

SCIA

深圳国际仲裁院

Shenzhen Court of International Arbitration

SCIAHK

華南(香港)國際仲裁院

SOUTH CHINA INTERNATIONAL ARBITRATION CENTER (HONG KONG)

**SCIA&SCIAHK Dual Qualification Advanced Training Program
in International Commercial Mediation**

双城两院双认证国际商事调解高阶培训课程

PROGRAM

20-24 March 2024

Day 1: March 20 Wednesday (Shenzhen)

- 09:00-09:10 Welcome Remarks
- **Dr. Liu Xiaochun**
- 09:10-09:20 Opening Remarks
- **Mark Feldman**
- 09:20-09:30 Introduction of Program
- **SCIA/SCIAHK representative**
- 09:30-10:30 Introduction of Participants
- **Mylene Chan**
- 10:30-10:45 Tea Break
- 10:45-11:15 Interactive Game
- **Mylene Chan**
- 11:15-13:00 Introduction to the Principles of Mediation: Foundational Knowledge to Guide Beginning Mediators

- **Bruce Edwards**

13:00-14:00 Lunch

14:00-15:30 Convening Techniques in Mediation: A Systematic Look at What Mediators Can Do to Prepare for Mediation

- **Bruce Edwards**

15:30-15:45 Tea Break

15:45- 17:15 Opening Techniques in Mediation: How to Create an Atmosphere of Safety and Hope in Mediation Process

- **Bruce Edwards**

17:15-17:30 Transition to Reception

17:30-18:30 Networking Reception at SCIA Tower

- **SCIA/SCIAHK representative**

Day 2: March 21 Thursday (Hong Kong)

- 10:00-12:00 Communication Techniques in Mediation: Effective Verbal and Non-verbal Communication Skills
- **Bruce Edwards**
- 12:00-13:00 Lunch
- 13:00-15:00 Negotiation Skills in Mediation: Also Known as “Exploring the Art of the Possible”
- **Bruce Edwards**
- 15:00-15:15 Tea Break
- 15:15-16:45 Dealing with Emotions and Fundamental Concerns in Key Conversations
- **Giuseppe de Palo**
- 16:45-17:00 Distribute Role-Play Exercise for Day 3
- **Mylene Chan**

Day 3: March 22 Friday (Shenzhen)

- 09:00-09:15 Interactive Game
● **Mylene Chan**
- 09:15-10:45 Bias in Mediation: Teaches Mediators How to Recognize and Acknowledge Impact of Bias in the Mediation Process
● **Bruce Edwards**
- 10:45-11:00 Tea Break
- 11:00-13:00 Overcoming Obstacles
● **Bruce Edwards**
- 13:00-14:00 Lunch
- 14:00-14:45 HKMAAL Assessment Exam: Structure of the Role Play Exercise
● **Josephine Ma**
- 14:45-15:00 Transition to Breakout Rooms
- 15:00-17:30 First Mediation Role-Play Exercise
Participants go off to breakout rooms, no instructors required
15 mins Preparation
105 mins Role Play
15 mins Draft Settlement Agreement
- 17:30-18:00 Tea Break
- 18:00-20:30 Brown Bag Dinner at SCIA Tower
18:00-18:30 Report Results
■ **Mylene Chan**
18:30-20:30 Lessons from 09/11 Mediations
■ **Kenneth Feinberg (through Zoom)**

Day 4: March 23 Saturday (Shenzhen)

- 09:00-09:30 Interactive Game
● **Mylene Chan**
- 09:30-10:15 Challenging Conversations Made Better (Part 1)
● **Mylene Chan**
- 10:15-12:15 Challenging Conversations Made Better (Part 2)
● **Giuseppe De Palo**
- 12:15-13:15 Lunch
- 13:15-15:15 Canton Fair Mediation
● **Weimin Xie**
- 15:15-15:30 Tea Break
- 15:30-16:15 Psychological Safety (Part 1)
● **Mylene Chan**
- 16:15-17:15 Psychological Safety (Part 2)
● **Giuseppe De Palo**
- 17:45-18:00 Distribute Role Play Exercise for Last Day
● **Mylene Chan**

Day 5: March 24 Sunday (Shenzhen)

- 09:00-10:00 YPPO: Latest Technology in Mediation
● **Giuseppe De Palo**
- 10:00-11:00 Cultural Diversity and Its Impact on Conflict and Communication (Part 1)
● **Mylene Chan**
- 11:00-11:15 Tea Break
- 11:15-12:45 Cultural Diversity and Its Impact on Conflict and Communication (Part 2)
● **Giuseppe De Palo**
- 12:45-13:45 Lunch
- 13:45-16:00 Second Role Play on Cultural Diversity
Participants go off to breakout rooms, no instructors required
120 mins Role Play
15 mins draft settlement agreement
- 16:00-16:15 Tea Break
- 16:15- 16:45 Report Results and Q&A
● **Giuseppe De Palo**
- 16:45-17:45 Participants' Takeaway
● **Mylene Chan**
- 17:45- 18:00 Farewell Party: Issuance of Certificate
● **Weimin Xie**
● **Giuseppe De Palo**
● **Mylene Chan**

End of 5-Day Intensive Mediation Training

Speakers' Profiles

20-24 March 2024

Mark Feldman



Mark Feldman is Interim Dean and Professor of Law at Peking University School of Transnational Law. He previously served as a member of the T20 Saudi Arabia Task Force on Trade, Investment and Growth, as a member of the E15 Initiative Task Force on Investment Policy (World Economic Forum/CTSD), and as Chief of NAFTA/CAFTA-DR Arbitration in the Office of the Legal Adviser at the U.S Department of State.

As Chief, he led the team that represents the United States in investment arbitration and provided legal counsel supporting the negotiation of U.S. bilateral investment treaties and investment chapters of free trade agreements (including TPP and U.S.-China BIT negotiations). His government experience also includes service as a law clerk to Judge Eric L. Clay on the U.S. Court of Appeals for the Sixth Circuit and as a Peace Corps volunteer in Lesotho during South Africa's transition to democracy. In the private sector, he practiced law for several years at Covington & Burling.

Bruce Edwards



Bruce Edwards was one of the pioneers in developing mediation as a tool for resolving commercial disputes. A professional mediator since 1986, Bruce has helped mediation gain widespread acceptance in the United States legal system as an alternative to often costly and time-consuming litigation.

A graduate of UC Hastings College of the Law in 1981, Bruce became a partner in the international San Francisco litigation firm then known as Sedgwick, Detert, Moran & Arnold, LLP. After being introduced to the power of mediation in 1985, it soon became the focus of his practice. Through mediation, he has brought the principles of psychology and therapeutic science to a world of traditional dispute resolution, judicial settlement conferences and trials.

Over the last 35 years, he has mediated over 8,000 disputes throughout the United States and elsewhere involving complex, multiparty lawsuits and specializing in matters of high emotion.

He played a central role in establishing the largest and most successful dispute resolution company in the country, JAMS. From 2011 until 2014, he served as its Chairman of the Board. Currently offers his mediation services through Signature Resolution in Northern California.

Bruce has consistently received recognition for his work as a mediator, most recently being accepted into the inaugural edition of Who's Who in ADR by ADR Times 2022; once again recognized as a Best Lawyers in the ADR category by Best Lawyers® 2022; and recognized as a thought leader in the U.S. by Who's Who Legal, 2023.

Mr. Edwards currently serves on the Board of Directors for the Weinstein International Foundation, a non-profit organization working in conjunction with Weinstein Jams International Fellows from over 75 countries dedicated to making mediation accessible worldwide. He also serves on the Advisory Council for Convergence Center for Policy Resolution, a non-profit committed to convening people and groups with divergent views on critical national issues.

Kenneth Feinberg



Kenneth R. Feinberg is one of the nation’s leading experts in mediation, alternative dispute resolution and the design and administration of claims compensation programs, having been appointed Mediator and Arbitrator in thousands of complex disputes over the past 40 years.

He has administered numerous high-profile compensation programs for the Federal Government, having served, most importantly, as the Department of Justice’s designated Special Master of the Federal September 11th Victim Compensation Fund of 2001. In this capacity, Mr. Feinberg developed and promulgated the Regulations governing the Fund’s administration and oversaw the evaluation of applications, determinations of appropriate compensation, and dissemination of awards totaling over \$7 billion in public taxpayer money.

Mr. Feinberg also served as Special Master – again appointed by the Department of Justice – in such highly public matters as the U.S. Victims of State-Sponsored Terrorism Fund and the Gulf Coast Claims Facility compensating victims of the BP Deepwater Horizon oil spill in the Gulf of Mexico.

The Secretary of the Treasury appointed Mr. Feinberg in 2009 to serve as Special Master of the Troubled Asset Relief (“TARP”) Executive Compensation Program in order to determine the compensation structures of certain employees of Corporate TARP recipients who had received exceptional financial assistance. In 2015, Mr. Feinberg was again appointed as Special Master by the Secretary of the Treasury to oversee the Department of the Treasury’s review of applications proposing to reduce pension benefits in connection with the Kline-Miller Multiemployer Pension Reform Act of 2014.

Mr. Feinberg is currently the Court-appointed Mediator in the Imerys/Cyprus talc bankruptcy in Delaware and was formerly the Court-appointed Mediator in the Hess-Honx asbestos bankruptcy in Texas. He previously served as the voluntary Mediator in the Georgia Pacific/Bestwall bankruptcy in North Carolina, was co-Mediator in the successful Owens Illinois/Paddock asbestos bankruptcy proceeding in North Carolina and is currently the Court-ordered Estimation Expert in the Johnson & Johnson/LTL Management bankruptcy in New Jersey.

Mr. Feinberg served as the Court-appointed Mediator in the successful resolution of the Purdue and Mallinckrodt opioid bankruptcies in the Southern District of New York and Delaware.

He previously served as the Court-appointed Settlement Master in the Fiat/Chrysler Diesel Emissions class action settlement in San Francisco and is currently the Court-appointed Special Settlement Master in the national federal multi-district mass tort Roundup litigation.

Mr. Feinberg served in a pro bono capacity as Administrator of the One Orlando Fund, designing and implementing a claims program for the distribution of \$30 million in corporate and private donations to the terrorism victims of the Pulse Nightclub shooting in Orlando.

Mr. Feinberg served in a pro bono capacity as Fund Administrator for the One Fund Boston Victim Relief Fund arising out of the Boston Marathon bombings; Advisor to the Newtown-Sandy Hook Victim Compensation Fund; Administrator of the Aurora Victim Relief Fund following the Colorado movie theater shootings; and Administrator of the Hokie Spirit Memorial Fund following the shootings at Virginia Tech University.

Mr. Feinberg designed, implemented and administered Alternative Dispute Resolution Programs for Liberty Mutual Insurance Company and Zurich Insurance Company for resolving insurance claims arising from Hurricanes Katrina, Gustav, Ike and other hurricanes in the Gulf region.

Mr. Feinberg was appointed by the Federal Court in June of 2007 as the Distribution Agent of In Re: United States Securities and Exchange Commission v. American International Group, Inc., responsible for the design and implementation of a Plan for the distribution of an \$800 million Fund to individual eligible claimants. He has also served as Court Appointed Fund Administrator in other prominent settlements including: In Re: United States of America v. Computer Associates International, Inc. (responsible for the design and implementation of a restitution fund of \$275 million); In Re: International Air Transportation Surcharge Antitrust Litigation (responsible for the design and administration of a \$200 million fund in both the United States and England); In Re: Zyprexa Product Liability Litigation (a \$700 million settlement fund); and In Re: Latino Officers Association City of New York v The City of New York (a \$17 million settlement fund).

Kenneth Cloke



Kenneth Cloke is Director of the Center for Dispute Resolution and a mediator, arbitrator, facilitator, coach, consultant, and trainer, specializing in communication, negotiation, and resolving complex multi-party disputes, including marital, divorce, family, community, grievance and workplace disputes, collective bargaining negotiations, organizational and school conflicts, sexual harassment, discrimination, and public policy disputes; and designing preventative conflict resolution systems. His facilitation, coaching, consulting, and training practice includes work with leaders of public, private, and non-profit organizations on effective communications, dialogue, collaborative negotiation, relationship and team building, conflict resolution, leadership development, strategic planning, designing systems, culture and organizational change.

He is an internationally recognized speaker and author of *Mediation: Revenge and the Magic of Forgiveness*; *Mediating Dangerously: The Frontiers of Conflict Resolution*; *The Crossroads of Conflict: A Journey into the Heart of Dispute Resolution*; *Conflict Revolution* (1s and-2nd Editions); and *The Dance of Opposites: Explorations in Mediation, Dialogue and Conflict Resolution Systems Design*; *Politics, Dialogue and the Evolution of Democracy*; *Words of Wisdom*; *Ordinary Ecstasy: A Meditation Home Companion*; *Mediation in a Time of Crisis*. and *The Magic in Mediation*. He is co-author with Joan Goldsmith of *Thank God It's Monday! 14 Values We Need to Humanize the Way We Work*; *Resolving Personal and Organizational Conflict*; *The End of Management and the Rise of Organizational Democracy*; *The Art of Waking People Up: Cultivating Awareness and Authenticity at Work*; *Resolving Conflicts At Work: Ten Strategies For Everyone On The Job* (1st-3rd Editions); and *Resolving Organizational Conflicts: A Course in Mediation and Systems Design*.

He served as an Administrative Law Judge for the California Agricultural Labor Relations Board and the Public Employment Relations Board, a Factfinder for the Public Employment Relations Board, and a Judge Pro Tem for the Superior Court of Los Angeles. He has been an Arbitrator and Mediator for over forty years in labor management disputes and is a member of a number of arbitration panels. He received his B.A. from the University of California, Berkeley; J.D. from U.C. Berkeley's Boalt Law School; Ph.D. from U.C.L.A.; LLM from U.C.L.A. Law School; and did post-doctoral work at Yale University School of Law. He is a graduate of the National Judicial College and has taken graduate level courses in a variety of subjects.

Giuseppe De Palo



Giuseppe De Palo, Esq., founder and President of the Dialogue Through Conflict Foundation, has been a full-time practitioner, professor, and advocate of ADR for almost three decades. He is a mediator, arbitrator, and neutral evaluator at JAMS (New York).

Co-founder of ADR Center, one of the largest private mediation services providers in Europe, Giuseppe has contributed to the resolution of over 2,500 disputes, mediating cases in more than 60 countries. He has also provided expert advice to national and supranational parliaments and was a personal advisor on dispute resolution policies to governments in several countries.

He is a Professor of Alternative Dispute Resolution Law and Practice at Mitchell Hamline School of Law (USA) and has authored and edited publications translated into over twenty languages.

Between 2015 and 2022, Giuseppe served as the Ombudsman for the United Nations Funds and Programs (UNDP, UNFPA, UNICEF, UNOPS, and UN-Women) Office. During his mandate, he led five UN agencies to sign a formal pledge committing to mediation of their workplace disputes.

Xie Weimin



Xie Weimin, General Counsel of Shenzhen Court of International Arbitration (SCIA); Master of Laws from Wuhan University; Panel Arbitrator of SCIA, Shanghai International Economic and Trade Arbitration Commission and KCAB; Arbitrator and mediator of the Asian International Arbitration Center (AIAC); Member of the Chartered Institute of Arbitrators.

Organized and participated in the 44-hour commercial mediation training course of the Guangdong-Hong Kong-Macao Commercial Mediation Alliance, which is the first batch of commercial mediation professional training with cross-border qualifications and mutual recognition; carried out many professional mediation lectures and trainings; Ten years (from 2007 to 2016) on-site mediation of hundreds of disputes over contracts on international sales of goods in the China Import and Export Fair (Canton Fair); mediation of more than 100 other domestic and foreign commercial disputes as a mediator, successfully settled more than 70% of the cases; participating in the mediation of a Case amounting to RMB 13.4 billion and settled successfully.

Mylene Chan



Mylene Chan is a Visiting Faculty Member of the Peking University School of Transnational Law. Previously she was a Founders' Fellow at Mediators Beyond Borders International and a fellow as well as an appointed delegate for the international institute of Conflict of Prevention and Resolution to the United Nations Commission on International Law's annual meetings and colloquiums.

She has mediated in a variety of conflicts of all scales, from small-scale disputes to mid and large-scale conflicts, including commercial, social, economic, political, and environmental disputes. She has worked as a transactional lawyer for nearly two decades in Washington D.C., Beijing, Shanghai, and Hong Kong SAR in Freshfields, Lovells, Simmons and Simmons, and in a legal consultancy capacity for Hong Kong SAR and U.K. listed companies.

She has written widely on ADR topics individually and as a contributor with professors at the Harvard Program on Negotiation. Ms. Chan is a CEDR-accredited mediator and an accredited mediator of the HKMAAL. She is a graduate of the Juilliard School of Music, Yale University (B.S.in Economics and Philosophy), and George Washington University Law School (J.D.).

Josephine Ma



Josephine Ma has been a Master of District Court in Hong Kong SAR, specializing in presiding over Case Settlement Conferences to facilitate the resolution of civil litigation within the Judiciary. Josephine also serves as the Vice Chairperson at the Hong Kong Mediation Council, a wholly-owned subsidiary of the Hong Kong International Arbitration Centre, and she collaborates with the Hong Kong Department of Justice and various non-profit entities to promote mediation.

As a trained psychologist and solicitor, Josephine has mediated hundreds of cases with a near-perfect success rate in over 20 years. Josephine has also trained over 1,000 professionals in Hong Kong SAR, Macau SAR, and Chinese Mainland in various styles of mediation with a focus on psychology.

Furthermore, Josephine has served as an assessor at the Hong Kong Mediation Accreditation Association Limited for over 14 years.