

Mediation: Is it any longer an 'Alternative' Dispute Resolution Process?



Public CPD Points: 1

Practice Area: Alternative Dispute Resolution

Training Level: General

The Talk:

This talk is designed for all mediators, lawyers and anyone involved in the dispute resolution process, either within the court or arbitration process.

Andrew will explore what he describes as the rapidly changing face of mediation over the last few years, the current trends and the likely role of mediation in the future of the litigation and arbitration dispute resolution processes. Andrew will be considering the key question that many UK domestic and international practitioners are asking, namely, can it any longer be claimed that Mediation is simply an alternative dispute resolution process, or has it in many respects become the primary dispute resolution process.

In answering this question Andrew will address the following issues and current mediation trends:

- The changing attitude and impact of the English judiciary to mediation over the last 15 years and its effect on domestic litigation and domestic and international arbitration.
- The significant contrast in the use of mediation between those involved in the Court process and those litigating by Arbitration (domestically and internationally).
- The use of mediation in cross border disputes. A natural choice? Or not necessarily for all?
- The advance of the *Early Stage Mediation*, what exactly it is, when can/should it be used and how early on in the process can the parties properly engage in mediation?
- The *Active v Passive* mediator and mediation: The new breed of mediators and mediation style in facilitative mediation and the impact it is having on the mediation process.

Andrew will also spend some time providing his top tips for mediation, including:

- Changing minds and practices, from a mind-set where disputes need to be resolved by a determination from a judge or arbitrator to one of negotiation and resolution.
- Getting the parties into *Settlement Mode*, by understanding the concept of negotiation within the mediation process.
- Overcoming the hurdles to mediation, and barriers during the mediation process.

And importantly, Andrew will consider:

- The role of lawyers in the mediation.... are they the *friend* or *enemy* of mediation?

Details:

Date	: 6 September 2018
Time	: 5.30 pm – 7.00pm
Venue	: Level 4M Chamber Supreme Court of Singapore
Fee	: \$26.75 (SMC Mediators) \$50.00 (Non-SMC Mediators)
Public CPD Points	: 1

Speaker: Andrew Miller QC



Andrew Miller QC is a leading commercial Mediator and has been involved in the mediation of disputes since 1996. His first mediation being in Singapore. He has experience of over 150 mediations both domestically in the UK and internationally around the world, across a wide range of disciplines and disputes. Andrew has acted as lead mediator in commercial disputes valued from US\$50,000 to in excess of US\$20 million and been involved in mediations up to the value of \$500m.

He practices as a QC Mediator from 2 Temple Gardens (2TG), London, in a wide range of commercial sectors, including in the areas of construction, property damage, insurance and reinsurance, professional negligence and general commercial disputes.

Andrew has used his background as a successful commercial junior barrister and QC and his substantial experience of mediation to become a practical, efficient, approachable and user-friendly mediator. Andrew's substantial commercial experience allows him to be able to assist the parties to the mediation by being able to identify for the parties the strengths and weaknesses of their case and be suitably skilled to reality test the parties' case and propose options for settlements.

Andrew favours and is a proponent for the *active v passive* mediation approach and the *Early Stage Mediation* (ESM).

Andrew writes and speaks regularly on mediation and in particular on the *'changing face of mediation'* which he is very much a part of.

Andrew is also a qualified arbitrator and a Fellow of the Chartered Institute of Arbitrators. Andrew is head of the practice group ADR @ 2TG.

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Registration

To register, please complete the attached form and fax to **+65 6333 5085** or email suhartini@sal.org.sg by **6 August 2018**.

Attendance Policy:

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to www.sileCPDcentre.sg for more information.

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