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**From:** Tennessee Association of Professional Mediators [tapm@tennmediators.org]

**Sent:** Monday, March 24, 2008 11:17 AM

**Subject:** [MediationNews] brought to you by Tennessee Association of Professional Mediators

MEDIATION NEWS FOR THE 21ST CENTURY™



# MEDIATION NEWS

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## Tennessee Association of Professional Mediators

### Beyond “The Tipping Point”:

#### Process or Substance?

Last year, Marnie Huff wrote in her TBA Dispute Resolution Section column as Chair of the Section that mediation had reached a “tipping point” in Tennessee. She insightfully observed that a number of seemingly unrelated factors were combining in Tennessee to create a greater public awareness and utilization of mediation in our courts and communities. A year later, how prescient was she? More importantly, what’s next?

As a Rule 31 mediator since 1997, I have seen over the past ten years a gradual maturing of mediation in Tennessee and those that practice in this profession. Approximately 1000 individuals statewide are listed by the ADR Committee as Rule 31 mediators. Significant numbers of new mediators are being trained each year. At the moment this article is being written, 30 people are undergoing Rule 31 family mediation training at Lipscomb University’s Institute for Conflict Management (ICM). In addition to the Hon. Marietta Shipley, this course is being taught by Nina Meierding of Ventura, California and Jim Melamed of Portland, Oregon. In April, the Tennessee Judicial Conference is hosting a mediation training for Tennessee judges at ICM. Four Tennessee Supreme Court justices and one Court of Appeals judge are enrolled as well as 30 trial court judges from across the state. In May or June, 2008, the Tennessee Department of Labor and Workforce Development will be training about 30 workers compensation benefit specialists at ICM. Over the course of an academic year at ICM, over fifteen adjunct faculty from across the nation come to Nashville to teach graduate courses in various conflict management applications.



**Larry Bridgesmith**

**TAPM ANNUAL MEETING  
MARCH 28, 2008 at  
LIPSCOMB UNIVERSITY**

TAPM will celebrate its second anniversary March 28, 2008 at Lipscomb University Ezell Center.

Some might see these developments as threatening a young profession and overpopulating a market with aspiring practitioners having little chance of economic success. They might be correct. Others might step back and see that mediation is a maturing career with many different applications, not all of which are Rule 31 or litigation related. My view is the latter one.

A core world view of successful mediators is that the pie is not fixed, but can expand with collaborative endeavors by creative people. We should all be prepared to prescribe and take some of our own medicine. In fact, the more that mediation skills are developed, the more collaborative our communities, enterprises and organizations can become.

Of the 35 graduate students currently enrolled in the Masters Degree program at ICM, very few are pursuing careers in mediation. In fact, most ICM graduate students are seeking to convey the skill set of mediation into numerous related fields of conflict management. From healthcare to public relations, from education to athletics, from marketing to non-profit management, people are learning that managing conflict to more productive outcomes is a key leadership skill that applies in every commercial, organizational and community venue. Ombudsmen, group facilitators, risk managers, compliance officers, human resource professionals, patient advocates, executives, sales and marketing professionals at a minimum are all negotiators and mediators of conflict.

It is exciting to consider the wide role mediation skills can play in the future. Businesses that increase conflict competence can become more productive and innovative. Communities that resort to mediated outcomes as a first recourse can become more civil. School systems that teach conflict resolution skills will become less violent and more learning will take place. Mediators will play constructive roles in all these cultural shifts if they chose to think of their skills as a process our society values rather than merely a career defined by the litigation system.

As mediators we are the masters of process in conflict. Will we be practitioners of the process of managing conflict or simply content to view mediation as the substance of a career? Ironically, the greater we apply conflict management process skills in the many environments we find ourselves, the greater our careers will flourish and the more opportunities will be created for our colleagues. Let's grow the pie, not slice it.

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## “Hanging-Out a Shingle”

Members and guests will choose from a three or six hours offering of CLE/CME. The morning session will be a three hour seminar from **J. Anderson (Andy) Little**, Veteran Attorney and Mediator from Chapel Hill North Carolina. He has recently published a book through the American Bar Association, entitled **Making Money Talk**. The book represents experience gained from thousands of personal injury mediations. Andy Little poses the question as to what role mediators play when parties have moved beyond analyzing the strengths and weaknesses of their case, when the proposed settlement only involves amounts of money. This advanced mediation seminar is designed to fill a gap in the theory of the mediation process and to provide a set of tools to assist negotiators and mediators in any negotiation involving money claims. Andy Little has identified numerous, and often predictable, stumbling blocks to successful money negotiations --- and has developed ways of understanding and dealing with them which will expand a mediator's repertoire of mediation techniques.

