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London Seminar 2011

Mediation, Alternative Disputes Resolution in Argentina

General introduction:

Argentina presents particular historic features with regard to the settlement of disputes, due to our formalist background which was instilled in our houses of study (University) from long ago. Our legal system is based on the Napoleonic Code (continental system) and, in most of the branches of law in our judicial system, the procedures are performed in written form and with certain formal rigour, both in submissions and their deadlines as in evidentiary phases. That is why we must stick to different Codes of Procedures that regulate the processes, which become very extensive in time and on certain occasions a judicial process can find its resolution or termination for formal reasons brought up by the opposing party, only to invalidate important evidence or to terminate the process in a dramatic way.

In view of this situation and the need to make more dynamic and efficient our judicial system, Act No. 24.573 was promulgated in October 1995, which application was compulsory prior to the initiation of the judicial process before the courts, creating a major change in the mentality of the professionals of law, especially those with more seniority in the profession.

Originally, the Act was for the area of the District of the Federal Capital that comprised the majority of the areas of law, making the exception regarding intensely personal rights issues. However, the phenomenon of the mediation has now spread in several provinces of the country, in consideration of the favourable results obtained.

This is how the incorporation of the mediation as a method of dispute settlement process starts to spread naturally through new bills, as we have quoted.

Today, after more than one decade of implementation of the Act of Mediation as the main axis in the alternative dispute resolution, we can perceive its real benefits beyond our formalist roots. It is more dynamic, as we shall see below when discussing the topic with major extension, and will notice new trends in Argentina.

For this reason, we can say that practice of mediation in Argentina has been a success, fruit of the desire to find new alternatives for conflict resolution to improve the justice system. Features, elements,

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techniques and tools that allow individuals to solve conflicts themselves and according to their own convenience and interests, without having to resort to the podiums of the courts, nor undergo judicial proceedings or submit to the judges' decisions, are in this Institute. The figure of the mediator as an impartial and neutral third party is essential to direct the assisted negotiation process, in which due legal assistance provided by professionals of the jurisdiction is essential.

Preliminary notions

In October 1995 the Act of Mediation and Conciliation No. 24.573 was passed and promulgated in Argentina, after intense debates in its favour and against it.

This law, also known as "of prior mediation", or "of compulsory mediation", established that prior to the commencement of the judicial proceedings, necessarily and as a requirement to be able to initiate them, the procedure of mediation as instance of pre-judicial character must be previously conducted, in which a third party that has the characteristics of impartiality and neutrality, who is the mediator, as director of the procedure makes use of techniques, tools and skills of mediation, trying that the parties get to resolve their disputes themselves and on the basis of their own interests and specific needs.

In the instance of mediation the same persons involved are those who decide if it is possible to resolve the dispute without the intervention of a judge and the most convenient way for the parties, without merit of proof. It is task of the mediator to detect points of common interests of the parties and work on possible solutions within a legal framework and according to the real will of the parties, "what they really want" or "need" and not what they "say" they claim.

This has as its foundation to give the last possibility to persons involved in the conflict to decide for themselves their differences, obligations and responsibilities. After that, comes the pronouncement of a judge, according to the law and the assessment made of the evidence.

It is another attempt of the parties to decide for themselves their fate, hence mediation is also understood as an "assisted" negotiation. This distinguishes the mediation from negotiation between parties, or between parties with their lawyers.

Legal counsel is fully partial and interested by nature and concept. Every lawyer will fully defend the interests of his clients, fulfilling his professional work and properly complying with the code of ethics. A party's counsel cannot and should not be impartial and much less can he be neutral.

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C1003ABM Buenos Aires
Argentina

The mediator, instead, from his neutral and impartial field that places him in a place of privilege with respect to the conflict, can "assist" the parties and their lawyers providing a different approach of integration. Aspects join in: mediation associates relational with legal and complements it. Mediation gives a broader framework for the technical-legal and negotiating approach. The common place is purely neutral and each party can argue their point of view of the conflict from a partial and interested position, without compromising the success of the negotiation.

Approved on October 4th, 1995 and enacted on October 25th, 1995 in the official national bulletin. Regulated by the National Executive by Decree No. 1021/95 then amended by the Decree No. 477/96.

