

January 2013



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## AIA Upcoming Events: Intensive International Arbitration Training Program

with particular focus on India

LOCATION: Chennai, Tamil Nadu, India

Consisting of sessions on four Saturdays

(January 19, February 2, 9 and 16, 2013)

AIA will conduct the training in association with the

Nani Palkhivala Arbitration Center, India.

To register and for more information visit [www.nparbitration.in](http://www.nparbitration.in)

## European Mediation Training for Practitioners of Justice

LOCATION: Brussels, Belgium

DATE: August 19-31, 2013

Limited number of places (first come first served)

Early Bird Registration until 1st of February 2013 (20% reduction)

See more details below and on [www.emtpj.eu](http://www.emtpj.eu)

### EMTPJ 2013

After three years of consecutive success, the Association for International Arbitration (AIA) is proud to announce the fourth edition of its unique European Mediation Training for Practitioners of Justice (EMTPJ).

AIA initiated the EMTPJ project in 2010, with the support of the European Commission and in collaboration with the HUB University of Brussels and the Warwick University. It presents an opportunity for participants from around the world to get together and become trained and specialised as a new type of mediators, since the adoption of the EU Directive 2008/52/EC on Certain Aspects of Mediation in Civil and Commercial Matters.

EMTPJ participants can be experienced mediators (e.g. with over 10 years of experience) or beginners who want to follow an intensive 2 week training program to become a mediator specialized in civil and commercial cross border matters.

EMTPJ is recognized by the Belgian Federal Mediation Commission, as well as by a large number of other regulative bodies and mediation providers in and beyond Europe.

EMTPJ is a 100-hour course comprising 11 days of intensive training and one assessment day at the end of the program. The training is conducted in English and the maximum number of attendees is limited to 30 people. The program is divided in two parts. One part focuses mainly on theoretical issues and aims to introduce participants to the second part of the course, which provides further insights into the practical experience.

The faculty of EMTPJ is impressive and unites great minds in the field of mediation from around the world, including Mr. Johan Billiet, Dr. Paul R Gibson, Ms. Linda Reijkerk, Ms. Lenka Hora Adema, Mr. Philippe Billiet and Mr. Willem Meuwissen.

EMTPJ alumni have given excellent feedback on the EMTPJ training sessions and strongly recommend this course to all legal practitioners. Thus, one of the former participants said that in only two intensive weeks he acquired all the necessary knowledge to start up a mediation practice. He also described the trainers as "exceptionally qualified and experienced multinational persons that pose wide background and knowledge on the matter of mediation and can turn theory into practical training".

For more details and for all questions regarding the possibility to attend EMTPJ course or only a part of it, please contact: [administration@arbitration-adr.org](mailto:administration@arbitration-adr.org).

To get more information about EMTPJ program, schedule and lecturers, and to register for the course, please visit the website [www.emtpj.eu](http://www.emtpj.eu).

## News from Russia: 80<sup>th</sup> Anniversary of the International Commercial Arbitration Court (ICAC) at the Chamber of Commerce and Industry (CCI) of Russia

An international conference on "International Commercial Arbitration in Russia and the World: Trends of Development and Current Practices" was held on November 30, 2012 in Moscow to celebrate the 80<sup>th</sup> anniversary of the International Commercial Arbitration Court (ICAC) at the Chamber of Commerce and Industry (CCI) of Russia.

This event took place at the Congress Center of the Russian Chamber of Commerce and Industry and gathered a representative audience of international arbitration practitioners. The conference was opened with the official greetings from the President of the Russian CCI Mr. Sergey Katyrin followed with the speech of Professor O.N.Sadikov, member of the Presidium of ICAC.

The conference was split into three sessions. The main report at the first one, dedicated to the achievements and perspectives of the ICAC, was delivered by Prof. A. Kostin, Chairman of the ICAC and MAC (Maritime Arbitration Commission) who spoke about the actual position and perspectives of development of ICAC. This report was followed with the speech of Prof. A.Komarov, Member of ICAC Presidium, Vice-President of ICCA who has spoken about innovations in legislative regulation of international commercial arbitration in Russia.

Mr. A. Muranov, Vice-Chairman of MAC at the Russian CCI, ICAC Arbitrator reminded the audience about the milestones of the ICAC history. The first volume of the book representing the highlights of ICAC history was presented to the audience and accepted with enthusiasm and gratitude – it was an important work indeed to collect the documents, photos and materials summing up the activities of the first general international arbitration court in the Soviet Union. The second volume will follow shortly.

Prof. N.Selivon, Chairman of ICAC at the Ukrainian CCI, and Prof. M.Suleimenov, Chairman of Kazakhstan International Arbitration, spoke about the experience and current practice of national centers of international commercial arbitration in the context of actual trends.

