



2021 Virtual Symposiums

Mediation 2021: Where Do We Go from Here?



November 15, 2021
Asia - Pacific

Program

Please note start times are 1 pm (Hong Kong/Singapore) / 3 pm (Brisbane) / 4pm (Sydney) / 6 pm (New Zealand). To convert the times for your time zone, [click here](#).

Master of Ceremonies: Nina Khouri

1:00 PM Introductory Remarks – Michel Kallipetis, Nina Khouri and Doug Murphy

1:10 PM Session 1: Climate Change and Other Common Themes: Rural Debt Mediation in the Pacific
Facilitator: Douglas Murphy QC; Speakers: Mark Kelly (New Zealand), Lee Nevison (Australia) and George Fox (Australia).

2:10 PM Session 2: Mediation is Changing: Techniques and Considerations for Online and Hybrid Mediation Processes

Facilitators: Jody Sin and Tat Lim; Speakers: Danny McFadden (Hong Kong, SAR), Mary Walker (Australia) and Jawad Sarwana (Pakistan)

3:10 PM Session 3: Mediation is Changing: How Can Mediation Advocates Enhance Their Skills to Add Value for Their Clients?

Facilitators: Jody Sin and Tat Lim; Speakers: Vod Chan (Hong Kong, SAR), Gary Gao (China) and Geoff Sharp (New Zealand)

4:00 PM Thank You and Conclusion

IAM Symposium Asia-Pacific Speakers

Master of Ceremonies



Nina Khouri

Nina Khouri is a New Zealand mediator who has practised and/or taught mediation in New York, London, Canada and Australia. She is now based in New Zealand where she mediates with local and international parties. She holds law degrees from the University of Auckland (Bachelor of Laws with Honours, 2004) and New York University (Master of Laws, Fulbright and Vanderbilt Scholar, 2005/2006), and completed her first accreditation as a mediator with the Centre for Effective Dispute Resolution in the United Kingdom in 2006. She is an Academic Fellow at the University of Auckland Faculty of Law, where she has taught dispute resolution theory and practice for over ten years and regularly publishes and presents at conference on these topics. For example, she is the regular reporter on legal developments in mediation practice for the New Zealand law Review. Nina's academic role has also seen her coach and mentor the University of Auckland's team to its successes in the ICC International

Commercial Mediation Competition and its Asia-Pacific regional equivalent. She is a Distinguished Fellow of the International Academy of Mediators.

Nina has particular expertise in the following areas: construction (including large-scale infrastructure projects), professional negligence/breach of fiduciary duty, insurance (including natural disaster insurance, income protection insurance and liability insurance), product liability, claims against public authorities, general commercial (including retail and real estate), partnership and company disputes, general contract, tort, trust and estate disputes. In 2020 Who's Who Legal reported: Nina Khouri is hailed as "an excellent mediator" by impressed sources. They applaud her top-tier handling of an array of disputes, from liability claims to construction matters. They add that she has "a brilliant academic mind" and "is a pleasure to work with". She is currently assisting the New Zealand Government to settle a group of 3,000 tort claims arising from the 2010/2011 Christchurch earthquakes. More information is available at www.ninakhouri.co.nz.

Session 1



Douglas Murphy QC

Douglas Murphy QC has practised from Brisbane, Australia, as a barrister for nearly thirty-eight years, in more recent times, in the fields of commercial, property, trusts, wills and estates law. He was appointed Queens Counsel in 2006.

He has also been mediating since the mid 1990's. He was accredited under the *National Mediator Accreditation System* (NMAS) in 2008 and has been re-accredited ever since. He is also accredited under the *Farm Business Debt Mediation Act 2017* (Qld).

He initially trained at Bond University's ADR Centre on Queensland's Gold Coast but he has also undertaken two separate courses at Pepperdine University and further expert training at the American Institute of Mediation, in California. Douglas has continuously increased his practice as a mediator and enhanced his reputation as an expert in the mediation field having been recognized as such in Who's Who Legal.