The mediator as facilitator unconnected with the problem, provides objectivity and through the use of appropriate tools and techniques, invites parties to re-think the conflict, to produce it from another perspective by promoting its re-frame and to seek solutions which, having as base the legal substrate, are also consistent with the interests and personal needs of the parties. It's about "putting oneself in the place of the other" or, as claimed by Harvard School, that each party places itself in the shoes of the other, to feel for a moment in the way that the other feels, and try to understand the position of the opposing party. Understanding does not mean to justify nor to accept, but to comprehend or visualize the position of the other. Broaden the outlook, expanding the borders, not to surrender rights but precisely in order to be able to defend them better, understanding how the other part thinks and his logic.

The presence and legal assistance of defence counsel is essential in the mediation process. Without it, the mediator could not act. The legal advice provided by counsel to his client in defence of his interests is necessary and essential. Only fulfilling this precondition the mediator can effectively perform his professional task.

The professional work of the lawyer and mediator necessarily complement and need each other. None can take the place of the other. It is not possible to be partial and impartial at the same time. An excellent and expert negotiator acting as a party's counsel lacks the ingredient of impartiality and neutrality, hindering the achievement of agreements which meet the interests of all parties involved and, conversely, the excellent mediator cannot and must not advise the parties in order to maintain his status and his moral solvency.

It will depend on the way he works and the style of each mediator the level of participation that he takes into the mediation process. There are mediators who act as facilitators, exploring the interests of the parties through open questions (those questions whereby to get more information on a topic related to what, who, when and how of a situation). They are participatory and active when it comes to generating proposals for the solution of the conflict and to submit them for consideration by the parties.

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Other mediators on the other hand, are purely evaluative style, i.e., they draw conclusions and issue opinions on the conflict.

There are mediators of comprehensive approach that see the conflict as a whole and consider the problem as something global to resolve. Mediators of limited approach by contrast, focus on the legal positions taken by the parties (what "they say to claim") and only work on them. For example, in family mediation for minor children maintenance allowance, a mediator with limited approach will only work around the maintenance item, for which he was summoned. The mediator of comprehensive approach will explore interests and see if it is necessary to work other issues beforehand and only then talk about maintenance allowance, for example the amount of the alimony, or child custody, or the regime of visits, among others.

The more facilitator and the wider his approach, the more efficient a mediator will be. And this is directly proportional to the suitability, professional and moral solvency, as well as the competence of the mediator.

The passage of the Act of Mediation granted the beginning of the mediation procedure as prior to the initiation of judicial proceedings, a mandatory nature.

"Mandatory" mediation was subject to criticism. It was considered contradictory to "force" parties to undergo a procedure that is voluntary by nature. However, it must be borne in mind that this "obligatory" aspect only reaches the required need to formally begin the process. Once started, the parties involved are those who voluntarily decide if they remain in it or get it finished. The permanence of the parties within the scope of mediation depends only on their willingness, "compulsory" mediation is only for the purpose of formal notification of the initiation of the procedure and therefore we consider that such a contradiction does not exist.

We believe that the mediation is "prior" to the beginning of the proceedings at the jurisdictional level.

Mediation in its early days was the subject of profound criticism by some sectors of the jurisdiction, accustomed to litigation as the unique solution to conflict with the scheme "win-lose", where there is a winner and a defeated. "Fear of the unknown", "the new", "resistance to change", which are natural in human beings, made "detractors" of mediation arise. The ghost that this new figure would occupy spaces traditionally assigned to lawyers and cause the depletion of the litigious work, presented a barrier to the implementation of the practice of mediation in our country.

Reconquista 629, 3rd Floor, Office "5"
C1003ABM Buenos Aires
Argentina

Mediation works on the scheme "win-win" and in no way invades the other professionals' concerns, whether those of lawyers, notaries or psychologists. The mediator knows the conflict, works it, "kneads it", from the current perspective into the future. It does not look to the past or try to decipher the enigmas of the human mind. Nor seek reasons or grounds to justify certain actions, or judges or advises. Only the present is taken into account, analysing the conflict by putting the accent on the future and on the basis of the interests of those involved. The mediator intervenes according to the rules of art.

The arguments in favour of the issuance of the law of prior mediation, in response to a need of the judicial system, were forceful: the overloaded judicial offices; the "interminable trials"; a judicial system collapsed (thus is officially recognized. The terminology of "state of collapse" was used in Decree No. 1480/92 which declared of national interest the institutionalization of mediation); the dissatisfaction of the particular interests before arrears in the resolution of proceedings whose effects invalidate the credibility of the legal system; the costs of an inefficient judicial system which generates, in addition, the loss of value of property rights due to the lack of predictability of sentences; increased transaction costs that result from operating in a dysfunctional environment; and economic opportunities wasted due to the high risk or to the lack of access to the courts (according to the report of the World Bank on the Judicial Reform in the Courts of Ecuador and Argentina, taken from the local newspaper "El Cronista Comercial" ("The Commercial Journalist"), December 5th, 1996).

