



Southeast European Regional Conference on Alternative Dispute Resolution

Ljubljana, Slovenia
5 - 7 November 2002

Organised by



REPUBLIC OF SLOVENIA
DISTRICT COURT OF LJUBLJANA

Okrožno sodišče v Ljubljani



REPUBLIC OF SLOVENIA
MINISTRY OF JUSTICE

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Association

Programme

www.adr-conference.org

Welcome address

Dear Participants and Observers,

I would like to invite you to the Southeast European Regional Conference on Alternative Dispute Resolution (ADR).

In April 2002 the European Commission published "Green paper on Alternative Dispute Resolution in Civil and Commercial Law" where the promotion of ADR is set out as a political priority. As EU's currently presiding state, Denmark has organised a conference with a title "Civil Litigation in 21st Century" as one of its first actions. The main issue was a process of modernising court system by implementing ADR. At the end of June 2002 UNCITRAL (United Nations Commission on International Trade Law) adopted "Model Law on International Commercial Conciliation".

Slovenia has actively participated in discussions and drafting laws in the ADR field as well as in designing court-annexed ADR programmes. The District Court of Ljubljana is implementing several experimental pilot programmes of court-annexed mediation and early neutral evaluation in order to provide a wider access to justice.

In order to share experience in successes and failures of the reform processes related to conflict resolution, the District Court of Ljubljana is organising the Southeast Regional Conference on ADR in cooperation with several other institutions from Slovenia, Europe and the United States, the Ministry of Justice of the Republic of Slovenia and the ADR Group. The goal of the conference is to contribute to the legal, economic and social development of the region. We are convinced that the conference may raise the awareness of the role ADR can play in the region in both furthering access to justice and stimulating economic development and that it will demonstrate that the ADR process is compatible with the cultural attitudes and best business practices of the region.

The concept of the Conference is very interactive. The participants will have the opportunity to discuss how the ADR can help economic development of the region and encourage foreign investment, what steps in the judicial systems in this region need to be taken to comply with projected European Union standards and the new UNCITRAL draft laws and discuss whether the Slovenian experience of court-annexed mediation programmes could serve as a model for the rest of the region. At the end of the conference proposals and initiatives to accelerate and harmonize the ADR development in the region will be adopted.

I am very pleased to present you eminent speakers on ADR. I am convinced that they will ensure an excellent foundation for formal and informal debates during the Conference.

We have also tried to provide a pleasant social environment during the Conference. I would like to invite you to the Pre-Conference reception Tuesday 5 November in the evening as well as to the Official Conference Dinner at the Rotovz Restaurant, on Wednesday 6, November. You can find detailed information about the programme on the following pages.

I hope I will be able to welcome you in Ljubljana.

Yours sincerely,
Ales Zalar
President of the District Court of Ljubljana



Tuesday November 5, 2002

18:00 - 20:00	Guided Tour around Ljubljana (Meeting point - Lobby of the Grand Hotel Union)
20:00	Pre-Conference Reception at the Ljubljana City Hall hosted by Ms. Viktorija Potocnik, Mayoress of Ljubljana (for participants)

Wednesday November 6, 2002

09:15 - 09:45	<p>Opening Session Mr. Ales Zalar, Judge, President of the District Court of Ljubljana and Chairman of the Conference - Moderator for the Day</p> <p>Introduction to the Conference</p> <p>Welcome Addresses Mr. Dimitrij Rupel, Slovenian Minister of Foreign Affairs Mr. Ivan Bizjak, Slovenian Minister of Justice Mr. Hugh Mortimer, H. E. The Ambassador of the United Kingdom and Northern Ireland Mr. Johnny Young, H. E. The Ambassador of the United States Mr. Erwan Fouéré, H. E. The Ambassador of the Delegation of the European Commission Mr. Matjaz Kovacic, National Co-ordinator of the Stability Pact for Southeastern Europe</p>
09:45 - 11:30	Session Two
09:45 - 10:15	Mr. Nenad Filipovic, Professor, Bled School of Management Economic challenges in Southeast Europe
10:15 - 10:45	Ms. Maria Dakolias, Chief Counsel (acting), Legal and Judicial Reform, The World Bank How can ADR help economic development and encourage foreign investments
10:45 - 11:15	Mr. Mario Tenreiro, Head of the Unit Judicial Co-operation in Civil Matters in the Directorate General for Justice and Home Affairs for the European Union ADR within the EU
11:15 - 11:30	Questions from Audience
11:30 - 11:45	Coffee Break
11:45 - 13:15	<p>Session Three Live Mock Mediation of commercial dispute with audience voting on potential outcomes.</p> <p>Moderator: Mr. Samuel Passow, Head of Research, ADR Group (UK) Mediator: Ms. Jane Andrewartha, Partner of Clyde & Co. Law Firm (UK) Players: Mr. Michel Wood, Mr. Alex Bevan, Mr. Anton Pregelj, Ms. Bojana Hocevar-Frantar</p>
13:15 - 14:15	Buffet Lunch (for participants)
14:15 - 15:15	Session Four
14:15 - 15:00	Ms. Nan Shuker, Judge, Washington D.C. Superior Court The Multidoor Court House
15:00 - 15:15	Questions from Audience
15:15 - 15:30	Coffee Break





