



Union Internationale des Avocats  
International Association of Lawyers  
Unión Internacional de Abogados

# Florence

**Friday, October 2 & Saturday, October 3, 2009**



**Italy**

## **UIA World Forum of Mediation Centres**

### **Meet the Officers of the World's Leading Commercial Mediation Centres**

*Seminar organised by the UIA Mediation Commission under the patronage of:*

*Regione Toscana*

*Camera di Commercio di Firenze*

*Ordine degli Avvocati di Firenze*

*Ordine dei Dottori Commercialisti e degli Esperti Contabili di Firenze*

American Arbitration Association / International Centre For Dispute Resolution - Arbitration Court at the Bulgarian Chamber of Commerce and Industry - ADR Center - Aequitas ADR - Asociacion Mexicana de Mediacion y Arbitraje Comercial - Beijing Arbitration Commission - Brussels Business Mediation Centre - Chamber of National and International Arbitration of Milan - Centre for Effective Dispute Resolution (CEDR) - 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 CCPI/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 - Euroarbitrage - Hellenic Mediation and Arbitration Centre - Henning Mediation and Arbitration - Hong Kong Mediation Council - Institut d'Expertise, d'Arbitrage et de Médiation - London Court of International Arbitration - Malaysian Mediation Centre - Netherlands Mediation Institute - Organismo di Conciliazione di Firenze (OCF) - Societa Italiana per la Risoluzione Alternativa delle Controversie - The Chartered Institute of Arbitrators - The Law Society of New South Wales - World Intellectual Property Organisation

# Introduction

The World Forum of Mediation Centres was created in 2001 by the Mediation 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 Florence will be the 13<sup>th</sup> since the creation of the Forum.

This meeting is, more than ever, dedicated to the future of mediation. What is its future? What are the new inputs of psychology to better help the parties in mediation and co-mediation? How to overcome the reluctance to mediation and draft efficient ADR clauses?



## Thursday, October 1

**19:00**

### **WELCOME COCKTAIL**

Offered by OCF - Organismo di Conciliazione di Firenze

**Hotel Brunelleschi**

Piazza Santa Elisabetta, 3  
50122 Florence, Italy



## Friday, October 2

**08:30 - 09:00**

### **REGISTRATION OF PARTICIPANTS**

Palazzo Incontri  
Sala Verde  
Via dei Pucci 1  
50122 Florence - Italy

**09:00 - 09:30**

### **Welcome and Opening of the Forum**

**Bernd REINMÜLLER**, *UIA President, Frankfurt, Germany*  
**Avv. Roberto RUSSO**, *Chairman of the Florence Bar Association (Ordine degli Avvocati di Firenze), Florence, Italy*  
**Agostino FRAGAI**, *Assessore regionale alle riforme istituzionali e rapporti con gli enti locali, Regione Toscana, Florence, Italy*  
**Carlo MASTELLONE**, *UIA Director of Legal Projects – Seminars, Studio Legale Mastellone, Florence, Italy*  
**Thierry GARBY**, *President of the UIA World Forum of Mediation Centres, Lerins Avocats, Paris, France*

**09:30 - 10:45**

### **From a Blank Slate: Imagining the Future of Private Commercial Dispute Resolution**

Michael McIlwrath of the General Electric Company and Peter Phillips, a mediator/arbitrator, are both students of commercial conflict and good friends who enjoy speculating about the world to come. Michael and Peter will speculate about what sort of "product" of dispute resolution will be most desired by users of commercial dispute resolution over the next 50 years, and attempt to engage the audience in their discussion along the way.

**F. Peter PHILLIPS**, *Business Conflict Management LLC, Montclair, New Jersey, USA*

**Michael McILWRATH**, *Senior Counsel – Litigation GE Infrastructure – Oil & Gas, Florence, Italy*

**10:45 - 11:00**

### **COFFEE BREAK**

**11:00 - 12:30**

### **The Dynamics of Co-mediation**

Co-mediation is the harmonious working of two complementary mediators who offer a diversity of skills, experience and personality. When and how should Co-mediation be used to best effect?