For more than one century already existed in our country concern about this issue. In the local newspaper "La Nación" ("The Nation") of December 4th, 1895 it was noted: "For a long time federal and common courts are subject to bitter complaints from the public who has need of them. With few exceptions, the processing is done with appalling delay, without practical means for its victims to avoid the damage... that state of affairs must necessarily damage the moral and economic interests of the Republic" (quote extracted from "Forensic summary", publication of the Bar Association of San Isidro, no. 79, of December 1995).

Different specialists expressed a favourable opinion to the issuance of the Act of Mediation.

The prestigious Argentine Constitutionalist Rafael Bielsa in his book "The Legal Profession", published by Abeledo Perrot, says: "when the legal order is altered, it becomes necessary to restore it immediately. The excessive delay makes the judicial protection illusory, it also makes it more expensive. And this onerous quality is doubly serious, the service is expensive for the State that must provide the resources to sustain it, it is unhelpful to the citizen who finds the access to justice conditional".

Meanwhile, a representative of the administrative jurisdiction, Dr. Roberto Berizonce, also expressed this situation in his article "The Cost of the Process", published in the journal Argentine

Reconquista 629, 3rd Floor, Office "5"
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Jurisprudence: "the administration of Justice exercised by the State in a monopolistic and centralised way is not working. The delay caused by an excess of pending cases, the complexity of the matters submitted to the judges, the rigidity of the rules of procedure and, occasionally, abused by lawyers, are indices of a difficulty which is common to the majority of courts around the world, being the main consequence of this crisis, the lack of credibility of the population in the system".

All this led to the impression that the judiciary system was resented, generating a feeling of some scepticism and frustration in society, which in turn generated certain lack of confidence in the Argentine judicial system, often slow, unreliable, and on numerous occasions, based on a logic that is very different from that of the rest of the people.

Mediation: a new way of doing justice:

Once issued the Act of Mediation, product no doubt of the "need" of an answer, the practice of mediation itself was the best example and demonstration of its virtues, values and characteristics that make it an alternative method of resolving conflicts of essential use nowadays. It is no longer possible in our country to think of a justice system without mediation as alternative dispute resolution system. The first steps had as a paradigm the so-called "Model of Harvard" given by Professor William Ury, adapting it to the Argentine idiosyncrasy and the particular needs of our society.

The National Ministry of Justice presented at the time the mediation to the world of lawyers in Argentina in this way: "Mediation: A new way of doing justice in which you have the power".

Indeed, in mediation the same individuals are those who have the power of decision over their obligations, agreements and responsibilities, the same parties involved are those who dictate their own ruling, the so-called "self settlement" of mediation.

The informality as method allows the parties to achieve a climate of greater rapprochement, confidence and sincerity. The entire procedure is informal, but with structure. There are certain procedural requirements to complete (such as notifications to the parties to be performed by public instrument, or minimum terms that should be given to notify hearings) and without rigid guidelines. The few existing rules arise from the same need to frame a positive and civilized dialogue between the parties and also those arising of the techniques displayed by the mediator, who must possess a wealth of skills and abilities, many of them innate, but always acquired through specific training, allowing him to accompany and assist the parties involved in a conflict find points of agreement and to develop alternatives likely to put an end to a dispute. For that he has been trained in the use of specific tools and techniques.

Reconquista 629, 3rd Floor, Office "5"
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"Confidence building" is the main task of the mediator, between the parties and of parties towards the same mediator.

The mediator explores the particular interests of each party, if necessary he meets privately with the parties in the so-called "caucus", generating the "chemistry" of the mediation, a relationship of trust and credit necessary for mediation to develop successfully (and we mean by "successful" mediation that in which the parties are able to sit down and talk to consciousness and in depth about their problems and differences, coming to understand the situation and position of the other, beyond the result arrived at in the same, whether or not there is any agreement).

The word "caucus" has a Latin origin, it means "symposium" or "assembly". It is used in our environment to appoint private, confidential and informal meetings that the mediator may convene with each of the parties separately, or that the same parties can request to the mediator.

