

## UIA World Forum of Mediation Centres

FRIDAY, JUNE 7 & SATURDAY, JUNE 8, 2013



# PRAGUE

## CZECH REPUBLIC



Seminar organised by the UIA Mediation Commission with the support of the Czech Bar Association

American Arbitration Association/International Centre For Dispute Resolution – Arbitration Court at the Bulgarian Chamber of Commerce and Industry – ADR Center – Aequitas – ADR – Asociación Mexicana de Mediación y Arbitraje Comercial – Association for International Arbitration – Beijing Arbitration Commission – bMediation – Centre for Effective Dispute Resolution (CEDR) – Centre Professionnel de Médiation – Chamber of National and International Arbitration of Milan – Chambre Suisse de Médiation Commerciale – Chambre vaudoise du commerce et de l'industrie – Cour Européenne d'Arbitrage – InterMediation – International Chamber of Commerce – Centre de Médiation et d'Arbitrage de Paris – Centre de Résolution des Conflits – Concilia – Conciliation Centre of CCPIT/CCOIC – Consolat de Mar de Barcelona – CPR: The International Institute for Conflict Prevention and Resolution – Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania – Croatian Bar Association – Euroarbitrage – European Center for Dispute Resolution (ECDR) – Hellenic Mediation and Arbitration Centre – International Mediation Institute (IMI) – Institut d'Expertise, d'Arbitrage et de Médiation – London Court of International Arbitration – Malaysian Mediation Centre – Mediation Centre of Thessaloniki Bar Association – Netherlands Mediation Institute – Organismo di Conciliazione di Firenze (OCF) – Resolutia Gestione delle Controversie – Slovenian Association of Mediators – Societa Italiana per la Risoluzione Alternativa delle Controversie – The Chartered Institute of Arbitrators – The Law Society of New SouthWales – World Intellectual Property Organisation



## Introduction

The World Forum of Mediation Centres was created in 2001 by the Mediation and Conflict Prevention Commission of the UIA. It brings together the most important commercial mediation and ADR centres from around the world and offers an occasion to exchange views on the development of ADR and best practices. It is also an occasion for centres to collaborate on specific programmes. The meeting in Prague will be the 18<sup>th</sup> since the creation of the Forum. Once more we have managed to attract world renowned mediators and ADR specialists as speakers at this meeting. We will consider mediation and dispute prevention in specific industries, On-line Dispute Resolution, ADR in consumer disputes and explore the interesting and sometimes controversial subjects of the use of translators in mediation, success fees in mediation and dispute prevention. Additionally we will have interactive discussions whereby participants can ask panels of experts to provide answers to those difficult questions that you have always wanted to ask. Whether you are an experienced mediator or new to the field if you want to remain at the forefront of the latest thinking in mediation and ADR this is an event you cannot afford to miss.

Thursday | June | 6 | 2013

**19:30** WELCOME COCKTAIL

Hosted by the **CESKA ADVOKATNI KOMORA**  
(The Czech Bar Association)

Národní tr. 16 – 3<sup>rd</sup> floor – Prague, Czech Republic



Friday | June | 7 | 2013

**08:30 – 09:00** REGISTRATION OF PARTICIPANTS

**ČESKA ADVOKATNI KOMORA (The Czech Bar Association)**  
Národní tr. 10 – Palác Dunaj (entry from Voršilská street)  
Prague, Czech Republic

**09:00 – 09:15** WELCOME AND OPENING OF THE SEMINAR

- **Antonín MOKRÝ**, Vice-President of the Czech Bar Association, Prague, Czech Republic
- **František KORBEL**, Vice-Minister of Justice, Prague, Czech Republic (to be interpreted)
- **Roman FIALA**, Vice-President of the Supreme Court of the Czech Republic, Prague, Czech Republic (to be interpreted)
- **Martina DOLEŽALOVÁ**, Czech Bar Association – Head of the International Department, Prague, Czech Republic
- **Colin J. WALL**, Co-President of the UIA World Forum of Mediation Centres, Hong Kong, China

**09:15 – 10:15** Use of Translators in Mediation

Very often, interpreters are expected to translate no more than what is said, i.e., playing the role of a mere language conduit. Nevertheless, in various interactional contexts, interpreters are discovered to take stance with parties, take initiative to smooth the communication when they believe miscommunication arises by not sticking to the rule of verbatim translation, and distribute turns of talking. I endeavour, in this talk, to unveil the myth of interpretation and an interpreter's role as a social agent rather than someone who simply switches between languages.