The second session was dedicated to the issues of evidence and proof in international commercial arbitration. Prof. M. Hunter of Nottingham Law School, Prof. O.Zimenkova, ICAC arbitrator, Prof. K. I.Hober, Partner of the law firm "Mannheimer & Swartling AB" and Mr. D. Pellet, partner of the law firm BAKER BOTTS (UK) LLP have spoken about collecting evidence in international commercial arbitration, evidence in international commercial arbitration in Russia and practice of the ICAC, witness and expert evidence and documentary evidence from the prospective of English type procedure respectively.

The issues of arbitrability in international commercial arbitration were the topic of the third session. Main report was delivered by Dr. A.Asoskov, ICAC arbitrator, associate professor of Moscow State University who spoke about arbitrability of corporate disputes. Mr. B.G.H.Nilsson, Partner of the Law firm Lindahl and member of the International Court of Arbitration, Stockholm, followed with the report on arbitrability and the interests of the third parties.

Prof. A.Belohlavek, Arbitrator of the Arbitration Court of the Economic Chamber and Agrarian Chamber of the Czech

Republic highlighted the importance of the seat in international arbitration.

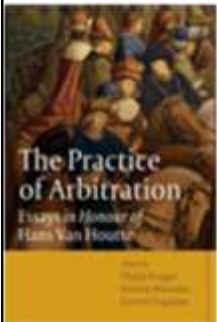
During the final session the participants have exchanged views and concerns on the issues of development of international arbitration.

To wrap up the discussion Prof. A. Zhiltsov, Member of ICAC Presidium, provided short overview of the ICAC statistics for 2011. In 2011 the ICAC has issued 213 awards and resolutions, more than 50% of the disputes originated out of the contracts of international sale of goods, but the general trend was showing that disputes became more complicated (intellectual property issues, contracts for construction), the amounts of claims were also growing (the biggest one in 2011 was USD 443 mio). Russian law was chosen by the parties as applicable in 151 cases (71%), foreign law (law of Netherlands, Germany, Cyprus, Ukraine and Kazakhstan) – in 10 cases (4.7%). In other cases it was the arbitration court that has decided on the applicable law. The procedure was rather quick: the majority of cases (73%) was decided within the time-limits from 180 days to 1 year from the date of filing the claim till the date of the award, with the average of 9.6 months and the minimum of 4.1 months. In 65% of the cases Russian companies were claimants, in 42% of the cases – defendants.

The collected volume of articles by ICAC practitioners and arbitrators entitled "International commercial arbitration: contemporary problems and solutions" was issued by the Publishers "Statut" to commemorate the 80<sup>th</sup> anniversary of ICAC (see details on [www.estatut.ru](http://www.estatut.ru)). The table of contents includes in particular the articles by: A.Asoskov on Arbitrability of corporate disputes in international commercial arbitration; by M.Bardina On the examination of disputes by the international commercial arbitration on the basis of the rules of law agreed by the parties; by W.E.Butler on Legal translation and international arbitration; N.Vilkova on Limits of procedural freedom of the parties in the international commercial arbitration or are parties hosts of the arbitral proceedings?; by N.Gaidaenko Schaer on Consequences of party's bankruptcy in arbitration proceedings: lessons from the practice of international arbitration; by U.Gernandt on Some thoughts about developments in Stockholm and Moscow during 80 years; by A.Goroditsky, D.Liubomudrov on Issues of international commercial arbitration in the practice of Russian courts (based on the materials of recent court practice); by A.Gribanov on Application of foreign law in the practice of ICAC; by O.Zimenkova Evidence in the practice of ICAC with Russian CCI; by I.Zykin On the development of regulation of institutional arbitrations; by V.Kabatov on Conditions of application of the Vienna convention on the international contracts for the sale of goods 1980 in the practice of ICAC; by E.Kabatova Amendments to the UNCITRAL Model Law on international commercial arbitration and their implementation into the Russian legislation; by A.Komarov on Application of transnational rules in the international commercial arbitration; by E.Nosyreva on Mediation and international commercial arbitration: possibilities of interaction under the Russian law; by R.Petrosian on Procedural and related issues in the activities of ICAC with the Russian CCI; by M.Rosenberg On the construction of the terms of contract in the ICAC practice; by O.Sadikov UNIDROIT principles of international commercial contracts in the practice of ICAC with Russian CCI.

## Book Review: The Practice of Arbitration. Essays in Honour of Hans van Houtte

by Yaroslava Sorokhтей



The book "The Practice of Arbitration: Essays in Honour of Hans van Houtte" edited by Patrick Wautelet, Thalia Kruger and Govert Coppens has been published by HART publishing. As it appears from the title, the book is dedicated to Hans van Houtte who made a significant contribution for the development of international commercial arbitration in Belgium. It includes commentaries on important arbitral awards and court decisions concerning arbitration. Practitioners share their experience in important but not so well-known cases from different jurisdictions; give their tips and opinions on them.