Douglas served as an elected member of the Queensland Bar Council for 18 years and within that time served as its Honorary Secretary for four years and its Honorary Treasurer for another four. He has been an enthusiastic member of the Queensland Bar's ADR Committee for many years and he has been instrumental in the promotion of professional development by engaging world-renowned speakers from home and abroad for mediators' conferences. He was elected an Honorary Life Member of the Bar Association in November 2019.

Doug was inducted as a Distinguished Fellow of the International Academy of Mediators (aimed.org) in Toronto in 2013 and earlier this year he became the first Australian to be elected to the IAM Board of Governors. He has also been a member and director of the Mediator Standards Board that governs the Australian national accreditation standards system (NMAS) since 2015.



Mark Kelly

Barrister and Commercial Mediator, Bankside Chambers, Auckland, NZ

Mark is one of New Zealand's leading commercial mediators. He has over 27 years of experience in dispute resolution. Since 2005, he has been a barrister, practising now from Bankside Chambers, Auckland. Mark is the current President, and a Fellow, of the Arbitrators' and Mediators' Institute of New Zealand. He is a Distinguished Fellow of the IAM, and an appointee on the World Intellectual Property Organisation Center's List of Mediators. Mark has extensive experience successfully mediating disputes involving: general commercial issues, construction, insurance, intellectual property, trusts and estates, rural and farm debt, earthquake, weathertightness and international issues. Mark won the Mediator of the Year Award at the 2019 New Zealand Law Awards.



Lee Nevison

Lee's practice has evolved as the mediator of choice for many practitioners. He is a Nationally Accredited Mediator. Dispute resolution prospects are enhanced by Lee's approachable manner and his highly regarded professional mastery and delivery of skills as a pragmatic, competent and impartial mediator. Lee mediates succession and commercial disputes, and is briefed to advise and represent clients in contested matters.



George Fox

George became a Queensland Law Society Approved Mediator in 1991 and later accredited under the *National Mediator Accreditation System* and the *Farm Business Debt Mediation Act*.

He is a former President of the Queensland Law Society, council member of the Law Council of Australia, and currently Deputy Chancellor of the University of Southern Queensland.

His practice in mediation is recognised by his inclusion in Who's Who Legal.

His past positions held, and experience include:

- ADR Consultant to the High Court of the Solomon Islands
- ADR Consultant to the National Court of PNG
- ADR consultant (part time) to World Bank (IFC)
- Training community leaders and tribal chiefs in Dispute Resolution (Solomon Islands)
- Training lawyers' public servants and Judiciary in Dispute Resolution (Western Samoa)
- Chair, Queensland Law Society ADR committee
- Member, working party on development of mediation rules for PNG National Court
- Lecturing in ADR at University of Queensland and University of Southern Queensland

Session Two



Jody Sin

Jody was a dispute resolution lawyer for almost 20 years before she started a full-time mediation practice in October 2011. Her mediation expertise spans a broad spectrum of commercial fields, including employment, discrimination and workplace issues, shareholders and partnership disputes, professional indemnity claims, defamation, and probate disputes.

Jody received her mediation accreditation from distinguished local and international institutions, including the Hong Kong International Arbitration Centre, Hong Kong Mediation Accreditation Association Limited and International Mediation Institute (IMI). She is also a member of the global mediation panel of the Office of the Ombudsman for the United Nations Funds and Programmes and a Certified Workplace Mediator of Mediation Training Institute (MTI). In addition, Jody is a Distinguished Fellow of the International Academy of Mediators and a Weinstein JAMS international fellow. She has been a CINERGY certified conflict management coach since 2015 and provides conflict coaching services to parties who encounter workplace issues and disputes.

As regards ADR teaching and mentoring, Jody is an adjunct professor of the University of Hong Kong School of Professional and Continuing Education (HKU SPACE) and has been teaching accredited mediation courses and other negotiation training programs. She is conscientious about educating the younger generations on conflict resolution and teaches mediation and conflict resolution courses in the Faculty of Law at the University of Hong Kong and the Chinese University of Hong Kong. In addition, Jody is a Certified Trainer in Workplace Conflict Resolution of MTI and has been teaching training courses on workplace conflicts resolution and prevention.

