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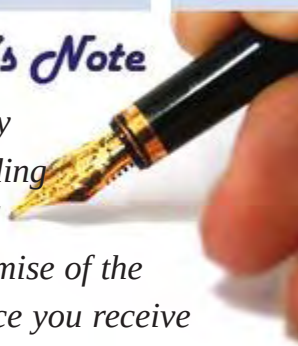
THE indian arbitrator

THE INDIAN ARBITRATOR

News Magazine of the Indian Institute of Arbitration & Mediation

In this Issue.....

Editor's Note



I received a mail about the launch of IIAM Mediation Advocacy Program, questioning the role of lawyers in mediation. According to him it will make the process more legalized and adversarial and make the dispute even worse. The conflict that saw the demise of the relationship will enter into a new stage of destructive fight once you receive a lawyer notice. The letter shoots accusations and the reply will likely start defensively and then turn offensive as the receiver of the letter first denies or minimizes the accusations and then seeks to "set the record straight" with his version of events.

This is exactly why we need expert mediation advocates, who can get the best resolution, understanding the clients' interest. To be successful in mediation, the lawyer has a challenge of not getting stuck on a position, the challenge of constantly working to de-escalate conflict rather than increase it.
Let us see the difference!

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A SURVIVAL STRATEGY FOR THE FIRST TIME IN THE MEDIATION ROOM

SABINE WALSH

Most mediators have high expectations of themselves. They expect that they will be unbiased but multi-partial, engaged but detached from the outcome. We know how important it is to be neutral and impartial as mediators. But we all have baggage. This can come in the form of experiences, memories, biases, expectations and even values. Everyone has their first time in a mediation room. And ironically, the more experienced we become, the more every time feels like the first time as we truly begin to appreciate that there is no magic formula or process or intervention that will work as all parties and conflicts are unique.

AUTHOR: SABINE WALSH IS AN ACCREDITED MEDIATOR & TRAINER AND THE PRESIDENT OF MEDIATORS' INSTITUTE OF IRELAND

Another teaching year has ended and the last session's review and goal setting for the future has thrown up the same questions it does every year, or indeed as does the end of every mediation training course. Many of these start with what if? What if I…do something wrong…make a mess of it…go blank…say the wrong thing….? What if they…walk out….get angry with me…give poor feedback….behave badly…? These and more anxieties and considerations are normal for new mediators (and old ones, much of the time!!) They don't mean we don't know what we're doing. If anything the absence of concerns would be something to really worry about. But they do need to be managed, and this can be done with the assistance of some (relatively) straightforward strategies. Here are three of them:

1. Gather your baggage mindfully…then leave it outside the door

We all have baggage. This can come in the form of experiences, memories, biases, expectations and even values. We also know how important it is to be neutral and impartial as mediators. This does not mean being baggage-free but rather being aware of what our baggage is, consciously setting it aside during mediation and – most importantly – noticing when it threatens to sneak back in the door. So before beginning mediation, do a baggage collection, that is, note what might be interfering with your openness – an expectation to succeed, for example, a dislike for one of the parties or their representatives, values around gender or seniority – and choose to set these aside for the mediation.

During the mediation, stay tuned in with yourself and notice when these or new issues might be coming up or influencing your function. After mediation, reflect. Reflect on how well you identified your baggage, whether you succeeded in leaving it aside and how you managed when it threatened to interfere. And learn from these reflections.

2. Listen to understand. Really listen

We're all taught about active listening in mediation training, right? So we all know how to do it, right? And then we're sitting in our first mediation with thoughts about our performance, what the parties think of us, what to say next, what not to say next, what their interests might be and so on racing through our mind and competing for space. We may be nodding and making eye contact but not actually hearing anything. And yet what our clients need and want from us more than any other skill or input is to be listened to and to be understood. So when noticing that mental chatter, take a few deep breaths to clear the mind and focus on really listening to the parties, with the sole intention of hearing and understanding them. Many new mediators find this difficult as they feel the need to have a plan for the next question, and the next… This strategy can often be counterproductive though as we become so focused on our strategy we no longer follow the lead of the client who then becomes frustrated. If we can truly listen – in the moment – to understand the parties, the next question will present itself, as will the next, as will interests, mutualities, points of agreement and the other things we search for too energetically as mediators.

