

Resolving Disputes

Strengthening Relationships



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Message: Sheikh M. Yousaf *Managing Director, Indus Pencil*

It is great to have an organization like KCDR in our midst, which is not only contributing to institutionalizing mediation but is also providing valuable services to a large number of organizations.



Seeing the exemplary work of KCDR from close quarters, I am convinced about the many benefits of mediation especially when compared to its alternative, which is litigation. My recent interaction with KCDR has enabled me to settle a dispute over a trademark infringement, which was pending in court since 1996! Once my case was submitted to KCDR in 2008, I was surprised by the fast pace of the system. Things started to move quickly and in the right direction and the case was settled within a few sessions once and for all. I can comfortably vouch for the credibility of the system and especially about the highly professional people in KCDR who are experts in mediation.

I would also like to call people from the business community to join this effort started by KCDR. I am convinced that this is of great value as it saves time and money.

Message: Ms. Rubina Rehman *Entrepreneur*

"Mediation saved my day", I can say this with full confidence. I feel lucky to have come across KCDR. Its efforts paved the way for a complete resolution. My case had been pending in court for a long time involving frustrating moments. Day in and day out, I stepped in and out of court rooms without any progress. Being a woman meant even more difficulty for me and I was unable to divide my time for gaining my personal and professional goals.



Soon I realized the solving my case would be impossible if it continued like this. I was extremely fortunate when an appellate court referred me to KCDR. There on, things took a turn for the better. Within a brief period of just seven days, my case was totally put to rest. With this satisfaction it gives me great pleasure to recommend mediation services to other professional women who are still going through the ordeal I have had to suffer.

I whole-heartedly wish for KCDR's continued success in its important work.



KCDR's Presentation at State Bank of Pakistan on Banking Mediation

Alarming, there are 3,570 cases pending in the banking courts in Karachi alone and are increasing with the passage of time. Due to this pendency, many banks are going into deficit, which is indirectly affecting the economy of Pakistan.



An important role KCDR is playing is to reduce the backlog at the banking courts

by creating advocacy and awareness of mediation throughout Pakistan. In his presentation at the State Bank of Pakistan where 50 participants of various leading banks of Pakistan were present, Dr. Zafar Sherwani emphasized on the fact that it is the responsibility of each bank to settle their banking disputes through mediation.

Realizing the significance of mediation in the banking sector, the State Bank of Pakistan is set to promote ADR mechanism for banking sector through policy development to further promote the concept of banking mediation in Pakistan.

Meetings, Visits Conferences at KCDR

1. Additional Session Judges Visit at KCDR:

The newly appointed Additional Session Judges of Karachi visited KCDR on 12th August to see the working of KCDR. They took a tour of the KCDR office and were briefed about the process of mediation. It was inspiring to see such a great interest shown by them in mediation and its process.

2. District Judges Meeting at KCDR:

On 7th May 2010, KCDR hosted a lunch for the District Judges of Karachi where various issues were discussed. Mr. Fahim Ahmed Siddique (Judge of District South), Dr. Qammaruddin Bohra (Judge of District West), Mr. Sidiq Hussain Bhatti (Judge of District East) Ms. Soofia Latif (Judge of District Central), Dr. Zafar Ahmed Khan Sherwani (Director KCDR), Ms. Maliha Azhar and Mr. Noor Khan attended the meeting. The meeting ensured close coalition of the judges with KCDR in the mediation process.

3. National ADR Conference:

Justice (Retd.) Said-uz-Zaman Siddiqui (President KCDR), Ms. Maliha Azhar and Mr. Noor Khan participated in the National ADR Conference held in Lahore on 29th and 30th April, 2010. Chief Justice Iftikhar Muhammad Chaudhry opened the conference with an inspiring speech which focused on the importance of the process of mediation in order to reduce backlog of pending cases at the courts.

KCDR's Presentation at Pakistan Hosiery Mills Association (PHMA)

Mediation - An Important Part of the Modern Economy

People, organizations, and companies all over the world have disputes and a simpler and the quickest way to solve them is mediation. In this way, companies are able to maintain a healthy relationship among themselves and continue to work together.

KCDR is playing an important role in the advocacy and awareness of mediation in Pakistan. During the presentation at the PHMA held on 19th August 2010, Dr. Zafar Ahmed Khan Sherwani, Director KCDR, emphasized on the need of institutionalizing mediation in Pakistan which will eventually reduce the pending cases in the courts. Recognizing the importance of mediation, PHMA has been recommended to add the clause of mediation in their new contracts which will automatically refer disputes of their members for mediation at KCDR, resulting in quick and effective dispute resolution.

Mediation Skills to Judges



Mediation is yet to be embraced as a leading method of resolving disputes in Pakistan, but slowly and gradually, we are making progress in popularizing mediation.

With the new Judicial National Policy 2010 in place, the Sindh High Court has encouraged the learning of ADR among all judges.

In the light of this important development, with the approval of Sindh High Court, KCDR has launched its mediation training programme for lawyers and judges.