**Speaker:**

- **Xiaohui YUAN**, Lecturer at the University of Nottingham, Nottingham, United Kingdom

**10:15 – 10:45** COFFEE BREAK

**10:45 – 12:15** Sports Mediation

Sports mediation, whether mandated or voluntary is utilised to address a variety of matters arising within a particular sport. This panel will discuss national and international sports mediation in a comparative context including Australian Football League and European soccer. It will also focus on the psychology of the mind of a sports person, with a *win at all costs* attitude and consider whether drug cases and other "moral" disputes should be handled openly and not hidden within the confidentiality of mediation.

**Moderator:** • **Ozlem SUSLER**, Lecturer, La Trobe University, Melbourne, Australia

**Speakers:**

- **Frank FOWLIE**, Director, Sport Dispute Resolution Centre of Canada, Geneva, Switzerland
- **Ozlem SUSLER**, Lecturer, La Trobe University, Melbourne, Australia
- **Luigi FUMAGALLI**, Professor at the State University of Milan, Milan, Italy

**12:15 – 13:00** Mediating with Banks and Financial Institutions

Are the disputes regarding investments, banking relationships, financial operations different? Are banks and financial companies prepared and/or willing to go to mediation? What are their strategies to manage disputes involving widespread interests? Could mandatory mediation be effective in this respect?

**Speakers:**

- **Giorgio GRASSO**, Lawyer, Gelex Global Executive Lex, Rome, Italy
- **Stefano PAVLETIC**, Business Consultant, Studio Pavletic, Milan, Italy

**13:00 – 14:30** LUNCH

**Thalia Hotel**, Národní 13, 110 00 Prague 1

**14:30 – 15:45** Success Fees – Structuring Mediation Fees

Success (contingency) fees represent a thorny issue for mediators and mediation providers. On the one hand is there the evident motivational appeal of success fees but on the other hand is there a perception that the mediator might lose sight of his/her guiding principles in order to reach a settlement. As in many other aspects of mediation, the disputants' perception of reality can be a crucial factor. Does self-regulation help? Does the parties' approach affect the issue and, if so, to what extent? What is the mediation providers' role? And last but not least, what about legislation on this subject?

**Moderator:** • **Patrick VAN LEYNSEELE**, Partner, Dal & Veldekens, Brussels, Belgium

**Speakers:**

- **Zbyšek KORDAČ**, Of Counsel at Weinhold Legal, Prague, Czech Republic
- **Robert CHOLENSKÝ**, Attorney at Law, Mediator, Arbitrator, Brno, Czech Republic
- **Roberta REGAZZONI**, Officer in charge of the International Business Mediation Service, Milan Chamber of Arbitration, Milan, Italy

**15:45 – 16:15** COFFEE BREAK

**16:15 – 18:00** Online Dispute Resolution: It's Here to Stay

Many ADR practitioners have thought – and some still think – that business disputes can be best resolved only in face-to-face meetings. But two developments have shaken this assumption: Businesses urgently need to resolve many claims of relatively small amounts, that do not individually justify the investment of such processes; and technology has invited interactivity that replicates – and sometimes improves upon – face-to-face communication. This panel will review how Online Dispute Resolution (ODR) first began, and how it has come into its own as a viable and, in some situations, preferable method of resolving certain types of commercial conflicts. The challenges: How to ensure private justice in high volumes of claims of low amounts? How to reduce transaction costs to provide for efficient outcomes of claims? And how to convince business people of the merits of these processes?