INTERESTED TO CONTRIBUTE ARTICLES ?

We would like to have your contributions. Articles should be in English. Please take care that quotations, references and footnotes are accurate and complete. Submissions may be made to the Journals Division, Indian Institute of Arbitration & Mediation, G-254, Panampilly Nagar, Cochin - 682 036 or editor@arbitrationindia.com.

Publication of the Article will be the discretion of IIAM and submissions made indicates that the author consents, in the event of publication, to automatically transfer this one time use to publish the copyrighted material to the publisher of the IIAM Journal.

After failing twice,
Edmond Hillary said looking at Mount Everest:
"I'll come again and conquer you.
Because as a Mountain you cannot Grow...
But As A Human I Can."

3. Cultivate curiosity or, when in doubt, ask!

Most mediators I know have high expectations of themselves. They expect that they will be unbiased but multi-partial, engaged but detached from the outcome, successful but humble, responsive but innovative, and generally conflict ninjas who settle disputes and transform parties relationships without breaking a sweat. The reality is somewhat different. Mediations are messy, contradictory, unpredictable affairs. Every time we think we are onto a path to resolution, a new issue crops up or parties slide backwards into entrenchment. Or, even worse, we make a mistake. We ask an awkward question, miss a cue, push an anger button, re-frame badly or allow our baggage to take over. When this happens, which it will, we can choose to pretend it didn't, to fluster, or instead to be curious. We can ask the parties, for example, if they thought that question sounded as biased as we think it did. We can share our concerns and ask the parties if they feel a strategy we are following is actually beneficial. We can share our concerns about a particular line of questions. We all have assumptions about our impact on the parties but those may need to be checked! Many mediators are reluctant to cultivate and show such curiosity for fear of losing control, status or face. Yet this loss is much more easily achieved by ignoring concerns and pretending something is working when it isn't.

We must also be curious, and compassionate, with ourselves. If a session didn't go well rather than berating ourselves and getting into a list of "should haves" we can be curious about why things happened the way they did. Even if we did do something "wrong", compassionate inquiry into why this happened will bring more rewards for the future than self-flagellation.

Everyone has their first time in a mediation room. And ironically, the more experienced we become, the more every time feels like the first time as we truly begin to appreciate that there is no magic formula or process or intervention that will work as all parties and conflicts are unique. The best strategy we can deploy therefore is to stay open and in tune with ourselves, the parties and the process at all times and, when things don't go as we want them to, to cultivate an attitude of curiosity and compassion, rather than criticism and disappointment.

(Originally published in Kluwers Mediation Blog on 22 June 2016)

AMENDMENTS TO INDIAN ARBITRATION ACT:

"FINALITY IS GOOD BUT JUSTICE IS BETTER"

KARTIK MITTAL

The recent amendments to the Indian Arbitration Act 1996 seeks to address the problem of delay. "Justice delayed is Justice denied" is a well-recognised principle and the legislators seem to have embodied it in making this amendment. In the present context, the principle of "Finality is good but Justice is better" has equal significance. The author looks at the conflicting principles.

AUTHOR: MITTAL IS A SOLICITOR AT ZAIWALLA & CO LLP, UK

One of the most criticised aspects of Indian arbitration is the slow pace with which arbitration proceedings are conducted. The recent amendments to the Indian Arbitration Act 1996 seeks to address this problem of delay. This is a very positive and encouraging development for promoting India as one of the leading centre for International Arbitrations.

The Indian Arbitration Act now contains a provision which provides that an award should be rendered by an arbitration tribunal within 12 months from the date the dispute is referred to arbitration. It provides that in the event, the arbitrator fails to make an award within 12 months or 18 months (in cases where the parties have agreed a 6 months extension) the mandate of the arbitrator terminates automatically unless the Courts grants an extension on such terms and conditions, as it deems fit.

"Justice delayed is Justice denied" is a well-recognised principle and the legislators seem to have embodied it in making this amendment. In the present context, the principle of *"Finality is good but Justice is better"* has equal significance. There are likely to be occasions, such as in cases involving complex factual matrix, where an arbitration tribunal will need substantially more time, than provided by the Act, to carefully consider and render an award.

The principle *"Finality is good but Justice is better"* is commonly applied by the English Courts, in the context of English arbitrations, to determine when and to what extent the Courts should intervene in an arbitration proceeding.