The first three hours in the morning will address the principles a mediator can use in employing the "control theory" in order to deal with the many recurring problems that mediators find in the mediation of insured claims, including:

- The problem of "who goes first?" ; "I'm not going to bid

# Resources to *Really* Make Mediation Your Day Job

By

**Leigh Ann Roberts**

This past Fall, I had the pleasure of interviewing one of the nation's leading resources for mediators looking to build their mediation practice. Dr. Tammy Lenski is the author of the soon to be released Making Mediation Your Day Job. After 11 years in private practice as mediator servicing parties nationwide, Lenski is an absolute authority on what it takes create a successful mediation practice. Dr. Lenski currently operates out of New Hampshire and chooses now to focus her efforts on clients located in the Northeast region of the country. Lenski is a professional mediator whose background perfectly prepared her for many of the clients she serves today. Lenski has a Doctorate in Higher Education, has served as a college dean and has a great deal of experience with both the administrative and academic sides of educational institutions. Based on this experience, Lenski has spent the last 11 years in private practice mediating for not only universities but also hospitals, nonprofits and corporations. Lenski is also a consultant and gets paid by other professional mediators to help make their practices successful.

Of course, I had to ask Dr. Lenski if she had any tips for the members of TAPM. Lenski said the biggest mistake that mediators make is hanging out a shingle, putting an ad in the phone book and then waiting for the clients to roll in. Lenski encourages mediators to make use of the Internet to leverage marketing efforts. One way to do so is by using a blog-based site rather than a traditional website—even if you don't plan to blog. Blog-based sites can do everything a traditional "static" site can do and are much more search-engine friendly because of the software used to create them. For those of you who are new to what a blog looks like, I encourage you to check out Dr. Lenski's blog and sign-up for updates: <http://MediatorTech.com> Furthermore, blog-based websites make it easy to update your content (also important to search engines)...if you can type, you can update a blog-based site, unlike most static sites. Lenski stressed that a mediator's site should be findable, uniquely designed to reflect who you are and what makes you a credible source for your particular market. She commented that so many mediator sites are alike that the lack of distinction can confuse potential clients.

When asked about how mediators should approach competition with other mediators in an area where the demand for mediation is still growing, Dr. Lenski encourages mediators not to view the market as a "fixed pie." Lenski states that we as a profession should put more effort towards expanding the public's use of mediation and conflict resolution. Lenski also agrees with a principle I learned listening to our own Randy Lowery's *Get Busy, Get Paid*: mediators must avoid being a "generalist." Pick a specific area, find your niche and refer other cases to other mediators in your area. This idea is often hard to swallow

- against myself!"
- "Go tell them to give me a realistic number." ; "I'm out of here."
- "That offer's insulting." ; "Is that his best number?"
- "I'm not going to dignify that offer with a response." And many more. .

Lunch and the business meeting will be from 12:15 to 1:15. We will elect officers, provide a summary of the year's events, consider a change in the bylaws and recognize our retiring officers.

At 1:15, we will have a dual offering. Participants may choose from a continuation of Andy Little's morning session, which will provide for more interactive small group sessions, practicing the principles learned in the morning session as well as a panel of experts to discuss problems brought up by the group. The alternate offering will be for family mediators. We have not finalized the program, but we have booked our own **Ann Barker from Knoxville Tennessee**. Ann is currently a professor at University of Tennessee School of Law and runs the Mediation Clinic as well as being a private mediator with The Mediation Group of Tennessee. Previously she was the first ADR Director at the AOC.

She will discuss negotiation, the preparation of documents and family mediator ethics.

The choice is yours - three or six hours of Andy Little's presentation of civil mediation or three of civil and three of family or just three of family mediation CLE/CME . COME JOIN US. We will send you another notice so you can

but this writer has heard it mentioned too many times to ignore its wisdom.

