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Five interesting internet articles

There is now a plethora of resources for mediators on the internet, and a growing number of blogs and specialised mediation websites have seen an increase in mediation related articles appearing on a variety of sites. Here are five we found interesting that are sourced from different fields:

1. **Brenda Goodman**, ***The Art of Negotiation: Want a bigger paycheck? A better marriage? How to get what you want at the conference table or the kitchen table*** (Psychology Today, 2008) available at <http://psychologytoday.com/articles/index.php?term=pto-20070116-000011&print=1>.

This is a great general overview of negotiation which lists some key skills necessary to reaching an agreement. Interestingly, the article finishes with the sentence 'If you never hear "no", when you negotiate, you haven't asked for enough'.

2. **American Bar Association**, ***When Collaborative Law Makes Sense*** (American Bar Association 2008) available at <www.abanet.org/media/youraba/200806/article05.html>.

This article gives a broad overview of Collaborative Law and looks at whether it is ready to move beyond resolving domestic relations disputes to settling contract disagreements, resolving tort claims or sorting out competing intellectual property rights.

3. **Natalie Fraser**, ***Legal negotiation styles: feminine weaknesses, feminine strengths*** (The Lawyers Weekly, Canada, 2008) available at <www.lawyersweekly.ca/index.php?section=article&articleid=600>.

An interesting look at how women can effectively negotiate, based on a Women's Law Association of Ontario seminar recently held in Toronto.

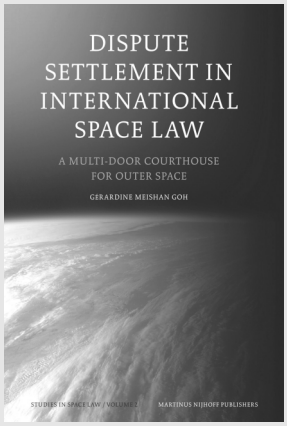
4. **Drew Combs**, ***Competing mediation firms resolve to snag retiring judges income of up to $700,000 lures big-name jurists from bench*** (Los Angeles Business Journal, 2008) available at <http://findarticles.com/p/articles/mi_m5072/is_3_30/ai_n24264534>.

This looks at the American trend of employing judges upon their retirement to act as 'neutrals' by ADR companies.

5. **Joseph P McMahon Jr** ***Moving Mediation Back Toward Its Historic Roots—Suggested Changes*** (The Colorado Lawyer, 2008) available at <http://jpmcmahon.com/PDFfiles/McMahonColorado%20LawyerJune2008.pdf>.

This somewhat controversial and more scholarly article discusses the current state of mediation. Much of the content of the article was presented at the Colorado Bar Association *First Annual Statewide Alternative Dispute Resolution Conference* held in Denver on 28 September 2007. ●

Recent book release



Gérardine Meishan Goh
Dispute Settlement in International Space Law; A Multi-Door Courthouse for Outer Space (Martinus Nijhoff Publishers 2007)

The existence of international law, with its rights, rules and regulations is futile without an effective enforcement mechanism that provides a sufficient and adequate remedy.

International space law is particularly significant in the evolution of international dispute settlement because it involves a consideration of issues from an international and interdisciplinary perspective. These issues range from policies of regional and international organisations; to juridical dispute settlement and global governance; to fiscal entrepreneurship and business efficacy; and to scientific breakthroughs and technological advances.

In this context, this book looks at an international and interdisciplinary approach in dealing with dispute resolution in space activities. It proposes a workable legal framework for dispute resolution in outer space, together with a mechanism for enforcement and verification. ●

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ADR DEVELOPMENTS

- District court judges from five states in India attended a session on language modulation for effective mediation on 11 June. The exercise was being undertaken after the Supreme Court planned to open a regional centre on mediation in Jharkhand. Such centres would be opened across the country to reduce the load of courts and to dispose of cases faster.
- The parents of a teenager in Ohio have used mediation to help their son 'turn his life around'. The 15 year old was regularly missing school and after several stints in juvenile detention was told by Juvenile Centre Officials he was going to go to school or he was going to jail. The mediation, conducted by Clark County Common Pleas Court Juvenile Division Mediation Center, explored options that led to Richard's transfer to an alternative school in Dayton, where he is now excelling in his classes.
- The Venezuelan Government, in a statement made by the Labor Ministry, is offering to mediate a dispute between a Coca-Cola bottler and former drivers who have halted distribution. Former contractors of the Mexican bottling company in Venezuela have been blockading four plants and 26 distribution centres.
- Arbitration already has its own small-screen star in Judge Judy, the feisty former judge who arbitrates small claims cases to the hoots and hollers of a studio audience. Two Los Angeles mediators think it's about time mediation had its own television show, too. Jerry Lazar and Richard Klinger recently have been shopping around a pilot for 'The Peacemaker', a show that would spotlight mediation. It opens with a host in suit-and-tie describing the mediation process and explaining that mediation offers a way out of conflict 'without the expense and heartache of litigation'. Klinger, a former Montana assistant attorney-general who recently started his own mediation practice, said he hopes the show will help private mediators get more business by increasing awareness of mediation's benefits. But the show has not proved an instant winner with television executives. 'Most TV executives have only the vaguest idea of what [mediation] is,' Lazar said. 'One guy said, "I don't understand. Are we talking about the same thing here? Hostage negotiation?"' Lazar said he tries to emphasise the personal drama of mediations — a combination, as he puts it, of 'Jerry Springer' and 'Dr. Phil' — but realises it is difficult to explain. He said other attempts to develop mediation shows have failed. For more information see <http://fightnicely.blogspot.com/2008/05/peacemaker.html>.
- On 20 May Littleton Chambers launched a new, urgent mediation unit known as 'Lumu'. The emphasis of the service is on offering speed and availability with the catch-cry 'a phone call in the morning could lead to a mediated exit agreement that same day'. The service, badged as dispute resolution 'by litigators for litigators', aims to give parties something 'more in tune with demands of business' than is currently available in the market. Such a service, they believe, is especially desirable in internal partnership, commercial and local authority disputes, in addition to areas like employment competition disputes, property and construction matters, IP and professional negligence disputes. In other areas like neighbour disputes, Littleton mediators will be available to visit sites, and 'sort the matter out there and then'. In publicising the offering, mediators at Lumu hope to counter what they believe is a growing trend towards over-preparation for mediation on the part of parties and advisers. Voluminous documentation, they believe, is neither necessary nor desirable. Added simplicity, they hope, will ease the burden of disputes on businesses. For more information see <www.telegraph.co.uk/news/uknews/2006820/Brief-Encounters.html>. ●