



HKI Arb Mediation Training Programme Hong Kong 2021

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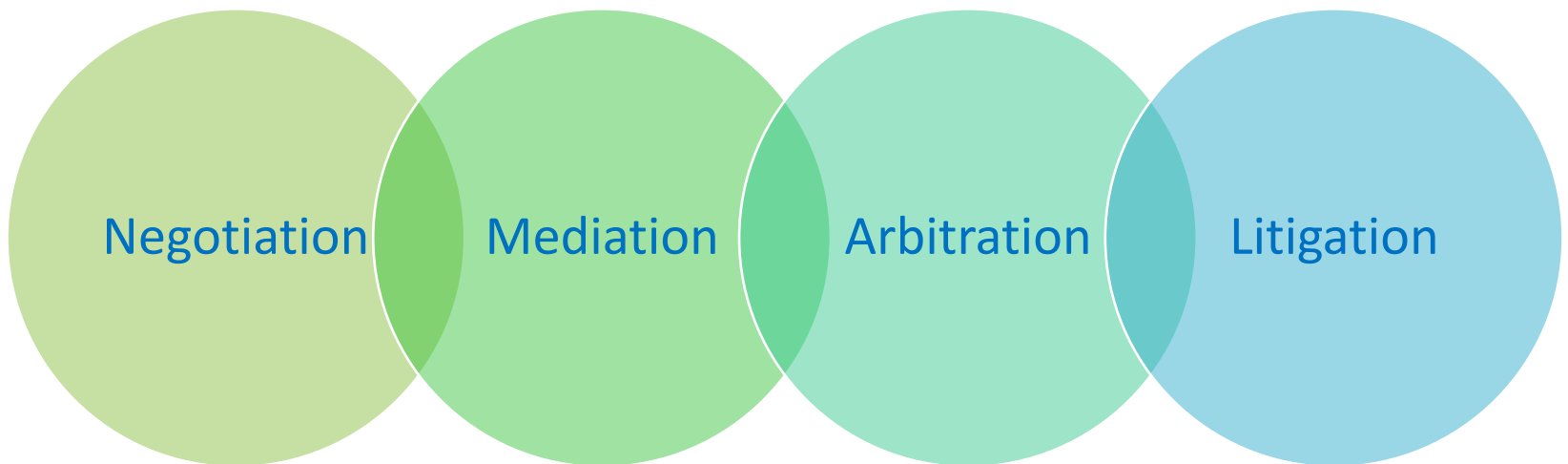
Definition of Mediation



Mediation is a voluntary, confidential and private dispute resolution process in which a neutral person, the mediator, helps the parties to reach their own negotiated settlement agreement.

HKMAAL

Dispute resolution spectrum



Models of Mediation

Facilitative Mediation

- Mediator attempts to facilitate negotiation between the parties. Rather than recommending or imposing a decision, the mediator encourages disputants to reach their own voluntary solution by exploring each other's deeper interests. Tend to keep own views hidden.

Evaluative Mediation

- Mediators are more likely to make recommendations and suggestions and to express opinions. Instead of focusing primarily on the underlying interests of the parties involved, evaluative mediators may help parties assess the legal merits of their arguments and make determinations.

