



Foundation for Sustainable
Rule of Law Initiatives

WINTER/SPRING 2017- FSRI UPDATE

Welcome Professor Aragaki To Our Board

We are pleased to welcome our newest board member, Professor Hiro Aragaki of Loyola Law School. Hiro brings a wealth of ADR knowledge and experience as an accomplished academic in the fields of mediation, negotiation, arbitration, contract law and civil procedure, and as a trainer promoting dispute resolution and ADR around the globe. He has already joined a FSRI delegation working in India, and has played a key role in the partnership of our work in Liberia as described below. His full biography can be found on our FSRI website.

Liberia Commercial Mediation Project

Last year, FSRI, in collaboration with Loyola Law School, received a grant from the International Monetary Fund of the World Bank to establish a commercial mediation program in Liberia focused on insolvency and related financial disputes. This grant encompasses two phases: (1) selection and training of qualified candidates for a mediation program under auspices of the Commercial Courts; followed by (2) coaching and advanced training of selected mediators, and systems development for implementation the mediation program. Board member Hiro Aragaki, who co-partnered with FSRI to obtain the World Bank grant, implemented Phase 1 in January in Liberia, while also doing an informal assessment of program/system needs for Phase 2. He was joined by Federal Magistrate Judge Federal Robert Levy, and they co-trained carefully selected attorneys for a 40 hour mediation course. In addition, they evaluated and identified qualified trainees for Phase 2 of the program.

Phase 2 will be implemented during early May in Monrovia, with a delegation composed of Prof. Aragaki and FSRI president Vic Schachter. In addition, a mediation conference/awareness event will be presented, in partnership with the IFC, to educate and promote the mediation program and gain support from the bar, judiciary and litigation community for referral of cases, both pre and post-litigation.

Republic of Georgia Mediation Programs

Vic was invited to participate in an international conference on the topic of “Legislative and Practical Challenges of Georgian Labor Law” in Tblisi, Georgia, from March 4-6, 2017. He spoke on the subject of mediation and ADR in labor relations and employment disputes during this conference. He also had the opportunity to consult with representatives from the Georgia Bar, the US Embassy, the International Labor Organization, law firms and corporate entities, and to plan several future mediation program initiatives with governmental entities, NGOs and court-annexed mediation programs. This conference provided an excellent opportunity to consult with and promote mediation and ADR in business and collective bargaining arenas.

Brazil

At the invitation of several Brazilian mediation organizations, Vic and Jennifer Brandt (FSRI Mediation Ambassador) conducted an assessment of the court mediation programs in Brazil from May 16 through May 26, 2016. The review was implemented in four locations: Rio de Janeiro, Brasilia, Santa Catarina, and Minas Gerais. Following this assessment, FSRI delegates met with representatives of the Brazilian Parliament, judges of the various trial and appellate courts, members of the National Council of Justice, judges of the judicial academies, representatives of the public defenders, and corporate executives, and members of the state and federal bar associations, law professors and students at several law schools, representatives of mediation and arbitration organizations, and administrative staff of the courts and related ADR organizations. Following this assessment, FSRI made recommendations for further development of successful mediation programs. In addition, specific proposals were made to institute pilot mediation programs in the states of Santa Catarina and Minas Gerais. Further, our recommendations and report were provided to key stakeholders in the judiciary, the bar and mediation communities. In addition, discussions are underway with various NGOs in Brazil about FSRI’s involvement in assisting them to develop mediation programs and systems that deal with legal claims by large groups of Brazilians arising out of environmental calamities/disasters. These claimants have not been able to resolve their disputes because of the large case backlogs- over 102 million cases are pending in the courts.

Notable Events/Activities

Rwanda- during the recent visit of JAMS Fellow Bernadette Umicyeza of Rwanda to San Francisco, consultations and discussions have been undertaken about pilot mediation initiatives in her home country, with a possible delegation visit to Kigali later in 2017. There are many promising developments in Rwanda with respect to ADR and there is broad judicial support for a comprehensive program. It is anticipated that FSRI will continue to explore the implementation of mediation initiatives in the coming year in Rwanda.

ABA Panel- in coordination with Hiro Aragaki and Sheila Purcell of Hastings Law School, FSRI will be leading a panel on global developments in mediation and ADR at the Annual Meeting of the American Bar Association Dispute Resolution Section in San Francisco on April 23. Representatives from Croatia, Brazil, Singapore, Rwanda and the United States will participate, several of whom have collaborated with FSRI on ADR initiatives.

Global Pound Conference- As a sponsor of the Pound conference in San Francisco, FSRI participated in panels and discussions on February 24, 2017 addressing numerous subjects regarding the improvement of ADR and mediation procedures/processes for users of these services around the globe. This was part of a worldwide series of conferences in over 40 cities to bring together the best thinking of providers, users, lawyers, academics and judicial officers to determine new, innovative and more effective techniques to promote ADR successfully in resolving disputes in all aspects of family matters, employment disputes, commercial matters, property /environmental claims, and neighborhood/community issues. At this conference, Vic addressed strategies to overcome obstacles to the use of mediation and ADR.

JAMS Fellows Program 2016- At the invitation of the JAMS Fellows Program, FSRI made a presentation last Fall to the 2016 Fellows on “Best Practices” for building successful mediation programs. We also participated in the 2 day weekend retreat for the Fellows, at which time board members Hiro and Vic participated in skills building exercises, and networking with and coaching of the Fellows, who had gathered at this retreat from all parts of the world. Further opportunities to build mediation programs in host countries around the globe have resulted from these annual meetings and continue to provide excellent prospects.