



# WORLD FORUM OF MEDIATION CENTRES

### Inaugural Address by Prime Minister Xavier BETTEL

FRIDAY, APRIL 22 & SATURDAY, APRIL 23, 2016



J #UIAWFMC

# GRAND-DUCHY OF LUXEMBOURG

Forum organised by the UIA Mediation Commission with the support of the *Centre de Médiation Civile et Commerciale* (CMCC)

American Arbitration Association/International Centre For Dispute Resolution – Arbitration Court at the Bulgarian Chamber of Commerce and Industry – ADR Center – Aequitas – ADR – ADRg UK – Asociación Mexicana de Mediación y Arbitraje Comercial – 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 – Concilia – Concilia – 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 – Europatitrage – European Center for Dispute Resolution (ECDR) – Greek Mediation Institute – Hellenic Mediation and Arbitration Centre – International Mediation Institute (IMI) – Institut d'Expertise, d'Arbitrage et de Médiation – LAMAC Lebanese Association for Mediation And Conciliation – London Court of International Arbitration – Malaysian Mediation Centre – Mediators' Training Institute of Thessaloniki – Mediatorsfederatie Nederland (MfN) – Organismo di Conciliazione di Firenze (OCF) – Rakmo Institute – 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 Organization

# Bringing together the world's lawyers

For over 85 years, the Union Internationale des Avocats (UIA - International Association of Lawyers) has been defending the legal profession and facilitating international contacts, cooperation and the exchange of knowledge among lawyers, while respecting their cultural and professional diversity.

Today, the UIA brings together several thousand members – lawyers or law professionals – and hundreds of bars, federations and associations.

### Join the UIA and become a member of the world's strongest network of lawyers

• You will participate in the work of the UIA Commissions in Business Law, Human Rights and General Practice and share your experience with that of professionals from over 110 countries.

• You will also be able to join forces with the UIA, which, each year, provides its support to lawyers who cannot freely practise their profession. Everywhere in the world where rights of defence are threatened or the proper administration of justice is hindered, the UIA will make your voice heard.

### www.uianet.org

Join the UIA during the seminar and benefit from a 50% discount on your membership fee.

The UIA would like to thank the following partners

CHANCE





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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 practitioners and ADR centres from around the world and offers an occasion to exchange views on the development of ADR and best practices.

The meeting in Luxembourg will be the  $22^{\mbox{\scriptsize nd}}$  since the creation of the Forum.

This meeting is expected to be exceptional.

You do not want to miss this opportunity to learn and enhance your ADR practice.

Various sessions will be organized to explore new techniques and ameliorate mediators' knowledge. Mediators coming from all over the world, and representing a large variety of countries, will speak about specific topics such as confidentiality in mediation, labour law disputes, efficiency in mediation, enforcement of mediation agreement, mediation practices in the construction field, mediation in commercial disputes including family members.

For many reasons that you will discover, the Luxembourg Forum promises to be an unforgettable international event.

We are looking forward to welcoming you to Luxembourg!

# Thursday April 21 2016

### 19:00 WELCOME COCKTAIL

Kindly offered by the Luxembourg Bar Association Hotel MELIÃ LUXEMBOURG 1, Park Drai Eechelen Luxembourg City, Luxembourg

Welcome Address by the President of the Luxembourg Bar Association Me Rosario GRASSO

# Friday April 22

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

**Hotel MELIÃ LUXEMBOURG** 1, Park Drai Eechelen Luxembourg City, Luxembourg

### 09:00 – 09:30 WELCOME AND OPENING OF THE FORUM

### Inaugural Address by Prime Minister Xavier BETTEL

• Fabienne VAN DER VLEUGEL, President of the UIA World Forum of Mediation Centres, VDV Avocats, Serris, France

• **Dr. Jan KAYSER,** Secretary General of the Mediation Centre for Civil and Commercial Affairs (CMCC), President of the Luxembourg Mediators' Association, Luxembourg City, Luxembourg

### 09:30 – 10:45 Mediation & Efficient Corporate Conflict Management

According to the 2014 European Parliament Study, Mediation used before court proceedings results in an average reduction of time consumption of 60% and financial savings amounting to 30%, whereas banks complain about fouled quarterly reports due to litigation. The economic outcome of Mediation however goes far beyond representing such an efficient procedural framework for alternative dispute resolution: Besides its repairing function, mediation holds a preventive role as a technique applicable in everyday business life. Its tools apply in numerous standard professional communication situations such as staff meetings, appraisal interviews, mobbing, tensions within the team – not rarely impacting family life –, meetings with the client or deal negotiations with another party and therefore contribute to considerable positive effects in company's balance sheets according to studies witnessing the economic dimension of mediation.

