arbitration Vienna University and Vienna University Vis Moot Team (2004-2009); Before opening her own practice in 2004, she worked with major Austrian law firms and acted as party representative and arbitrator in international commercial arbitration cases. Alice Fremuth-Wolf has authored articles and books on arbitration; Qualified mediator; Co-organizer of the CDRC IBA-VIAC-Elsa Consensual Dispute Resolution Competition in Vienna.

Presentation Title: **(Arb-)Med-Arb: The Institutional Perspective, Potential Pitfalls and Challenges**

Alice will focus on the challenges of (Arb-)Med-Arb constellations from the institutional/administrative point of view such as the confirmation procedure for mediator-arbitrators, their fees and how to handle double-charging of (administrative) fees. In addition, she will look at potential threats to the outcome of (Arb-)Med-Arb proceedings if rendered in the form of an award on agreed terms and discuss what could be potential risks for the enforceability of such an award.

Kun Fan, McGill University, Faculty of Law, Montréal, Québec, Canada - associate professor; PhD (summa cum laude); LLM (NYU); assistant professor at Chinese University of Hong Kong (2009-2016); Visiting Scholar at Harvard Yenching Institute (2012-2013); former deputy counsel at ICC; Author of *Arbitration in China: A Legal and Cultural Analysis*. Accredited mediator, arbitrator, domain names panelist; member of the NY Bar; member CIArb.

Presentation Title: **Can You Leave Your Hat On?**

An Empirical Study of Med-Arb/Arb-Med in China and Its Implications Elsewhere

Despite the theoretical debates, a combined approach seemed to work well in China. Professor Fan's presentation seeks to examine how and why mediation is successfully integrated into arbitration proceedings in China, and discuss whether the Chinese practice is exportable in the Western world, by (i) first, presenting an empirical study on attitude and practice of the combination of mediation and arbitration in China based on her field work in 2007 and survey in 2011-2012; and (ii) second, analyzing the historical and cultural reasons for the popularity of med-arb/arb-med in China; (iii) third, analyzing the pros and cons of an arbitrator facilitating settlement, and proposing some safeguards if arbitrator accepts to wear two hats. She will argue that arbitrators facilitating settlement can improve the administration of justice and is consistent with the general evolution of dispute resolution, if necessary precautions are taken.

Morning Coffee: 10:15-10:45AM

Professional Malpractice Claims

The format of this panel is an introduction by the moderator (5 minutes), four presentations by the speakers (10 minutes) and a Q&A session (30 minutes).

Panel Chair

Harvey C. Berger, Pope, Berger, Williams & Reynolds, LLP, San Diego, California, United States – founding; For over 30 years Harvey has represented individuals, insurance companies, small businesses and billion dollar corporations in all aspects of civil litigation. His specialty is employment law, both representing employees, and defending employers, in lawsuits, class actions, mediations, arbitrations and labor commissioner hearings. He also provides personnel advice and counsel to avoid litigation.

Speakers:

David M. Cook, The Hardison Law Firm, P.C., Memphis, Tennessee – Of Counsel, forty years defending medical and legal malpractice matters with extensive jury trial experience, Tennessee Supreme Court alternative dispute resolution specialist June 1997.

Egidijus Langys, Avocad Law Firm, Vilnius, Lithuania - partner; Attorney at law, court mediator and arbitrator, PhD student in Mykolas Romeris University, co-author of tutorial "*Mediation*", MRU, Vilnius, 2013: Chapters written „*Business mediation*" and „*Mediation in health care area*".

Andrew S. Albert, Judicate West, San Diego, California – Distinguished Fellow of the International Academy of Mediators; BS, George Washington University; JD, Southwestern University; Certificate Graduate of "*Mediating the Litigated Case*," offered by the Straus Institute for Dispute Resolution at Pepperdine University School of Law

Lunch: 12:00-1:00 PM

Trends and Innovation in Mediation

In the current political and commercial environments internationally, what skills and techniques will mediators need to acquire or enhance in order to stay relevant in the dispute resolution arena? What skills will mediators need to possess in order to deal with cultural differences and power imbalances among participants in business and consumer disputes?

Panel Chair

The Hon. Judge Kenneth (Ken) L. Fields (ret.), Fields Mediation, Phoenix, Arizona, United States - is a retired Judge of the Superior Court of Arizona in Maricopa County, Phoenix, Arizona, having presided over civil, juvenile, criminal, probate, special assignment and family court calendars; member of National Academy of Distinguished Neutrals and Association of Attorney-Mediators; He has an active mediation and arbitration practice since his retirement from the bench.