Jody has contributed her time and energy to the community by promulgating the attributes and benefits of mediating one's differences with others. She is currently the Secretary of the Board of Governors of the International Academy of Mediators and a member of the Steering Committee on Mediation of the Department of Justice under the Secretary For Justice, Hong Kong. She also sits in the Mediation Committee and the Mediator Admissions Committee of the Law Society of Hong Kong.



Tat Lim

Tat was called to the Singapore Bar in 1989. He has over three decades of extensive experience in dispute resolution and has appeared as lead counsel in all levels of the Singapore courts and in international arbitrations and mediation.

He is an IMI-certified mediation advocate and an IMI-certified mediator and has extensive experience acting as mediation counsel and mediating involving cross border oil and gas, construction, commercial and social and environmental disputes.

He is a Fellow of the Chartered Institute of Arbitrators, a Distinguished Fellow of the International Academy of Mediators and a Weinstein JAMS International Fellow. He is on the international panels of many distinguished arbitration and mediation institutions, including the Singapore Mediation Centre, Singapore International

Mediation Centre, AAA-ICDR and the Global Mediation Panel of the Office of the Ombudsman for the United Nations Funds and Programmes.

He has been ranked for his dispute resolution practice in *The Legal500* and received recognition by *Who'sWhoLegal:Mediation (WWL)* since 2016.



Danny McFadden LLM, FCIArb

**Regional Representative CEDR Asia Pacific
World Bank Group Regional Mediator and Trainer Asia**

Danny has worked for CEDR since 2004 both in London and Hong Kong. Dually qualified as a lawyer both in Australia and the UK. Involved in negotiation, conflict resolution training, mediation and international business for over 20 years.

Danny speaks Mandarin Chinese fluently and mediates regularly in Hong Kong, China and overseas using both English and Mandarin. Based Hong Kong he mediates commercial, family, employment, construction, succession and trusts, banking, insurance, and property sectors. An expert trainer in conflict management, negotiation, unconscious bias and mediation to organisations such as the UN, EU, ADB, IHG, IFC, IMF, World Bank and MTR

Danny has been published widely in the ADR field. Inter alia: Co-Editor “Mediation in Singapore”, 3rd Edition published in 2021. Co-Editor, “China’s International Business Transactions and Laws”, Kluwer Law. 2018. Author: “Mediation in Greater China: The new frontier for commercial mediation, Wolters Kluwer/ CCH Hong Kong, 2013. Author of “Foreword to Hong Kong Mediation Ordinance: Commentary and Annotations. Sweet & Maxwell Asia, 2013.

IMI and CEDR Certified mediator. Since 2010 Regional Mediator Asia Pacific for the World Bank Group. In 2009 Director of Mediation at the United Nations in New York. Lecturer and Adjunct Professor Singapore Management University (SMU). Currently teaches dispute resolution at Kobe University Japan and the International Peace and Dialogue Institute in Switzerland.



Mary Walker OAM

BA Hons LLB (Syd Uni)

Mary Walker has been at the forefront of ADR in Australia for the last 30 years. During this period, as a member of an independent Bar, Mary has arbitrated, mediated, negotiated, facilitated multi-party, environmental and community disputes, designed dispute resolution systems and provided expert appraisal and ombudsman services in respect to thousands of disputes referred by solicitors, industry and government bodies and corporations both domestic and international. Mary has mediated over 4,000 matters. She is a member of many mediation and arbitration panels including the Supreme Court of NSW and the Singapore International Mediation Centre Panel and mediates for the Supreme Court of The Australian Capital Territory. Mary has also lectured and published extensively in ADR and mediation for example, she wrote the original Chapter in the Laws of Australia on Expert Determination and the ADR Chapter in the Bar Association of NSW, Centenary Essays, No Mere Mouthpiece. She