**Moderator:** • **F. Peter PHILLIPS**, Consultant, CPR Institute, Montclair, NJ, USA

**Speakers:**

- **Colin RULE**, CEO, Modria, San Jose, CA, USA
- **Catherine COTSAKI**, Mediator, Trainer, President of Hellenic Union of Mediators, Cotsaki & Nerantzis Law Office, Athens, Greece
- **Lucie GERTNER**, Independent Mediator and Attorney of Law, Prague, Czech Republic

**20:00** DINNER & DANCING

Boat trip including buffet dinner and Jazz music departing from Na Františku – [www.vyhlikove-plavby.cz](http://www.vyhlikove-plavby.cz)

## 09:00 – 09:15 REGISTRATION OF PARTICIPANTS

### ČESKA ADVOKATNI KOMORA (The Czech Bar Association)

Národní tr. 10 – Palác Dunaj (entry from Voršilská street)  
Prague, Czech Republic

## 09:15 – 10:30 ADR in Consumer Disputes

This session will analyse how consumer disputes are resolved in alternative procedures in countries such as Slovenia and the Czech Republic. What is the legal basis for these procedures in each country, what are the specifics of each procedure? How do ADR providers, who deal with consumer related disputes in these countries, differ from one another with respect to their legal status, organizational structure, funding, supervision etc? In the discussion following the initial presentations we will examine the differences in the procedures, their benefits and disadvantages as well as possible improvements.

**Moderator:** • **Katarina KRESAL**, *President of the European Centre for Dispute Resolution (ECDR), Ljubljana, Slovenia*

#### Speakers:

- **Aleš ZALAR**, *President of the European Centre for Dispute Resolution (ECDR), Ljubljana, Slovenia*
- **Václav ŠMEJKAL**, *Lecturer at the Charles University, Prague, Czech Republic*
- **Jocelyne CANETTI**, *Senior Vice President – Mediator, EDF, Paris, France*

## 10:30 – 11:30 Dispute Prevention

This session focuses on the preventative effect of Dispute Boards and other similar contractual procedures, to provide within the contract for the opportunity for the use of mediation techniques to assist in avoiding disputes escalating into arbitration or litigation.

**Moderator:** • **Christopher MIERS**, *Managing Director, Probyn Miers Limited, London, United Kingdom*

#### Speakers:

- **Pierre GENTON**, *Founder and Senior Partner PMG, Lausanne, Switzerland*
- **Colin J. WALL**, *Co-President of the UIA World Forum of Mediation Centres, Global Mediation Services, Hong Kong, China*

## 11:30 – 11:45 COFFEE BREAK

## 11:45 – 13:00 Mining the Minds of Mediators – Part I

How do mediators make a start in a country relatively new to mediation? The Czech Republic, like Spain, Portugal, Greece and several other European countries has been given a boost by the EU Directive on Mediation; whilst in other countries mediation has developed organically. Our panelists will explore a variety of topical questions submitted by the participants and considering for example, “Should mediator accreditation be restricted just to members of a national Bar Association or be open to all?”

**Moderator:** • **Fabienne VAN DER VLEUGEL**, *Vice-President of the UIA World Forum of Mediation Centres, VDV Avocats, Serris, France*

#### Speakers:

- **Andreja KOKALJ**, *Lawyer, Mediator, Ljubljana, Slovenia*
- **Zoe GIANNOPOULOU**, *Nemesis Law Office, Thessaloniki, Greece*
- **Martina DOLEŽALOVÁ**, *Czech Bar Association – Head of the International Department, Prague, Czech Republic*

## 13:00 – 14:30 LUNCH

Thalia Hotel, Národní 13, 110 00 Prague 1

## 14:30 – 15:45 Mining the Minds of Mediators – Part 2

Take this rare opportunity to Mine the Minds of some of the best and most experienced mediators in the world. Do you have a question about starting or marketing a mediation practice, or how to break impasse at mediation or what style of mediation to use for what type of case? This distinguished panel with decade's worth of experience and thousands of mediations between them will be there to answer whatever questions you may have about mediation.