15:30 - 17:00

Session Five - Workshops

Workshop 1

Joint Facilitators:

JUDGES:

Court-annexed mediation programmes

Ms. Hazel Genn, Professor, Law Faculty, University College of London Law Faculty, UK and Ms. Machteld Pel, Judge, Vice President Court of Appeal, Arnhem, Netherlands

Workshop 2

Joint Facilitators:

BUSINESS:

Arbitration, mediation and business confidence

Mr. Tim Hardy, Partner of CMS Cameron McKenna, London and Mr. Christian Duve, Partner of Freshfields Bruckhaus Deringer, Frankfurt

Workshop 3

Joint Facilitators:

LAWYERS:

Model of private sector civil and commercial mediation

Mr. Michael Lind, Head of Business Development ADR Group and Ms. Jane Andrewartha, ADR Net mediator, partner of Clyde & Co.

Workshop 4

Joint Facilitators:

GOVERNMENTS:

The Regulatory environment for ADR

Mr. Jernej Sekolec, Professor, Secretary General of UNCITRAL and Ms. Maria Dakolias, Chief Counsel (acting), Legal and Judicial Reform, The World Bank

20:00

Official Conference Dinner at the Rotovz Restaurant hosted by Mr. Ivan Bizjak, Minister of Justice (for participants)

Thursday November 7, 2002

9:30 - 9:45

Opening Session

Mr. Michael Lind, Head of Business Development ADR Group UK - Moderator for the Day

Welcome to delegates

09:45 - 11:00

09:45 - 10:30

Session One - Slovenian Model Part 1

Mr. Ales Zalar, Judge President of the District Court of Ljubljana

How we developed our court-annexed ADR programmes

10:30 - 10:45

Ms. Nina Betetto, Judge, Court of Appeal

Facts & Figures - a quantitative look at the court annexed mediation programme

10:45 - 11:00

Questions from Audience

11:00 - 11:15

Coffee Break

11:15 - 12:30

11:15 - 11:30

Session Two - Slovenian Model Part II - International Comments

Lord Woolf, Chief Justice of England & Wales (via video)

11:30 - 11:45

Mr. Richard Holbrooke, Former US Ambassador to the United Nations (via video)

11:45 - 12:15

Session Three - Slovenian Model Part III

Audience discussion of Slovenian model with panel of Ms. Hazel Genn (UK) and Ms. Machteld Pel (Netherlands) chaired by Mr. Ales Zalar (Slovenia)

12:15 - 14:00

Buffet Lunch (for participants)

14:00 - 14:45

14:00 - 14:30

Session Four

Mr. Robert H. Mnookin, Professor, Harvard Law School

Beyond Winning (videoconference)

14:30 - 14:45

Questions from Audience

14:45 - 15:15

Session Five

ADR does not compete with the Judicial System (debate):

Moderator

Mr. Samuel Passow, ADR Group, UK

In favour of the proposition:

Ms. Nan Shuker, Judge, Washington D.C. Superior Court

Opposing to the proposition:

Pre-accession adviser Mr. Norman Manfred Doukoff, Judge, High Court of Appeal, Munich

