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# WORLD ARBITRATION & MEDIATION REPORT

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Vol. 14, No. 1

Covering Dispute Resolution in the United States and Around the World

January 2003

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## HIGHLIGHTS

The first issue of the new year attempts to balance the various subject areas of **WAMR**.

The centerpiece of the issue is a *Perspective* article entitled **Global Trends in Mediation**, which was submitted by Professor **Nadja Alexander**, **WAMR**'s prolific editor on **International Mediation**. Professor Alexander provides an account of mediation that covers the great divide between the common-law and civil-law systems. The various pieces cover the introduction and operation of mediation in **England, Scotland, and Wales**, on the one hand, and **Austria and Denmark**, on the other hand. The use of mediation appears to be well-entrenched in England, where a mediation act may even be in the offing. The other jurisdictions that are surveyed demonstrate a lesser push toward mediation and a narrower utilization of the process. (The *Perspectives* section begins on page 14.)

This issue also introduces a new collaboration with **The National Arbitration Forum**. The *Resources* section contains a report on the *Recent Opinions in Domain Name Disputes* done through the National Arbitration Forum. (The *Resources* section begins on page 25.)

The *News Abroad* section assesses the activities of the **Mexican Institute of Mediation**. In particular, the Institute had adopted minimum standards of education and training for all mediators who manage disputes under the auspices of the Institute. It has also adopted a Code of Ethics for

mediators. Its efforts have increased the visibility and legitimacy of ADR in Mexico. (The story begins on page 6.)

The U.S. Court of Appeals for the **Ninth Circuit** has determined that the U.S. Supreme Court's ruling in *Circuit City v. Adams* "implicitly overruled" the appellate court's holding in *Duffield v. Robertson Stephens & Co.*, which barred the arbitration of Title VII claims. According to the Ninth Circuit, the "language and reasoning [of *Circuit City v. Adams*] decimated *Duffield's* conclusion that Congress intended to preclude compulsory arbitration of Title VII claims." (The case comment begins on page 7.)

Finally, Domestic Mediation Editor, **James Coben** of the Hamline DRI, contributes several pieces on recent developments in *mediation* law and practice. (See the "Around the States" section.)

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