

## Notes on the 2018 Edition

CEDR continues to conduct an annual review of all its Model documents. CEDR has used its extensive experience of mediation in many jurisdictions, notably England & Wales, to update these Rules and Model Documents - in this 2018 Edition.

### The following changes have been made in this edition:

#### ADR Contract Clauses

- The option to include working days is applied in relation to the timescales provided in the mediation clauses (notice of the dispute, commencement of the mediation and nomination of the Mediator) in order to clarify the length of time indicated. It is important to note, however, that the use of such should be done with caution with respect to International (cross-border) contracts as there is not necessarily a global, homogenous working week or business practice. Furthermore, these are general working days and are not specific to an individual or industry.
- Parties may now request CEDR to decide on points of the logistical arrangements of the mediation beyond the appointment of the Mediator within 14 days of service of the ADR Notice. This will be done following a consultation with the parties and the Mediator.
- The Cautionary Statement, Section 7 of *How to insert an effective ADR clause* has been clarified and expanded on to assist contracting parties should they choose to adapt the Model Documents. Particular attention has been paid to 'Binding Mediation', and the need to avoid the inclusion of this reference.

#### The International Core Mediation Clause

- Four languages have been added: Croatian, Finnish, Georgian and Romanian. We are also working on translations for Bulgarian, Danish and Vietnamese.

#### Model Mediation Procedure

- Section 3 of the Model Mediation Procedure has been expanded upon to provide guidance on the circumstances under which co-mediation might be appropriate and how to adapt your clause accordingly in the event of having more than one mediator.

#### Model Mediation Agreement

- In order to accommodate parties with multiple attendees, some of whom may not stay for the full duration of the mediation, Section 2 of the Model Mediation Agreement has been adapted to accommodate this possibility with respect to authority and status of the agreement.
- Section 5 of the Agreement has been changed to reflect the circumstances under which confidentiality can be broken as provided for in Section 8 of the Model Mediation Procedure.