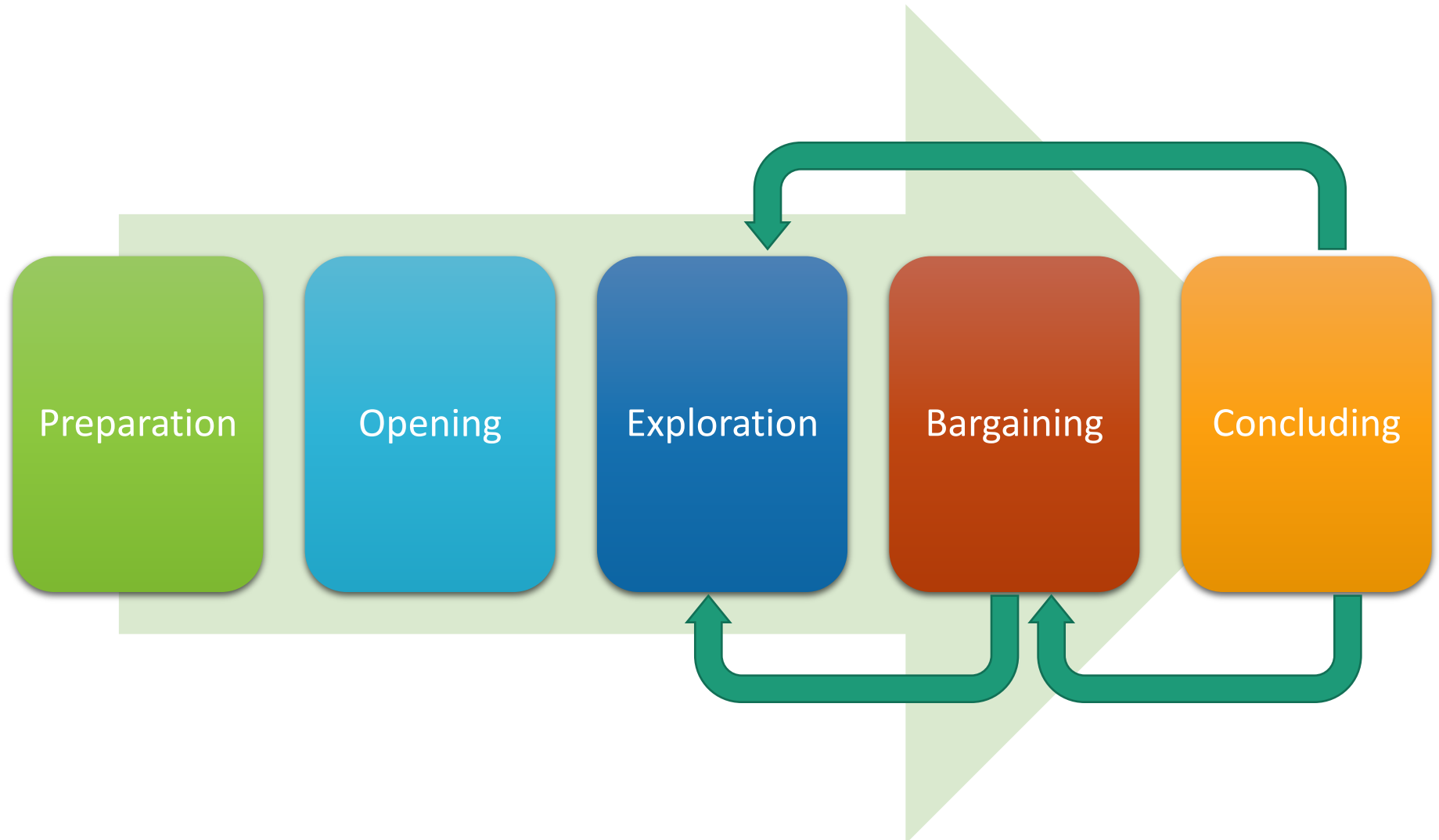
Transformative Mediation

- Mediators focus on empowering disputants to resolve their conflict and encouraging them to recognize each other's needs and interests. The process aims to transform the parties and their relationship through the process of acquiring the skills they need to make constructive change.

How conflict begins to escalate

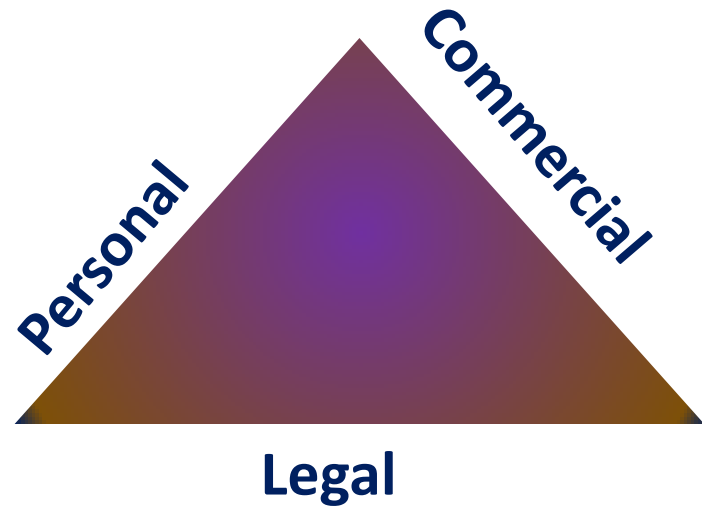


The Phases of Mediation



What are you exploring?

