

# The Winner of the Kluwer Mediation Blog's Summer Quiz is...

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Many thanks to everyone who took part in the Kluwer Mediation Blog's inaugural summer quiz. We are delighted to announce that the winner is Dr Despina Chatzimanoli, an accredited mediator and Legal Expert at the European Banking Authority in London. Congratulations Despina.

The coveted prize is a copy of the very recently published *Essays on Mediation*, a collection of essays on the diverse applications and contexts of mediation. As Ian Macduff, the editor, notes in the introduction "The essays in this book are, as readers will see, not focussed in any one field of mediation but rather traverse the rich experience that has been developed in these past four decades." Macduff adds "As the authors report on or think aloud about the array of experience here, these "war stories" are not only reports on practice, but also reflections on the very powerful resources that mediation and mediators can bring to the table."

Many thanks again to our bloggers Sabine Walsh, John Sturrock, Constantin-Adi Gavrilă and Martin Svatos for their questions, **the answers to which appear in bold below**. If you had any trouble with the questions on EU legislation you'll be pleased to know that *The EU Mediation Handbook*, edited by Nadja Alexander, Sabine Walsh and Martin Svatos will be published in early 2017. As described by the editors "The EU Mediation Handbook contains an overview of the regulatory framework for mediation in every EU Member State (even the UK ones) and also assesses the regulatory robustness of each of these frameworks. This information will be vital for mediators, legal practitioners and parties engaging in cross-border mediation in different jurisdictions and wanting to understand the regulatory framework, and its robustness, before engaging in such a mediation or when seeking to enforce agreements to mediate or mediated agreements in different jurisdictions. With the aid of handy tables, readers will be able to access the regulation relating to different aspects of mediation quickly and efficiently in relation to each of the member states involved and see how the regulation compares with that in other jurisdictions."

And now for the answers ...

## **On institutions and associations**

1. Which of the following ADR institutions provides a simultaneous med-arb procedure where the arbitration and mediation procedures are conducted simultaneously in two separate rooms?

- A. ICC (International Chamber of Commerce)
- B. VIAC (Vienna International Arbitral Centre)
- C. CMAP (Chambre de commerce et d'industrie de Paris)**
- D. HKIAC (Hong Kong International Arbitration Centre)

2. Which of the following football associations has recently introduced mediation as a dispute resolution tool?

- A. Football Association of Czech Republic**
- B. Polish Football Association
- C. Brazilian Football Confederation
- D. Japan Football Association

## **On legislation**

3. To whom do the confidentiality provisions in the EU Directive on mediation in civil and commercial matters attach?

- A. Everyone taking part in the mediation
- B. The mediator and the parties
- C. The mediator (and those administering the mediation)**
- D. The parties

4. Which country in the EU is due to introduce a new regulation on mediator certification shortly?

- A. Latvia
- B. England
- C. Germany**
- D. Italy

5. Which country in the EU requires mediators to swear an oath of office?

- A. Estonia
- B. Malta**
- C. Cyprus
- D. Greece

6. Who can act as a mediator in a civil dispute in Cyprus?

- A. Only lawyer mediators**
- B. Only non-lawyer mediators
- C. Anyone
- D. Only court-based mediators.

7. In which of the following countries did the Constitutional Courts hold that legislation mandating attendance at a mediation information session prevented the parties from exercising their right of access to the judicial system?

- A. Scotland
- B. Romania**
- C. Spain
- D. Greece

## **On conventions**

8. Which country proposed in 2014 that UNCITRAL Working Group II (Arbitration and Conciliation) develop a multilateral convention on the enforceability of international commercial settlement agreements reached through conciliation?

- A. New Zealand
- B. Singapore
- C. USA**
- D. Germany

## **On inspiration**

9. With which state in the USA was Scotland's mediation awareness closely associated in the early-mid 2000s? And who was the leading judicial figure from that state who helped to inspire the Scots?

- A. California; Chief Justice Ronald George
- B. Maryland; Chief Judge Robert Bell**
- C. New York; Chief Judge Judith Kaye
- D. Washington; Chief Judge Mary Kay Becker

## **On Brexit**

10. If Brexit results in all the countries in the United Kingdom leaving the EU, which country will be the only common law jurisdiction in the EU after Brexit?

- A. Malta
- B. Cyprus
- C. Ireland**
- D. Scotland

## **And on deliberation**

11. Who wrote the following?

"...the mounting global hubbub surrounding mediation, and highly varied perceptions regarding the nature and value of mediation, underscore the need for thoughtful conversation and deliberate reflection on present trends and tendencies. The failure to periodically step back and take stock of where we are and where we are going increases the likelihood of behavioural "drift" - that is, action that becomes increasingly reflexive as opposed to deliberate."

- A. Professor Stacie Strong
- B. Professor Nadja Alexander
- C. Professor Thomas Stipanowich**
- D. Professor Jacqueline Nolan-Haley