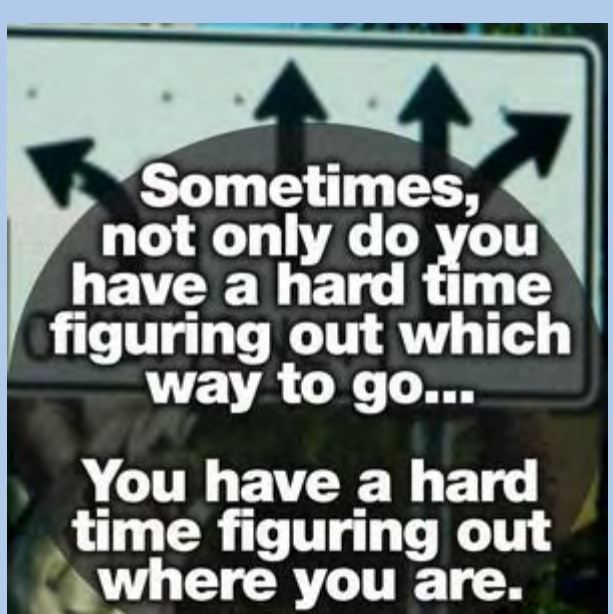
Indian Oil Corporation v Coastal (Bermuda) Ltd [1990] 2 Lloyd's Rep. 407 is a well-known cases in which my firm had acted and this principle was recognised and applied by the English Court. In that case, Indian Oil Corporation had made an application to the Court alleging that the arbitrators had misconducted themselves and therefore it requested the Court to remit the award back to the Tribunal for further adjudication. The Judge, Mr. Justice Evans, exercised his powers and remitted the award back to the Tribunal for further adjudication as he considered it was necessary to do Justice between the parties.

Recently, Mr. Justice Flaux of the English Commercial held in the case of *BV Scheepswerf Damen Gorinchen v The Marine Institute [2015] EWHC 1810 (Comm)* that delay in rendering an award could amount to a breach of the arbitrator's duty, under S.33 of English Arbitrator Act, to avoid unnecessary delay. Hence, if a party could prove that the delay has caused it substantial injustice then a challenge to an award may well succeed on the grounds of serious irregularity.

The ICC International Court of Arbitration has also recently set-out a policy according to which it can penalise arbitrators if they are unjustifiably late in rendering their awards.

The Indian Arbitration Act gives the Indian Courts a wide discretion in the event the arbitrator are unable to conclude the arbitration proceedings within the statutory time-limits set-out in the Act. Even though each case would stand or fall on its own facts, the application of the principle *"Finality is good but Justice is better"* is likely to be central to any decision to be made by the Indian Courts while exercising their powers under the Act. An approach requiring strict adherence to the time limits set-out in the Act would be a wrong. Justice would demand a degree of flexibility to ensure that arbitration proceedings are conducted in a careful and considerate manner with a view to do Justice between the parties as opposed to under a pressure to meet with timelines.

Quotes of the month.....



THE 2016 GLOBAL POUND CONFERENCE SERIES!

MICHAEL MCILWRATH

In April 1976, an event now known as the Pound Conference ignited modern ADR in the USA, launching discussion of what may have become the "greatest reform in the history of the country's judicial system".[1] Forty years later, all stakeholders in the dispute prevention and resolution fields around the world are being invited to participate in a series of unique thought leadership events around the globe under the auspices of a Global Pound Conference ("GPC") series.

The GPC has a remarkable goal: to shape the future of dispute resolution and access to justice in the 21st Century.

An invitation to shape the future of dispute resolution

The bold program, which will generate debate and actionable data from stakeholders through events taking place around the world has been initiated by the International Mediation Institute (IMI), a non-profit organization that does not itself provide any dispute resolution services, but promotes quality and transparency in mediation.[2]

IMI initiated the GPC as a joint effort by dispute resolution institutions, service providers, users associations, advisors associations and other organisations to enable all stakeholders to participate actively.

Although IMI has initiated the GPC, the series will by no means be focused exclusively on mediation.

The series will include discussions about the full dispute resolution spectrum, including negotiation, mediation, conciliation, arbitration, litigation and hybrid processes.

Who will participate?