Interests and areas to explore



Facts and Feelings

Past – Present – Future

Communication Skills



Active Listening

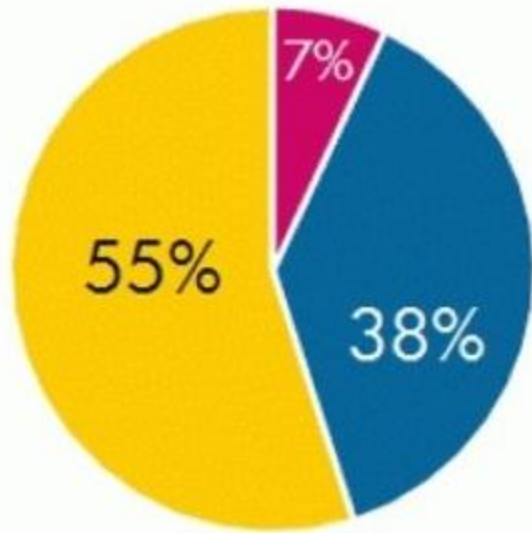


Use of
Questions



Non-Verbal
Skills

Communication skills



Elements of Personal Communication

- 7% spoken words
- 38% voice, tone
- 55% body language

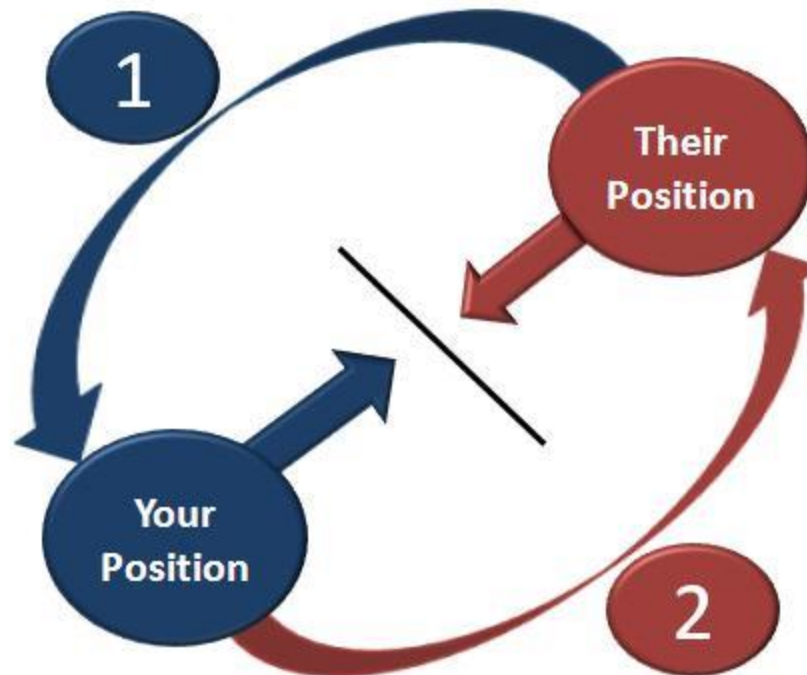
Source: Professor Albert Mehrabian
University of California Los Angeles

Anchoring Bias:

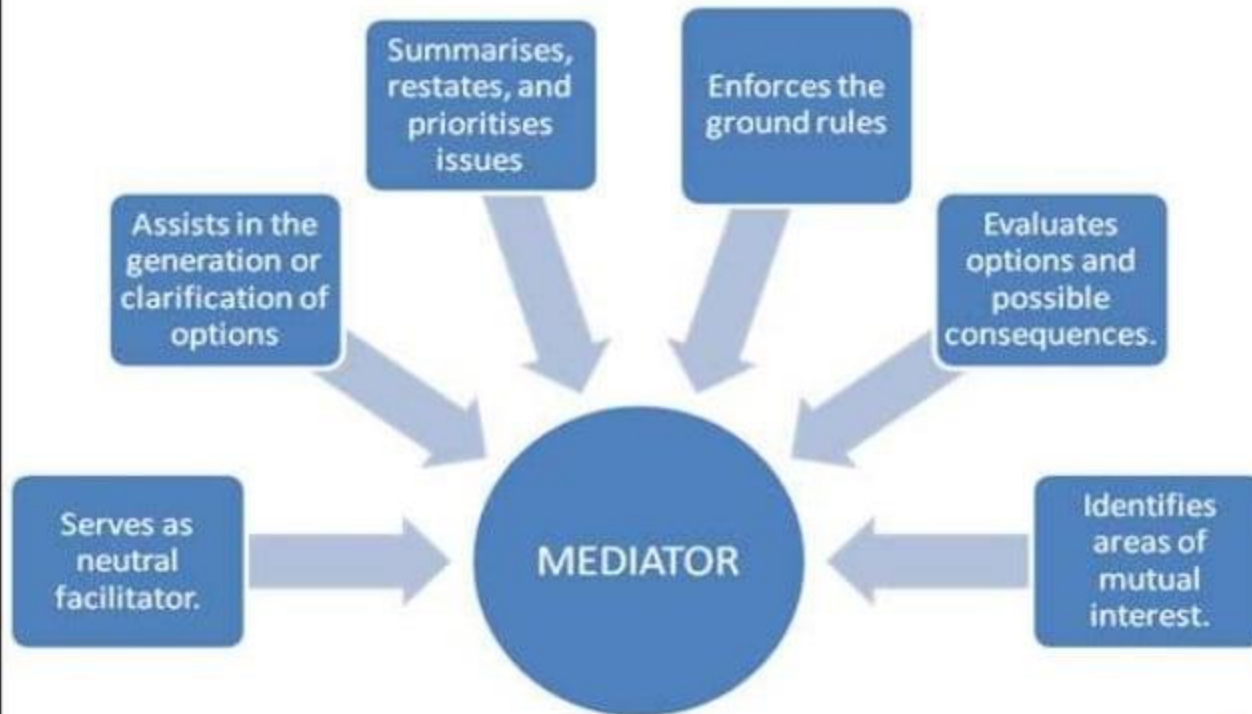
How We Cling to
the First Piece of
Information We Get



fallacyinlogic.com



DUTIES OF THE MEDIATOR



Recent International Developments

Singapore Convention

<https://soundcloud.com/resolutionspod/danny-mcfadden-a-conversation-about-the-singapore-convention-and-international-mediated-settlements>