Since preparing his doctoral thesis on the law applicable in transnational arbitration, Hans van Houtte has written extensively about arbitration and acted as an arbitrator in over 200 commercial as well as in some investment disputes. He is Vice-president of CEPANI, the Belgian arbitration institution. This book gives practical views on arbitration since Hans van Houtte has expressed concerns about implementation of the theory, scholarly writings into the sphere of practice. It consists of the preface and 4 chapters: the arbitrator, the arbitral process, arbitration and international law, and arbitration and European law. It includes 30 essays written by arbitration practitioners. This book is very handy because it includes a table of all cases referred to in the essays, a table of arbitral awards, a table of legislation, conventions, treaties, model laws, principles, rules of arbitration structured in a way you can easily and quickly find anything you need.

In short, this publication represents a collection of essays written by leading experts in international arbitration from legal practice. It would be an asset for everyone interested in international arbitration, especially young practitioners and students willing to know more about practical aspects in international commercial arbitration in Belgium and all over the world.

For further information about the book and where to purchase it, please visit the website of HART Publishing: <http://www.hartpub.co.uk/books/details.asp?isbn=9781849463331>

## Book Review: Arbitrating under the 2012 ICC Rules

by Laura Lozano



The book "Arbitrating under the 2012 ICC Rules" by Jacob Grierson and Annet Van Hooft, is the first ICC Guide in the series of International Arbitration Law Library for non-specialists lawyers, whether from private practice or in-house, published by Wolters Kluwer Law & Business. Focusing on the new 2012 ICC Rules- which apply to all ICC arbitrations commenced on or after 1 January 2012 unless the parties have agreed that an earlier version should apply- the authors give a clear overview of the subject for the purpose of deciding whether to opt for ICC arbitration,

drafting ICC arbitration clauses and handling ICC arbitrations in an effective way.

The book consists of five parts and twenty six chapters: (Part I) Preliminary Matters, (Part II) Opening Moves, (Part III) Initial decisions by the Court, (Part IV) Procedure before the Arbitral Tribunal and (Part V) the Award. The book is structured following sequence of events that would typically take place throughout the arbitration process. After addressing the innovations under 2012 ICC Rules, reasons to choose ICC Arbitration and drafting an ICC Arbitration Clause, the authors move to describe the process of negotiation and mediation, the pre-request for interim measures, filing a request for arbitration, responding to request for arbitration and joinder of additional parties. Part III discusses initial decisions by the Court. The authors divide this section in five chapters covering jurisdictional objections, place of arbitration, consolidation of arbitrations, constitution of arbitrations and advance on costs.

Part IV that analyses the procedure before the Arbitral Tribunal covers the first steps taken by the Arbitral Tribunal, the application of interim measures, written submissions, exhibits and documents requests, the evidentiary hearing and post hearing submissions as well as challenges and replacement of arbitrators.

The last but not the least, Part V that is focused on the award, addresses how the award is written, correction and clarification of the award, the annulment proceedings and enforcement of the award under the New York Convention.

The book is complemented with seven annexes. The book is written in such a way that it can either be read quickly in its entirety, for an overall understanding of how ICC arbitration works, or specific parts can be read on their own to obtain rapid answers to specific questions.

Overall this book provides a good practical analysis that will be of great help for both practitioners and non specialists in the area of international law and international arbitration, students and academics. For more information about this book, as well as where to purchase it, please visit Wolters Kluwer website:

<http://www.kluwerlaw.com/Catalogue/titleinfo.htm?WBCMODE=PresentationUnpublished%27%2522?ProdiD=904113817X>

## Building the Future for Investor-State Mediation

by Dilyara Nigmatullina

(also published in Corporate Disputes January 2013)

The modern world faces a continuous proliferation of investor-state disputes and has to provide adequate means for meeting the demands of time and cost efficient investment dispute resolution. Despite the fact that the majority of investor-state agreements offer the parties the possibility to resort to negotiation, mediation or conciliation to resolve their controversy, parties seldom use such opportunities to their full potential.

Although the ICSID Convention provides in Chapter III the basic procedural framework for conciliation of investment disputes, ICSID conciliation services have only been used in seven cases





between 1966 and the present day. Arbitration still remains the leading method of dispute resolution between states and foreign investors, notwithstanding the recent criticism of its multiple shortcomings, including concerns regarding the high costs associated with the arbitration process.

