

To: Brokers (via LIIBA)
Broker Claims Contacts
Company Claims Contacts
Company LPC Contacts
Lloyd's Managing Agents

market communication

Date: 8 March 2013

Reference: 2013/030

Enquiries to: Julie Donoghue, Claims Services

Tel: +44 (0)20 7780 5476 Email: xcsseminars@xchanging.com

RE: MOCK MEDIATION – 11 APRIL 2013

Xchanging is delighted to invite you to this unique, and truly international event.

In the form of two mock mediations, attendees will observe the methods of evaluative mediation and facilitative mediation through live demonstrations with expert mediators Kevin Mescall and Jonathan Dingle, followed by an open discussion. The morning session takes place from 09:30 to 12:30 hours, and the afternoon session takes place from 14:30 to 17:30 hours, both in the Auditorium at Xchanging's offices at 34 Leadenhall Street, London.

Each of the two sessions includes both mock mediations, and you are, therefore, invited to attend **one** of the sessions – when registering, please be sure to identify your preference. If you wish to attend, please register with Julie Donoghue at xcsseminars@xchanging.com no later than 10 April 2013.

Each mediation will be attended by lawyers played by "actors" from Xchanging's cast. Should you wish to play a role as claimant or insurer, you are warmly encouraged to do so, please identify that request to Julie Donoghue, contact details as above.

Continued...

Format

The facts of each dispute are fictional¹. The mediator will be given those facts, but will have no knowledge of either side's interests, motivation, desired outcome or settlement limit. Where those facts will lead us is unknown to the mediator at the outset - they will discover where settlement lies along with you, the audience, as each mediation progresses.

You will be invited to discuss and debate the two methods at the end of the session, and to vote on which style you would prefer if you were one of the parties.

Our mediators are in for a challenge.

Our mediators

Kevin G Mescall is Senior Counsel at Lewis Johns Avallone Aviles, LLP, a leading New York defence law firm. He has over 20 years' experience in alternative dispute resolution having commenced his practice in this field while serving as a neutral for the New York Stock Exchange where he has mediated and arbitrated numerous disputes between brokers and customers. As a litigator and trial attorney defending significant bodily injury and property damage claims for US insurance companies, self-insured clients and members of the London Market, he frequently utilises mediation for a timely and cost-effective resolution. Kevin sees great value to underwriters in the use of both facilitative and evaluative mediation and believes that a choice should be made based upon the facts, circumstances and venue of each case. In today's presentation Kevin looks forward to demonstrating the effectiveness of evaluative mediation.

Jonathan Dingle is a barrister and Head of Chambers at 218 Strand as well as a former Royal Navy commander who has been a leading light in mediation for the last 15 years. As founding Secretary of the Civil Mediation Council, he has been at the heart of the growth of facilitative mediation and is a sought-after international trainer and mediator. Jonathan is a natural advocate for facilitative mediation and will demonstrate ways in which the process can bring a commercial and pragmatic solution in cases which are otherwise stuck or heading for an expensive and risk-laden trial. His work as a defendant barrister in insurance claims on behalf of a range of market leaders means that he has a weather eye for exposure and a practical sense for what is and what is not achievable. He is looking forward to putting those skills to the test at the demonstrations.

ANTHONY CROYDON
HEAD OF SERVICE
XCHANGING INSURANCE SECTOR

¹ Scripts have been drafted by former insurance mediator of the year Judith Kelbie