All participants, including those attending physical meetings or participating in them online, will be able to express their views and preferences and help to shape the future of dispute resolution in their countries and internationally. A dedicated GPC online platform and physical meetings will permit exchanges of data via smartphone and tablet voting apps accessed by all participants, whether users, providers, advisors, educators, adjudicators, policymakers and other stakeholders in the ADR communities. The data will be streamed in its raw state to all participants in real time.

(Footnotes)

[1] Hon. Wayne D. Brazil (U.S. Magistrate, N. Dist. Calif), Court ADR 25 Years After Pound: Have We Found a Better Way?, 18 Ohio State Journal on Dispute Resolution 93, at 149 (2002).

[2] *See* http://kluwermediationblog.com/2014/09/25/harvesting-data-to-shape-the-future-of-international-dispute-resolution/; and https://imimediation.org/shaping-the-future-of-adr-the-urgent-need-for-data.download.

How the GPC will be conducted?

In the current phase of planning, it is envisioned that most of the questions will be common to all GPC events, and the technology will allow the data to be segmented, for example by stakeholder group (e.g., the perspectives of users, advisors, providers and others) to enable comparison and detailed analysis.

The initial plan for the GPC was for a series of meetings in 15 cities. Initial interest in the GPC, however, suggests that the minimal number is more likely to be 40 and potentially even more.

Thousands of participants will vote, creating by far the most extensive and reliable data record in the dispute resolution field, enabling fundamental change to occur in how dispute resolution is practiced almost everywhere.

Before any voting takes place, many of the world's leading thinkers and users of dispute resolution services, locally and globally, will have a chance to express inspiring thoughts about what is working well and where there is need for improvement.

How the GPC will change the conversation about dispute resolution?

Currently, the ADR field suffers from a serious deficit of reliable data. Even the letters "ADR" are interpreted to mean different things, from "Alternative Dispute Resolution", "Amicable Dispute Resolution" and "Appropriate Dispute Resolution" to the rather cynical "Alarming Drop in Revenues" among lawyers who fear that clients settling cases will deprive them of work. Some users believe "ADR" precludes negotiation, litigation or arbitration. Others see it as including all forms of dispute resolution and dispute prevention techniques. Some believe ADR relates primarily to mediation, however that term is defined.[3]

Regardless of definitions, users' opinions and needs are rarely collected or expressed, and the service side of the dispute resolution industry is left to make assumptions and guesswork on many critical issues, sometimes relying on advisors who are not necessarily aware of all their clients' business or relational priorities. The GPC intends to cut through this on a global scale, enabling users, advisers, service providers, mediators, adjudicators, educators and policy makers to agree on common concepts both locally and internationally by generating credible and actionable evidence.

The GPC series may possibly become the most important happening in the dispute resolution field since the US 1976 Pound Conference that it is named after.

(Footnotes)

[3] "Mediation in the European Union and Abroad: 60 States Divided by a Common Word" in Chapter 2 of ManonSchonewille& Fred Schonewille (eds.) The Variegated Landscape of Mediation: A Comparative Study of Mediation Regulation and Practices in Europe and the World, The Hague, The Netherlands: Eleven International Publishing, 2014. See http://schonewille-schonewille.com/data/files/Chapter%20Schonewille-Lack%20from%20The%20variegated%20landscape%20of%20mediation.pdf.

How to Participate?

The GPC Series is being co-ordinated by a Central Organising Group (COG) and will be implemented by Local Organising Committees (LOCs) throughout the world in 2016. Current cities where LOCs are already being set up or contemplated include Amsterdam, Barcelona, Beijing, Dubai, Frankfurt, Geneva, Hong Kong, Jerusalem, Johannesburg, Lagos, Lisbon, London, Los Angeles, Madrid, Milano, Moscow, Miami, New York, Paris, San Francisco, Sao Paolo, Shanghai, Singapore, Sydney and Toronto. A leading professional international congress organiser, Kenes Group, with great experience of large-scale data-sharing conferences in the global healthcare sector will be assisting the COG in convening the events and in developing the IT platform that will underpin the GPC Series.

Sponsors, partners and other supporters, including volunteers and media partners, are invited to create or join LOCs for this ground-breaking series. Significant start-up funding for the GPC has already been made available by the international law firm Herbert Smith Freehills, as a platinum sponsor, and global dispute resolution institution JAMS, as gold sponsor. Global partners already include leading international and regional arbitration and mediation institutions, and other organizations that play leading roles in the development of the law.