As a step to promote the use of conciliation in investment dispute resolution, ICSID announced on 15 September 2011 a new list of Chairman's designations to the ICSID Panels of Conciliators and Arbitrators. According to the ICSID News Release, this was the first time separate lists had been issued for the designees to the Panel of Conciliators and the Panel of Arbitrators. Thereby, ICSID responded to requests from its users about the possibilities for resolving investment disputes through various means, including arbitration and conciliation, and clearly differentiated skills necessary for experts in arbitration and conciliation.

Another major step in enhancing the use of mediation in the investor-state arena was the creation of the first specifically-tailored Rules for Investor-State Mediation (Rules), drafted by the State Mediation Subcommittee of the International Bar Association (IBA) and adopted by a resolution of the IBA Council on 4 October 2012.

The Rules comprise 12 articles and three appendices. They are drafted in concise terms providing the disputing parties with practical guidance on the commencement and termination of a mediation process, the conduct of a mediation including a mediation management conference, privacy and confidentiality of the mediation, issues of costs and fees as well as the designation, resignation, replacement and role of a mediator or co-mediator. The appendices deal with a model statement of independence and availability, qualifications for a mediator, and choice of a mediator through a designated authority. The parties are free to exclude or vary any of the provisions of the Rules at any time. The Rules apply unless otherwise agreed or derogated from by the parties.

Mediation under the Rules may take place at any time, regardless of whether court, arbitration or other dispute resolution proceedings have been initiated. The parties may resort to institutional support for the mediation process and involve an arbitration or mediation institute if they consider it appropriate.

Prior to accepting an appointment, a prospective mediator has to provide a signed and dated statement of independence and availability by filling in a model contained in the appendices, which facilitates the parties' well-informed selection of a mediator and ensures that his availability is disclosed from the outset.

A sole mediator will be in charge of the process, unless the parties designate two co-mediators. Article 6 of the Rules deals specifically with designation, resignation and replacement of co-mediators. The involvement of co-mediators is aimed to increase trust and acceptability of investor-state mediation and allow the parties to combine mediators with different backgrounds and skills.

If the parties fail to agree on a mediator, the Rules provide a fall back mechanism for the appointment of a designating authority: it is either chosen by the parties or, if they fail to do so, the Secretary-General of the Permanent Court of Arbitration at The Hague selects it. In this way, the Rules on the one hand give full freedom to the parties to designate a mediator, preventing, on the other hand, delays in the procedure.

Article 7 of the Rules authorises the mediator to make decisions with regard to the procedural conduct of the mediation and forbids imposing on the parties any partial or complete settlement of the differences or disputes. The task of

the mediator, as set out in Article 8, is limited to assisting the parties to reach an agreement on the settlement of their dispute in which the parties make free, informed and self-determined choices as to the process and the outcome. If requested by the parties, the mediator may make recommendations concerning an appropriate resolution of the differences or disputes.

The Rules introduce in Article 9 an innovative procedural step in mediation: mediation management conference, which is convened as soon as practicable after the mediator's designation. By agreeing to mediate under the Rules, a party undertakes to participate in the mediation management conference and it can withdraw from the mediation at any time after such conference. The conference can be conducted by telephone or by any other means of telecommunication and there is no requirement in the Rules to fix it in any written document.

Throughout the mediation management conference the mediator and the parties discuss the conduct of the mediation, a provisional timetable, confidentiality and privacy arrangements, prescription or limitation periods, decision not to proceed with arbitration or judicial proceedings, special requirements for the approval of a settlement agreement and financial arrangements, such as the calculation and payment of the mediator's fees and expenses.

The Rules establish in Article 9.4 a procedure for withdrawal of a party from the mediation. Prior to withdrawing, a party must notify the other party or parties and the mediator of its intention to withdraw, preferably stating its reasons. Prior to a party's withdrawal from the mediation, the mediator shall hold a meeting with all parties in person, by telephone or by any other means of telecommunication.

Article 10 of the Rules deals with privacy and confidentiality of the mediation and addresses two aspects. First, it establishes confidentiality and privacy of the process, by forbidding any person other than the mediator, the parties, their representatives or other people participating on the party's behalf in the mediation to attend, hear or view any part of the mediation or any communications relating to the mediation. Second, it regards as confidential all documents prepared and communications made in connection with the mediation and prohibits their use for any other purpose, including, in particular, in legal proceedings.

Under Article 12 of the Rules, the mediator's fees and expenses are borne by the parties in equal shares. The fees of the mediator are calculated on the basis of the hours spent by the mediator on the mediation, unless a flat fee or other basis is agreed among the parties and the mediator.

It is hoped that the Rules will trigger an exponential increase in the use of mediation in the investor-state context. Success, however, will not be possible unless those who act as mediators are well-qualified and properly trained, so that they have a positive impact on the expansion of investor-state mediation from the very beginning of the Rules' application.