**Moderator and Speaker:** • Dr. Jan KAYSER, Secretary General of the CMCC, President of the Luxembourg Mediators' Association, Luxembourg City, Luxembourg

### **Speakers:**

• Alex BRENNINKMEIJER, Member of the European Court of Auditors, Professor of Institutional Aspects of the Rule of Law University of Utrecht, Netherlands and Former Dutch Ombudsman, Luxembourg City, Luxembourg

• **Prof. Dr. Georg BERKEL,** *Lawyer, Mediator, Visiting Lecturer at Ludwig-Maximilians-University, Munich, Germany* 

• Nicole DESCAMPS, Family Mediator, Accredited Mediator for Civil and Commercial Affairs by the Luxembourg Minister of Justice, Lille, France & Stéphanie VAUTIER, Family Mediator, Vigny, France

• Alain GROSJEAN, Lawyer at Bonn & Schmitt, Partner, President of the UIA Section Luxembourg, Accredited Mediator of the CMCC, Luxembourg City, Luxembourg

### 10:45 – 11:15 COFFEE BREAK

### 11:15 – 12:30 Mediation in the Construction Industry

Whether as individuals, or within corporations, nearly everyone has come across one in his life. Not surprisingly, construction disputes are topping the rankings as foremost initiated cases before commercial courts. This session looks at the array of practices, whilst seeking ways to improve the adoption of more appropriate and cost-effective ways of dispute resolution by disputants in this field.

**Moderator and Speaker:** • Georges HANOT, Business Director and Founding partner at Con-Sent ADR, certified mediator (civil, commercial, social) qualified in public matters, Ghent, Belgium Speakers:

• Raphaël VAN DER VLEUGEL, Director at CODIC Luxembourg, Luxembourg City, Luxembourg

• Claude AMAR, Hotel developer, architect and internationally accredited mediator, President of the French Academy of Mediation and the French Institute for Certification of Mediators, Paris, France • Jacques WOLTER, Attorney-at-law and mediator, President of the CMCC, the Luxembourg Centre for Civil and Commercial Mediation, Luxembourg City, Luxembourg

### 12:30 – 13:30 LUNCH

### **13:30 – 14:45** Mediation in Commercial Disputes Including Family Members

In a family business setting, family members are challenged with multiple identities. How the mediator will assist the parties to sort out when they cannot separate or differentiate the personal relation from the professional, how Mediation Facilitates Disputes in Complex Transactions and what's the perspective from the Ismaili Community? An international, intercultural approach for family business in "divorce".

**Moderator and Speaker:** • Zoe GIANNOPOULOU, Attorney at Law – Conflict Resolution Specialist Mediation Training Institute of Thessaloniki, Thessaloniki, Greece

### Speakers:

• Rahim SHAMJI, Dispute Resolution Specialist- Barrister -Mediator, London, United Kingdom

• Mona HANNA, President of LAMAC, lawyer, mediator, trainer, Beirut, Lebanon

• Jason MEEK, The iDeal World, San Francisco, CA, USA

### 14:45 – 15:00 COFFEE BREAK

### 15:00 – 16:00 How Confidential Is Mediation?

Confidentiality is one of the most important characteristic of mediation. Helena will moderate a very practical session permitting the audience to understand how confidentiality must be handled in various countries (UK, Lu, US).

**Moderator and Speaker:** • Helena DE BACKER, Attorney at law, Mediator, Koan Lorenz, Brussels, Belgium

Speakers:

• Ross W. STODDARD, III, Attorney-Mediator, Dallas, TX, USA

• François KREMER, Attorney at law, Accredited Mediator of the

CMCC, Arendt & Medernach, Luxembourg City, Luxembourg

16:00 – 16:30 Mediation – A Game with Specific Rules

• **Thierry GARBY,** President Emeritus and Founder of the UIA World Forum of Mediation Centres, Honorary Attorney of the Paris Bar, Mediator, Trainer, St. Sylvestre de Cormeilles, France

### 16:30 – 16:40 Special Tribute to Colin J. WALL

**16:40 – 17:00** Signature of the Mediation Charter In the presence of Minister of Justice Félix BRAZ

• Fabienne VAN DER VLEUGEL, President of the UIA World Forum of Mediation Centres, VDV Avocats, Serris, France

• Dr. Jan KAYSER, Secretary General of the CMCC, President of the Luxembourg Mediators' Association, Luxembourg City, Luxembourg