15:15 - 15:30

Questions from Audience

15:30 - 15:45

Coffee Break

15:45 - 17:00

15:45 - 16:25

Session Six

Conference Conclusion

Mr. Robert Jagtenberg, Professor of Comparative Law, Erasmus University, Rotterdam, Netherlands in the role of General Rapporteur

16:25 - 17:00

Closing Session

Mr. Ales Zalar, Judge, with initiatives for further development of ADR in the region

For practical information, please contact:

Ms. Tina Bercic
ADR Department, District Court of Ljubljana
Tavcarjeva 9
1000 Ljubljana
Slovenia
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For general information, please contact:

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Head of ADR Department, District Court of Ljubljana
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E-mail: adr-conference@email.sodisce.si

Organising Committee, president:

Mr. Samo Logar
President of Syla
E-mail: samo.logar@gov.si



Practical information

Participants

The target group of the Conference are judges, lawyers, representatives from Chambers of Commerce and government policy makers from the countries in the Southeastern Europe: Albania, Bosnia and Herzegovina (Bosnian Federation and Republika Srpska), Bulgaria, Croatia, Greece, Hungary, Macedonia, Federal Republic of Yugoslavia (Serbia, Montenegro), UNMIK, Romania, Moldova, Turkey, Slovenia.

Each country delegation should consist of minimum 4 delegates - at least one delegate from each institution (Ministries, Judges Associations, Lawyers Associations, representatives from Chambers of Commerce).

Observers

Observers of the Conference are not part of country delegation. Invited Observers are judges, advocates, notaries, members of parliaments, and representatives of the government, International Bar Association, Council of Europe, universities, CEELI, law firms, corporate executives and other members of public, interested in ADR.

Expenses

Conference participation is free of charge. Participants pay only their own expenses for accommodations and travel.

Registration

You may register by means of the enclosed registration form and return it by fax or post by 20th October 2002. You will receive a voucher well in advance.

Language

The official language of the Conference is English. Simultaneous translations into French and Slovenian will be provided.

Conference venue

6 and 7 November 2002 Grand Hotel Union, Miklosiceva cesta 1, Ljubljana

Hotel accommodation

We recommend you to stay at the Grand Hotel Union, where the Conference is held. Payment for hotel room has to be settled upon departure with the hotel reception.

Grand Hotel Union

Miklosiceva cesta 1
1000 Ljubljana

Tel.: + 386 (0)1 308 12 70

Fax: + 386 (0)1 308 10 15

E-mail: hotel.union@gh-union.si

www.gh-union.si

Hotels close to the Conference venue:

Hotel Turist

Dalmatnova 15
1000 Ljubljana

Tel.: +386 (0)1 234 91 30

Fax: +386 (0)1 234 91 40

E-mail: info@hotelturist.si

www.hotelturist.si

Hotel Slon

Slovenska cesta 34
1000 Ljubljana

Tel.: +386 (0)1 470 11 00

Fax: +386 (0)1 251 71 64

E-mail: recepcija@hotelslon.com

www.hotelslon.com



Welcome reception

Participants are kindly invited to the official welcome reception hosted by Ms. Viktorija Potocnik, Mayoress of Ljubljana. The welcome reception will be held in the beautiful surroundings of the City Hall.

Travel by plane

For travel arrangements by plane, we recommend Adria Airways, Conference official carrier. Please find enclosed their special offer.

Transportation

Transportation to and from Ljubljana Airport: Regular public busses run between Ljubljana Airport and Ljubljana Central Station every full hour. The ticket costs 3EUR per person. Private bus, which takes you from Ljubljana Airport to the selected hotel, is also available for the price of 7 EUR per person.

Taxi, which takes you from Ljubljana Airport to the selected hotel, is available for the price of approximately 31 EUR.

Tourist Office

Tourist information is available at www.slovenia-tourism.si

The main tourist office in Ljubljana is located in Adamic Lundo vno nabrezje 2, 1000 Ljubljana, tel.: + 386 (0)1 306 12 15, e-mail: tic@ljubljanatourism.si

Guided tour around Ljubljana

You are kindly invited to a guided tour of Ljubljana on Tuesday November 5th. Meeting point is in the Lobby of the Grand Hotel Union at 6 pm.