## Book Review: Third Party Funding in International Arbitration

by Yaroslava Sorokhtey

The book "Third Party Funding in International Arbitration" was written by Lisa Bench Nieuwveld and Victoria Shannon and published by Walters Kluwer. This book analyses third-party funding in



international commercial arbitration in certain jurisdictions, such as Australia, UK, USA, Germany, Netherlands, Canada, and South Africa. It also makes a brief overview of this issue in all European countries and Asia. This book is a great source for those interested in this issue – it provides a lot of recent examples and compares different approaches and views on third-party funding in international arbitration in different jurisdictions.

The authors develop their research basing on the local legislation and ethical principles of each country. The book consists of 14 Chapters divided into three Sections. Section one addresses key third-party markets, section two describes other important, but not main third-party markets and, finally, section three makes general overview of third-party funding in different regions ( generally – in Europe and Asia).



The book also explains how the third-party funding agreements work and what the perspectives for the funder are, as well as ethical considerations and discussions that can arise. It describes in detail how third-party funding works in certain jurisdictions by comparing local legislation, ethics, opinions and discussions between the practitioners. The author compares and describes approaches that courts take in different countries while handling ethical issues relating to third-party funding. The main issues discussed in this book are payment of adverse costs, "before-the-event" (BTE) and "after-the-event" (ATE) insurance, attorney financing, including contingency representation and conditional fee arrangements, loans, whether the existence of a funding agreement must or should be disclosed to the decision-maker and so on.

Thus, this book may be recommended to those seeking information regarding practical aspects of third-party funding around the globe, both in civil and common law jurisdictions.

For further information about the book and where to purchase it, please visit the Wolters Kluwer website

AIA Members receive a 10 % discount!

<http://www.kluwerlaw.com/Catalogue/titleinfo.htm?WBCMODE=PresentationUnpublished%2522?ProdID=9041140794>

## Book Review: Commercial Mediation in Europe

by Laura Lozano



The book "Commercial Mediation in Europe: An Empirical Study of the User Experience" by Ewald A. Filler is the first thorough analysis of the current state of commercial mediation after the adoption of the EU Directive on Certain Aspects of Mediation in Civil and Commercial Matters published by Wolters Kluwer Law & Business.

25 well know European mediators along with 20 business people explore in four chapters the typical areas of application of commercial mediation, types of disputes where commercial mediation is more useful, reasons why companies opt out mediation, length of the mediation

process, different approaches to mediation styles, the cost of the process, the role of provider agencies, the power factor and other imbalances as well as many other topics. The information gathered in the book represents an in-depth insight of the respective mediators and the representatives of business enterprises.

In the first chapter, an introduction of the selected countries as well as the participants is made. Participants are chosen from different jurisdictions like Austria, Germany, France, England, Scotland, Denmark, Norway, Sweden and Finland and an analysis of the mediation quality, its strengths and weakness is provided. In the second chapter relevant information on the selected participants and their professional activities is provided.

In chapter three - Commercial Mediation in Europe - the author covers for each jurisdiction the performance of the mediators, the areas of application in both business and commercial mediation, the mediation process, and concludes with some assessments. Likewise, numerous case studies such as the use of mediation in such projects as the Vienna Airport, the Eurotunnel and the Øresund link bridge are included.

The last but not the least chapter four contains some findings, recommendations and perspectives. It gives examples on how commercial mediators in Europe have developed certain approaches and techniques in the difficult environment of crisis and conflict situation in which enterprises find themselves quite often. The chapter covers such aspects as the character and position of mediation, the role it plays in the legal framework, the knowledge of the mediation concept, the fears and reservations of the business people, the performance of commercial mediators, the role of lawyers and solicitors, the time and cost, the mediation service provision and many other observations. Largely, ADR is described as a modern and efficient dispute resolution method in dealing with conflicts and reflects the chances for establishing mediation in each country in accordance with European values and global ethics.

Overall the book contributes to further professionalism of ADR in Europe as constant examples regarding the use of mediation in Europe are brought up.

The book is specially designated for practicing mediators, lawmakers and other decision makers.

For more information about this book, as well as where to purchase it, please visit Wolters Kluwer website:

<http://www.kluwerlaw.com/Catalogue/titleinfo.htm?ProdID=9041131167>

## First Mediation Training for the Judges in Moscow: SOMEDIARS starts its activities

The first event was organized by the Center for promotion of mediation and alternative dispute resolution (SOMEDIARS) of the Institute of Legislation and Comparative Law with the Government of Russia. The seminar on "Introduction to Conciliation Procedures, Conflict management, Negotiations, Mediation, Conciliation" designed for the judges of courts of general



jurisdiction and for the judges of commercial (arbitrazh) courts was held on November 21 and 22, 2012 respectively. The participants stressed the importance of using ADR tools in their activities and showed interest in further training.

