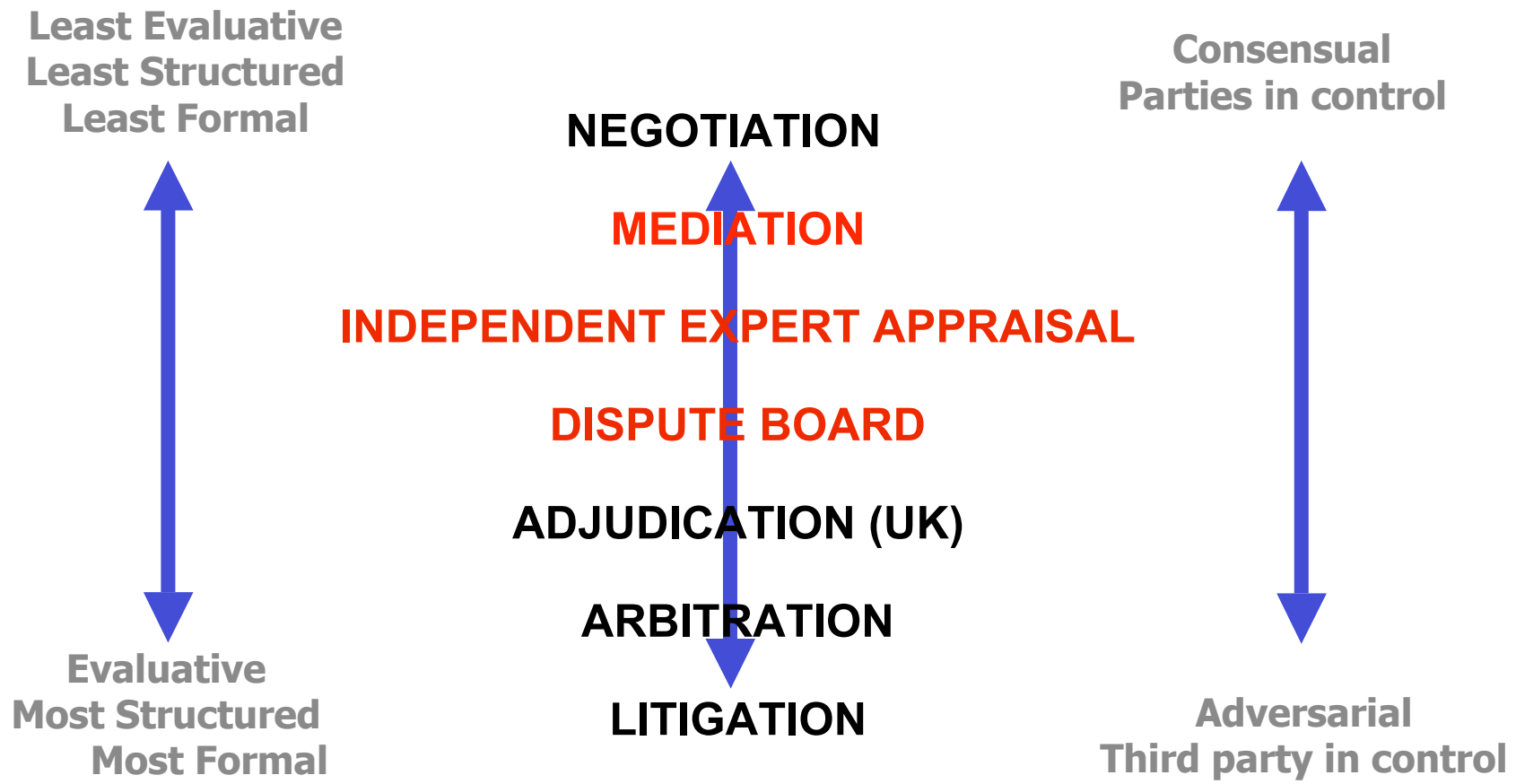


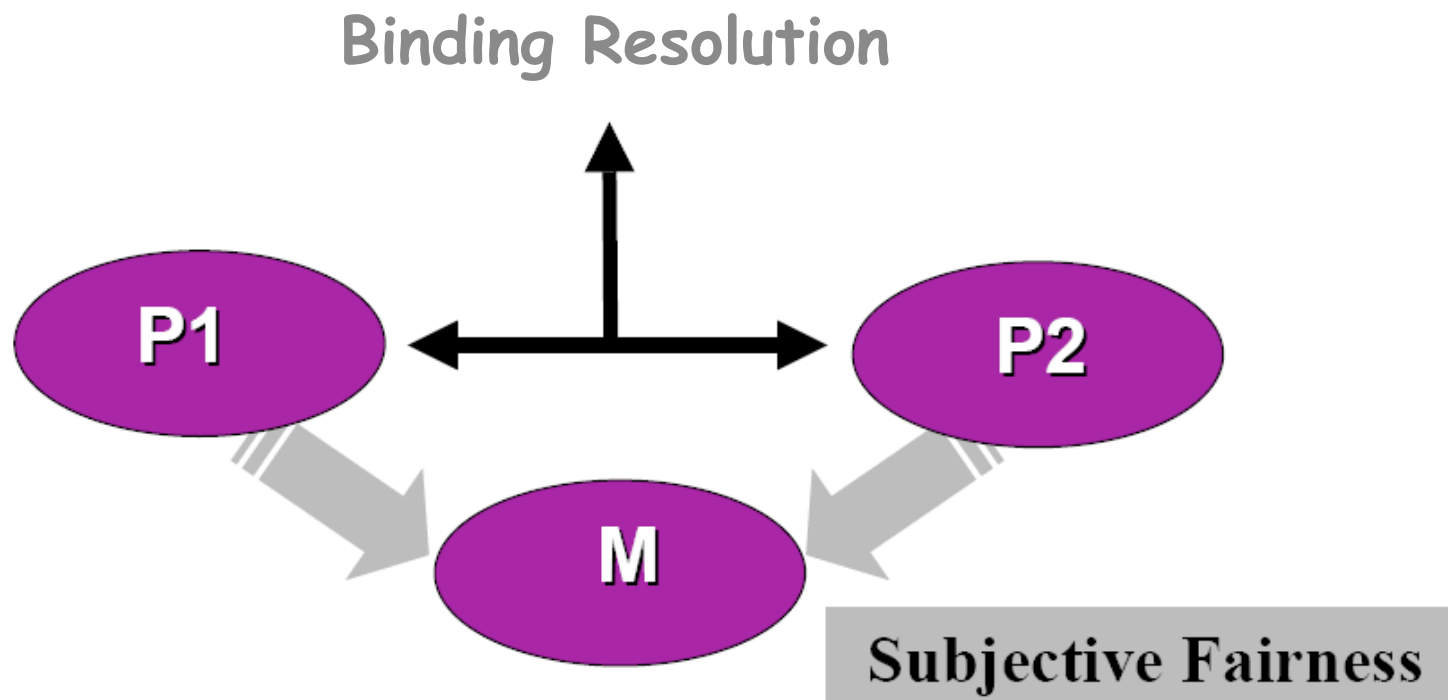
**203 Mediation: A Third Way?  
Pros & Cons**

**Philip Ray  
Senior Counsel  
Siemens AG  
Legal Services**

## Mediation v. "ADR" (Source: Joanne Kalowski)



... **Mediation** (Source: Joanna Kalowski)