Grand Hotel Union

Speakers

Ms. Jane Andrewartha



A partner with the international law firm Clyde & Co since 1980 Jane specialises in multi-party international litigation and arbitration, mainly arising out of insurance and reinsurance contracts. She was for 8 years the London head of the firm's Latin American office and has also been head of the Aviation Section. Between 1992 and 2000 she served on the firm's Management Board in the role of Finance Partner. She is accredited as a mediator by CEDR. She is a member of the International Panel of Distinguished Neutrals, CPR Institute for Dispute Resolution (New York) and of the European Advisory Committee. She is a Director of CEDR. She is also a member of the Chartered Institute of Arbitrators. She frequently addresses conferences on the subject of ADR and writes regular articles on the subject. Mediated disputes have involved financial services industry, agency agreements, fraud, insurance, reinsurance, energy, maritime, aviation, professional indemnity, commercial and contractual disputes generally.

Ms. Nina Betetto



Nina Betetto has been the Court of Appeals of Ljubljana Judge since November 1998. She started her career in 1989 as a Judge at the Basic Court in Ljubljana where she became head of the Civil Department in 1997. Her field of judging: review of lower courts judgements in civil matters. She serves as mediator in the District Court of Ljubljana ADR pilot project and she is a regular lecturer in the Judicial Training Centre programs.

Ms. Maria Dakolias



As Chief Counsel (Acting) of the World Bank Legal and Judicial Reform Practice Group, Maria Dakolias is committed to promoting the discussion of legal and judicial reform issues. Since joining the Bank in 1992, her work advising and managing legal and judicial reform projects has spanned Latin America, the former Soviet Union, the Middle East, and Asia. Her work also involves outreach activities, including numerous publications and the organization of global conferences, to encourage further discussion among the many voices in legal and judicial reform. Ms. Dakolias is a graduate of the University of Amsterdam (L.L.M., European Union International Trade Law), George Mason University School of Law (J.D.), and Haverford College (B.A., Philosophy).

Mr. Christian Duve



Christian Duve is a partner in the Frankfurt office Freshfields Bruckhaus Deringer. He specialises in business mediation, litigation arbitration as well and distribution law. His litigation experience includes financial services, partnership dissolution, commercial agency and liability disputes. His arbitration experience includes cases concerning the termination of joint ventures and construction agreements. Christian has served as mediator in disputes relating, for example, to the termination of long-term agreements and has represented companies in mediation. He advises the automotive industry and companies from other industries on distribution law issues.

Mr. Norman Manfred Doukoff



Norman Dukoff has been a Judge at the High Court of Appeal in Munich (civil division) since June 1979 and Advisor of the Ministry of Justice of the Republic of Slovenia since August 2000. He is also a lecturer and a leader of workshops and seminars for judges and public prosecutors in Bavaria, Thuringia, Saxony, Berlin and at the German Academy for Judges. Topics of lectures are negotiation and communication techniques in civil and criminal procedure. Norman Dukoff has been the first managing partner and a lecturer at Munich Seminar for Barristers (partnership organising seminars for barristers) since 1989

Mr. Nenad Filipovic



Professor Nenad Filipovic graduated from the University of Zagreb, Croatia, as well as the Graduate School of Business, Stanford University, and Harvard Business School. Professor Filipovic spent 12 years in business, in various positions from R&D manager to Senior Vice-President of "Rade Koncar" Group. Since 1991 he has been Deputy Director of the IEDC Bled School of Management. He teaches courses in General Management and Business Ethics, researches and consults to international clients in his area of interest.

Ms. Hazel Genn



Hazel Genn is a Professor of Socio legal Studies at the Faculty of Law, University College London. She has a long-standing research interest in civil justice and has published widely in the field including mediation in Action (1999). She has recently completed two reports for the Lord Chancellor's Department evaluating three court linked ADR schemes: Central London County Court Mediation Scheme: Evaluation Report (1998), Court based ADR Initiatives for Non Family Civil Disputes: The Commercial Court and the Court of Appeal (2002)

Mr. Richard Holbrooke



Ambassador Richard C. Holbrooke joined the U.S. Foreign Service in 1962. He has held a number of senior State Department posts over the years including Assistant Secretary of State for East Asia/Pacific Affairs under the Carter Administration and Assistant Secretary of State for European Affairs during the Clinton Administration. In 1995 he led the negotiations that concluded the Dayton Peace Accords for Bosnia. In 1999 he became the U.S. Permanent Representative to the United Nations. He is currently Vice Chairman of the New York based consulting firm Perseus LLC.