Program "Introduction to conciliation procedures. Conflict management tools. Negotiations, mediation, conciliation" was the same for the two days, but the training took into account the specific features of the disputes and the character of the courts' activities. Judges of peace and the federal judges of the courts of Moscow and Ivanovo region took part in the seminar of November 21, judges of Commercial (Arbitrazh) court of the city of Moscow and of the Moscow region, judges of the courts of appeal No 9 and No 10 and of the Federal Commercial Court of the Moscow area participated in the training of November 22.

The goal of the seminar was to familiarize its participants with the procedure, areas of application, mediation tools, and advantages of mediation for private persons and for commercial entities respectively. During the practical sessions the participants together with the professional trainers worked on the methods of attraction of the parties to the dispute to mediation acting in turn as parties in dispute, judge and mediator.

Judges of the general courts as well as the judges of commercial courts have taken notice of the necessity to expand information on the procedure of mediation and its advantages among the population and have pronounced themselves in favor of introduction of mandatory pre-court attempt of conciliation of the parties, including, but not limited to, by way of mediation. In the opinion of the participants of the seminar, should pre-trial conciliation attempt be introduced, 60% of the disputes shall be settled out of court. The participants were interested to learn more about the positive use of mediation in Moscow (and such information as well as such experience are quasi non-existing in the capital today). The judges specially mentioned the importance of the role of the literate representatives of the parties in the procedure. It was stressed that with the assistance of the attorneys oriented to the dialog the parties are often led to the amicable settlement and able to reach it.

The judges of arbitral courts actively discussed the issue of mandatory attempt of the pre-court conciliation, asked about the foreign experience of using conciliation procedures for settlement of commercial disputes, showed interest in getting recommendations for application of mediator's tools in the work of judge and wanted to know how they could be used in the court of appeal and in the court of review. Participants to the seminar stressed that the parties do not have sufficient information on the procedure of mediation, its conduct, role of mediator, perspectives for the dispute settlement, and the duty of the judge was to have a detailed understanding of the procedure since the law obliged the judge to explain it to the parties. Mrs Alla Bolshova, Chief scientific fellow of the Institute, former President of the Commercial court of Moscow shared her views on the possibilities and limits of use of mediator's tools in the practice of the commercial judges. Leading consultant of the Supreme Commercial Court of Russia Mr A. Solokhin has informed the audience on the plans of legislative introduction of the institute of court conciliators.

The feed-back form was distributed among the participants to the seminar.

Upon the results of November 21 seminar (28 participants – judges of the courts of general jurisdiction):

- The seminar was appreciated as useful by 100% of

the participants:

- The majority (26 participants) would intend to apply the tools they were familiarized with;
- 23 participants deemed necessary to learn the basics of mediation and ADR by the judges as well as by the court secretaries (assistant judges).

The attendees underlined the necessity to create the program aimed at efficiently informing the private persons on the procedure of mediation and explained their concern about the lack of information on the professional mediators.

21 judges of commercial courts filled in the feed-back form on November 22, 2012:

- 100% of the attendees deemed the seminar was useful;
- 100% of the attendees intended to use the mediation tools in their activities;
- The majority of the attendees believed that it was necessary to teach the basics of mediation and ADR to the judges, however, 12 attendees were against the training of the assistants judges: they motivated their answer with the following arguments: "the training shall distract them from their main job (they have enough to do without mediation and with low wages)", "it makes sense to train the assistants who intend to become judges and use the mediation in practice".

The majority of the attendees expressed their willingness to continue their training and detailed their expectations regarding its program. In 2013 SOMEDIARS will continue its program for the judges.

## Dublin Dispute Resolution Centre by Arran Dowling

New dispute centres have been a regular feature of the ADR landscape over the last year or two. One of the latest to launch is the Dublin Dispute Resolution Centre which opened in the Republic of Ireland's capital city on November 1, 2012. The centre is a joint venture between the Bar Council of Ireland, the representative body for the roughly 2,300 Barristers in that jurisdiction, and the Irish Branch of the Chartered Institute of Arbitrators ("CI Arb"). The latter body has around 700 members and draws, as in the other countries where the 12,000 strong CI Arb is represented, its ranks from inter alia engineers, architects, accountants as well as lawyers. The economic benefits that international dispute resolution work brings to a city, that has not previously hosted such work, or hosted work of that type to any great degree, are such that, as stated, a number of cities have or will shortly launch such centres. Ireland offers a number of advantages as a seat for international dispute resolution work, though, many are shared by competing and neighboring cities.