18:00 – 20:00 OPTIONAL CONCERT: « Malherbe/Grare/ Zygel: Le Tour du monde en 80 minutes »

### **Philharmonie Luxembourg**

Salle de Musique de Chambre

1, place de l'Europe, Luxembourg City, Luxembourg

Free seating concert starting at 18:00 > Participants should arrive at least 30 minutes in advance

### 20:00 DINNER & DANCING

### Hotel MELIÃ LUXEMBOURG

1, Park Drai Eechelen, Luxembourg City, Luxembourg

# Saturday | April | 23 | 2016

### 08:45 – 09:15 REGISTRATION OF PARTICIPANTS

Hotel MELIÃ LUXEMBOURG 1, Park Drai Eechelen

Luxembourg City, Luxembourg

### 09:15 – 10:30 Labour Law Disputes

Mediation in the Workplace: Solutions ..... Presentation will summarize the experience of large American companies in designing systems to anticipate, identify and resolve disputes involving employees in a manner that avoids litigation and emphasizes consensual processes such as mediation. The next speaker will discuss termination of the employment contract, for example, a dispute over payment for different services, criminal charges and litigation for unjust termination of the contract. The third speaker will discuss, under German law, any company with five or more employees must establish a works council (Betriebsrat), which has rights separate from union rights. The presentation will describe and analyze the "German model," which includes elements of mediation and arbitration, for resolving disputes among the "triangle" of the union, management, and the Betriebsrat. The final speaker will discuss mediation of labour disputes including collective bargaining grievances.

**Moderator :** • Peggy LANSBACH O'MORE, Mediator, arbitrator, Washington, DC, USA

### **Speakers:**

• F. Peter PHILLIPS, Esq., Professor, Attorney and Mediator, Business Conflict Management, LLC, Montclair, NJ, USA

• **Cezary ROGULA,** *Esq., Attorney and Mediator, University of Antwerp, Antwerp, Belgium* 

• **Professor Dr. Renate DENDORFER-DITGES,** Attorney and Mediator, DITGES, Bonn, Germany

• Lynn SYLVESTER, Esq., Professor, Attorney, Mediator, Washington, DC, USA

### 10:30 – 11:00 COFFEE BREAK

# **11:00 – 12:15** Enforcement of Mediation Settlement Agreements

Enforcement of a mediation settlement agreement raises different issues around the world for domestic and international agreements. The two primary international legal instruments on mediation – the European Directive and the UNCITRAL Model Law on International Commercial Mediation fall short of establishing uniform standards for the enforceability of mediated agreements. UNCITRAL's Working Group II is currently considering whether an equivalent of the New York Convention for arbitration awards might be a solution. This session will discuss some of the current challenges including developments in China and the USA.

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### Speakers:

- Christopher MIERS, Architect, Arbitrator, Mediator, London, UK
- Heather DOUGLAS, Solicitor, Mediator, Lecturer, Hong Kong, China
- Jeff ABRAMS, Attorney, Mediator, Houston, TX, USA

### 12:15 – 14:30 LUNCH

### 14:30 – 15:30 Mining the Minds

Take this opportunity to Mine the Minds of some experienced mediators. Do you have a specific question about a mediation practice, a style of mediation, how to break impasse at mediation, a specific issue? Together with the audience, this distinguished panel will be there to answer whatever questions you may have about mediation. The purpose of this session is to discuss our practice in a very open discussion in order to enhance your experience, give ideas, and ameliorate efficiency of mediation process.

**Moderator and Speaker:** • Thierry GARBY, President Emeritus and Founder of the UIA World Forum of Mediation Centres, Honorary Attorney of the Paris Bar, Mediator, Trainer, St. Sylvestre de Cormeilles, France

### **Speakers:**

• **Claude AMAR,** Hotel developer, architect and internationally accredited mediator, President of the French Academy of Mediation and the French Institute for Certification of Mediators, Paris, France

• Ross W. STODDARD, III, Attorney-Mediator, Dallas, TX, USA

• Christopher MIERS, Architect, Arbitrator, Mediator, London, UK • Fabienne VAN DER VLEUGEL, President of the UIA World

Forum of Mediation Centres, VDV Avocats, Serris, France

## 15:30 – 16:30 News from the Centres – Future Business of the Forum

All participants are invited to contact Fabienne VAN DER VLEUGEL (fabienne@vdvavocats.com) before the meeting if they wish to announce news from their centre or to suggest new business of the Forum.

