



Mediator Full Profile



Mr. Anil Xavier

Email: anilxavier@arbitrationindia.com

Phone: +91 484 2346880

Mobile: +91 9249416731

Address:

Manimandir, Kaloor

Dr. George Road

Cochin, Kerala, 682017

India

Experience Qualification Path

Category 2: IIAM

Mediation locations

India, Malaysia, Singapore, Sri Lanka

Mediation languages

English, Hindi, Malayalam

Current position and background

Anil Xavier is a Grade-A Mediator empanelled with the Indian Institute of Arbitration & Mediation, with experience in handling major negotiations and mediations. He is a Charter Member and currently the President of Indian Institute of Arbitration & Mediation (IIAM). Xavier is a Charter Member and Vice-President of India International ADR Association (IIADRA), a Charter Member and the Secretary General of the Mediator's Council of India and the Executive Committee member of the ADR Law Section of the Indian National Bar Association (INBA).

Xavier is a practicing lawyer in India since 1991, with experience in litigation, arbitration and mediation. His expertise areas are corporate, commercial, business, contracts, company, real estate and arbitration matters.

He was influential directly and indirectly in the development of mediation in India. He was instrumental in developing the concept of "IIAM Community Mediation Service", which is a system of decentralized, socially oriented and inexpensive Dispute Resolution Mechanism to serve the needs of the common people by providing a platform near their home and also to train individuals from the concerned local community as mediators. He is the Master Trainer for Professional Mediator Training Program conducted by IIAM.

Xavier is the only member from India in the Independent Standards Commission of the International Mediation Institute at the Hague. He is the Chairman of the Sub Committee of the Asian Mediation Association (AMA) to form guidelines for certifying mediation training courses



Mediator Full Profile

and for accrediting mediators in AMA countries. He is empanelled as an international mediator with the Singapore International Mediation Centre, Singapore and the Florence International Mediation Chamber, Florence Italy. He is also a Senior Fellow of the Dispute Resolution Institute of the Hamline University School of Law, USA. Xavier is a member of the International Advisory Board of the Afghanistan Centre for Commercial Dispute Resolution (ACDR).

Main mediation practice areas

Areas of particular experience includes:

- * General Commercial / Business
- * International Commercial
- * Construction / Real Estate / Property
- * Financial Services
- * Technology
- * Maritime
- * Employment
- * Arts / Entertainment
- * Sport
- * Family
- * Community

Mediation experience

Anil Xavier operates in nearly all sectors of commercial mediation. He has been particularly involved in multiparty complex civil / business / commercial / corporate / cross border mediations and arbitrations. He has successfully mediated umpteen numbers of family and custody mediations. He also has the unique experience of mediating sensitive social and political issues, including one between the Government of Kerala, India and the private medical / engineering colleges association. He has also mediated successfully a complex-business dispute involving more than 600 affected parties.

Description of mediation style

He firmly believes that mediation has to be primarily facilitative, enabling the parties to make their decision. But as per the Arbitration & Conciliation Act, 1996 (of India), the mediator/conciliator can also make proposals which would aid the settlement or resolution. In such cases, if the parties so desire, he believe in using evaluative or transformative techniques of mediation. Irrespective of the methods of mediation, he firmly believes in the ethical norms of the mediator.

Code of professional conduct

IIAM Mediators' Code of Professional Conduct

http://www.arbitrationindia.com/pdf/rules_mediation.pdf

Complaint process

IIAM Mediators' Conduct Assessment Process

http://www.arbitrationindia.com/pdf/rules_mediation.pdf



Mediator Full Profile

Professional indemnity insurance

None

Feedback digest

Reviewer: Indian Institute of Arbitration & Mediation IIAM - (adm@arbitrationindia.com)

Latest Update: 2015-06-16 12:59:33

This Feedback Digest is based on 15 feedbacks submitted as on 30th April 2015.

Mr. Anil Xavier is rated by users on overall satisfaction at more than 85% at Level 5 on a scale of 1-5. A very high percentage of users have put him at level 5 in using him again as Mediator and recommending him to others. Mr. Xavier has been rated high on his skill and ability as a mediator.

