



BRIDGE
— THINK TANK —

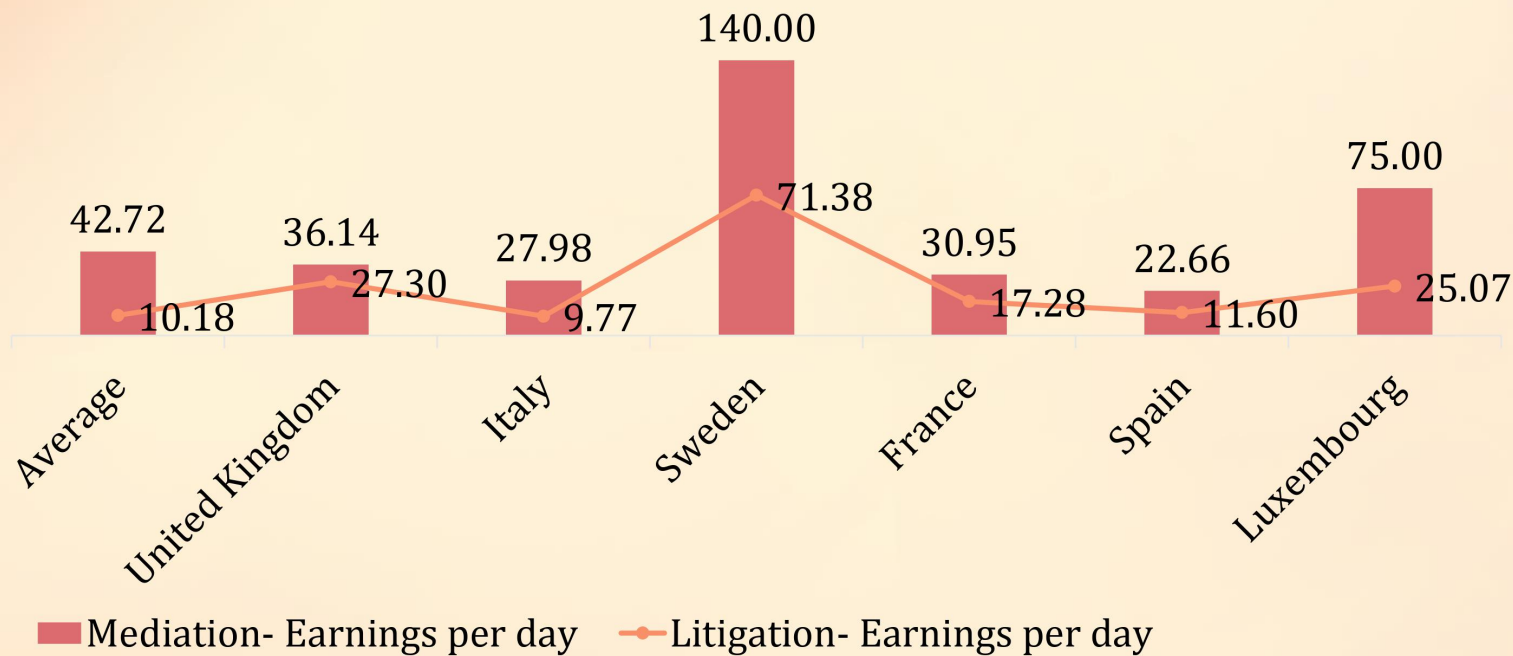
Mediation Advocacy

Changing Hats as an Advocate in Mediation

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ADR- Alarming Drop in Revenue

Increase in Advocate Revenue by using Mediation



Source: European Parliament, *Lessons learnt from the implementation of the EU Mediation Directive: the business perspective* (2011)

Mediation
is contempt
of court

Mediation
Tribunal

Enforceability
of Mediation
Settlement

No
Mediation
statute



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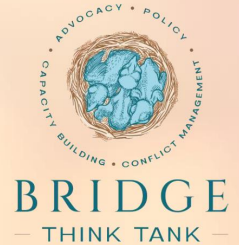
Exercise

Instructions

- Two parties to a dispute have come to a meeting with you. You are a problem solver. What are the questions you will ask in order to extract the kind of information you want? You can ask for information, documents or any other information that you think is relevant to help solve the parties problem. Both parties are present at the meeting.
- The teams shall discuss internally, elect a representative, and collate the list of questions to be shared with the class by the representative.

Quislex Pvt. Ltd. supplies microchips to Phoenix Pvt. Ltd. The books of inventory and financial accounts were kept on running basis. Quislex stopped supply of microchips to Phoenix because according to Quislex, Phoenix is behind on payment. Phoenix denies this allegation and says no payments are pending. Phoenix is suffering loss due to stoppage of production. The managers of Phoenix and Quislex have exchanged various mails and undertaken on table negotiations.

Standard Philosophical Map



If one wins, the
other loses

Dispute is
resolved by
application of
law to facts

We put people and events into categories that are **legally meaningful**, to think in terms of **rights and duties** established by **rules**, to focus on **acts more than persons.**" - Leonard Riskin

Before Mediation	During Mediation	After Mediation
• Strategy • Process Design • Determining BATNA • Empowering and Shoring BATNA	• Option generation • Legal advice on options • Creating what if scenarios • Designing a solution most suited to your client • Best case scenarios and worst case scenarios • Pragmatism	• Settlement Agreement • Follow up • Enforcement



Culture



Other
Party



Positions
& Interests

Kritika Krishnamurthy

Partner | AK & Partners (Law Firm)

Director | Bridge Policy Think Tank

Upcoming Book of 2022:

*Third Party Funding in Dispute Resolution
(Eastern Book Company)*