Dr. Lenski will be touring in 2008 to speak about Making Mediation Your Day Job and I was able to set up a **special, free teleseminar with Dr. Lenski** on her new book for members of TAPM as well as volunteers for local mediation groups such as the Nashville Conflict Resolution Center. If you are interested in attending the free conference call to get information directly from Dr. Lenski on how you can make Mediation your day job, , simply email me, Leigh Ann Roberts from my website

[www.ForwardFocusMediation.com](http://www.ForwardFocusMediation.com) and I will reserve you a spot. Call details will follow via email in the coming weeks.

**The free teleseminar with Dr. Lenski on How to Make Mediation Your Day Job is scheduled for April 17, 2008 at 1:00 Central. Reserve the date and time and be on the look-out for the call details. Until then, keep up the good work and get to work on those sites!**

MARCH 2008

## CASES & RESOLUTIONS:

### Counsel in Contempt for Breaching Mediation Confidentiality

Despite acknowledging error and offering a formal apology, counsel for plaintiff in Williams v. Johanns was found in civil contempt by the U.S. District Court for the District of Columbia for filing a pleading containing statements made in mediation. The court held a show cause hearing and ultimately imposed a nominal fine, noting the importance of confidentiality in the mediation process.

Williams v. Johanns, 2008 WL 36633 (D.D.C., January 2, 2008) (Subscription Required)

### Utah Supreme Court Upholds Mediation Confidentiality, Seals Record, Recuses Trial Judges

The Utah Supreme Court in Reese v. Tingey Construction reversed the trial court's order requiring counsel for a party to be deposed to determine whether the parties had orally agreed to settle during mediation, based on state law prior to the Utah Uniform Mediation Act taking effect on May 1, 2007. The Court emphasized the importance of confidentiality to the mediation process, noted that the limited statutory exceptions to mediation confidentiality were not met, and rejected the lower court's notion that mediations contain both confidential and non-confidential

RSVP for March 28, 2008 .

### IT'S 2008 DUES RENEWAL TIME FOR TAPM!

\$100.00 - Professional Membership  
\$50.00 - Student Membership

Mail to  
TAPM  
P.O. Box 150626  
Nashville, TN 37215

### CIVIL PEER GROUP

MEETS  
SECOND TUESDAY  
March 11, 2008  
7:30 A.M.  
FIDO'S  
HILLSBORO VILLAGE  
Andrea Ayers with AOC  
will be discussing the new  
rules regarding  
Rule 31 Mediators

### FAMILY PEER GROUP

MEETS  
THIRD THURSDAY  
April 17, 2008  
12:00 NOON  
OASIS CENTER

### Mediation Quote:

"To begin with, everyone in conflict has a different perception of what happened, who caused it, and why. Each side tells stories that are accurate and honest – for themselves, as requests for communication, empathy, and authenticity.

portions and that counsel could be required to testify about the non-confidential aspects. The Court stated that parties are free to enter into oral agreements during mediation, but that a written agreement – even if just an email exchange – is needed for a party to obtain judicial assistance enforcing the settlement agreement, since the mediation is confidential. The Court criticized both the trial court and parties for freely discussing mediation communications in the litigation, sealed portions of the record containing confidential mediation information, and ordered any trial judges who had reviewed confidential information to recuse themselves from further proceedings.

[Reese v. Tingey Construction](#), No. 200060594 (Utah, February 1, 2008)

## **New York Court Permits Post-Mediation Evidence of Settlement Agreement from Mediator**

In litigation over an alleged written settlement agreement, a New York court in [Arben Corp. v. N.Y.S. Thruway Authority](#) upheld the confidentiality of mediation and settlement discussions relating to the underlying dispute, but permitted post-mediation evidence from the mediator (who had become a paid consultant to the claimant, apparently to help enforce the purported settlement agreement) about whether or not a settlement agreement had been finalized and then breached. The court based its decision on a written agreement to mediate between the parties and on New York law (CPLR § 4547) which codifies the common law “settlement privilege.” The court concluded that negotiations concerning the underlying dispute between the parties were protected, but that CPLR § 4547 does not block efforts to prove the existence of a settlement agreement. The court explained that the policy goals of encouraging settlements requires the ability to prove when a settlement agreement has been reached.