For more information on the GPC Series, and to get involved, please go to https://imimediation.org/global-pound-conference. The goal is to enable the Global Pound Conference to benefit all stakeholders and to help shape the future of dispute resolution, providing appropriate access to justice for all.

Deborah Masucci, IMI Board Chair, Formerly Vice President in the Office of Dispute Resolution at American International Group, Inc.

Michael McIlwrath, Chair of the Global Organizing Committee for the GPC, IMI Board member and Global Chief Litigation Counsel, GE Oil & Gas, Florence, Italy.

INDIA JOINING THE GPC SERIES – BE A PART OF SHAPING THE FUTURE

ANIL XAVIER

21st century businesses and organisations need conflict prevention and dispute resolution tools that are fit-for-purpose in our modern economy. Litigation and other traditional processes are still expensive, time-consuming and can jeopardise personal relationships.

As businesses and our society evolve, the tools utilised in accessing justice need to evolve as well. This is the aim of the GPC Series 2016-17: to facilitate the development of 21st century dispute resolution tools at domestic, regional and international levels.

The goal of the GPC Series is to create a modern conversation about what needs to be done to improve access to justice, and the quality of justice, around the world by engaging stakeholders in the dispute prevention and resolution fields worldwide, in locally-centred events. The events will gather data intended to allow the dispute resolution market and all participants to consider whether there are reasons to adapt existing services to better suit all stakeholders' needs and means.

Launched in Singapore and finishing in London, the GPC Series will convene all stakeholders in dispute resolution - commercial parties, chambers of commerce, lawyers, academics, judges, arbitrators, mediators, policy makers, government officials, and others - at conferences around the world. The Series will cover all forms of dispute resolution (e.g., adjudicative and consensual processes) as well as possible ways of combining them, and what choices disputants have today for resolving disputes. It will also look at how to provide access to appropriate justice systems for the future.

The stakeholders in the dispute resolution field around the world are fragmented, and there is a lack of reliable, comparative and actionable data to enable the supply side of the dispute resolution market to fully meet users' needs, both locally and transnationally. One of the goals of this series is to consider how users can select and have access to appropriate dispute resolution processes that respond to users' needs and are also proportionate in terms of costs, time, possible outcomes and their enforceability, as well as their impact on reputations, relationships, and other social or cultural issues that may concern users. These conferences will provoke debate on existing tools and techniques, stimulate new ideas and generate actionable data on what corporate and individual dispute resolution users actually need and want, both locally and globally.

40 cities across 31 countries are already confirmed. In India the GPC series will be held during February 2017 at 3 different cities. Be part of the Global Pound Conference Series and help shape the future of dispute resolution. Access to justice is a key role for ADR in a global economy and flattening world, be it in sophisticated but expensive legal jurisdictions, or in countries with struggling judicial systems. The GPC will serve as a platform to explore and develop together with all concerned stakeholders how ADR can best be used to fulfil this role and how use of ADR can be encouraged for public benefit. We invite you to get involved and attend a local event. Contact anilxavier@arbitrationindia.com for partnering with GPC series in India.

OUT OF THE BOX

Think About It

Good Heritage!

At the point of his death, Tom Smith called his children and advised them to follow his footsteps so that they can have peace of mind in all that they do. The youngest child, Immaculate, looked at others and yelled, “Daddy, it’s unfortunate you are dying without a penny in your bank account. Personally, I can’t emulate you. Other fathers that you tag as being corrupt and thieves of public funds, left houses and properties for their children. Even this house we live in is a rented apartment. Sorry, I can’t emulate you.”

Few moments later, their father gave up his spirit. Three years later, Immaculate went for an interview in a multinational company. The interview panel had already penciled down a candidate for the highly coveted post but wanted to complete the formality of interviewing all applicants on the list. As soon as Immaculate sat before the interview panel, the Chairman of the committee asked, “Which Smith is yours?” and Immaculate replied, “I am Immaculate Smith. My Dad Tom Smith is now late.” The Chairman cut in, “O my God, you are Tom Smith’s daughter?” He turned to other members and said “This Smith man was the one that signed my membership form into the Institute of Chartered Administrators and his recommendation earned me where I am today. He did all these free. I didn’t even know his address, he never knew me. He just did it for me.”
He turned to Immaculate, “I have no question for you, consider yourself as having gotten this job, start tomorrow, your letter will be waiting for you.”