**Moderator:** • **Jeffry ABRAMS**, *Jeffry S. Abrams, Attorney/Mediator/Arbitrator, Houston, TX, USA*

#### Speakers:

- **Thierry GARBY**, *Honorary Attorney at the Paris Bar, Mediator, Trainer, Paris, France*
- **Helena DE BACKER**, *DS De Backer & Bastin, Brussels, Belgium*
- **Giovanni DE BERTI**, *De Berti Jacchia, Milan, Italy*

## 15:45 – 16:15 COFFEE BREAK

## 16:15 – 17:45 News from the Centres – Future Business of the Forum

#### Speakers:

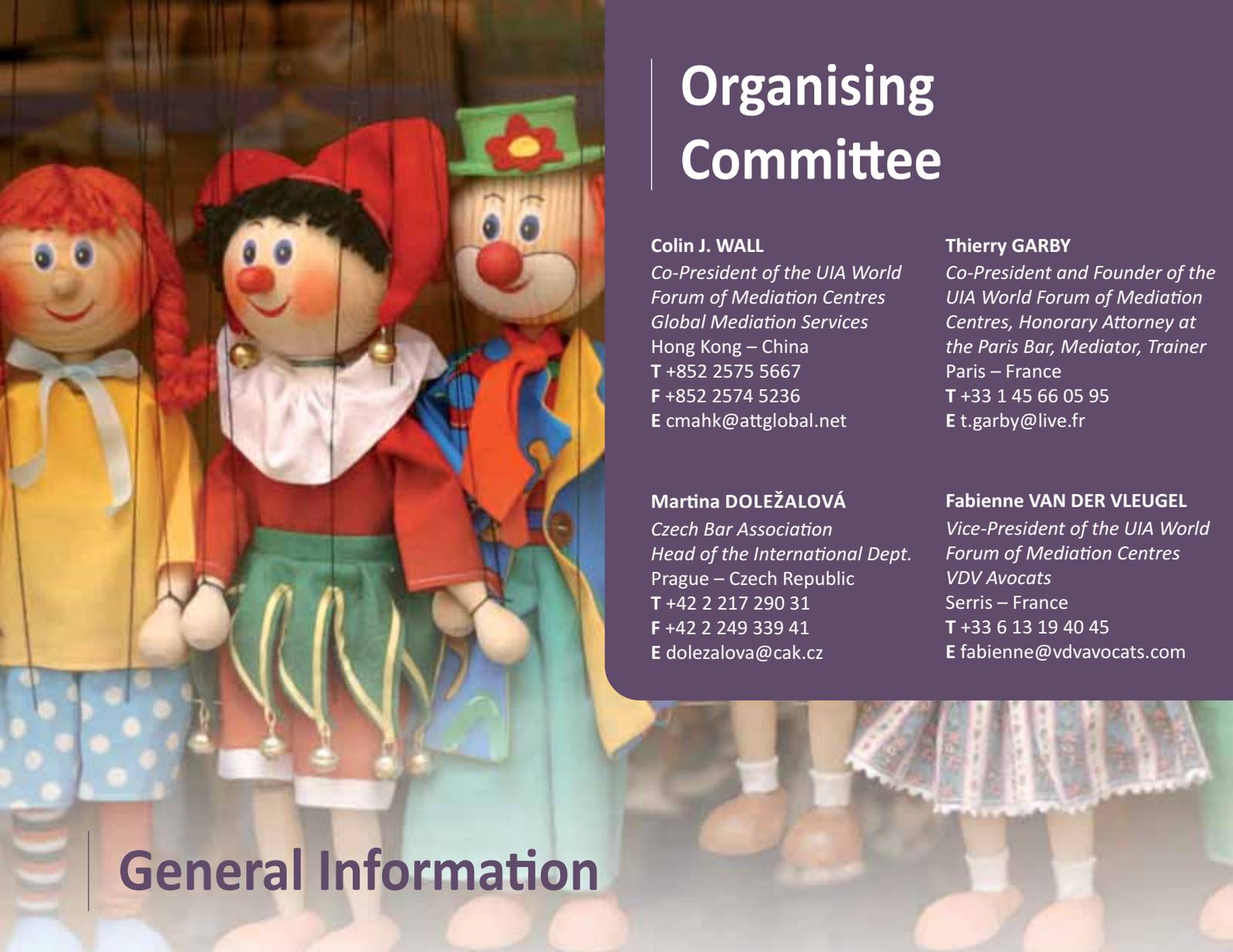
- **Colin J. WALL**, *Co-President of the UIA World Forum of Mediation Centres, Global Mediation Services, Hong Kong, China*
- **Thierry GARBY**, *Co-President and Founder of the UIA World Forum of Mediation Centres, Honorary Attorney at the Paris Bar, Mediator, Trainer, Paris, France*

All participants are invited to be in contact with Colin J. Wall (cmahk@attglobal.net) before the meeting if they wish to announce news from their centre or to suggest new business of the Forum.