[Arben Corp. v. N.Y.S. Thruway Authority](#), No. 2008-036-308 (NY Ct. Cl., February 26, 2008)

## **IRS and State Agency Successfully Mediate Tax-Exempt Status of Bonds**

Using an Internal Revenue Service mediation program, the Rockdale County, Georgia Development Authority reached a settlement with the IRS in order to maintain the tax-exempt status of \$77 million of solid-waste disposal revenue bonds. Under the rarely-used IRS tax-exempt bond mediation program, an IRS employee with no previous involvement in the case acts as mediator, and a private co-mediator may be included at the option of the parties, as was done in this matter. The IRS mediation program was begun in 2003 and renewed last year.

[The Bond Buyer and SourceMedia, Inc.](#), (Georgia) (February 15, 2008) (Subscription Required)

Both sides also tell stories that are inaccurate and dishonest – for each other, as literal facts, and as requests for surrender or acceptance of blame. "In other words, everyone in conflict views the world from the inside out, and finds empathy and honesty difficult with those they detest or by whom they feel detested. Their willingness to accept responsibility is distorted by their need for sympathy and support, or their desire to make themselves appear right by making others appear wrong."

- Kenneth Cloke, *Mediating Dangerously: The Frontiers of Conflict Resolution* (Jossey-Bass 2001) at 28

## **Other Cases & Resolutions:**

**Months of Mediation Break Deadlock over Replacing Evergreen Point Bridge, [Seattle Post-Intelligencer](#)** (February 21, 2008) (Subscription Required)

**Mediation Between Plaintiffs Resolves Split of \$5 Million Insurance Policy, [Virginia Lawyers Weekly](#)** (January 28, 2008) (Subscription Required)

**Mediation Resolved 20% of Court Cases Under \$25,000 in Edmonton, [The Edmonton Journal](#)** (Alberta, Canada) (February 11, 2008)

**Mayor Appeals, Seeking Cover of Mediation Confidentiality Provisions, [Detroit Free Press](#)** (February 16, 2008), [Detroit Free Press](#) (February 19, 2008)

**Nevada Public Utilities Commission Staff Seek Mediation of Sprint's Complaint Against AT&T, [TR's State NewsWire](#)**

## **Sears Class-Action Settlement Approved after Two Years of Mediation**

A state judge approved the settlement of class-action litigation against Sears after two years of mediation and negotiation, based on Sears' agreement to anchor over 3.9 million stoves, which have become so light that they sometimes tip and injure or kill users. Plaintiffs' counsel will receive \$17 million in fees, but the parties did not agree on the overall cost of the settlement, which plaintiffs' expert estimates as exceeding \$500 million, but Sears believes will be a small fraction of that figure.

[St. Louis Today](#) (February 20, 2008)

## **Extensive Negotiations Shape Mediation Agenda**

Many hours of mediation among some 35 parties succeeded in eliminating certain issues and establishing the scope of future substantive discussions over the Big Tupper Ski Project in the Adirondacks. The parties memorialized their agreement to participate in a voluntary and open-ended process with a written memorandum, and agreed on a date in March to begin the substantive mediation.

[Pressrepublican.com](#) (January 26, 2008); [The Adirondack Daily](#) (January 28, 2008)

## **NEWS & INITIATIVES:**

### **EEOC Continues to Focus on Mediation of Discrimination Charges**

The Equal Employment Opportunity Commission reported a 9 percent increase in job bias charges last year, for a total of nearly 83,000 private sector filings in 2007. In addition to non-monetary relief, the EEOC recovered over \$290 million for charging parties through administrative enforcement and mediation, compared with \$55 million through EEOC litigation. Employers continue to enter into Universal Agreements to Mediate with the EEOC, with the total rising by 15 percent during 2007, to over 1,200. The EEOC's National Mediation Program has a user satisfaction rate of 96 percent, meaning that nearly everyone using the program would do so again.