Immaculate Smith became the Corporate Affairs Manager of the company with two cars, one official and one for private use, attached to the office, with a duplex and two drivers and a salary of £100,000 per month excluding allowances and other costs when she travelled outside England.

After two years of working in the company, the Group Managing Director of the company came from America to announce his intention to resign and needed a replacement. A personality with high integrity was sought after, again the company’s Consultant nominated Immaculate Smith.

In an interview, she was asked the secret of her success and the sudden sky rocketing profile and in tears, she replied, “My Daddy paved these ways for me. It was after he died that I knew that he was financially poor but stinking rich in integrity, discipline and honesty.” She was asked again, why she was weeping since she was no longer a kid to miss her dad after such a long time. She replied, “At the point of his death, I insulted my dad for being an honest man of integrity. I hope he will forgive me in his grave now. I didn’t work for all these, he did it for me to just walk in.”

Are you like Tom Smith? It pays to build a name, the reward doesn’t come quickly but it will come however long it may take and it lasts longer. Integrity, discipline, self control and fear of God makes man wealthy, not the fat bank account.
Leave a good heritage for your children.

Brain Teasers

An archeologist claimed that he found some gold coins dated 34 B.C. His son believed it. His daughter smiled at it. Why?

[Answer at Page 16]

A man was driving a car...
A fat lady on a scooty overtook him!!
Man shouted: "Hey Buffalo"
Lady turned back and shouted: "You donkey, idiot, stupid monkey"
Suddenly she had an accident
She was hit by a buffalo crossing the road
MORAL: Ladies never understand what a Man wants to say!

PROMOTING STUDENT AUTHORS

With a view to promote and support students in developing the qualities of legal research and presentation, IIAM is providing opportunity to law students to publish original, innovative and thought provoking articles on arbitration, mediation, conciliation, dispute resolution and similar topics and critiques on judgments relating to the same topics. Selected articles will be published in the "Indian Arbitrator". From amongst the submitted articles, every year one student author will receive the "Best Young Author" certificate from IIAM.

Stay away from Anger...it hurts ....only you!
If you are right then there is no need to get Angry...
And if you are wrong then you don't have any right to get Angry.

NEWS & EVENTS

SPEEDIER DISPUTE RESOLUTION FOR PPP IN INDIA

The government of India plans to introduce a Bill for speedier resolution of disputes in public-private partnership (PPP) projects in the monsoon session of Parliament as part of its efforts to improve ease of doing business. The Budget had proposed a Public Utility (Resolution of Disputes) Bill to streamline institutional arrangements for resolution of disputes in infrastructure related construction contracts, PPP and public utility contracts. The enactment of the public utility Bill will provide a legal framework for speedier resolution of disputes in PPP projects. The new law is also expected to deal with any contract which involves a public utility authority and a private contractor.

LAW TO ENCOURAGE OUT-OF-COURT SETTLEMENTS

A proposal of the government of India to bring a law to provide legislative backing to out-of-court settlements to reduce court cases has received the backing of a high-powered committee set up to suggest legal reforms. The Law Ministry had proposed before the Advisory Council of the National Mission for Justice Delivery and Legal Reforms that the process of mediation “should be given statutory backing by enacting a stand-alone law on mediation.” If more and more litigations are resolved through out-of-court settlements, it will help reduce burden on courts in a country where 2.64 crore cases are pending.

PAKISTAN TO SEEK ARBITRATION IF WATER DISPUTE WITH INDIA NOT RESOLVED

Pakistan will move the International Court of Arbitration (ICA) to restrain India from building two major hydropower projects. Islamabad has invoked the 1960 Indus Waters Treaty (IWT) and has threatened to seek arbitration by an international court, if New Delhi did not alter the designs of the 330 MW Kishanganga hydropower project on Jhelum and the 850 MW Ratle hydropower project on Chenab.

