The Directive from the Mediator’s perspective and some thoughts on the problems surrounding mediation confidentiality

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The Invitation to Mediate from the Judge under Article 5

An invitation you cannot refuse?

Should the Judge have had the power to order the parties to mediate?
Article 6

The single most useful provision for users?
A consent judgement enforceable throughout the community
Article 7

Why is confidentiality so important?

What is the effect of the arrangements in the Directive?

Is the Directive enough and what do we need to guard against?
Article 7

What do the parties need?

Should the Court override the parties confidentiality and in what circumstances?

How do we avoid satellite litigation on confidentiality?

Should we create mediation confidentiality as a matter of public policy?
The Future

Increasing training variety and rising standards?
Regulation?
A harmonious relationship between mediation and the Courts?
Increasing numbers of mediations and varieties of ADR systems?
Considerable developments in mediation techniques?
Use of mediation in public sector disputes?
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