[Federal Information & News Dispatch, Inc.](#), (March 5, 2008) (Subscription Required)

### **Mediation Requirement Streamlined for Florida**

(January 22, 2008)  
(Subscription Required)

**Mediation Begun after a Decade of Opposition over Plans to Widen Road, [ABC Macon.tv](#)** (Georgia) (February 29, 2008)

**Seattle SuperSoncs Seek Court-Ordered Mediation with Precondition on Outcome, [MSNBC](#)** (January 17, 2008)

**Federal Judge Sends Oracle Claims of Software Theft by SAP to Mediation, [Barrons.com](#)** (February 14, 2008); [Washingtonpost.com](#) (February 14, 2008)

**Litigation on Hold for Mediation of Tainted Pet Food Case, [Press of Atlantic City](#)** (February 16, 2008)

**Seven-Figure Unpaid Wage Case against Target Ordered to Mediation, [MySanAntonio.com](#)**, Texas (February 15, 2008)

**Court Requires Mediation over Ad Valorem Tax Assessments, [Clarke County Democrat](#)** (Alabama) (Subscription Required)

**Mediation Likely in Lawsuit against Jurisdictions for Tax Incentives Not Received, [Independent Tribune](#)** (North Carolina) (February 26, 2008)

**Derivative Litigation over Stock Option Grants Headed to Mediation, [St. Louis Business Journal](#)** (February 22, 2008) (Subscription Required)

**"Listening Session" to Determine Issues for Mediation, [The Times Record](#)** (January 23, 2008)

**Nine Month Mediation in Class Action against Oil**

## Homeowners Associations

Statutory changes in Florida have streamlined the mediation process required prior to litigation of certain disputes between homeowners and members. The aggrieved party now can contact the other party directly with a written offer to mediate as set forth in the statute and propose a choice of five certified mediators. Seeking mediation in this way tolls the statute of limitations. If the dispute goes on to litigation or arbitration, attorneys' fees incurred in the mediation may be recovered by the prevailing party. But those who do not participate in the entire mediation process may not recover any attorneys' fees or costs.

[The News-Press](#) (February 28, 2008); [Fla. Stat. § 720.311](#)

## Idaho Introduces Mediation Confidentiality Legislation

Idaho recently introduced legislation to enact the Uniform Mediation Act (UMA) in order to establish confidentiality for mediation communications, with specified exceptions. Such legislation is intended to encourage greater use of non-judicial mediation by providing confidentiality protections that are uniform with the recent rules adopted by the Idaho Supreme Court for court-annexed mediation. The Idaho legislation also incorporates the United Nations Model Law on International Commercial Conciliation, which is a supplement to the UMA for international commercial mediations, unless the parties agree otherwise.

[Idaho S.B. 1261](#)

## Kentucky Legislation Would Require Med Mal Mediation and Shield Apologies

Mandatory mediation of all lawsuits involving professional negligence claims against health care providers (defined broadly) would be required by H.B. 8, which was introduced in Kentucky on January 23, 2008. The Kentucky legislation sets forth procedures for the mandatory mediation, including timing, selection of mediators, attendance, location and submission of materials. The mediator is required to submit a report to the applicable court on the outcome of the mediation. In addition, H.B. 8 would prevent apologies for any unanticipated outcomes due to medical treatment from being admitted in any litigation or arbitration as an admission of liability or other admission against interest; however statements of fault which go beyond apology would remain admissible.

[Kentucky H.B. 8](#)

## Alabama Again Introduces Mediation Confidentiality Legislation

Legislation has been introduced again this year in Alabama

Companies over  
Petroleum Vapors Ends  
without Settlement;  
Discovery Resumes,  
[Madison County Record](#)  
(Illinois) (February 27, 2008)

Litigation Continues after  
Mediation Unsuccessful  
over Sign Exception  
Permits in San Clemente,  
[San Clemente Times](#)  
(February 21, 2008)

Party Delaying Mediation  
Until Success Unlikely  
Might Be Punished by  
Adverse Cost Order per  
U.K.'s Technology and  
Construction Court in  
[Nigel Witham Ltd v. Smith,](#)  
[Mondaq](#) (January 18, 2008)  
(Subscription Required)

## Other News & Initiatives:

U.N. Establishes Standby  
Team of Mediation Experts  
to Assist in Hot Spots,  
[ReliefWeb](#) (March 5, 2008)

Analysis of U.K. Mediation  
Data Suggests Cases in  
Mediation Becoming More  
Difficult as Negotiators  
Learn from Mediation,  
[Lawyer](#) (January 21, 2008)  
(Subscription Required)

Med Mal Rule Approved  
Requiring Mediation in  
Third Circuit of Illinois;  
Claims against Nursing  
Homes Covered,  
[Edwardsville Intelligencer](#)  
(March 7, 2008)

