
Kluwer Arbitration Blog

Kluwer Mediation Blog: February Digest

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With posts on the new Japan International Mediation Centre, on reflections from the coach of the winning team in the recent ICC Mediation Competition, on top TED talks for mediators, and finally on analogies between cricket and mediation, there is something for everyone in the posts from the Kluwer Mediation Blog in February. Below you'll find a brief summary of each of the posts on the blog last month.

In "[Wa And the Japan International Mediation Centre - Kyoto](#)", James Claxton and Luke Nottage introduce the Japan International Mediation Centre-Kyoto which is due to open soon. James and Luke also consider the centre's potential as a leading centre for international mediation services.

In "[Educating the dispute resolvers of the future](#)", Sabine Walsh considers how the ICC's Mediation Competition in Paris, and the growing number of others like it, are contributing to a change in the way disputes are going to be resolved in the future. Sabine also explains two important initiatives discussed at a recent conference on ADR in legal education at the University of Maastricht.

In "[The map is not the territory](#)", Charlie Woods explains how things are often not what they at first seem and how we frequently see, hear or sense things differently, depending on where and in what circumstances we find ourselves. Charlie then identifies how, in the mediation process, we might use the mental maps that parties have of their truth.

In "[Empathy](#)", Charlie Irvine and Laurel Farrington consider what empathy means and requires. They also apply Bowlby's attachment theory to mediation practice and explore whether mediators need to be empathic.

In "[A neuro-linguists toolbox - rapport: non-verbal behavior](#)", in the second in a series of posts on neuro-linguistic programming, Joel Lee explains how we can build rapport by using non-verbal behaviours. In particular, Joel describes how we can pace posture, gesture, facial expressions and breathing to achieve rapport.

In "[Settlement is not success, impasse is not failure: it is the perseverance to mediate that counts](#)", Ting-kwok IU draws on the recent film "The Darkest Hour" to identify the importance in mediation of grit, of moving from the substantive to the emotional

dimension and of language. Ting-kwok also explains why “settlement is not success, impasse is not failure.”

In “[The immovable elephant: motivating lawyers towards early ADR efforts](#)”, Jeff Trueman draws on Chip and Dan Heath’s *Switch: How to Change Things When Change is Hard* to explain how our emotional side, the “elephant” may deter us from using mediation and steer us in the direction of litigation. Jeff then identifies how the real potential for early resolution starts with a determination from lawyers to do business differently.

In “[The 13th ICC International Commercial Mediation Competition - reflections on what it takes to be a winner](#)”, Rosemary Howell, the coach of the winning team from the University of New South Wales, shares the lessons which have supported her teams’ continued success – not just in the competition, but in the lives of the students as they move on to pursue their chosen careers. They include: “Be prepared to lose and, when you do, lose with grace” and “Doing the right thing for the right reason should be the ethical and strategic goal of every team.”

In “[Cutting down a tree with an aircraft carrier](#)”, against the backdrop of the recent Winter Olympic Games in South Korea, Martin Svatos considers some of the conflicts between North and South Korea, including how a tree nearly triggered World War III.

In “[TED talks I have enjoyed - and that resonate with the mediator in me](#)”, Greg Bond lists ten TED and TEDx talks that he has found inspiring and that relate to mediation, in the broadest sense of the word.

In “[The Power of Feedback](#)”, Angela Herberholz shares the inspiration behind her new approach to providing feedback as a judge in the recent ICC Mediation Competition and identifies the impact which this new approach has had.

In “[The coincidental mediator: a cautionary tale](#)”, Ian Macduff draws on his recent experience of an informally-requested intervention to identify some risks for the coincidental mediator.

In “[Mediation: a cricketing metaphor](#)”, John Sturrock explores some analogies between cricket and mediation. John also identifies what sets apart a really effective mediator from the average.

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