Mr. Robert Jagtenberg

Dr. Robert Jagtenberg is associate professor of comparative law at Erasmus University, Rotterdam, the Netherlands, president of the EU-Asia Law Foundation, and a Netherlands Mediation Institute mediator. He received professional training in mediation at the Advisory Conciliation and Arbitration Service (ACAS) and the Centre for Effective Dispute Resolution (CEDR) in London. He has been rapporteur-general for the Council of Europe on ADR, and is a member of the committee supervising various nationwide experiments with court-encouraged mediation in the Netherlands. Dr. Jagtenberg has been involved in various expert projects sponsored by the European Commission, the World Bank and Asian Development Bank, and the Harvard Institute for International Development. Dr. Jagtenberg has published extensively on ADR.

Mr. Michael Lind



Michael Lind is the Operations Director for the Bristol-based ADR Group. He joined the ADR Group in December 1999 as their in-house solicitor and Head of Case Management responsible for advising on and administrating all commercial disputes. In January 2001 he became Head of Business Development and was responsible for widening the Group's civil and commercial mediation practice by incorporating new growth areas such as Family Mediation Training and On-line Dispute Resolution programmes. Mr. Lind is a qualified solicitor and mediator in the UK.

Mr. Robert H. Mnookin



Robert H. Mnookin is the Samuel Williston Professor of Law at Harvard Law School, the Chair of the Steering Committee of the Program on Negotiation at Harvard Law School, and the Director of the Harvard Negotiation Research Project. A leading scholar in the field of conflict resolution, Prof. Mnookin has applied his interdisciplinary approach to negotiation and conflict resolution to a remarkable range of problems; both public and private. As a neutral, Prof. Mnookin shaped an innovative resolution of the landmark dispute over operating system software between IBM and Fujitsu. He has also arbitrated international commercial disputes involving other advanced technologies and has served on the appellate panel that reviewed a "salary cap" dispute between the National Basketball Association and its Player's union. An experienced mediator, Prof. Mnookin has successfully mediated many complex commercial disputes. These include an environmental dispute between the Motorola Corporation and Siemens Corporation; a multi-party dispute involving 10 international banks, an indenture trustee, and a large accounting firm; contractual disputes concerning the supply of power and co-ownership of generation facilities between large public utilities; and many major asbestos-related insurance coverage disputes. He has served as a consultant to governments and international agencies. Prof. Mnookin has written or edited nine books and numerous scholarly articles.



**Mr. Samuel
Passow**



Samuel Passow is the Head of Research for the Bristol-based ADR Group, and a visiting lecturer at The Amsterdam ADR Institute where he teaches a course on Advance Negotiation Analysis. He was formerly an Assistant Director for the London-based Centre for Dispute Resolution and a Research Associate at the Harvard University Centre for Business and Government. He is an experienced mediator and journalist who for past 30 years has written and lectured extensively. His recent articles and case studies on mediation have appeared in The Wall Street Journal, The Financial Times, The Times Law Section, The Guardian and the Harvard Business School Case Program.

Ms. Machteld Pel



Machteld Pel is project leader of the nationwide Netherlands court-annexed mediation-project. She was instrumental in starting and supervising this project and has designed different courses for judges and lawyers on ADR. She is also supervising the monitoring of the results of the project. She teaches in the National School for judges on judicial settlement skills. She has been an Appellate Court judge and vice-president (commercial and family cases) for 12 years. Previously she was a district court judge for 8 years and she has been teaching on different subjects of law and judiciary skills in the University and the school for judges in the past 20 years. Machteld Pel is a qualified mediator and mediator-trainer. She mediates contract, commercial, employment, education and medical matters. She is a frequent trainer, author and speaker on ADR.

**Mr. Jernej
Sekolec**



Jernej Sekolec, Dr. jur., LL.M., is the Secretary of the United Nations Commission on International Trade Law (UNCITRAL) and Chief, International Trade Law Branch of the United Nations Office of Legal Affairs. Prior to joining the UNCITRAL Secretariat in 1982, he was a Law Professor at the University of Maribor, Slovenia. He has published books and articles on commercial law, including contract law, commercial arbitration, international payments, negotiable instruments, transport law and products liability.