The programme commenced in October this year and its sessions are being held at the Sindh Judiciary Academy. Twelve master trainers are involved in this work. So far eight batches of judges have received ADR training from KCDR's master trainers.

We hope to train a total of 500 judges and 100 lawyers by February 2011.

KCDR Collaboration with Federal Republic of Germany

The Consulate General of the Federal Republic of Germany and KCDR have entered into collaboration.

His Excellency, Mr. Dieter Freund, Consul & Deputy Head of Mission and Ms. Gudrun Haider, Vice Consul of the Consulate General of the Federal Republic of Germany were present at



the Agreement Signing ceremony at KCDR along with the President of KCDR, Mr. Justice (R) Saiduzzaman Siddiqui, Dr. Zafar Ahmed Khan Sherwani, a former Judge of the High Court of Sindh & currently KCDR Director and Ms. Maliha Azhar, Corporate Secretary held on 9th September 2010. The visitors took a tour of the facilities at KCDR and appreciated its working. The brief presentation by KCDR Director emphasized that over the last three years, more than 1,500 cases have been referred to KCDR with a 76% success rate.

On the occasion, the President of KCDR said that, 'KCDR is the first institutionalized mediation centre in Pakistan established with the approval of the High Court of Sindh and is promoting the concept of mediation throughout Pakistan. The training of 500 judges of Sindh judiciary and 100 lawyers in mediation skills is an important landmark achieved by KCDR.'

The objective of the project is not only to build knowledge and capacity of judges and lawyers in the field of mediation but to also develop a basic understanding of mediation to serve judges and practicing lawyers. This programme will ultimately result in reduction of costs and time in resolution of disputes as well as the case backlog in our courts, hence reducing unnecessary litigation.

KCDR'S Efforts in Pro-bono Mediation

Justice can only triumph when everyone has an equal access to it. Due to the huge expenses of court settlements, it is quite evident that only those in power can take advantage of civil law. At KCDR, we have been trying to create a balance where everyone is given the opportunity to settle their disputes in an efficient manner. Mediation helps even the smallest of businesses reach resolution with far less time and money involved.

Taking this initiative one step further, KCDR, with the support from Women Development Department, Government of Sindh, organized pro bono mediation for the poor women of Sindh. Forty-eight cases were referred in a period of six days. The women who were referred to take advantage of this opportunity were poor and had been seeking justice for years. KCDR has now given them a hope that they had been waiting for.

Undertaking pro-bono mediation is becoming a common practice at KCDR. During April this year, a camp was set up at city courts to conduct mediation. Seventy-seven cases were referred out of which 32 were resolved successfully.

KCDR's training sessions have a very positive impact and KCDR plans to do more of these trainings.

Sponsored by:



The Legend Leads...

Two-day Conflict Resolution Training at KCDR

One of KCDR's very important efforts is providing training to its corporate members as well as other tailor made trainings for lawyers, law students, judges, and various associations and organizations. A Conflict Resolution Training session was held at KCDR on 24th & 25th April, 2010. This two day training was designed for lawyers, human resource/administration managers, departmental heads and middle level managers from the corporate sector and was conducted by three KCDR Master Trainers who have been trained by the Centre for Effective Dispute Resolution, London (U.K.).

Sixteen participants who had been nominated by their respective organizations attended this course. They were given an opportunity to meet and receive feedback from the mediators who have been mediating in a variety of professional areas understanding the process of mediation and realizing the fact that mediation is a much simpler and easier way of solving disputes. These trained corporate managers are more likely to opt for mediation when resolving a dispute in their companies, eventually saving time and money.

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Message:

Dr. Zafar Ahmed Khan Sherwani

Director, Karachi Centre for Dispute Resolution

The development of alternative dispute resolution (ADR) is a major stepping stone towards a healthy economy for today's and tomorrow's businesses. KCDR is a name we are all proud of not only for promoting mediation but also for putting it to work. Since the time KCDR initiated its work in 2007, more than 1,500 cases have been referred and we have put an end to years of court battles, recurring legal expenses, and drowning business opportunities. These resolved cases are a manifestation of KCDR's commitment to bring legal assistance in the form of mediation to the businesses of Pakistan.

Litigation is not just troublesome to businesses but to all its stakeholders. The repercussions to the economy are worse as the overall economic stability stands shaky owing to a backlog of cases. Mediation is one of the fastest and most efficient methods of resolving disputes. The success rate of all cases registered at KCDR is 76% and to date we have released more than Rs. 2.3 billion from the process of litigation.

I am proud to play an important role in promoting and advocating mediation. While our services are currently confined to Karachi, steps are being taken to introduce this system in other areas of Pakistan.



Mediation... The Ability to Achieve Quick Resolution

Some Important Benefits Of Mediation

- Mediation often lets the involved parties resolve their disputes much faster than through litigation which takes months, if not years. Mediation saves you the unending agony of an unresolved problem.
- Mediation costs much less than litigation. The court filing fees and related expenses are not needed in mediation.
- More often than not, mediation saves a relationship. Mediation can allow the involved parties to maintain a healthy relationship and work together in different projects in the future whereas in litigation their relationship immediately comes to an end.
- Mediation allows the involved parties to actively participate in negotiations.
- Preparation for mediation is far easier and simpler than preparation for litigation.
- In mediation, the parties can fully participate and express their opinions and concerns, whereas in civil litigation the attorneys of the parties are the only ones in communication.
- Communication with the mediator and the proceedings remain private and confidential.