In this respect, the mediation as an alternative method of dispute resolution exceeds direct or not assisted negotiation. Parties who may be reluctant to reveal their real interests and needs before the others, in front of the mediator as impartial third party they find the way to exploit the different alternatives to settle the dispute, exploring without risk the options that allow them to satisfy their respective interests. We talk about the Theory of Reactive Devaluation: this means that a proposal may be regarded as acceptable, satisfactory or attractive, if proposed by the same party, and consider the same suspect, unacceptable or little attractive, if proposed by the other party. The mediator then intervenes presenting the proposal as his own, or as a hypothesis of work in hypothetical terms.

The mediator facilitates and encourages the pursuit of objective criteria, acting as an "agent of reality", encouraging parties in a non hostile manner and usually through questions, to use criteria unrelated to their subjectivity and not to rely on it, in order to adapt their unrealistic expectations, or to reduce the difference between the position that a party contends externally and what they really want in their inner selves.

This technique allows the mediator to make one party visualize the point of view of the opposing party, with impartiality and taking objective and neutral conditions as parameters.

Techniques and tools from different areas of knowledge are used in mediation. The knowledge of neuro-linguistic is worked with as reality data that enables us to identify certain attitudes (we are talking about "calibrating the parties"). Various tools from psychology and sociology are also used, which allow the mediator to assess the psycho-social and environmental characteristics of the parties. And philosophy,

Reconquista 629, 3rd Floor, Office "5"
C1003ABM Buenos Aires
Argentina

mother of the sciences, gives the mediator complete training on the knowledge of the human being, such as gender and single entity.

The effective mediator will try to handle with depth these techniques and tools that make his own ability and suitability.

Mediation seeks solutions which should not necessarily be limited by the positions initially taken by the parties. The method is by definition creative, in contrast to the judicial process where the principle of congruence or restrain to the matter in dispute obliges the judge to comply with what has been said in the claim and its defence.

The mediator looks at conflicts positively and must be able to abstain or project his own judgement. Flexible, patient, imaginative and skillful in his speech, he should be able to keep his distance from the attacks on his person or between the parties.

Uses different techniques in a complementary manner: (a) reflective, concerning the orientation of the mediator regarding the dispute: (b) substantive, referring to essential issues of the dispute, trying to modify the expectations of the parties and refocusing the conflict, encouraging the parties to make reciprocal concessions without this altering their own image and (c) contextual, concerning the facilitation of the process by creating a climate of confidence and credit.

The mediator takes part in structuring the discussion, classifying the issues (economic, financial, conduct issues), the nature of the remedies, the time in which the different ingredients of the conflict will be elaborated and at all times makes use of logic. He develops the "agenda" according to the degree of difficulty of each topic and convenience of their treatment.

Confidentiality is one of the most appreciated qualities of mediation. It implies that everything that is discussed in mediation will remain in this area and may not be used then to the detriment of the other. Neither the mediator nor the parties or third parties to attend the same can then be cited as witnesses in an eventual trial. This is a divergence from the judicial records which are public and can be verified by any citizen or means of communication.

This confidentiality also reaches the result of the mediation with which, in case an agreement is reached, this is also confidential and can not be used as precedent in courts, distinct from the jurisprudence emanating of judges.

Reconquista 629, 3rd Floor, Office "5"
C1003ABM Buenos Aires
Argentina

Ten years of practice:

Mediation has worked with complete success during these ten years. Statistics recorded before the National Ministry of Justice (regulatory body which controls the functioning of the Institution) indicate so. The percentage of agreements reached in mediation ranged in these years between 30% and 40% of the mediated cases.

The initial fear of hundreds of lawyers of the jurisdiction evaporated with the experience of the very practice of mediation and the verification of the virtues of the Institute.

The speed in the conduct of the process, the possibility of starting it, continue and finish it when the parties so wish, the intervention of a neutral and impartial professional trained to help the parties to develop scenarios of conflict in order to find a solution that benefits everyone, the absence of costs and fees of auxiliaries of justice are, among others, some of the reasons why mediation can not be thought of but in terms of success and efficiency.

The use of the Institute of mediation even in cases in which its initiation prior to the judicial proceedings is not required, are a perfect example of the widespread confidence that exists in the population about the benefits of it and its effectiveness.

There are many law firms that undergo mediation with their cases even without legal obligation to do so, offering it as another service to their clients. Those who realized the value and benefit of using mediation as a method, opened the borders of their profession incorporating a new area of mediations to their offices, dedicated to advising clients on everything related to the subject. They advice on when a case is likely to be resolved in mediation, develop strategies for the hearings, the different valid alternatives to continue or not with the procedure and permanently oversee the full compliance with the rules of mediation as well as the performance and suitability of the mediator, ensuring the interests of their clients.

