

## *EC-sponsored Training for International Commercial Mediators and Arbitrators*

**Cairo, 5-7 February 2007**

### **Course Overview**

This three-day course is especially designed for experienced Egyptian business lawyers interested in specializing in “Alternative Dispute Resolution” (ADR), with particular reference to international commercial disputes across the two shores of the Mediterranean.

The bulk of the course will be on mediation skills and techniques, with a view to train a cadre of professionals who might be called in to facilitate as neutrals the amicable resolution of disputes between EU and MEDA parties. The course will conclude with an advanced module on international commercial arbitration, focussing on the peculiarities of being an arbitrator in the context of Euro-Med commercial disputes. Previous training experience in mediation is desirable, but not required. Knowledge and experience in arbitration is necessary.

Training will combine imparting of knowledge with emphasis on mediation and arbitration best practices. The speakers will compare their experiences in the two procedures giving clear consideration to the necessity for cross cultural sensitivity in international dispute resolution. The course will be highly interactive, and include simulations and role-plays. In addition, during the mediation session, video training materials will be used to give audiences a clear perception of how professional mediation works.

All the participants will be provided with a certificate of participation. The ones who will be able to successfully pass the final test will have the opportunity to be included in a roster of an EU/MEDA Network of ADR providers.

### **Key Trainers**

Prof. Giuseppe De Palo - President, ADR Center; International Professor of ADR Law and Practice, Hamline University (St Paul, U.S.A.) and University of Rome “La Sapienza” (Rome, ITALY)

Ms. Manon Schonewille - Managing Director, foundation ACBMediation (The Hague, THE NETHERLANDS)



Project of the European Commission



## TRAINING AGENDA

DAY 1: Monday – February 5, 2007 (6.30 h)	
9.00 am – 1.00 pm	<p><b>Trainers: <i>Giuseppe De Palo &amp; Manon Schonewille</i></b></p> <ul style="list-style-type: none"> <li>- Introduction to ADR and mediation, comparison to other DR methods</li> <li>- Stages of the mediation process, overview</li> <li>- Ground zero (preparation), including legal aspects</li> <li>- Phase 1: opening statement, part 1</li> </ul>
2.30 pm – 5.00 pm	<ul style="list-style-type: none"> <li>- Phase 2: Exploration/exchange, part 1</li> <li>- Case Study</li> <li>- Communication and conflicts</li> <li>- Caucus, negotiation agenda, causes of conflict, blocking issues</li> <li>- Techniques and interventions, dilemmas and strategic choices, part 1</li> <li>- Case study: simulation</li> </ul>
DAY 2: Tuesday - February 6, 2007 (6.30 h)	
9.00 am – 1.00 pm	<p><b>Trainers: <i>Giuseppe De Palo &amp; Manon Schonewille</i></b></p> <ul style="list-style-type: none"> <li>- Phase 3: Generating options and negotiating the solution</li> <li>- Brainstorming, objective criteria, interests, package deals, results of mediation</li> <li>- Phase 4: Finalizing agreement and closure</li> <li>- SMART settlement agreements</li> <li>- Case study: simulation</li> </ul>
2.30 pm – 5.00 pm	<ul style="list-style-type: none"> <li>- Special interest topics/challenging situations</li> <li>- Breaking impasse, dealing with emotions, dealing with the constituency, co-mediation, cross border mediation, and the role of lawyers</li> <li>- How to refer a case to mediation</li> <li>- Case study: simulation</li> </ul>
DAY 3: Wednesday February 7, 2007 (6.30 h)	
9.00 am – 1.00 pm	<p><b>Trainer: <i>Giuseppe De Palo &amp; Manon Schonewille</i></b></p> <ul style="list-style-type: none"> <li>- Revisit and practice mediation techniques, dilemmas, and strategic choices</li> <li>- Closing remarks</li> <li>- Introduction/review of arbitration law and practice in Europe</li> <li>- The inter-relationship between arbitration and ADR; the role of the arbitrator</li> </ul>
2.30 pm – 5.00 pm	<ul style="list-style-type: none"> <li>- Understanding the locus arbitri, the situs arbitri and the applicable law</li> <li>- Ad Hoc and Institutional Arbitration – a critical assessment</li> <li>- Drafting a fail-safe international arbitration agreement – tactical and legal issues</li> <li>- Conducting the arbitration (1): The Statement of Case and Defence (2): The preparation and presentation of evidence</li> <li>- Discussion and test: closing remarks</li> </ul>

*\*Training agenda and key trainers are subject to change*

*\*\*Lunch and two coffee breaks are provided each day by the training organizers*