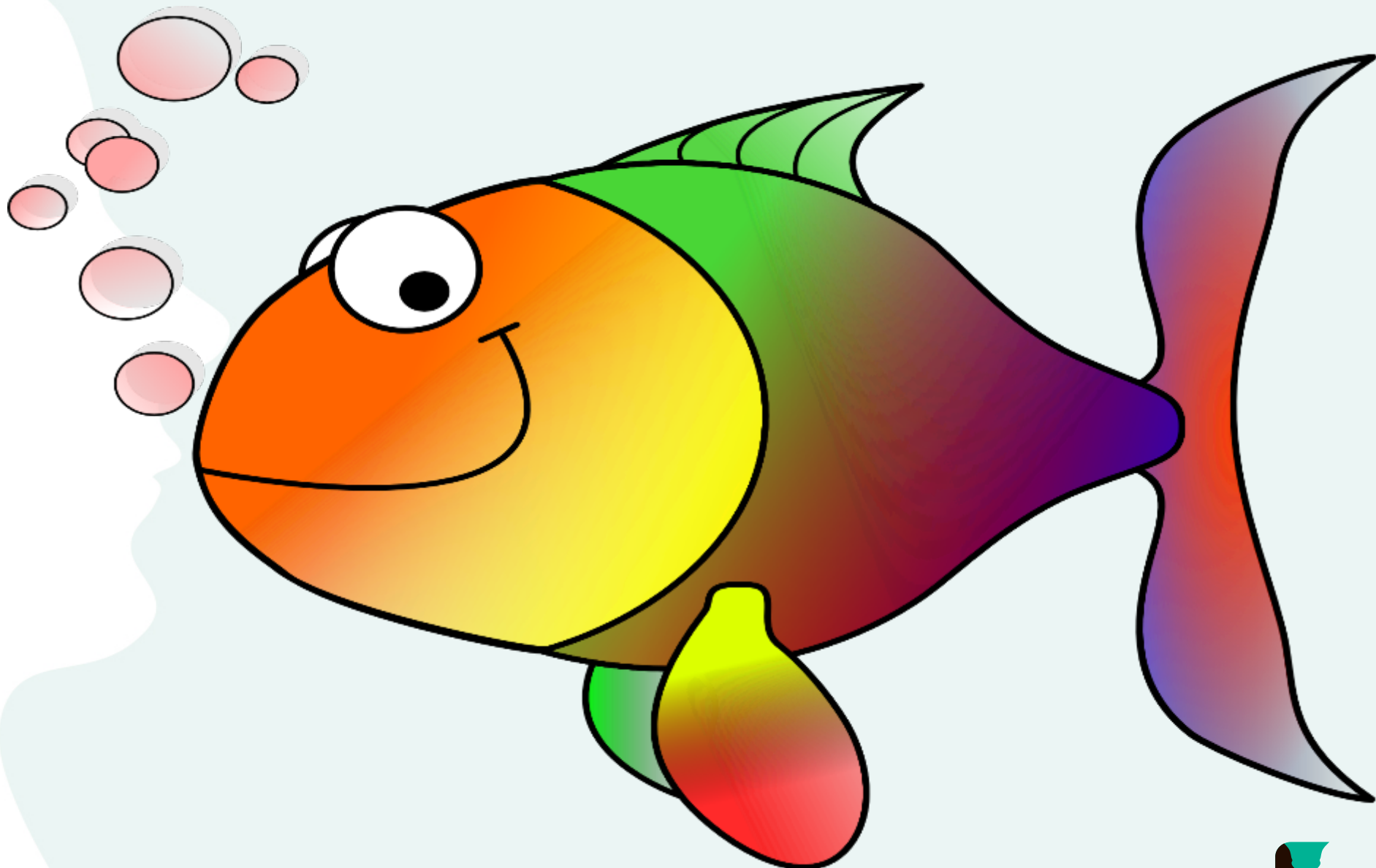


On Fish, Stars and the Future of Mediation



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Assumptions embedded in mediation

- Resolution of conflict and making of commitments is desirable
- Individual interests are paramount
- Direct communication
- Confidentiality
- Neutrality of mediators (outsiders)
- What other ways of being with conflict are there?
- What about interests and values of the group?
- What about implicit and indirect communication?
- Open dialogues
- Insider mediators



From Michelin Stars to Mediation Stars



England Mediation Friendly Star Rating



- ★★★★☆ Transparency of domestic & international legal frameworks
- ★★★★☆ Transparency and clarity of the content of mediation laws
- ★★★★☆ Mediation infrastructure and services: quality and access
- ★★★★☆ Access to globally recognised & skilled local & foreign mediators
- ★★★★☆ Enforceability of mediation and MDR clauses
- ★★★★☆ Certain & predictable regulation of insider/outsider confidentiality
- ★★★★☆ Certain & predictable regulation of insider/court confidentiality
- ★★★★☆ Flexible & transparent regulation of insider/insider confidentiality
- ★★★★☆ Enforceability of MSAs and iMSAs
- ★★★★☆ Impact of commencement of mediation on litigation limitation periods
- ★★★★☆ Attitude of courts to mediation
- ★★★★☆ Incentives for legal advisers to engage in mediation
- ★★★★☆ Attractiveness of mediation vis-a-vis court
- ★★★★☆ Nexus of courts to mediation services

Hong Kong Mediation Friendly Star Rating



- ★★★★☆ Transparency of domestic & international legal frameworks
- ★★★★☆ Transparency and clarity of the content of mediation laws
- ★★★★☆ Mediation infrastructure and services: quality and access
- ★★★★☆ Access to globally recognised & skilled local & foreign mediators
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