## 20:00 OPTIONAL DINNER

Pizza Coloseum, Národní 8, 11000 Prague 1  
www.pizzacoloseum.cz





# Organising Committee

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## General Information

### SEMINAR VENUE

**CESKA ADVOKATNI KOMORA (The Czech Bar Association)**  
Národní tr. 10 – Palác Dunaj (*entry from Voršilská street*)  
Prague, Czech Republic  
T +42 2 21 72 90 26

### REGISTRATION FEES

The registration fees for the Forum are (amounts exclusive of VAT):

**€ 270\* until May 7, 2013 included**

**€ 300\* from May 8, 2013 onwards**

**\* From January 1, 2012, the VAT (21%) can be applied to the amount here above according to the European Directive 2006/12/CE of November 28, 2006. For more information, please contact the UIA.**

These fees cover participation in the seminar, coffee breaks, lunches on Friday, June 7 and Saturday, June 8, as well as the dinner on Friday, June 7. The Welcome Reception on Thursday night, June 6, is complimentary as it is sponsored by the Czech Bar Association. The dinner on Saturday, June 8 is optional and an additional charge.

Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

### CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a “Certificate of Participation” at the end of the event that may be used for obtaining “Credits” for “Continuing Legal Education” – “Continuing Professional Development” purposes, depending on national rules. For more information, please contact the UIA.

### LANGUAGE

The working language will be **English** without simultaneous translation. (Except for the indicated speakers during the Welcome and Opening of the seminar)

## HOTEL ROOM RESERVATION

A limited number of rooms has been pre-booked at a preferential rate. Reservations should be made directly through the hotel. Credit card details must be given in order to secure your reservation. Please note that the number of rooms is limited. We recommend that you proceed with your reservations as soon as possible.

Hotels	Rates
<b>Eurostars Thalia (5*)</b> Národní 13, 110 00 Prague 1, Czech Republic T +420 221 011 333 F +420 221 011 334 E reservations@eurostarsthalia.com	Standard Double Single Use Room € 144 Standard Double Room for 2 persons € 149 <b>Buffet Breakfast and taxes included</b>  Please download the hotel reservation form from our website: <a href="http://www.uianet.org">www.uianet.org</a>
<b>Perla Hotel Prague (4*)</b> Perlova 1, 110 00 Prague 1, Czech Republic T +420 221 667 707 F +420 221 667 667 E booking@perlahotel.cz www.perlahotel.cz	Single Room € 129 Double Room € 129 <b>Breakfast and taxes included</b>  Please download the hotel reservation form from our website: <a href="http://www.uianet.org">www.uianet.org</a>
<b>Design Metropol Hotel Prague (3*)</b> Národní 33, 110 00 Prague 1, Czech Republic T +420 246 022 100 F +420 246 022 200 E info@hotelastoria.cz www.metropolhotel.cz	Single Room € 115 Double Room € 115 <b>Breakfast and taxes included</b>  Please download the hotel reservation form from our website: <a href="http://www.uianet.org">www.uianet.org</a>

## CANCELLATION CONDITIONS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats **no later than May 7, 2013**. No refund will be made for cancellations received after this date.

## VISAS

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than May 7, 2013**, to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 + VAT to cover administrative costs, provided that the UIA has received the registration documents and **total registration fees no later than May 7, 2013**.

If you register after this date, only 50% of the amount paid minus €50 + VAT to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar**. Cancellations must be accompanied by a **proof of visa refusal**.

If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

## GENERAL CONDITIONS

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

**The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.**

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

## FORMALITIES

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.