Most of the users have acclaimed his quality of patience, impartiality, sense of humour and sincerity. Many of them have praised his calm and relaxed approach. Users have high regard on his ethical standards and mediation process. First-time users have commented that he was helpful in explaining the concept and process of mediation and commented that he had put them in a state of comfort in the process and maintained the appropriate decorum and atmosphere conducive for facilitating conversation. Some of the users have also highlighted that he was available over phone, whenever they wanted and he was cordial and friendly whenever they called him. Several feedback providers commented that he was careful in advising them to have independent legal advice before entering into settlement agreement. He was also commented as a good listener.

Many users found his skill for developing mutually acceptable resolutions outstanding, when they had sought his guidance under conciliation. Some Users who have approached him on more than one occasions, have commented that they have approached him again, as he was very useful in creating value, whereby the dispute could be converted into an opportunity and they gained value in respect of relationship and business opportunities. Some of the Users have commented that the process of mediation was so delightful, that they want to attend mediation training.

A wide range of mediation skills have emerged from the Feedbacks received. No negative comments have been reported in the feedbacks.

Professional affiliations

- * Charter Member and President of the Indian Institute of Arbitration & Mediation (IIAM), India.
- * Charter Member and Vice-President of India International ADR Association
- * Charter Member and Secretary General of Mediators' Council of India
- * Executive Committee Member of the ADR Law Section of the Indian National Bar Association
- * Member, Independent Standards Commission and Ethics Committee, International Mediation Institute, The Hague



Mediator Full Profile

- * Senior Fellow of Dispute Resolution Institute of Hamline University School of Law, USA
- * Chairman of the Sub Committee of Asian Mediation Association for preparing guidelines for certifying mediation courses and accrediting mediators in the AMA Member countries
- * Editor of online legal magazine dealing with ADR, viz., The Indian Arbitrator
- * Accredited Grade A Mediator of the Indian Institute of Arbitration & Mediation
- * International Accredited Mediator empanelled with the Singapore International Mediation Centre, Singapore
- * International Accredited Mediator empanelled with the Florence International Mediation Centre, Florence, Italy
- * Member of the International Advisory Board of the Afghanistan Centre for Commercial Dispute Resolution (ACDR)

Mediation education and training

Mediation Training of European Training Team of ADR Chambers UK, affiliated with the Civil Mediation Council, UK (2005)

Mediation teaching and mentoring

- * Faculty Member of IIAM - Master Trainer for Negotiation, Mediation & Arbitration
- * Conducted training programs on arbitration and mediation for various institutions like National Academy of Defence Production, Nagpur, India, Dubai Judicial Institute, Dubai etc.
- * Involved in developing curriculum for Certificate in Dispute Management (CDM), a distance-ed program of IIAM

Presented:

- * Paper on "The Advantages of ADR in Business Dispute Resolution" at the seminar on "Alternative Dispute Resolutions" at Bangalore on 29 January 2004.
- * Represented as a Theme Leader for the "2005 Symposium on Advanced Issues in Dispute Resolution" at Minnesota, USA on 29-30 October 2005 and presented paper on "Globalisation of ADR".
- * Paper on the "Concept of Legal Audit and Community Mediation Service" at the seminar on "Dispute Prevention and Management" at New Delhi on 17 January 2009.
- * Session on the Seminar "Legal Contract Excellence" on 13-14 August 2009 at Mumbai by Marcus Evans, Malaysia.
- * Session on "Mediation: a Technique for Business Diplomacy" at the conference, "Arbitration in



Mediator Full Profile

the 21st Century: Making it Work" at New Delhi on 4-6 December 2009, co-presented by the IBA Arbitration Committee and the ICC International Court of Arbitration, Paris and supported by the IBA Asia Pacific Regional Forum and ICC India.

* Session on "Arbitration - Agreements, Procedures & Case Laws" at National Academy of Defence Production, Nagpur on 19 November 2009 and 13 November 2010.

* Session on "Upcoming Trends in Commercial Dispute Resolution" in the seminar conducted by Indo-American Chamber of Commerce at Cochin on 25 June 2010.

* Paper on the "Role of Courts in Arbitration - Indian perspective" at the Law lecture conducted by the Kerala High Court Advocates' Association on 1 July 2010.

* Paper on "Dispute Prevention & Management and ADR" in the legal workshop "Introduction to Law" conducted by the Dubai Judicial Institute, at Dubai on 7 March 2011.