It is an uncontroversial statement to say that the United Nations Commission On International Trade Law ("UNCITRAL") Model law is the gold standard of international best practices in relation to arbitration. Prior to June 8, 2010 Irish legislation drew on 3 parliamentary acts that set out a separate basis for domestic and international arbitrations



conducted in Ireland; some acts did not follow the UNCITRAL Model law. Other steps have been taken in addition to re-constituting the applicable legislation in order to make Dublin and other Irish cities a more attractive seat for international ADR work. All domestic bodies with an interest in arbitration, including but not limited to the aforementioned Bar Council of Ireland and Irish Branch of CIArb, now co-operate within the umbrella group of Arbitration Ireland. Well known Irish solicitor Michael Carrigan, a partner, in the Dublin law firm of Eugene F Collins is the current president of Arbitration Ireland. Significant efforts have been made to ensure a succession of the conferences which began in 2008 when the International Council for Commercial Arbitration congress was held in Dublin through to the October 2012 edition of the International Bar Association ("IBA") conference. Especially in the case of the IBA event which saw a number of sessions of the wider conference focus on arbitration- support was given to the idea that might have been presented to those who had not visited Dublin before it became an ADR friendly city where ADR services could be performed at the same quality level as anywhere around the globe. Bermuda based arbitrator Jeffrey Elkinson, who is a regular visitor of Dublin, noted that "2013 should be a good year for international dispute resolution in Ireland as the country will get the deserved reward for recent initiatives, such as the establishment of the Dublin Dispute Resolution Centre."

## Projects of AIA & Lodo Arbitrale Institute

AIA and the Lodo Arbitrale Institute are glad to present two common projects: Legal English e-learning course and Software A.D.R Plus.

### 1. Legal English e-learning course



The purpose of this course is to improve general use and comprehension of Legal English. Through a wide variety of legal and law related texts and exercises, participants will acquire the reading, grammar, vocabulary, writing and listening skills necessary for their daily interaction with legal materials. The course is aimed at lawyers, legal experts, accountants, notaries public, jurists and all professionals working in the judicial-economic field. The aim is to improve legal English in general and specific areas of law in particular. The course targets different issues and legal terminology relevant to contracts and setting up a company. It also covers terminology used in EU law, competition law, employment law, intellectual property law, debtor-creditor relations, and alternative dispute resolution procedures, in particular international mediation (civil and commercial). During the course you will also practice a variety of business communications skills such as business correspondence, language of presentations and meetings.

The course consists of 9 lessons, 120 minutes each. You can follow the course using your personal computer, tablet or Smartphone, choosing the most convenient option for you. Our course will not only teach you legal terminology. We also assure you that by the end of the course you will improve your ability to write legal texts, your legal English rea-

ding comprehension skills and your ability to use legal English in a spoken context. On completion of our course, you will also be able to run international ADR procedures, write contracts, letters to your clients and e-mails using grammatically correct legal language. And all the above will improve your chances to pass an international Legal English exam with flying colours.

If you want to enrol in our program please follow the link and register at [www.ila-wpl.com](http://www.ila-wpl.com).

Regular price of the course is 350 EUR. The readers of our Newsletter are offered a special price of 250 EUR.

In order to buy at a special price reserved for AIA, you need to click on the icon "Affiliated Area" on the vertical menu and choose to enter the section dedicated to AIA. At this point, all your contacts should insert the following password: js458754 . The payment can be made by means of a bank transfer or by credit card and you will receive your access keys (for an online course) or your confirmation of enrolment (for a classroom course).

Don't miss your outstanding chance to become more competitive in the legal market!

### 2. Software A.D.R Plus

Software A.D.R Plus is based on the WKI OA Systems/ILA Product which has already been dedicated to Italian civil mediation, and specially developed for handling procedures concerning arbitration, mediation and conciliation, adapted to local legislation.

- Section Arbitration is based on arbitration law procedures, up to and including the hearing. The programme will guide the user in both dealing with procedures of one or more arbitral institutes (ADR Plus version) and drawing up arbitration files compiled by arbitrators and by assistants to parties (version ADR Professional).
- Section Mediation is based on mediation procedures, which have already been fully and minutely developed by the Programme dedicated to Italian Civil Mediation, obviously adapted to the systems in force in each target country.