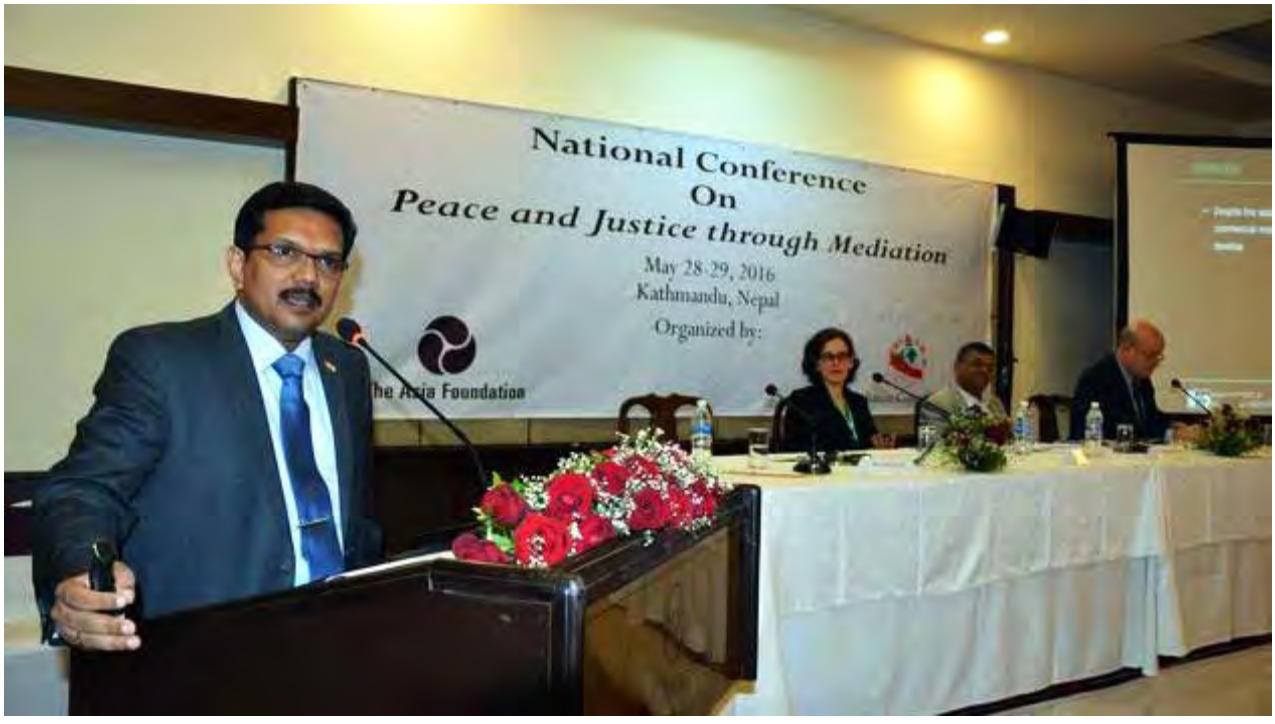
Islamabad alleged that the projects would lessen the flow of water from India to Pakistan in case of both the rivers. A team of officials from the Pakistan government of late visited New Delhi and held discussions with their counterparts in India. New Delhi conveyed to Islamabad that the two neighbours should first try to resolve the disputes bilaterally in accordance with the provisions of the IWT itself, before seeking international arbitration. New Delhi pointed out to Islamabad that Pakistan was in fact violating provisions of the IWT by "rushing to a third forum" without attempting to avail provisions of the treaty for amicably resolving "matters of mutual concern" over the two hydropower projects in India.

NATIONAL MEDIATION CONFERENCE, KATHMANDU

The Asia Foundation, headquartered in San Francisco partnering with the Mediation Council of Nepal conducted the National Mediation Conference at Kathmandu, Nepal from May 27-29 on the theme, "Peace and Justice through Mediation". The conference was inaugurated by the Chief Justice of Nepal.

At a time when Nepal has been going through a transitional period, the challenge before Nepal is to achieve harmony, social order and stability as matters of utmost interest. At a conference national and international speakers discussed ways to find durable peace. The one and a half day seminar brought experts from Sri Lanka, Cambodia, South Africa, Philippines, Bangladesh, Thailand and India to take part in several sessions.

Anil Xavier, President IIAM presented paper on "Supporting Knowledge Creation and Ensuring the Quality of Mediation".