was sponsored by Harvard University to teach mediation with Professor Frank Sander in 1995. Appointed a Distinguished Practitioner in Residence at Bond University in 2007, a lecturer in Commercial Mediation in the Masters of Law Degree at the University of Sydney (2009), in Mass Torts and Dispute System Design at Stanford University in the United States (2012) and lectured in dispute resolution as a member of the Law Faculty of the University of Technology (2014-2015) and previously in arbitration with Professor Jennifer David in the mid-1990's. She has been a guest lecturer in ADR at many universities for example, and was a guest lecturer in the Mediation of Multi-party, Complex and Cross Border Disputes at Tilburg University in The Netherlands (2017). Mary was appointed Chair of the College of Law Dispute Resolution Academic Advisory Committee (2016). Mary was invited by The Hague Institute for Global Justice to join an expert meeting on resolving complex disputes, cross border disputes and the case management of mass disputes (2012) and is currently Chair of the NSW Bar Association ADR Committee (2018-2021) and previously Chair of the NSW Bar Association Arbitration and ADR Committee (1996-1999). Mary was inducted into the Australian *ADR Awards Hall of Fame* as its Inaugural member in 2019 (once inducted into the Australian ADR Awards Hall of Fame, you are no longer eligible to be nominated for future ADR Awards, see [here](#)). Mary has been recognized in the Best Lawyers List 2022. Mary is an NBN Panel Arbitrator approved by the Australian Competition & Consumer Commission (ACCC) (2016-2023). Mary is a Fellow of the Australian Dispute Resolution Association (ADRA), awarded for **“Outstanding Contribution to Australian Dispute Resolution”** in 2017. Mary was Co-President of ADRA with Professor Laurence Boulle (2018-2019), Co-Vice Chair of the International Bar Association (IBA) Mediation Committee (2018), Senior Vice Chair of the IBA Mediation Committee (2019) and Co-Chair of the IBA Mediation Committee (2020-2021). Mary is a member of the IBA and Vienna International Arbitral Centre (VIAC) Consensual Dispute Resolution Competition (CDRC) Organising Committee (2020). Mary is also a member of the ICC Commission on Arbitration and ADR *Task Force on ADR and Arbitration* (2020- 2021). Mary was awarded a **Medal of the Order of Australia (OAM) For Service to the Law** in 2021.



Jawad Sarwana

Jawad is a practicing CEDR accredited commercial and investor-state mediator, an advocate of the Supreme Court of Pakistan and a partner at Abraham and Sarwana. He sits on CEDR's Global Panel of Mediators and CEDR faculty; certifies mediation training programs at IMI; and is Director Training, Pakistan Mediators Association. He co-chaired the IBA Mediation Committee (2016-17) and the Mediation Technique Sub-Committee (2018-19). He has authored the chapter “Making the First Offer” published in the *“IBA Mediation Technique Handbook”*; and collaborated on the ICC publication *“Mediation Practice: 8 Cultures, 16*

Cases, 128 Creative Solutions” edited by Greg Bond; and ABA's publication, *“Stories Mediators Tell: The World Edition.”* In 2014-2015, Jawad co-founded the IBA-VIAC CDRC Mediation and Negotiation Competition, Vienna, Austria and in its inaugural year, co-authored the competition's confidentials, including transforming the VIS Arbitration Moot Problem into a mediation case.

Session Three



Vod K. S. Chan

Barrister-at-Law, Accredited Mediator and Arbitrator

Vod is a practicing barrister with Chambers of Ronny Wong, S.C., an accredited general and family mediator of HK International Arbitration Ctr (HKIAC), HK Institute of Arbitrators and HK Mediation Accreditation Association Ltd, and a listed arbitrator of HKIAC, Financial Dispute Resolution Ctr and eBRAM International Online Dispute Resolution Ctr. Having taught mediation advocacy since 2012, Vod has also mediated a wide array of disputes, and delivered mediation training and talks to a broad spectrum of audience, as well as acting as an advocate in disputes. In 2018, he coached a team of CityU law students which was crowned the champion at the International Chamber of Commerce International Mediation Competition in HK, and he then led the team to compete in the same in Paris in 2019 with recognition of a Distinction performance. Vod is also a past Chairperson of HK Mediation Council of HKIAC, and he now serves on the Steering Committee on Mediation set up by HK's Secretary for Justice, and HK Trade Development Council's Professional Services Advisory Committee and Joint Mediation Helpline Office, respectively. From 2021 to 2022, Vod has been appointed as Deputy Registrar in District Court for Case Settlement Conference, where he facilitates parties to reach settlement in court room.



