

ADR REGULATION

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SPEAKING POINTS

1. What is “Regulation” An overarching concept of oversight of performance and activities – How is it applied to ADR practitioners?
2. Is it targeted to the Performance of an ADR Practitioner or Quality of ADR activity or service or something else?
3. Is an ADR practitioner subject to complaints processes or disciplinary processes?
4. Is this exemplified in the arbitration or mediation agreements or standards applied or is this a matter of market knowledge and acceptance of competent practitioners or rejection of practitioners who provide inadequate services?
5. Some laws define or prescribe the duties of ADR practitioners – are they effective? Do they achieve compliance and quality assurance goals?
6. Are lawyers who act as ADR practitioners subject to more regulation?
7. Some Guidelines and Standards are adopted by referring agencies – how effective are these processes?
8. Are there useful minimum standards or principles which should apply to ADR practice and procedure? Is this a one size fits all process?
9. Is this relevant to both court-annexed ADR and private ADR?
10. How is this translated into cross-border dispute resolution?
11. Examples which will be covered are:
 - a. the Legal Professional Rules for ADR practitioners in Australia in arbitration, expert determination and mediation; and
 - b. the *United Nations Convention on International Settlement Agreements Resulting from Mediation* (“Singapore Convention on Mediation”).