What are the dynamics that make it a positive experience for both the mediators and the parties alike?

**Jane GUNN**, *Founder of Corporate Peacemakers; Lawyer/Mediator and Mediation Trainer, Reading, United Kingdom*

**Anka STOJAN**, *Psychologist/Mediator and Mediation Trainer, AHIL Consulting, Ljubljana, Slovenia*

**Simona MLAKAR**, *Lawyer/Mediator, Medical Chamber of Slovenia, Ljubljana, Slovenia*

**12:30 - 14:30**

### **LUNCH**

**14:30 - 15:45**

### **Why is Mediation refused in Contract Negotiation and after a Dispute has arisen?**

The panelists will discuss and analyse the problems and issues encountered in suggesting to companies and/or their counsels the inclusion of mediation clauses in commercial agreements, the reasons why such clauses may be refused at the negotiations stage, the arguments used to persuade diffident parties, as well as the reasons why mediation may be refused in situations when a dispute has already arisen.

**Stefano AZZALI**, *Secretary General, Milan Chamber of Arbitration-Milan Chamber of Commerce, Milan, Italy*

**Michael McILWRATH**, *Senior Counsel – Litigation GE Infrastructure – Oil & Gas, Florence, Italy*

**Maria VARSELLONA**, *Senior Counsel, General Electric Oil & Gas, Florence, Italy*

**Carlo MASTELLONE**, *Studio Legale Mastellone, Florence, Italy*

**15:45 - 16:00**

### **COFFEE BREAK**

**16:00 - 16:30**

### **The Use of Experts in Conjunction with a Mediation Proceeding**

Parties or their advisors often request the assistance of an expert in the context of their ADR proceedings. The speakers will describe how expertise can be used in connection with mediation process.

**Calliope SUDBOROUGH**, *Deputy Manager ICC Dispute Resolution Services, International Chamber of Commerce, Paris, France*

**Colin J. WALL**, *Deputy President of the UIA World Forum of Mediation Centres, Hong Kong, China*

**16:30 - 17:30**

### **Contract Drafting of ADR Clauses**

Most ADR professionals agree that the most difficult part of mediation is getting the parties to the table in the first place. Moreover, ADR is being increasingly perceived, not merely as an alternative to litigation or arbitration, but as a technique for managing business relationships. This panel will present various approaches to commercial contract drafting, in the hope that those attending will leave with a more sophisticated appreciation of the tools available to businesses in managing their risks, preserving the value of their contracts, and sustaining their vital business relationships.

**F. Peter PHILLIPS**, *Business Conflict Management LLC, Montclair, New Jersey, USA*

**Mercedes TARRAZON**, *Lawyer/Mediator, Barcelona Chamber of Commerce – Consolat de Mar DRC, Barcelona, Spain*

**Giovanni DI BERTI**, *Partner, De Berti Jacchia, Milan, Italy*

**17:30**

### **END OF DAY ONE**

**20:00**

### **Dinner and Disco at Angels**

Via del Proconsolo 29/31 r  
50122 Florence



# Saturday, October 3

**09:00 - 09:30**

### **REGISTRATION OF PARTICIPANTS**

Palazzo Incontri

Sala Verde

Via dei Pucci 1

50122 Florence - Italy

**09:30 - 10:00**

### **Update on Certification: IMI and National Schemes**

**Michael McILWRATH**, *Senior Counsel – Litigation GE Infrastructure – Oil & Gas, Florence, Italy*

**Irena VANENKOVA**, *Operations Director, International Mediation Institute (IMI), The Hague, The Netherlands*

**Claude AMAR**, *President of the Institut Français de Certification des Médiateurs (IFCM), Paris, France*

**10:00 – 11:00**

**Applying Psychology to Mediation Scenarios**

This session will examine, by means of demonstration and participant participation how psychological factors affect the behaviour of parties in mediation and will provide a forum for the exchange of real life experiences.