The services of mediators are currently also used to manage corporate assemblies, neighbourhood meetings and of co-owners of the same building.

School mediation is practised in schools in Buenos Aires to teach students methods of resolving conflicts without adversity. There are community and guild mediations when the National, Provincial or Municipal State intervenes as part.

Now mediation is also beginning to be practised in the field of criminal law, as a way to work with the parties and to resolve conflicts in cases of domestic violence.

Reconquista 629, 3rd Floor, Office "5"
C1003ABM Buenos Aires
Argentina

The benefits and advantages of mediation are unquestioned today. By its speed, immediacy, reliability and certainty, mediation is valued and appreciated in its content and its form.

As in any order, there are certainly details to improve. The path is started, hard and vast work has been done in search of excellence, and this stretch has been extremely fruitful. The attempt is to encourage its continuity and spread in order to contribute to the improvement of quality and service of Justice at a global level.

New proposals for the settlement of disputes

The first steps of doctrine are outlining to introduce as an alternative and tool for conflict resolution, the process that the prestigious Dr. Alan Limbury called Arbitral Mediation and which is being analysed by professionals that are related in our field.

He understands that, contrary to what happens in the pure mediation or arbitration, the Arbitral Mediation has the advantage of offering the parties both possibilities for resolution of the conflict and, in case they could not do so in complete form, the parties have the certainty of a resolution of the case by the appointed arbitrator. If the person who acts as med-arbitrator has the knowledge and training needed to conduct both processes, saving is done not only of time but also of money, considering that the mediator may vary his roles changing his mediator intervention to arbitrator and giving the parties a solution to the conflict through the issuing of the corresponding arbitration award.

Already in ancient Greece and in Egypt the arbitration was quite usual and to carry out the arbitration, mediation was needed as a primary element to make it effective.

While we know that among the alternative methods there are other variants like Arbitral Mediation (where the arbitration develops first, the arbitrator makes his award and only thereafter the parties are provided with the possibility of trying a mediation before knowing the outcome of the award), or the mediation followed of arbitration by a different person in each instance, Dr. Limbury focuses his work in the careful analysis of the Arbitral Mediation in the classical sense, i.e., carried out by the same person at two different stages.

He prepares a summary of the criticism against the Arbitral Mediation which he divides into two types: (a) of behaviour or of attitude and (b) procedural.

With regard to the criticism by behaviour or attitude, it is held:

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C1003ABM Buenos Aires
Argentina

(a) That the parties involved in the conflict may feel inhibited to express their desires and internal needs to a mediator that then will be appointed arbitrator and in the end will settle the dispute. Therefore, they may be reluctant to give information and to allow the mediator to know what kind of settlement proposals they would accept.

(b) The parties may also feel tempted to use the process of mediation as mere preparation of the arbitration, thwarting the possibility of reaching an agreement in the first stage of mediation (this leads us to reflect on the key to the success of the Arbitral Mediation, which will be to detect what type of cases can be solved by this procedure. If the parties do not have an apparent intention of creative resolution of the conflict, perhaps it will be best to come directly to the arbitration).

(c) The mediators tend to suggest or reflect with the parties for them to make or accept a proposal and, in the context of the Arbitral Mediation, this task can be considered a pressure under the veiled threat of the med-arbitrator issuing a decision adverse to the party which is perceived as unreasonable during the mediation (this leads to reflection regarding the mediators that act as med-arbitrators who will have to be very careful to avoid suggestions of parties and in case of receiving them, intensify the precautions so that their professional intervention cannot be misinterpreted. This task may be easier for mediators with merely facilitating style and profile than for those evaluative).

Those who pose procedural criticisms argue:

(a) That the arbitrator may seem to be prejudging or may be actually doing it if he has been in private meetings or caucuses with the parties during his performance as mediator.

(b) The impartial and neutral procedure in the arbitration would require total communication to parties of the information that the parties have provided to the mediator privately.

These criticisms fade when reflecting on the sanctions which can be applied to the arbitrator in the case of prejudgment or for lack of a fair procedure. The "Commercial Arbitration Act" of 1984 provides that the arbitrator can be removed for "misconduct": lack of conduct or unfair conduct or incompetence in case of exercising undue influence or having received it from the parties ("misconduct" means corruption, fraud, bias, prejudgment or breach of the rules of natural justice, especially relevant with regard to the consideration of the Arbitral Mediation).

Dr. Limbury creatively and in an academic way takes the benefits of the mediation and the arbitration to assemble them effectively.