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Should you have any questions regarding any of the products do not hesitate to contact us at [administration@arbitration-adr.org](mailto:administration@arbitration-adr.org)

## AIA Recommends to Attend Convergence and Divergence in International Arbitration Practice 21-23 April 2013

Following up on last year's inaugural conference of the Atlanta International Arbitration Society (AtIAS) -- "The United States and Its Place in the International Arbitration System of the 21st Century: Trendsetter, Outlier or One in A Crowd" -- this year's offering by AtIAS will explore the theme of "Convergence and Divergence





in International Arbitration Practice" through the following sessions:

- A Peek Behind the Curtain: A Roundtable Featuring Some of the World's Leading Arbitrators
- Third-Party Funding of Arbitration: The Future of Global Dispute Resolution or an Ethical Black Hole?
- Arbitration and Asia
- Fighting (and Defending) the Leviathan: Arbitrations Involving Sovereigns and State-Owned Entities
- Reception & Dinner at The Carter Presidential Center
- Crafting Dispute Resolution Mechanisms in Cross-Border Business Contracts: Leveraging Party Autonomy to Reduce Risk, Improve Outcomes and Lower Costs
- What is My Award Worth? And What Can I Do Before, During and After an Arbitration to Make Sure I Get Paid?
- Obtaining Evidence in the U.S. for Arbitrations Abroad: Practical Lessons on When and How To Use Section 1782
- Managing A Procedural Menu With Common Law and Civil Law Offerings - All About "Americanization" and "Civilization".

Confirmed speakers include Klint A. Alexander (Vanderbilt University Law School/Wyatt, Tarrant & Combs LLP, Nashville, TN); José I. Astigarraga (Astigarraga Davis, Miami), FLChiann Bao (Secretary General, Hong Kong International Arbitration Centre); Doak Bishop (King & Spalding, Houston, TX); Chip Brower (Wayne State University Law School); Robert Davidson (Executive Director, JAMS); Franco Ferrari (New York University School of Law); Fabien Gélinas (McGill University, Faculty of Law, Montréal); Pierre Yves Gunter (Python & Peter, Geneva); Kaj Hober (Mannheimer Swartling, Stockholm); Yu Jianlong (Secretary General, CIETAC); India Johnson (Incoming President/CEO, AAA/ICDR); Mark Kantor (Washington, DC); Peter Leaver, QC (One Essex Court, London; Chairman, LCIA Board of Directors); Bart Legum (Salans, Paris); Anton Maurer (CMS Hasche Sigle, Stuttgart); Horacio Grigera Naón (American University); Alan Rau (University of Texas School of Law, Austin, TX); Catherine Rogers (Penn State Law School); Peter B. "Bo" Rutledge (University of Georgia School of Law); Patricia Shaughnessy (University of Stockholm School of Law; Board of Directors of the Arbitration Institute of the Stockholm Chamber of Commerce); Abby Cohen Smutny (White & Case, Washington DC); Paul Stephan (University of Virginia School of Law); Dorothy Ufot (Dorothy Ufot & Co., Lagos); Nigeria Nathalie Voser (Schellenberg Wittmer, Zurich); Mark Weidemaier (University of North Carolina School of Law); Stephan Wilske (Gleiss Lutz, Stuttgart); and former UN Ambassador Andrew Young.

The [Four Seasons](#) is the host hotel. [The Carter Presidential Center](#) will host a reception and dinner.

For more information please click [here](#).

## ICC's 4th International Mediation Conference



The one-day conference entitled "Stay in Control! Managing risks, time and costs of commercial disputes with smart ADR", is set

to kick off ICC's 2013 Mediation Week, which will run from 7 -13 February.

The conference, a sell-out event every year since its inception, will provide advantageous insight into how to maintain control over commercial disputes – including the associated costs and risks – through smart choice of the best dispute resolution procedure, efficient collaboration with outside counsel and internal implementation of a mediation-based approach to dispute resolution. With a special focus on mediation, the conference will provide participants with the know-how to select the appropriate dispute resolution mechanisms and create a dispute resolution roadmap for their respective companies.

Speakers will include leading representatives from *inter alia*, ABB, British American Tobacco, Bombardier, E.ON, Northrop Grumman, Orange and Thales.

Over 100 participants are expected to attend the conference and early registration is recommended to take advantage of an early bird fee and to avoid disappointments. Reduced rates are also available for members of the following conference supporters: the American Bar Association, Association of Corporate Counsel Europe, Corporate Counsel International Arbitration Group and the Round Table Conflict Management and Mediation of the German Economy.

As the conference is designed for in-house counsel, participation in the conference for non-in-house counsel will be restricted.

"The annual ICC International Mediation Conference is a must-attend event for in-house counsel. The topics discussed are on the cutting edge of commercial dispute resolution and the opportunity to exchange know-how with colleagues around the world is unique," said Christine Guerrier, VP Disputes Resolution and Litigation, Corporate Legal and Contracts, Thales, France.

King & Spalding, KPMG, Taylor Wessing, Winston & Strawn, Diales and the John Hardy Group are the event sponsors.

Comprising the ICC International Mediation Conference and acclaimed Mediation Competition, ICC's 2013 Mediation Week promises inspiring discussions on new developments in alternative dispute resolution and the opportunity to share experiences and meet with peers from more than 40 countries.

Further information and a full conference programme are available now from ICC's new look website.

Visit [Mediation Week](#) for details.