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

### 20:00 DINNER

Kindly offered by ARENDT & MEDERNACH law firm 41A, avenue J.F. Kennedy, L-2082 Luxembourg City, Luxembourg

# Sunday, April 24, 2016

### 10:00 – 11:30 LUXEMBOURG GUIDED CITY TOUR

by Guy ARENDT, Luxembourg State Secretary for Culture and Dr. Jan KAYSER, Secretary General of the CMCC, President of the Luxembourg Mediators' Association



# Organising Committee

### Fabienne VAN DER VLEUGEL

President of the UIA World Forum of Mediation Centres VDV Avocats Serris, France T +33 6 13 19 40 45 E fabienne@vdvavocats.com

### Dr. Jan KAYSER

Secretary General of the Centre de Mediation Civile et Commerciale (CMCC) Luxembourg City, Luxembourg T +352 278 542 1 E jan.kayser@cmcc.lu

# **General Information**

FORUM VENUE HOTEL MELIÃ LUXEMBOURG 1, Park Drai Eechelen Luxembourg City, Luxembourg T +352 27 333 0

REGISTRATION FEES The registration fees for the Forum are: € 260 (Excl. VAT)\* until March 22, 2016 included € 290 (Excl. VAT)\* from March 23, 2016 onwards

\* The VAT (17%) can be applied to the amount here above according to the European Directive 2006/112/CE of November 28, 2006. For more information, please contact the UIA.

These fees cover participation in the forum, coffee breaks, lunches on Friday, April 22 and Saturday, April 23, as well as the dinners on Friday, April 22 and Saturday, April 23. The Welcome Cocktail on Thursday night, April 21, is complimentary as it is kindly sponsored by the Luxembourg Bar Association.

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

### CONTINUING LEGAL EDUCATION

Every participant attending the forum 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** and **partially French with simultaneous translation English/** French – French/English.

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.

HOTE	Hotels	Rates	
HOTEL	SOFITEL LUXEMBOURG EUROPE (5*)	Single Superior Room	€ 175
ROOM	at 600 meters from the Forum venue	Double Superior Room	€ 195
RESERVATION	4, rue du Fort Niedergrunewald	Single Deluxe Room	€ 200
	Quartier Européen Nord	Double Deluxe Room	€ 210
	2015 Luxembourg, Luxembourg	Breakfast and taxes included	
	<b>T</b> +352 24 87 72 06 / <b>F</b> +352 26 48 02 23	Please download the hotel reservation form from	
	<b>E</b> H5555-RE@sofitel.com	our Website: <b>www.uianet.org</b>	
	NOVOTEL SUITES (4*)	Suite Single	€ 130
	at 700 meters from the Forum venue	Suite Double	€ 145
	13, avenue J F Kennedy, Quartier Europeer	n Breakfast and taxes included	
	1855 Luxembourg, Luxembourg		
	<b>T</b> +352 429848 / <b>F</b> +352 439195	Please download the hotel reservation form from	
	E H1930@accor.com	our Website: <b>www.uianet.org</b>	
	HOTEL MELIA (4*)	From 21.04 to 22.04.2016	
	Forum venue	Single Room	€ 185
	1, Park Drai Eechelen	Double Room	€ 205
	L-1499 Luxembourg, Luxembourg	<u>From 22.04 to 24.04.2016</u>	
	T +352 27 333 204 /F +352 27 333 999	Single Room	€ 100
	E melia.luxembourg@melia.com	Double Room	€ 120
		Breakfast and taxes included	
	Please download	d the hotel reservation form from our Website: <b>www.u</b>	uianet.org
CONDITIONS VISAS GENERAL CONDITIONS	<ul> <li>Internationale des Avocats no later than March 22, 2016. No refund will be made for cancellations received after this date</li> <li>Anyone who requires a visa invitation letter in order to attend the forum should register and pay their registration fees</li> <li>no later than March 22, 2016 to ensure there is enough time to obtain a visa.</li> <li>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 March 22, 2016.</li> <li>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 refusal.</li> <li>All cancellations due to a visa refusal must be sent in writing and reach the UIA before the forum. Cancellations must be accompanied by a proof of visa refusal.</li> <li>If your visa is issued after the forum date or if you do not have proof of visa refusal, you will not be entitled to a refund to the events selected will be confirmed in writing.</li> <li>The UIA reserves the right to cancel or postpone the forum to a later date, change the forum venue and/or programme, make any corrections or modifications in the information published in the forum programme and cancel any invitation to participate in the forum, 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.</li> <li>The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.</li> <li>Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held respons</li></ul>		
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 forum because of their inability to take a flight or any other means of trans portation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) canno claim any reimbursement.		
FORCE MAJEURE	prevents either the client or the participants, ou executing all or part of the obligations provided case in the event of a strike affecting the means any prohibition whatever decreed by Governme It is expressly agreed that for the parties, a ca	the parties, of both an unforeseeable and insurmountable r the agency or service providers involved in organising the f d for in the present agreement. By express agreement, such s of transport, hotel staff, air traffic controllers, an insurrection ental or public authorities. ase of force majeure would suspend the execution of their ties shall bear the burden of all the expenses incumbent of	orum, from will be the on, a riot or r reciprocal
HEALTH	complications or be aggravated during the entir	se of any health problems existing prior to the forum that r re period of the stay: pregnancy, cardio-vascular problems, and d not yet consolidated on the day the forum starts, psychic o	ny allergies,