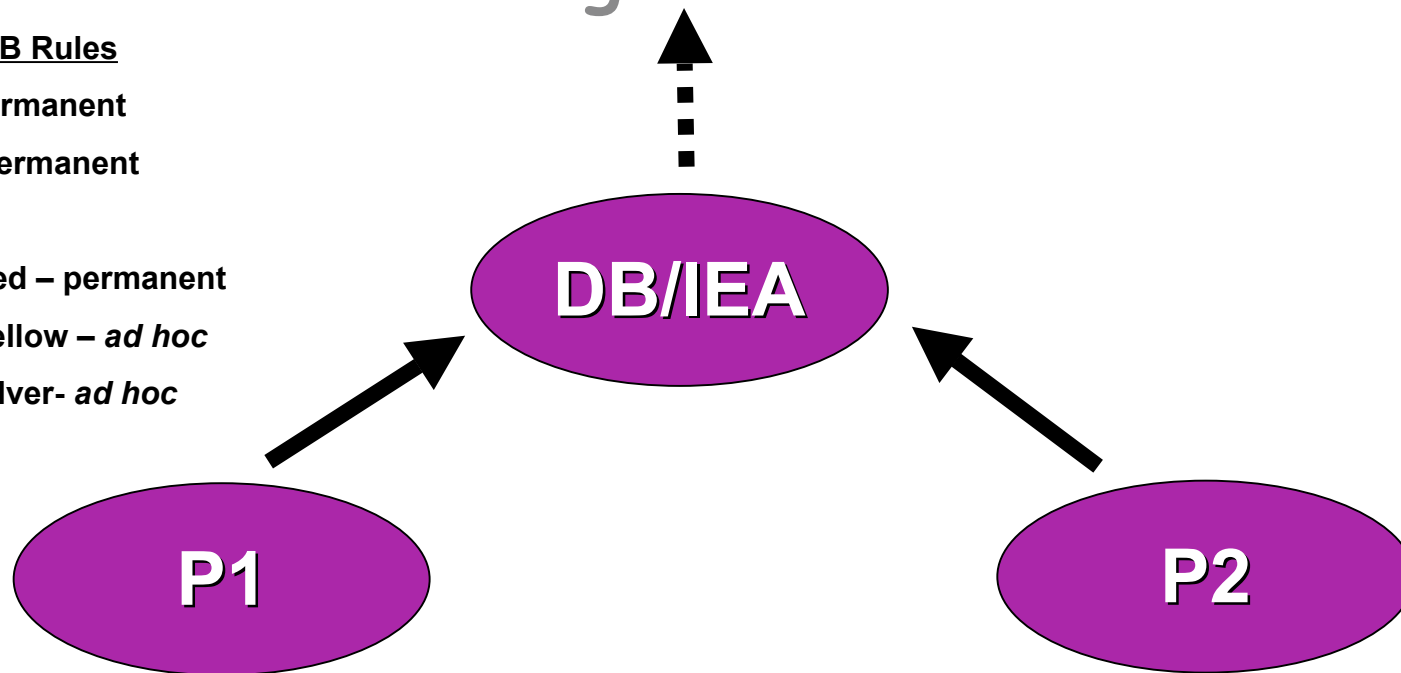


## Dispute Board („DB)/Independent Expert Appraisal (IEP“)

### Binding Resolution

#### DB Rules

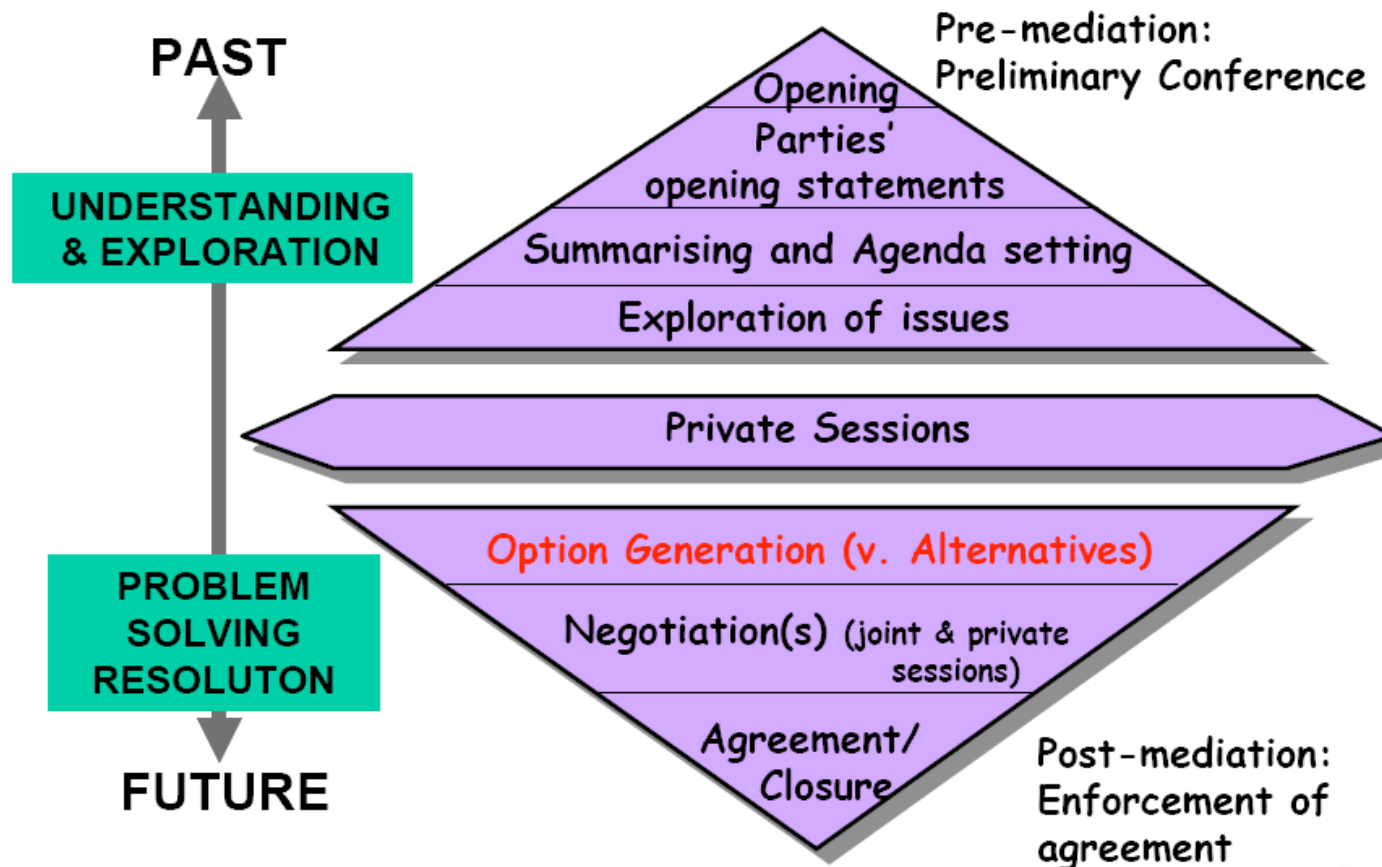
- ICC – permanent
- AAA – permanent
- FIDIC
  - Red – permanent
  - Yellow – *ad hoc*
  - Silver- *ad hoc*



**Mahnken, *Why International Dispute Settlement Institutions Should Offer Ad Hoc Dispute Board Rules*, [2006 Pt 4] Int'l Construction L. Rev 433**

**Stubbe, *Schiedsgutachten als modernes ADR-Instrument*, [2006 Heft 3] SchiedsVZ 150**

## Mediation Can Create New Options



## Mediation – A Third Way?



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## Resources

- ACC, *Leading Practice Profile: The Use of Mediation in the United States and Western Europe to Add Value to Transactions and Effectively Resolve Commercial Disputes* (2006)  
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