GAO Jun (Gary GAO)

Partner Zhong Lun Law Firm

Mr. GAO Jun (Gary GAO) is the Partner and the Head of Compliance & Regulatory Department of Zhong Lun Law Firm. He has got LLM in UK and his working languages are English and Chinese. Gary has practiced law for 25 years, which makes him an experienced lawyer.

Gary was consecutively recommended as the Leading Individual in Compliance & Regulatory by The Legal 500 Asia Pacific 2021 and The Legal 500 Asia Pacific 2020 and in Corporate Investigation/Anti-bribery by Chambers Asia-Pacific 2021, Chambers Asia-Pacific 2020, Chambers Asia-Pacific 2019 and Chambers Asia-Pacific 2018. Besides, Mr. Gary GAO was honored as the 2022 Distinguished Practitioner in Regulatory by Asialaw Profiles, the "Litigation Asia-Pacific 2021 Litigation Star" by Benchmark, the "Litigation China 2021 Litigation Star" by Benchmark, the "Litigation Asia-Pacific 2020 Lawyer" by Benchmark, "2020 Band 1 Lawyer of Compliance & Government Affairs", "2019 Band 1 Lawyer of Compliance" and "2019 China Top 10 Lawyers – Government Affairs" by LegalBand, "The A-List China's Elit 100 Lawyer 2019" by CHINA BUSINESS LAW JOURNAL, the 2017 "Regulatory & Compliance Lawyer of the Year" by China Law & Practice, the 2016 "Client Choice Top 20 Lawyer" by ALB and the "Asia's Leading Lawyers for Business of Dispute Resolution" recommended by Chambers Asia-Pacific 2013.

Gary is an experienced and skilled litigator capable of handling complex, cross-border litigation as well as sophisticated commercial disputes. He has rich experience in the foreign arbitration, litigation, mediation and negotiation, familiar with the strategic planning of dispute resolution in multiple jurisdictions, the application of the law (especially those relating to the application of the common law), the collection, screening and rules of proof of cross-border evidence. In particular, Furthermore, Gary also issues legal advice on Chinese substantive and procedural law to foreign clients or cooperative teams of foreign lawyers.

Besides, having more than two decades of work experience in compliance and international dispute resolution provides Gary with an intimate understanding of the whole operation of enterprises, a keen understanding of the international business skills and traps in the negotiations and a rich experience for dealing with company compliance. He has assisted a numerous multinational enterprises, institutions and large domestic enterprises in different industries to deal with compliance issues, including handling the governmental investigations, defending the clients in criminal proceedings, conducting internal compliance investigation regarding the management staff, criminal procedure and dealing with the employment termination therefore as well as providing compliance training services to their management, employees and business partners etc.



Geoff Sharp

Described by *Who's Who Legal* as “a mediation megastar” Geoff has mediation chambers in Wellington, Singapore, and London.

Known as a mediator who can connect with parties in conflict, he has been engaged by many of the world’s leading law firms as well the governments of Singapore, India, Pakistan, United Kingdom and New Zealand.

Geoff is appointed to the International Advisory Board of the Office of the Ombudsman for United Nations Funds and Programmes where he joins a small group of global mediators and academics having oversight of the UN’s Global Mediation Panel. He is also a member of Singapore Mediation Centre’s International Panel of Mediators and appointed a SIMC Ambassador and was appointed an inaugural panel member of Japan's International Mediation Center located in Kyoto and which works closely with the Mainland-Hong Kong Joint Mediation Center on China's 'Belt and Road' initiative.

Prior to committing to a full-time mediation practice, Geoff was a litigation partner at Bell Gully, one of New Zealand’s largest national commercial law firms and before that his early career was at King & Wood *Mallesons*.

He is admitted to the Bar in New Zealand and Victoria and the High Court of Australia.