Many Health Care  
Providers Requiring  
Patients to Agree to  
Arbitration, Some Turn to  
Mediation, [Philadelphia](#)  
[Inquirer](#) (February 10, 2008)  
(Subscription Required)

County Prosecutor  
Candidates Clash over  
Appropriateness of  
Criminal Mediation, [Athens](#)  
[Messenger](#) (Ohio) (February

to add additional confidentiality protections to mediation, by providing that mediators in all mediations generally would not be required to testify or produce documents concerning mediation in any adversarial proceeding. Adding this testimonial immunity is intended to increase public confidence in mediation.

[Alabama S.B. 36](#); [Alabama H.B. 30](#)

## **South Carolina Probate Courts Try Mandatory Mediation**

A pilot program to evaluate mandatory mediation in South Carolina probate courts has been joined by 35 of South Carolina's 46 counties. A report on the success and cost effectiveness of the mediation program will be submitted to the South Carolina Supreme Court next January. A probate judge in a county which hasn't yet joined the program is leaning toward participation, due to the benefit of families being able privately to work out solutions to their concerns with the help of a neutral mediator, but is concerned about delays and costs that might result from adding a mediation step to the process (even though those are often the very attributes of mediation that generate enthusiasm).

[South Carolina Now](#) (February 23, 2008)

## **Two-Thirds of U.S. Bankruptcy Courts Now Use Mediation**

A full two-thirds of federal bankruptcy courts now have mediation programs in place and encourage use by the parties. The details of the court mediation programs differ, but most depend on voluntary participation by parties, even though the courts generally have authority to mandate mediation if necessary. Some bankruptcy courts have been offering mediation since the 1980s and the number of courts with programs continues to increase. The level of success has generally been high, with mediation of over 3,700 matters from one court since the program began in 1995, for example, and a settlement rate of 64 percent.

[CommunityDispatch.com](#) (February 28, 2008)

## **Federal Circuit Mediation Program Impresses**

The U.S. Court of Appeals for the Federal Circuit was the last federal appellate court to begin a mediation program, but in just two years is showing results in line with other circuit programs, despite the complexity of its specialized docket, which includes patent appeals. Last year the Federal Circuit's mediation program resolved 42% of the cases mediated.

[The National Law Journal](#) (February 11, 2008) (Subscription Required)

29, 2008)

**Mediation Helps Parties in Major Insurance Disputes**, [Legal Times](#) (March 3, 2008) (Subscription Required)

**Mediation Offers Many Benefits in Resolving Elder-Care Disputes**, [Wall Street Journal](#) (March 2, 2008)

**Tiny Montana Mediation Agency Not Self-Sustaining, Being Shut Down**, [KPAX-TV](#) (February 17, 2008)

## **Co-Mediation by Doctors and Lawyers Begun for Med Mal Mediations**

A pilot project to pair up doctors and lawyers as co-mediators in an effort to resolve medical malpractice claims has begun at a Philadelphia suburban hospital. The productivity and healing potential of mediation is being emphasized over the possible monetary savings, as the program tries to reach better outcomes for the parties. Mediation training has begun for 30 doctors and lawyers to become mediators, which was eye-opening for many doctors who realized for the first time how hard it can be to deal productively with strong emotion and find common ground. Many of the lawyers had previous experience with mediation and are expected to take the lead initially in mediations.

[Philadelphia Inquirer](#) (March 4, 2008)

## **Businesses Encouraged to Use Dispute Resolution Clauses**

Companies are encouraged to include mediation or arbitration clauses in agreements covering their business dealings, including employment contracts, in order to avoid litigation. The widespread use of alternative dispute resolution clauses in most consumer contracts for health plans, car leases and insurance demonstrates that all businesses need to make sure their forms are updated with appropriate protections.

[Business Times](#) (January 11, 2008)

## **Hotel Association Urges Mediation Rather than Arbitration in Franchise Agreements**

In its updated standards for fair franchising, the Asian American Hotel Owners Association includes dispute resolution provisions which focus on mediation if informal direct negotiations are unsuccessful. The standards avoid binding arbitration unless mediation has not been successful and there is express agreement on the details of the arbitration process, including the identity of the arbitrator and location of the arbitration.