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# WORLD FORUM OF MEDIATION CENTRES

### Friday, April 22 & Saturday, April 23, 2016 LUXEMBOURG CITY, LUXEMBOURG

### **REGISTRATION FORM**

Register online at: **www.uianet.org** 

or please complete and return this form by email, fax or post, to:

UNION INTERNATIONALE DES AVOCATS

25 rue du Jour, 75001 Paris, France

Tel: +33 1 44 88 55 66 
Fax: +33 1 44 88 55 77 
Fmail: uiacentre@uianet.org



### UIA INDIVIDUAL MEMBERS: M I – – – – –

Please specify your membership number (Please check your membership card or membership fees):

Family Name:	
First Name:	
Firm:	
Address:	
Post Code:	City:
Country:	
Tel:	Fax:
Email:	
Date of Birth:	
EU VAT ID – Number:	
Special requests (special diet, allergies, handicap):	
Arrival/departure times & flight numbers:	
Hotel:	

### A. FORUM REGISTRATION FEES

The registration fees for the Forum are:

€ 260 (Excl. VAT)\* until March 22, 2016 included
 € 290 (Excl. VAT)\* from March 23, 2016 onwards

\* The VAT (17%) can be applied to the amount here above according to the European Directive 2006/112/CE of November 28, 2006. For more information, please contact the UIA

### **B. FORUM SOCIAL ACTIVITIES**

Please indicate below whether you plan to attend the following events **included** in the cost of your registration.

U Welcome Cocktail – Thursday, April 21, 2016

Lunch – Friday, April 22, 2016

Dinner & Dancing – Friday, April 22, 2016

Lunch – Saturday, April 23, 2016

Dinner at Arendt & Medernach law firm – Saturday, April 23, 2016

Luxembourg Guided City Tour – Sunday, April 24, 2016

### **C. OPTIONAL ACTIVITY**

**D. TOTAL** 

(not included in the registration fees)

- Concert Friday, April 22, 2016
  - Please book ...... person(s) for the concert

€ 20 (Excl. VAT) x \_\_\_\_ / pers

Total (C) (Excl. VAT) € .....

TOTAL (A) Excl. VAT – Registration Fees		€
TOTAL (C) Excl. VAT – Optional Activity		€
	TOTAL (A+C) Excl. VAT	€
	VAT if applicable (17%)*	€
	TOTAL (A+C+VAT)	€

\* The VAT (17%) can be applied to the amount here above according to the European Directive 2006/112/CE of November 28, 2006. For more information, please contact the UIA.

### **E. CANCELLATION CONDITIONS**

I, the Undersigned, confirm that I have read and accepted the **cancellation conditions** as well as the **general conditions** given on page 6 of the registration programme. My registration will only be taken into account on receipt of the payment.

Participants are aware that their image and/or voice may be photographed, recorded or filmed throughout the duration of the forum. They hereby assign to the UIA, with the signature of this form, the right to exploit, reproduce and disseminate the images and recordings by all means, both known and unknown, using all media, for an unlimited term and free of charge.

### F. METHOD OF PAYMENT

□ By cheque in € payable to the UIA, addressed to: UIA – 25 rue du Jour – 75001 Paris – France

□ By bank transfer in €, without charges to the payee, in favour of the Union Internationale des Avocats,

quoting "2016 Luxembourg Forum", to the following bank and account:

Société Générale – Paris Elysées Entreprise 91 avenue des Champs Elysées – 75008 Paris – France BIC / SWIFT N°: SOGEFRPP IBAN: FR76 3000 3033 9200 0503 4165 164

Kindly attach a copy of your bank transfer order to your registration form

I authorise the Union Internationale des Avocats to debit the above mentioned credit card in the amount of € (EUR)

Signature: