
Kluwer Mediation Blog

February Dispatches from a Canadian Mediator

Rick Weiler (Weiler ADR Inc.) · Friday, February 22nd, 2013

Mediator is New Premier in Ontario

Following [my rant last month](#) about the need for more mediators in public policy-making, the Liberal Party of Ontario has chosen a former mediator, Kathleen Wynne, as their new leader and, consequently, as the first woman Premier of Ontario. I had no idea this Blog had so much influence. See the full story [here](#).

Unsurprisingly Premier Wynne began her tenure with a “conciliatory” Throne Speech (that’s the way we get the government rolling here in Ontario) appealing for “common ground” with opposition parties and others embroiled in disputes with her government.

Stay tuned to see how that works out.

P.S. – It seems that Premier Wynne is following in President Obama’s footsteps as she had to be sworn in twice due to a slip-up the first time. See the full story [here](#).

Nortel Mediation Fails to Find Settlement

Readers of this Blog will know I’ve been following the mediation involving creditors of Nortel Networks that was being conducted by Ontario Chief Justice Warren Winkler. That mediation ended January 24th with mediator Winkler announcing that further discussions would not be worthwhile. You can see the full story [here](#).

It is, of course, a shame that the public (and curious mediators) will never know what went on in this mediation. How was the process organized? Who attended and with what authority? What were the sticking points and what did the mediator do to try to overcome impasse? What precisely led to the mediator’s pronouncement that there was no point in further talks? What was the BATNA assessment of the intransigent parties?

Perhaps as Justice Winkler reads this blog he might consider posting a comment sharing whatever he thinks appropriate.

A perhaps [related story in the media](#) emerged the next day detailing how Nortel has been charged \$755 million in professional fees worldwide since it went into insolvency. This disclosure led some to wonder who was really motivated to find a speedy inexpensive solution to the disputes in mediation and what might be done to incent the appropriate parties to find those solutions.

Canadian Mediator Languishes in Mexican Jail

Cyndy Vanier, a Canadian mediator, has been languishing in a Mexican jail for more than a year awaiting trial on charges that she masterminded a plot — with three co-accused — to try to smuggle members of Libya's Gadhafi family to a life in hiding.

Full disclosure: I worked with Cyndy Vanier 20 years ago as we were both making our start in mediation.

The latest development in this story can be seen [here](#). This story has been closely followed in the Canadian media over the months in part because of [Cyndy's link](#) with Canadian engineering giant SNC-Lavalin, a company that has been experiencing problems of its own. See [here](#).

All of the facts in this matter may never be known and it will certainly be some time before all of the judicial proceedings in various jurisdictions grind to their conclusion. In the meantime there may be some cautionary lessons for mediators to draw from those parts of the story that are on the public record.

For those interested in seeing more detail on this story there has been excellent coverage by Timothy Wilson at his [blog](#).

Well, that's it for this month. As always, your comments are welcome.

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