Reconquista 629, 3rd Floor, Office "5"
C1003ABM Buenos Aires
Argentina

Strong advocate of the Arbitral Mediation, with belief he holds that it is possible to combine the virtues of the mediation, with the certainty of conflict resolution which provides the arbitration obtaining benefits for the parties in terms of effectiveness and economy.

"Commercial Arbitration Act" (NSW) provides that parties subject to arbitration can authorize the appointed arbitrator to officiate as mediator between them with regard to the conflict under consideration, either before the arbitration or later.

A competent med-arbitrator may exclude from consideration confidential information, in the same way as an arbitrator or competent judge may exclude consideration of what has been submitted and is considered however inadmissible evidence.

A possible approach is established to "make Arbitral Mediation work", in the sense that the mediation followed by arbitration by one same person will not be objectionable unless during the process of arbitration he incurred in apparent or real prejudgment. To this end, the author proposes a specific procedure:

- The parties shall submit to an arbitral agreement.

- This agreement will be considered "inter alios acta" as the arbitrator may act as a mediator before beginning the process of arbitration.

- During the stage of mediation, the arbitrator can hold private meetings with the parties, which shall be confidential both during the mediation as then during the arbitration.

- Once the mediation is concluded, the neutral, i.e., the med-arbitrator, must express the parties if he feels enabled to conduct impartially the process of arbitration and if he feels qualified to issue the arbitration award leaving out of consideration the confidential information that has been provided by the parties on the occasion of caucus during the mediation.

- Regardless of the med-arbitrator's statement with regard to his skills and abilities to continue in the stage of arbitration, either party may refuse to accept him doing so, in which case, another person will be appointed to carry out the procedure of the arbitration, or in the absence of an agreement on the person, an institution previously identified.

- Even in case there is no objection that the arbitrator begins to lead the arbitration, a positive act of the parties is also required, that is, each party needs to express their intention, compliance

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and consent in writing with respect to the arbitration procedure to be directed by the same person who acted as mediator.

We believe that the Arbitral Mediation is a useful and effective process for certain types of conflicts and that in our country it is a novel subject, which is being explored in depth.

Finally, we quote along with the author, one of the most prominent mediators of United Kingdom, Dr. Philip Naughton QC, who recently commented on the success of the mediation and said: "perhaps the next step is the recognition that this new process is not separated of the arbitration so that any division or barrier lodged between the two can at least be arranged by exit doors strategically well located".

Conclusions

After a description of the process of mediation in our country and its characteristics, we can assure that it is not far from the techniques and forms that we know from the rest of the jurisdictions that make use of this valuable tool.

However, we must say that an important difference from jurisdictions that were and are pioneers in this field has to do with the procedure and its timing. In our sphere, the mediation process may last for several months with a significant amount of hearings at which the representatives appear, not always accompanied by those who ultimately have the power of decision. This is the focal point where a failure can be observed that prevents the system to work with greater efficiency and better results. Obviously, each jurisdiction has its peculiarities and probably lengthy mediation process management corresponds to our idiosyncrasy, being able to adapt it while maintaining its positive outcome which is reflected in the favourable statistics.

Also, we cannot but mention that with recent data a reform to the Act of Mediation was sanctioned, promulgated and published in our official newsletter, where an adjustment is produced in costs and fees of the professionals involved, which had been very outdated with reality. Thus achieving a greater dignity to the very important role of the Mediator in the context of a proper Administration of Justice and with the ennobled aim of recovering the legal certainty that so much affects the country in all its aspects for its development as a Nation.

Let us remember what Abraham Lincoln said in 1851:

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"Discourage the lawsuit and try compromise with your neighbours. Note them that the nominal winner is often a real loser by the costs and time lost. As a builder of peace, the lawyer has many opportunities to be a good man, and this is why he will not lack affairs to defend ".

Source: María Alejandra Cortiñas, "Métodos Alternativos de Resolución de Conflictos: la "Med-Arb". Propuesta de Laudo", Doctrine newsletter "La Ley" ("The Law"), Supplement of Current Affairs, Nº 68, Buenos Aires, April 12th, 2011, p. 1/3. // "Comentarios a la nueva ley de mediación Nº 26.589", Doctrine newsletter "La Ley" ("The Law"), Supplement of Current Affairs, Nº 100, Buenos Aires, May 27th, 2010, p. 1/3. // "La práctica de la mediación en Argentina", Working Paper – Law "Instituto de la Empresa" Business School, November 15th, 2006, p. 1/8.

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