[Hotelinteractive.com](#) (January 14, 2008)

## **U.K. Funding Increases for Workplace Dispute Resolution**

U.K.'s publicly-funded Acas (Advisory, Conciliation and Arbitration Service) is to receive an additional £37 million over the next three years to help it offer more mediation for early intervention in workplace disputes. Demand is

expected to rise when statutory dispute resolutions procedures end.

[PersonnelToday.com](#) (February 11, 2008);  
[PersonnelToday.com](#) (February 6, 2008); [Acas](#)

## **More Mediation Proposed to Enhance Scotland as World-Class Venue**

In response to a call for comments on the consultation paper from the Scottish Civil Courts Review group, additional mediation has been suggested as a way to make Scotland into a world-class venue for resolving disputes. Public comments on the wide-reaching analysis are being accepted through March 31.

[The Scotsman](#) (February 11, 2008); [Scottish Civil Courts Review](#)

## **Mediation Central to Civil Justice Reforms in Victoria, Australia**

Australia's longest-serving attorney general is urging that mediation "take center stage" in the reforms of Victoria's legal system which are under way. The Victorian Law Reform Commission proposed introducing pre-action protocols, which may include mandatory mediation, in recommendations presented to the attorney general.

[The Australian](#) (March 7, 2008)

## **Hong Kong Chief Justice Supports Mediation**

Chief Justice Andrew Li promotes mediation as a complement to litigation, noting that Hong Kong has made steady progress in mediation, but has a long way to go to reach the maturity of mediation in common law jurisdictions. The Chief Justice also believes that legal aid should be extended to parties in mediation, since it is an effective alternative to litigation.

[World News Connection](#) (January 14, 2008) (Subscription Required)

## **Other International Mediation Developments**

- Mediation training workshops for judges and lawyers conducted at six sites around **Bangladesh**, [Independent-Bangladesh](#) (February 15, 2008)
- Online dispute resolution emerging in **India**, [Hindu](#) (February 23, 2008)
- Mediation center in Bangalore, **India** in first year

resolves over half its 2,000 mediations; mediation demonstration held for judges, lawyers and public, [Daijiworld.com](http://Daijiworld.com) (February 9, 2008); [Hindu](http://Hindu) (February 9, 2008) (Subscription Required)

- High Court of the state of Karnataka, **India** will require all courts in the state to begin mediation centers, [Mangalorean.com](http://Mangalorean.com) (February 9, 2008); [Hindu](http://Hindu) (February 9, 2008) (Subscription Required)
- **India** plans to authorize over 6,000 rural mobile courts to engage in mediation, [Hindu](http://Hindu) (February 1, 2008)
- **India** and **China** each send two teams to the 3rd ICC International Commercial Mediation Competition, [Indlaw.com](http://Indlaw.com) (February 15, 2008)
- Judicial personnel mediate first in **China's** People's Court, resolving 56% of civil cases by mediation, [China Daily](http://China Daily) (February 29, 2008) (Subscription Required)
- **Nepal** upbeat about mediation after first year, with 16% of Kathmandu District Court's total docket settled, [Kantipur.com](http://Kantipur.com) (February 7, 2008)
- Response and recommendations for mediation process in **Kenya**, [AllAfrica.com](http://AllAfrica.com) (February 8, 2008)
- Africa Centre for Dispute Settlement launched in **South Africa** for business and other disputes, with a focus on African heritage and values, [Business Day](http://Business Day) (February 28, 2008)
- Mediation ending in public apology saves public official in **Australia** from criminal assault trial, [News.com.au](http://News.com.au) (February 15, 2008)
- Mediation increases by 10 percent over previous year in Queensland, **Australia**, and includes criminal cases, [Cairns Post](http://Cairns Post) (February 8, 2008) (Subscription Required)
- **Fiji** Labour Ministry officials take exam seeking accreditation as government mediators, [Fiji Times](http://Fiji Times) (February 8, 2008) (Subscription Required)
- Sixth mediation center opened in **Trinidad and Tobago**, [Trinidad & Tobago Express](http://Trinidad & Tobago Express) (February 16, 2008)
- Eastern Caribbean Supreme Court Mediation Center established in **Nevis**, [Sun St. Kitts/Nevis](http://Sun St. Kitts/Nevis) (January 23, 2008)

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