

# The Role of Med-Arb in Dispute Resolution

by

Mr. Danny McFadden, LL.M., FCI Arb,  
Arbitrator, Lawyer, Mediator, Trainer,  
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CEDR Asia Pacific, Hong Kong



Danny has been a CEDR Director since 2004 and is dually qualified as a lawyer both in Australia and the UK. He has been involved in negotiation, conflict resolution training, mediation and international business for over 20 years. After completing his Masters in Commercial Law he specialised in dispute resolution and international trade. Now based in Hong Kong, and as a CEDR Accredited Mediator, Danny mediates regularly in the commercial, international trade, property and workplace mediation sectors with a particular expertise in cross-cultural/multinational disputes.

Danny is a fluent speaker of both Mandarin Chinese and Indonesian. Before entering the legal profession he worked throughout Asia and has managed a number of businesses providing commercial services to international clients. The experience of running his own businesses in Australia and Asia means Danny fully appreciates the underpinnings of the business environment. He has worked with people of all nationalities and has a clear understanding of the dynamics of mediating and arbitrating across national boundaries.

He has worked to develop CEDR's capacity to offer cross-cultural mediation and his efforts have resulted in CEDR establishing an international mediation service in Beijing with the China Council for the Promotion of International Trade (CCPIT) Mediation Centre, which is the largest in Asia, and providing consultancy to the legislatures of Hong Kong and Vietnam.

In recent years Danny has delivered conflict resolution training courses in Azerbaijan, Cameroon, China, Guyana, Vietnam, the UK and Kazakhstan and is a member of CEDR's training faculty. He is in demand as a speaker and has presented papers on ADR and conflict resolution at conferences in China, Hong Kong, Ireland, USA, UK, Poland, Sweden, Taiwan, Australia and Spain.

In 2008, taking temporary leave of absence from CEDR, Danny joined the United Nations Ombudsman's Office in New York as an expert adviser on the establishment of a new Mediation Division. His report on the design integrated conflict resolution systems formed part of the terms of reference for mediation in the new UN Justice System. In 2009 he spent a further 3 months as the Interim UN Director of Mediation in New York, mediating cases and also assisting in the selection of staff for the new Mediation Division. Danny opened CEDR's first overseas office in Hong Kong in early 2011 and is developing its dispute resolution practice throughout South East Asia. In 2013 he is under contract to the UN and also the World Bank as an on-call mediator and consultant.

Danny is a member of the Hong Kong Steering Committee on Mediation, International Ombudsman Association, Law Society of England and Wales, Civil Mediation Council, International Bar Association, World Jurist Association, Asian Lawyers Association, 48 Group, British Expertise and a Fellow of the Chartered Institute of Arbitrators. He is currently serving on Mediator Panels: United Nations Mediation Division New York, ADR Chambers, CEDR Solve, World Bank Group and CCPIT Mediation Centre Beijing.

He is also a Council Member, Lead Assessor as well as the Chairperson of the Assessor Working Group of the Hong Kong Mediation Accreditation Association Limited (HKMAAL) and an Adjunct Professor of the Singapore Management University.



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## Introduction

- Definitions
- Advantages
- Disadvantages
- Comparisons with other forms of ADR

## The Med-Arb Process

- Mediation
- Arbitration
- CIETAC
- Singapore
- Hong Kong

## Guidelines for Participating in Med-Arb

- Common Law countries and Med-Arb
- Civil Law countries and Med-Arb
- Differences in practice and acceptance of Med-Arb
- Problems in practice
- *Gao Haiyan and Keen Eye Holdings Limited*
- Safeguards for use of Med-Arb

Scan to Calendar



Code: **EVT000000072**

Level: **Intermediate**

Date: **13 October 2015 (Tuesday)  
(Amended)**

Language: **English**

Time: **09:30 - 12:45**  
(Reception starts at 09:00)

Accreditation(s):  
**LSHK 3.0 CPD Points**  
(LSHK Allocated Number: 20151430)  
**HKMAAL 3.0 CPD Points**  
**HKIAC 3.0 CPD Points**  
**for Accredited Mediators**  
**HKMC 3.0 CPD Points**

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