* Session on "The Social & Economic Facet of Alternative Dispute Resolution - Indian Perspective" conducted by Universitat Basel at Basel, Switzerland on 20-22 October 2011.

* Paper on "Impact of Mediation on Health & Social Welfare - Indian Context" at the Asia-Pacific Mediation Conference 2012 on 16-17 November 2012 at Hong Kong.

* Session on "Arbitration and Mediation in Expired Contracts" at the Charutar Institute of Infrastructure Technology (Centre of Excellence) (CIITA), Anand, Gujarat on 20 January 2014.

* Paper on "Absence of Universal Mediation Procedure & Ethical Norms - The Risks Faced by the Mediator" at the 3rd Asian Mediation Association Conference, "Mediation: New Era - Legal Framework and Social Change" on 3-4 April 2014 at Hong Kong.

* Session on "Mediation & Business Management" at the Goa Community Mediation Centre, Goa on 22 June 2014.

* Session on "Harmonizing Business Resolution" at the seminar "Harmonizing Dispute Resolution & Business Management" conducted by the Cochin Chamber of Commerce & Industry, on 25 July 2014.

* Paper on "Investor-State Disputes - Relevance of Mediation" at the 3rd Asia Pacific ADR Conference conducted jointly by UNCITRAL, Ministry of Justice and the Korean Commercial Arbitration Board on 17-18 November, 2014 at Seoul, South Korea.

* Paper on "Opting the Mediation Window in the Arbitration House" at the Corporate Legal Excellence Conference by Marcus Evans on 24-25 November 2014 at Kuala Lumpur, Malaysia.

* Session on "Tailoring Dispute Resolution Strategies" at the Pune International Arbitration Centre, Pune on 12-13 December 2014.

* Session on "Creating a Career in Commercial Mediation and Mediation Advocacy" at the Asia Pacific International Mediation Summit conducted by the American Bar Association and the UNCITRAL at New Delhi on 12-14 February 2015.



Mediator Full Profile

Mediation publications

- * Authored book on arbitration and mediation based on the Arbitration & Conciliation Act of India - 1999.
- * "Institutional ADR in India" published by ARyME, Spain - 2004
- * "Mediation - Its Origin & Growth in India" published in the Hamline Journal of Public Law & Policy, USA - 2006
- * "Bringing Justice to Your Doorsteps" published in "The Indian Arbitrator" - 2009
- * "A Mission - A Responsibility" published in the IMI web portal, the Hague - 2009
- * "Lawyer Mediator; Non-Lawyer Mediator - Who is Better?" published in "The Indian Arbitrator" - 2009
- * "Mediation is Here to Stay" published in Indian Yearbook of International Law and Policy - 2009
- * "An Invite for Support of a Community Initiative" published in the IMI web portal, The Hague, Netherlands - 2010
- * "An Argumentative Indian?" published in the journal "Chartered Accountant" - 2010
- * "Mediation - Its Origin & Growth in India" published originally in 2006 in the Hamline Journal of Public Law & Policy, USA was translated to mandarin and published in the Beijing Arbitration Magazine - 2011
- * "The Social & Economic Facet of Alternative Dispute Resolution - Indian Perspective" published in "Poverty and the International Economic Law System" by Universitat Basel supported by the Swiss National Science Foundation - 2012
- * "Mediation is Not Alternative Dispute Resolution" published in the Kluwers Mediation Blog - 2013
- * "Absence of Universal Mediation Procedure & Ethical Norms - The Risks Faced by the Mediator" published in the Asian Mediation Journal - 2014
- * The chapter "Mediation in India" for the "Asian Mediation Handbook" published by Thomson Reuters Hong Kong Ltd. - 2014
- * "Mediation: Justice for Whom?" published in LiveLaw.in - 2015

Note: This Mediator Profile is intended to offer guidance to users of mediation services about the competency, skills, styles and potential suitability of the IMI Certified Mediator featured above. The Reviewer, the Mediator and IMI are attempting to present fair, balanced and objective information but none are to be held responsible for reliance on the information given. Users of mediation services are encouraged to pursue further research before



Mediator Full Profile

selecting the IMI Certified Mediator, including contacting references and conducting an interview with the Mediator before making a selection.