

Kluwer Mediation Blog: June digest

Kluwer Arbitration Blog

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From the mediation of sports disputes to a recent mediation law in Brazil and onto lessons learnt from teaching mediation and negotiation courses in universities in Germany and New Zealand, the past month on the Kluwer Mediation Blog has provided a rich assortment of posts. A short summary of each post follows.

In *Investing In Your Future*, John Sturrock raises the important and challenging following questions: What are we doing to improve ourselves? To understand better who we are, what we want to achieve and what is important? What about our clients and our understanding of them? John notes that reflecting on these questions really gets us thinking about what our clients may need, rather than what we might offer.

In *Win-Win In Practice: Mediation Helping With Sports Disputes And Sports Disputes Helping Mediation*, Martin Svatos explores the use of mediation in sports disputes, in particular, in football and ice-hockey disputes. Martin considers how mediation may not only help athletes and sports association with the resolution of sports disputes but also how sports disputes might help mediation.

In *The Collaborative Imperative – Or The Existential Imperative For Modern Mediators*, Ian Macduff draws on his recent negotiation and mediation classes to identify the three uppermost concerns of his students' generation. Ian notes that

his students' blog conversations "*suggest that negotiation and mediation are an existential necessity; collaboration is not a fringe activity or policy tool but a moral imperative.*"

In *The Things You Can Achieve In Mediation: A Day In The Life Of A University Lecturer*, Greg Bond draws on a recent experience in teaching negotiation and mediation to highlight the unexpected outcomes that can sometimes occur.

In *How Long Is Your Average Mediation*, Constantin-Adi Gavrila considers how long an average mediation might take and identifies some factors which affect the duration of a mediation.

In *Lawyers As Mediators in Brazil: To Be Or Not To Be?*, Andrea Maia provides a brief history of Brazil's journey to its first mediation law. Andrea then considers a particular issue raised by the New Civil Procedure Code (Law 3105/2015) which states that mediators registered to work in a court annexed mediation program, if also lawyers, can no longer act in their capacity as lawyers in that particular jurisdiction.

In *Letter From America: What We Can All Learn From U.S. Research Into Court ADR Schemes*, Charlie Irvine draws on recent research on court-annexed ADR programmes in Utah, California and Oregon which explored whether people who used those courts were aware of the ADR schemes. Charlie considers the relevance of this research to Scotland and explores how court ADR schemes might be brought to people's attention.

In *Book Review - Mediation Ethics* by Ellen Waldman, Sabine Walsh provides a detailed and enthusiastic review of this book noting that "*whether you are new to mediation, or a season peacemaker who recognises that the more you know, the less you know, this is a great read.*"

In the wonderfully creative *Sergeant Pepper, Nostalgia and Missing Socks*, John Sturrock applies the concept of nostalgia and the letting go of single socks to the puzzle that we are still thinking about how we can promote mediation on a wide-scale, twenty to thirty years after it began to show itself, world-wide, to be a really useful process.