Free Mediation to Help Deserving Women Involved in Litigation

A New Initiative of KCDR

The process of bringing justice is seldom a simple one and for the majority poor women of Pakistan it is very difficult. It is thought provoking to know that there are more than 7,152 family cases (as of October 2010) pending at Sindh High Court alone and each passing day sees a continuous rise in this number! These women are wasting their lives awaiting trial for minor disputes involving marriage dissolution, inheritance and custody of children.

Mediation is the recourse that these women belonging to the poorest section of our society need for a free and a better life. Equipped with this tool, KCDR is initiating a project to take pro-bono mediation services to 2,000 poor women caught up in litigation. Resolving each case requires an investment of Rs. 18,000.

We hope that our dear readers would summon up their hearts and change lives of many women through their contributions in solving the disputes.

Process of Mediation

The process of Mediation at KCDR is very easy and simple. A case that will take about a year to resolve in the courts takes only a few days to be resolved at KCDR through the mediation process which includes:

1. Initiation of Mediation:

The first step is to refer the case for mediation. If the case is already in a court or Judicial Forum, one can opt for mediation by requesting the presiding officer of the court to give permission to transfer the case for mediation at KCDR. However, if the case is not registered in any court, one can directly contact KCDR and schedule a mediation session.

2. Appointment of a Mediator:

In the second step, a mediator is appointed by KCDR and an agreement between the client and the mediator is signed. The client has to submit documents at this stage accordingly to the requirements of the agreement.

3. Mediation Sessions:

In this step, the mediator schedules sessions with both parties and identifies their issues and interests. Once the mediator identifies the problem, he facilitates a resolution of the dispute.

4. Conclusion:

If the parties reach a mutual resolution, the mediator then drafts a settlement agreement and sends it to the court for disposal of the case as per law.

ESTEEMED CORPORATE MEDIATION GUILD 300 MEMBERS WHO ARE SUPPORTING & BENEFITTING FROM KCDR

Life Members

AKD Securities (Pvt.) Ltd., Allied Bank Ltd., ATCO Laboratories Ltd., Bank Alfalah Ltd., Coca-Cola Beverages Pakistan Ltd., Dawood Hercules Chemicals Ltd., Dewan Mushtaq Group, English Biscuit Manufacturers (Pvt.) Ltd., Engro Corporation Ltd., Glaxo SmithKline (Pakistan) Ltd., Habib Bank Ltd., Lucky Textile, National Bank of Pakistan, Pak-Arab Fertilizer Ltd., Pak-Arab Refinery Ltd., Pakistan Intern'l Container Terminal Ltd., Pioneer Cement Ltd., Rangoonwala Group, Razaque Steels Group of Companies, Shan Food (Pvt.) Ltd., Technology Links (Pvt.) Ltd., United Bank Limited, Vellani & Vellani

Annual Members

Ali & Associates, Al-Tariq Constructors (Pvt.) Ltd., Bhombal & Company (Pvt.) Ltd., Brookes Pharmaceuticals Labs Ltd., Civil Aviation Authority, Indus Motors Company Ltd., Karachi Electric Supply Company, Mehran Oils (Pvt.) Ltd., Millennium System & Consultant (Pvt.) Ltd., Premier Group of Companies, Sachal Engineering Works (Pvt.) Ltd., Soorty Enterprises (Pvt.) Ltd., and Tetra Pak Pakistan Ltd.

Back

Join the movement for a more just society in Pakistan: KCDR's mediation saves time and cost!

KCDR provides mediation services to the corporate sector of Pakistan and provides mediation trainings to legal professionals. KCDR is also involved in making mediation accessible to businesses through open house sessions at City Courts. Businesses can support KCDR and benefit from mediation services by:

- Joining KCDR's Corporate Mediation Guild 300 Life Membership (One-time fee Rs. 300,000)
- Joining KCDR's Corporate Mediation Guild 300 Annual Membership (Annual fee Rs. 50,000)

(To become our Member, send this form duly filled on the given address. KCDR Resource Development Department will send you the membership Brochure of Corporate Mediation Guild 300).

You can also contribute for KCDR's mediation services to make it available for all businesses, big or small, of Pakistan as a "General Supporter."

Company Name (in block letters): _____

Name of Chief Executive: _____

Amount Contributed: _____ for (type of membership): _____

Address: _____

Tel: _____ E-mail: _____

Please send this form (duly filled) on the following address: Karachi Centre for Dispute Resolution, D-9/5, Park Lane, Block 5, Clifton-Karachi. Ph: 21-35820030, Fax: 21-35879183.

E-mail: rdd@kcdr.org, Website: www.kcdr.org