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In order to promote the use of mediation, Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters provides a predictable legal framework. It will have to be implemented by the Member States by 21 May 2011.

The conference will start by giving an overview about mediation practice in Europe, the role of the judge in this context and different ways of implementing the Mediation Directive.

The conference will then focus on a variety of emerging mediation styles, especially on online mediation. It will present information technology currently in use, ways to bring parties to Online Dispute Resolution (ODR) and due process. Furthermore, the conference will address the enforcement of online dispute resolution outcomes, both through court proceedings and built-in enforcement mechanisms. Participants will be able to deepen their knowledge through a workshop on e-mediation and family mediation.

On the second conference day, practical issues and the procedure of mediation will be addressed. One of the key features of mediation is confidentiality. Participants will discuss who will be bound by the confidentiality principle and in which way confidentiality can be achieved. Finally, possible risks of confidentiality will be on the agenda ("escape to mediation").

A discussion about the possible review of the Mediation Directive will close the event.

**PROFESSIONAL
TRAINING (CPD)**
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Chairs

Judge John Toulmin CMG QC, Former Judge of the Technology and Construction Court, High Court of Justice, Arbitrator and Mediator, London

Ms Diana Wallis MEP, Vice President of the European Parliament, Brussels / Strasbourg

Speakers

Mr Eberhard Carl, Former Judge, Mediator, Head of Mediation Section, Federal Ministry of Justice, Berlin

Dr Christian Duve MPA, Partner, Freshfields Bruckhaus Deringer, Frankfurt/Main

Ms Martina Erb-Klünemann, Judge, District Court of Hamm

Ms Ana Maria Gonçalves, Mediator, Partner, Convirgente, Lisbon

Ms Bilyana Gyaurova-Wegertseher, Lawyer and Mediator, Bulgarian Institute for Legal Initiatives, Sofia

Mr Brian Hutchinson, Universität Dublin, Mediator, GBH Dispute Resolution Consultancy, Dublin

Mr Michel Kallipetis QC, Independent Mediator, Independent Mediators Limited, London

Mr Robert Ledent, Notary, Vice President of the Royal Federation of Belgian Notaries, Mediator, Malmedy

Professor Loukas Mistelis, Centre for Commercial Law Studies, Queen Mary, University of London

Mr Christoph C. Paul, Notary, Lawyer and Mediator, Paul & Partner, Berlin

Mag. Ursula Scheuer, Federal Ministry of Justice, Vienna (inv.)

Ms Manon Schonewille, Commercial Mediator, Result ACB, Amsterdam, Toolkit Company, Haren

Ms María Isabel Tomas García, Judge, Barcelona

Travel to Trier: the most convenient way to travel is through Luxembourg.

Luxembourg airport to the ERA Conference Centre takes just 30 minutes by car.
www.taxi-franken.de/era



CROSS-BORDER MEDIATION

WITH A FOCUS ON E-MEDIATION

Trier, 24-25 March 2011

ERA Conference Centre
Metzer Allee 4, Trier

Organisers:

ERA (Dr Angelika Fuchs)

in cooperation with the

- European Judicial Training Network (EJTN)
- Council of Bars and Law Societies of Europe (CCBE)
- Council of the Notariats of the EU (CNUE)

Conference co-financed by the European Commission's Civil Justice 2007-2013 programme

Languages:

English, French, German
(simultaneous interpretation)

Event number:

111DT04



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Thursday, 24 March 2011

08:30 Arrival and registration

09:00 **Welcome and introduction**
John Toulmin

Chair: *John Toulmin*

I. Mediation practice and implementation of Directive 2008/52/EC

09:15 **Concepts and practice of mediation in Europe**
Manon Schonewille

09:45 Discussion

10:00 **Experiences: the role of judges in mediation**
Eberhard Carl
Martina Erb-Klünemann

10:45 Discussion

11:00 Coffee break

11:30 **Mediation practice in the context of the Mediation Directive**
(1) mediation agreements
(2) limitation and cut-off periods
(3) enforceability of settlements

- Austria: *Ursula Scheuer*
- Bulgaria: *Bilyana Wegertseder*
- England: *Michel Kallipetis*
- Spain: *Isabel Tomas*

12:30 Discussion

13:00 Lunch

II. Mediation styles

14:00 **Online Dispute Resolution (ODR)**

- core requirements
- bringing parties to ODR
- e-commerce and evidence
- due process
- enforcement of agreements
- regulatory principles and control over ODR providers

Brian Hutchinson

15:00 Discussion

15:30 Coffee break

16:00 **Two parallel workshops:**

- **e-Mediation**
Loukas Mistelis
- **Family mediation**
Christoph C. Paul

18:00 End of the first conference day

19:30 Evening programme

Afternoon of Friday, 25 March:
Formal opening of the extended conference facilities of ERA

Keynote speaker:
The Rt Hon Kenneth Clarke QC MP
Lord Chancellor and Secretary of State for Justice

Friday, 25 March 2011

Chair: *Diana Wallis*

III. Mediation procedure

09:15 **What skills should a mediator have?**
Ana Maria Gonçalves

09:45 **How to ensure an effective mediation?**
Christian Duve

10:15 Discussion

10:30 Coffee break

11:00 **Roundtable: Scope and borders of the confidentiality principle**

- confidentiality clauses
- how to achieve confidentiality?
- sanctions for breach of confidentiality
- "escape to mediation"

Michel Kallipetis
Christian Duve
Ana Maria Gonçalves
Robert Ledent

12:00 Discussion

12:15 **Towards the review of Directive 2008/52/EC**
Diana Wallis

12:45 Lunch and end of the conference

Programme may be subject to amendment
For programme updates:
www.era.int