Speakers:

Teresa F. Frisbie, Loyola University Chicago School of Law, Chicago, Illinois, United States - Director of the Dispute Resolution Program; named Top 10 Women ADR Neutral of Illinois; former partner at Foran & Schultz; Since the 1990's she has mediated and arbitrated hundreds of disputes and has trained judges, attorneys, physicians, and law and business students in mediation, negotiation, conflict management and international arbitration in the United States and Europe. Teresa is a member of the National Academy of Distinguished Neutrals, was named a Fellow of the Chartered Institute of Arbitrators, London in 1997 and serves on the Executive Committee of the International Academy of Dispute Resolution.

Presentation Title: **Using Self-Distancing Questions to Increase EQ in Mediation**

In an ideal world, the participants in mediation would have high emotional intelligence and be skilled at overcoming cognitive barriers to optimal decision-making. Unfortunately, all too often parties and advocates do not possess these skills, creating a challenge for the mediator. Self-distancing techniques may be a simple and useful innovation to overcome the hormonal and cognitive fight or flight stress response humans experience in mediation.

Elizabeth Birch, 3 Verulam Buildings, London, England - mediator since 1996; one of first mediators at the English Commercial Bar. FCIArb (1993); Chartered Arbitrator (1998); Q.D.R (Qualified Mediator) 1995; Diploma in International Commercial Arbitration (CIA) 1998; Senior Mediator 2005; Distinguished Fellow of the International Academy of Mediators, California (IAM); Certified by IMI and SIMI for competency in mediating cross border disputes

Presentation Title: **Mediating to Reach a Trading Solution – Mediating the Long-Haul**

Mediation has been sold over the years as a process that will resolve in a day or two and speed has been its USP in the past. However, mediation has much more to offer commercial parties when there is an on-going trading relationship or project. Taking the time to put together the best teams, get all the right information and documentation and allowing the cultural and personality differences to work themselves through can result in a long term arrangement going forward that works to the benefit of commerce. The slow steam train is sometimes the best one. Success in a day is not the only criteria for assessing the achievements gained in mediation.

Markus Doerig, Badertscher Attorneys, Zurich, Switzerland - Founding Partner; he has more than 25 years of experience in the international commercial environment nationally and internationally. He has been an advisor in both the legal and commercial field to medium sized private companies as well as to public companies. Member of the Swiss board of directors of several international groups; as well as MSI Global, ALFA International and CILS and ILO.

Presentation Title: **Is a Lawyer an Ideal Mediator in Commercial Matters? Dos and Don'ts.**

Symposium Closing

Hon. Ken L. Fields (ret.), Fields Mediation, Phoenix, Arizona, United States.

Piano Concert: 6:30 PM

Concluding Dinner: 7:30 PM

Save The Date – Arbitration 2018

10th Biennial Arbitration Symposium

6-10 June 2018, Schloss Leopoldskron

The 10th edition of the CILS Biennial Symposium on Arbitration will be co-chaired by the **Honourable David D. Caron**, presently serving as a Judge with the Iran - United States Claims Tribunal in The Hague, Netherlands; **Laurent Hirsch**, founding partner of Hirsch Law Firm, an arbitration boutique in Geneva, Switzerland, and **Silvia Marchili**, partner at King & Spalding in Houston, Texas, United States.

If you are not only interested in mediation, but also arbitration, we look forward to seeing you there!

Participants

Alphabetically listed by Last (Family) Name

Prof. Lin Adrian, Email: lin.adrian@jur.ku.dk, University of Copenhagen, Faculty of Law, Karen Blixens Plads 16, 2300 Copenhagen S, Denmark, Telephone: +45 20421308.

Mr. Andrew S. Albert, Email: albert@albertmediation.com, Judicate West, 402 West Broadway Suite 2400, San Diego, California, United States 92101, Telephone: +1 619 814-1966. (Guest: Victoria Albert)

Mr. Alan M. Anderson, Email: aanderson@anderson-lawfirm.com, Alan Anderson Law Firm LLC, 11100 Wayzata Blvd., Suite 545, Minneapolis, Minnesota, United States 55305, Telephone: +1 612 756 7010.

Ms. Orit Asnin, Email: orit@asnin.com, Asnin Law Office, PO Box 33863, 31338 Haifa, Israel, Telephone: +972 4-8554060.

Mr. Harvey C. Berger, Email: berger@popeberger.com, Pope, Berger & Williams, 401 B Street, Suite 2000, San Diego, California, United States 92101, Telephone: +1 619 2341222. (Guests: Vanessa Berger and Cody Xuereb)

Mr. Gregory Bertram, Email: greggb@pacificadrconsulting.com, Pacific ADR Consulting, 316 Occidental Ave S. Suite 500, Seattle, Washington, United States 98104, Telephone: +1 206 624 3388. (Guest: Leslie A. Coaston)

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