(Presenting session. Sitting from left: Ms. Debra Ladner, USA, Mr. Justice Girish Chandra Lal (Retd.), Nepal, Mr. Kim McQuay, Canada)

A NEW BBC PROGRAM ALLOWS US TO WATCH COUPLES UNDERTAKE MEDIATION

With privileged access to the private world of family mediation, BBC Two have curated documentary series that will provide a unique insight into an element of modern British family life rarely seen by others. Using a hybrid of rig and crews between mediation sessions and at home, we'll see how families deal with the practical and emotional reality of the changes they agree upon.

In the first episode, Sue and Peter are divorcing but can't agree on how their money should be split, after Sue left the family home for another relationship. We also meet Jason and Vicky, separated parents, who are struggling to share the parenting of their daughter. As skilled mediator Irene offers shuttle mediation between two separate rooms, will the two parties manage to reach an agreement?

The BBC's rather astonishing three-part series *Mr v Mrs: Call the Mediator* (Tuesdays, 9pm) offers no judgement in the matter of Peter and Sue, or any of the other couples it features.

ARBITRATION SCHEME EXTENDS TO PARENTAL RESPONSIBILITY DISPUTES

In the United Kingdom, the Family Law Arbitration Scheme, which began in 2012 to deal with financial matters, is to be extended to disputes concerning parental responsibility. The scheme was set up by the Institute of Family Law Arbitrators (IFLA), a not-for-profit organisation created by the Chartered Institute of Arbitrators, Family Law Bar Association and family lawyers' group Resolution, in association with the Centre for Child and Family Law Reform. IFLA chair Lord Falconer of Thoroton, former shadow justice secretary, said the scheme would enable couples to resolve disputes 'more quickly, cheaply and in a more flexible, less formal setting than a courtroom'. Family court judges have the power to adjourn court proceedings for the parties to resolve a dispute through arbitration. With the court's approval, the arbitration award can then be made into an order in those proceedings.

ISRAEL INTRODUCES COMPULSORY MEDIATION FOR DIVORCING COUPLES

Israeli couples who apply to divorce will have to undergo compulsory mediation following the introduction of a new law. The spouses will need to meet counsellors or rabbis for a series of four meetings within a period of 45 days. If they fail to reconcile within that period, then the rabbinical courts will process their divorce application. The traditional rabbinical courts have exclusive authority over marriage and divorce in Israel – no civil alternatives are available. It is hoped that this will lead to a fall in the divorce rate. The law was introduced by Knesset member Merav Michaeli, a former journalist who has developed a reputation for women's and minority rights activism.

Brain Teaser (Answer): How do the coin makers know that Christ is going to be born in next 34 years to print on the coins 34 B.C.?

Upcoming Training Programs from IIAM

COMMERCIAL MEDIATION TRAINING PROGRAM SEPTEMBER 5-9, 2016

Are you interested to become a Commercial Mediator or a specialist Dispute Resolution Practitioner? With the rise in the volume of business, dispute resolutions and enforcement have also increased. Mediation has become an undeniable part of the legal landscape. Domestic and international business community is increasingly incorporating mediation as the primary method of dispute resolution. A trained mediator / professional helps in assisting the parties in identifying and clarifying shared interests, shared needs, individual interests and individual needs. The mediator guides the parties toward solutions that are workable and longstanding. Effective conflict resolution skills is the key to prevent destructive conflict, enabling lawyers and consultants to better assist their clients in business deals and disputes. Mediation has become a truly global profession, earning international recognition. The IIAM Mediation Training Program combines the theory of ADR through highly interactive, skill-based courses in negotiation and mediation.

As per IIAM Mediator Accreditation System, a candidate having successfully completed Mediation Training Program is categorised as Grade B Mediator. The program will be for 40 hours conducted in

For further details log on to www.arbitrationindia.org/events.html

CERTIFICATE IN DISPUTE MANAGEMENT (CDM)

CDM is an ongoing distance learning course of IIAM, valid for six months from the date of enrolment. You can enroll at any time of year and you study entirely at your own pace, submitting your assignments when you are ready. Your tutor will be available to mark your assignments and give feedback on your progress for a period of six months from the date of enrolment. You will be sent four ‘reading and study assignments’ with your course materials, and these form an essential part of your distance learning course. They are designed to help you to work through the course manual and understand the concepts. The course will provide a good basic knowledge of ADR – Negotiation, Mediation & Arbitration – in theory and practice. On successfully completing the assignments included in the course a certificate will be awarded.

For further details log on to www.arbitrationindia.org/cdm.html