**Paul RANDOLPH**, *Chairman LADR (Lamb Building ADR), Member of the Board of the Civil Mediation Council UK, London, United Kingdom*

**11:00 – 11:15**

**COFFEE BREAK**

**11:15 – 12:30**

**Hot Topics in Mediation**

Anyone willing to inform the Forum of new developments in a centre or in a jurisdiction, please inform Thierry GARBY in advance ([t.garby@lerins-avocats.com](mailto:t.garby@lerins-avocats.com)).

**Future Business of the Forum**

Participants will be invited to suggest new topics for future meetings.

**12:30 – 14:15**

**LUNCH**

**14:15 – 15:30**

**OPTIONAL SESSION**

**ADR Working Group Healthcare & Life Sciences**

Complexity of the system with diverse interest groups in intensive interaction bears a strong conflict potential. Traditional legal processes are necessarily not the best way to settle those disputes. We advocate more streamlined, cost effective and informal alternatives, including mediation. The Group offers platform for exchanging experience and expertise internationally for all who are interested in this particular sector.

**Aleksandra WEBER**, *Medical Doctor/Mediator, Mediation Weber, Munich, Germany*

**Jane GUNN**, *Founder of Corporate Peacemakers; Lawyer/Mediator and Mediation Trainer, Reading, United Kingdom*

**Anka STOJAN**, *Psychologist/Mediator and Mediation Trainer, AHIL Consulting, Ljubljana, Slovenia*

**Simona MLAKAR**, *Lawyer/Mediator, Medical Chamber of Slovenia, Ljubljana, Slovenia*


**15:30**

**END OF THE FORUM**

**20:00**

**Optional Dinner at Grand Hotel Baglioni - Ristorante**

Piazza Unità Italiana 6  
50123 Florence



# Organising Committee

**Thierry GARBY**

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# General Information

## FORUM VENUE

### Palazzo Incontri

Sala Verde

Via dei Pucci 1

50122 Florence - Italy

## REGISTRATION FEE

The registration fee for the Forum is 350 €.

This fee covers participation in the forum, coffee breaks, lunch and dinner on Friday, October 2, 2009. The Welcome Reception on Thursday evening, October 1, is complimentary as it is sponsored by the Organismo di Conciliazione di Firenze (OCF). The dinner on Saturday, October 3 is optional (additional charge required). 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 Paris office.

## LANGUAGE

The working language will be English. There will be no simultaneous translation.

## HOTEL RESERVATION

A limited number of rooms have been pre-booked, at a preferential rate until mid August, at the hotels listed below. Reservations should be made directly through the hotel. Credit card details must be given in order to secure your reservation. Since October is still high season in Italy, we recommend that you proceed with your reservations as soon as possible.

Hotels		Fees
<b>Hotel Brunelleschi (4*)</b> Piazza Santa Elisabetta, 3 50122 Florence, Italy T +39 055 27 370 F +39 055 21 96 53 E <a href="mailto:info@hotelbrunelleschi.it">info@hotelbrunelleschi.it</a>	Single Room Superior Single Room Deluxe Single Room  Breakfast and taxes included	114 € 159 € 174 €  
<b>Grand Hotel Cavour (4*)</b> Via del Proconsolo, 3 50122 Florence, Italy T +39 055 26 62 729 F +39 055 21 89 55 E <a href="mailto:info@albergocavour.it">info@albergocavour.it</a>	Single Room Double Room  Breakfast and taxes included	200 € 220 €  
<b>Hotel Santa Maria Novella (5*)</b> Piazza Santa Maria Novella 1 50123 Florence, Italy T +39 055 27 18 40 F +39 055 27 18 41 99 E <a href="mailto:info@hotelsantamarianovella.it">info@hotelsantamarianovella.it</a>	Single Room Double Room  Breakfast and taxes included  <i>Please note: This hotel is situated a few minutes walking distance further from the seminar venue</i>	217 € 247 €  

## SPONSORS



Ordine degli Avvocati di Firenze



## NOTE

The organisers may at any time, with or without giving notice, at their absolute discretion and without giving any reason, cancel or postpone the forum, change its venue or any other published details.