**Ms. Nan R.
Shuker**

Nan R. Shuker is an Associate Judge of the Superior Court of the District of Columbia who specializes in the utilization of alternative dispute resolution (ADR) processes and case flow management techniques to improve civil justice systems. In early 1989, Judge Shuker commenced conducting the mediation of cases involving such issues as complex torts (product liability and medical malpractice), commercial contracts, land disputes, trusts and estates, employment discrimination, and sexual harassment. This work in mediation was subsequently expanded to include additional types of commercial litigation and mediation training. Judge Shuker combines broad experience as a jurist with a commitment to helping litigants find and select the most appropriate means of resolving their dispute short of trial.

**Mr. Mario
Tenreiro**

After a short period of court practice as a lawyer and teaching law at university of Coimbra Mario Tenreiro joined the European Commission fifteen years ago. He has work in the areas of anti-trust and consumer affairs where he launched several initiatives on consumers ADR. Since 2000 he has been in charge of the unit dealing with judicial cooperation in civil matters and private international law in the Directorate general for Justice and Home Affairs.

Lord Woolf

The Rt Hon The Lord Woolf of Barnes, Lord Chief Justice of England & Wales was born in Newcastle in 1933, educated in Scotland and graduated from University College London. He was called to the Bar in 1954. After a period as First Treasury Counsel, Lord Woolf was appointed a judge of the High Court in 1979. In 1990, as a Lord Justice of Appeal, Lord Woolf carried out an inquiry into prison disturbances. He was appointed to the House of Lords in 1992 and subsequently undertook a lengthy inquiry into the civil justice system. His final report, *Access to Justice*, was published in July 1996 and prompted significant civil justice reforms. Lord Woolf was appointed Master of the Rolls in 1996 and Lord Chief Justice in 2000.

Mr. Ales Zalar



Ales Zalar has been District Court Judge and its President since 1991. He was the president of Slovenian Judges Association from 1997 to 2001, and from then on, he has been the Vice President of the Slovenian Judges Association. Judge Zalar is a member of the Executive Board of Lawyers Association of Slovenia. He is also member of Consulative Council of Judges from Europe (CCJE), delegate of the Slovenian Judges Association to the International Association of Judges (IAJ) and a member of UNCITRAL's Working Group on Arbitration. Judge Zalar co-designed several court-annexed programmes in Slovenia.



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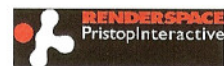
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DISTRICT COURT OF LJUBLJANA
Office of the president

Su: 230103/2002

Datum: 20. November 2002

ADR Group
Grove House, Grove Road
Redland, Bristol

Head of Research, Mr. Samuel Passow

THANK-YOU LETTER

Dear Sam,

On behalf of the District Court in Ljubljana and on behalf of all the co-organisers of the Regional Conference on Alternative Dispute Resolution for SE Europe, held in Ljubljana from 5 to 7 November in the Grand Hotel Union, we would like to thank you for your cooperation and help in the organisation of the Conference.

The response to the Conference was very positive. At the end of the Conference more than 230 participants from 18 countries expressed their satisfaction with the contents and organisation of the Conference. They all agreed that alternative ways of dispute resolution should be encouraged, as this would attract more foreign investments, which can contribute to the economic development of the region. In their opinion the programmes of court-annexed mediation, which are being implemented by the District Court in Ljubljana, may serve as the model for the introduction of alternative dispute resolution in the region.

The Conference could not have been so successful without your generous help. We would like to thank you for your cooperation, and we hope that we managed to present ADR Group well during the Conference. Please find enclosed the last version of the programme, all the participants received. All soorganisers were also included on all Conference materials (flex displays, posters, table flags, scan panels in the conference hall). Photographs can be seen on the Conference website at: www.adr-conference.org.

We hope we will cooperate successfully also in the future.

Yours sincerely,

Masa Kociper
Head of ADR Department



Aleš Zalar
President

Additional information: Masa Kociper, Head of ADR Department, Tavčarjeva 9, 1000, Ljubljana;
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