



ADR AND JUSTICE CONFERENCE

18-20 April 2016

Leonard Wolfson Auditorium, Wolfson College, Oxford

Sponsored by:



The Foundation for Law, Justice and Society
Bridging the gap between academia and policymakers



18 April

Theme 1: Implementation

2.00 – 2.30 pm

Registration in the Lodge
Coffee, served in The Buttery

2.30 – 3.00

Welcome by the organizers
Dr Naomi Creutzfeldt, Prof. Christopher Hodges, Dr Felix Steffek

3.00 – 6.00 (with coffee break 4.15-4.45)

This session will review implementation by Member States of the EU consumer ADR Directive, and important changes in national CDR landscapes and systems. Eline Verhage of Leiden University will report on the main changes, including results of her survey of national changes.

Particularly important issues will be highlighted, including

- points common on implementation in most Member States
- particular implementation issues in some Member States that are worthy of note, such as on legality

This will lead into a discussion of key issues chaired by Christopher Hodges and Eline Verhage. Particular issues will be:

- 1) Should CDR involve informal or adjudicative procedures? Triage, mediation, non-binding decision/recommendation, decision binding on traders & arbitration
- 2) Meeting the time period of handling claims within 90 calendar days. Quality of ADR vs. number of stages vs. time
- 3) Pros and cons of different models of CDR, including complaints to authorities. Are Ombudsman schemes the way forward?
- 4) Competent authority *or* competent authorities? The issues of coherence and attracting consumers.

A distinguished Panel will lead debate on the issues:

France: Nicole Nespoulous, DGCCRF

Denmark: Thomas Faust Ryborg, Competition and Consumer Council

Germany: Dr Nicola Wenzel, Bundesministerium der Justiz und für Verbraucherschutz

Italy: Roberto Malaman, Direttore Consumatori, Conciliazioni e Arbitrati, Autorità per l'energia elettrica il gas e il sistema idrico

Netherlands: C.J. (Kees) van Kranenburg, Directeur, Ombudsman en Geschillencommissie Zorgverzekeringen (SKGZ)

Belgium: Eric Houtman, Energy Ombudsman
Ireland: Brian Hutchinson, University College, Dublin

There will be opportunity for general discussion.

6.30 Pre-dinner drinks, Rhodes House

7.00 Dinner, Rhodes House

19 April

Theme 2: Trust

8.30 – 9.00am Coffee, served in The Buttery

9.00 Start

9.15 – 9.45 Dr Naomi Creutzfeldt's results of the ESRC project: *'Trusting the middle-man: Impact and legitimacy of Ombudsmen in Europe'*

9.45– 10.30 **GERMANY: What makes people trust an ombudsman?**

Professor Dr Günter Hirsch, Versicherungsombudsmann
Herr Jürgen Kipp, Schlichtungsstelle Energie
Herr Edgar Isermann & Dr Christof Berlin, Söp

10.30-11.00 Coffee, served in The Buttery

11.00-11.25 **FRANCE: What makes people trust an ombudsman?**

Frederique Coffre, Le Médiateur National de l'énergie
Henri Dolivier, Le Médiateur des Communications électroniques

11.25-12.00 **UK: What makes people trust an ombudsman?**

Dr Jane Martin, Local Government Ombudsman
Caroline Mitchell, Financial Ombudsman Services
Matthew Vickers, Ombudsman Services

12.00 – 12.45 **Discussion**

Chair:

Peter Tyndall, International Ombudsman Institute
Donal Galligan, Ombudsman Association

12.45 Lunch, served in the Haldane Room

Theme 3: Justice

This session will examine a series of related issues on current and future consumer ADR in Europe.

2.00 - 2.40 pm

What do people want from dispute resolution?

Chair: Diana Wallis, President of the European Law Institute
Augusta Maciuleviciute, BEUC
Dr Lorenz Ködderitzsch, Johnson & Johnson

Marielle Cohen-Branche, Ombudsman, Autorité des marchés financiers
Ger Deering, Financial Services Ombudsman, Ireland
Dr Sonia Macleod, CSLS Oxford: 'The empirical research on what patients want'

- 2.40 - 3.00 Panel discussion, with others from above list who have not spoken
- 3.00 – 3.45 **The concept of justice in the courts, tribunals and ADR schemes: immutable principles or changing conceptions of rationing justice and cost proportionality?**
Chair: Diana Wallis, President of the European Law Institute
Professor Stefaan Voet, KU Leuven
Dr John Sorabji, Principal Legal Adviser to the Lord Chief Justice of England and Wales and the Master of the Rolls
Richard Thomas CBE, formerly Chairman of the Administrative Justice and Tribunals Council, and Information Commissioner
- 3.45 – 4.00 15 minutes general discussion
- 4.00 – 4.30 Coffee, served in The Buttery
- 4.30-4.50 **ADR and Justice Theory**
Professor Carrie Menkel-Meadow, Georgetown University
- 4.50-5.30 **Problems with justice in relation to arbitration, ADR, mediation, Consumer ADR, ombudsmen, business ADR and courts**
Chair: Brian Hutchinson, UCD
Prof Dr Ulla Glaesser, Scientific Director of the Institute for Conflict Management, European University Viadrina
Professor Horst Eidenmüller, Oxford "Justice without Humans: The Future of ODR"
Dr Richard Kirkham, University of Sheffield
- 5.30 – 6.30 General Discussion
- 7.00 Pre-dinner drinks, Lady Margaret Hall
- 7.30 Dinner, Lady Margaret Hall
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20 April

- 8.30 – 9.00 Coffee, served in The Buttery
- 9.00 – 9.20 am **Empirical research in justice and dispute resolution: What justice is wanted?**
Dr Naomi Creutzfeldt, University of Westminster
- 9.20 – 10.10 **ADR: solution or problem? To what extent are the problems of justice in ADR illusory, fundamental, avoidable, reducible, or acceptable?**
Chair: Peter Tyndall, 2nd Vice President, International Ombudsman Institute
Caroline Wayman, Chief Executive and Chief Ombudsman, Financial Ombudsman Service, UK
Lewis Shand Smith, Chief Executive and Chief Ombudsman, Ombudsman Services
Professor Dr Günter Hirsch, Versicherungsombudsmann
- 10.10 – 10.30 Discussion
- 10.30 – 11.00 Coffee, served in The Buttery

- 11.00 – 11.30 **The way forward: policy principles on the role of law and interests in ADR** (*synthesis of prepared principles and results of presentations and discussion*)
 Professor Christopher Hodges and Dr Felix Steffek
- 11.30 – 12.00 Comments and Panel discussion
 Professor Stefaan Voet, KU Leuven
 Professor Carrie Menkel-Meadow, Georgetown University
 Diana Wallis, President of the European Law Institute
- 12.00 – 12.40 Discussion
- 12.40 – 12.50 Conclusion by organizers