



The Second European Mediation Congress

Monday 7 November 2005

Queen Elizabeth II Conference Centre
Westminster, London SW1P 3EE

Who should attend?

- Mediation users
- Mediators
- Professionals from in-house or private practice
- Judges
- Policy makers
- Claims managers
- Researchers

www.cedr.com/congress2005

Mediation - the next leap forward

As Alternative Dispute Resolution takes hold in civil litigation, the need to move boundaries to meet the needs of citizens, an ever increasing global market place and more sophisticated clients is never more apparent.

Like every profession it is important for us to keep evolving, confronting many of the critical questions that will inform the development of mediation both as a profession and as a conflict resolution tool for users.

- Who is using mediation, why and what are the implications? Why is mediation still underutilised?
- Where to now with mediation in the UK and Europe and what scope is there in the global market place?
- We know corporate organisations can save money from mediation, but how can lawyers make money from mediation?
- What lessons can we learn from failed mediations?

CEDR conferences have been the benchmark since 1990 for leading European developments in mediation.

**Be a part of it and have your say
in shaping the future of the field.**

8.30 Registration

Policy and strategy in mediation practice

9.30 Introduction

Welcome, Sir Peter Middleton, CEDR Chairman.

**9.35 Government update -
proportionate dispute resolution, mediation and the courts**

Baroness Ashton, Parliamentary Under Secretary at the Department for Constitutional Affairs, outlines the latest UK government thinking on the use of mediation.

9.45 Mediation moot - twisting the arm of litigants and lawyers

Presenting to a leading judge, Tony Allen, CEDR Director, Michel Kallipetis QC, Littleton Chambers and Bill Wood QC, Brick Court Chambers conduct an informal moot reviewing recent case law on judicially ordered ADR, including its status in relation to Article Six of the European Convention on Human Rights.

10.15 Mediation Audit - cutting the cost of conflict

The costs of conflict are numerous. Expanding on the 2003 Mediator Audit we discover what perceptions mediators, lawyers, corporate and public sector organisations really hold in terms of mediation and the cost of conflict.

10.45 Mediation - the next frontier

What is wrong with conflict resolution? Why aren't more individuals and organisations using conflict resolution when they have a problem? How can we move beyond the limits of our own self-conception and historical focus to make a more profound impact on the conflicts facing our clients and our community? Bernard Mayer, mediator, founding partner of CDR Associates, Colorado, USA and author of a ground-breaking book on the topic, addresses the potential for conflict resolution and the ways that the field has so far fallen short.

11.15 Coffee

11.45 Pushing the boundaries of mediation

Chaired by Tony Willis, Brick Court Chambers and CEDR Solve mediator, practitioners and clients reflect on their personal experiences as to what should be different about mediation practice. The panel includes: Rob Darracott, Director of Corporate and Strategic Development, the Royal Pharmaceutical Society of Great Britain; Sarah Jones, Head of Litigation and Brand Enforcement, BBC; Paul Marmor, Partner, Sherrards; Tony Newman, Claims Controller, Allianz Cornhill; and Jeremy Sandelson, Head of Litigation, Clifford Chance.

12.30 Globalising mediation

Like all aspects of modern business, dispute resolution increasingly needs to service a global market place. Panellists including Tim Hardy, Head of Litigation, CMS Cameron McKenna; Danny McFadden, Director of CEDR's Asia initiative; Manon Schonewille, Director ACBMediation, Netherlands; and a speaker from the International Finance Corporation highlight the development of mediation across a number of continents.

13.15 Lunch

The leading edge - masterclass

14.30 Surviving and thriving as a mediator

With over 30 years of experience of mediating, Linda Singer, one of the leading mediators with JAMS, the US's largest mediation provider, will be interviewed by Eileen Carroll, CEDR Deputy Chief Executive to provide an insight into how to reach the top of the field and what challenges and lessons can be learnt on the way.

14.50 Parallel workshop sessions

1 International mediation

International mediation is increasingly common in today's global environment. What special challenges does this create for mediators and mediation practice? Karl Mackie, CEDR Chief Executive and Eileen Carroll, CEDR Deputy Chief Executive, authors of *'International Mediation - the Art of Business Diplomacy'* will outline typical real life international mediation scenarios, and invite participants to consider how they might best be managed.

2 Managing conflict - a toolkit for the organisational zoo

All conflicts, disagreements and complaints, be they strained relationships, complex negotiations or full scale litigation, can become a drain on resources, cost money, lose time and management focus. The potential for mediation and conflict resolution in different types of businesses and organisations is therefore vast. Fiona Colquhoun, CEDR Director of Consultancy and Employment will lead the panel to explore:

- *'Using mediation as an every day skill'* Clive Lewis, HR Director, GAP
- *'How mediation contributes to the bottom line - the corporate lawyer's perspective'* Angus MacGregor, Head of Legal HR, Barclays PLC
- *'Why dispute resolution systems are not for wimps'* Miryana Nestic, CEDR Solve Mediator and CEDR Faculty
- *'Conflict at work - adding value through partnership'* Rita Sammons, Director Solace Enterprises.

3 Mediation advocacy

As lawyers become more sophisticated in their use of mediation, it is ever more important for advocates to sharpen their skills. Experienced advocates in mediation explore some of the key issues facing today's lawyers. Chaired by Robert M Smith, CEDR Director of Commercial Mediation, the panel of Ronald Bradbeer, Eversheds and CEDR Solve Mediator; Alexander Oddy, Partner Litigation and Arbitration, Herbert Smith; and Avi Schneebalg, Brussels Business Mediation Centre will examine issues including tactics for lawyers and making mediation more financially interesting to lawyers.

4 Balancing power in mediation

Power of parties and the mediator is a fundamental element of many mediations which cannot be ignored. This session offers a contemporary analysis of the operation of power within a mediation, ranging from power imbalance between the parties to the use of the mediator's power and its relationship to neutrality. James South, CEDR Director, leading a panel including Heather Allen, CEDR Solve Mediator and Sean McTernan, Principal, McTernans and specialist in TV format disputes, will explore different forms of power within mediation and use case examples to highlight ways to balance the power dynamic.

Return to Congress plenary

16.00 Mediators in the dock - the ethical mediation and the wild mediator

The misery and expense incurred by those unfortunate parties forced to litigate their mediation mistakes provide valuable lessons for those willing to review them. Using video re-enactments of leading mediation cases from the US (where courts increasingly are forced to decide a wide array of mediation disputes), this video review offers European and US perspectives on what can be learned from failed mediations. James Coben, Director, Dispute Resolution Institute, Hamline University, USA, and Philip Naughton QC, 3 Serjeants Inn and CEDR Solve Mediator.

16.45 Mackie and Mayer - mediation question time

Drawing on issues raised during the day Karl Mackie and Bernard Mayer highlight the challenges facing the mediation profession and debate scenarios for the future.

17.15-19.00 Reception

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Exchange participants** £350 (€411.25 incl VAT)

Non-CEDR Members £450 (€528.71 incl VAT)

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Registration fees less a £60.00 + VAT administration charge will only be refunded if notification in writing reaches CEDR by 14th October 2005.

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