

HISTORY & DEVELOPMENT OF MEDIATION STRUCTURES OF AMA MEMBERS: “MALAYSIAN MEDIATION CENTRE”

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HOW WAS THE MALAYSIAN MEDIATION CENTRE (“MMC”) SET UP?

- A body established under the auspices of the Malaysian Bar Council
- In 1997, the Bar Council set up an Alternative Dispute Resolution Committee to look into the possibility of setting up an ADR Centre
- It was launched on 5th November 1999



MMC OBJECTIVES

- Promote Mediation
- Provide proper avenue for successful dispute resolution
- Provide Mediation training



MMC VENUES

- Main Centre
 - At the premises of the Malaysian Bar Council
- Other Centres
 - At the premises of the State Bar Committees



MMC SERVICES

- Offers a comprehensive range of services
 1. Professional Mediation Services by trained Mediators, accredited and appointed to the Panel of Mediators of MMC
 2. Provide assistance and advice on Mediation
 3. Provide training in Mediation techniques
 4. Provide Consultancy services in dispute management and conflict avoidance
 5. Administrative and Secretarial Support



MMC : TYPES OF CASES

- Commercial
- Civil
- Family Disputes



MODEL OF MEDIATION

- Facilitative



MMC CODE OF CONDUCT

- Panel of Mediators are subject to a code of conduct
 - Impartiality
 - Mediation procedure
 - Confidentiality
 - Fees structure
 - Withdrawal



MMC MEDIATION RULES

- Initiation & Request for Mediation
- Appointment
- Disqualification
- Representation
- Authority
- Privacy
- Confidentiality
- Stay of Proceedings
- Termination of Mediation
- Exclusion of liability
- Interpretation & Application of Rules



MALAYSIAN MEDIATION ACT 2012

- Promoted by MMC
- Drafted by MMC
- Approved by the Parliament's Draftsmen (subject to removal of certain provisions)
- Passed as an act by Malaysian Parliament in 2012
- The Act does not cover Court Annexed Mediation



COURT ANNEXED MEDIATION

- Practice Direction No. 5 of 2010
- Judges to encourage mediation in the following cases:
 - Personal Injury
 - Defamation
 - Matrimonial disputes
 - Commercial disputes
 - Contractual disputes
 - Intellectual property cases



COURT ANNEXED MEDIATION: TYPES

- 2 types
 - Judge Led
 - Mediator from MMC



COURT ANNEXED MEDIATION

- Practice Direction No. 4 of 2016
 - Revoked earlier Practice Direction
 - It brings in an additional mode of mediation i.e.
 - Judge Led
 - Mediation by Kuala Lumpur Regional Centre for Arbitration (KLRCA)
 - Mediation by MMC



EFFECT OF COURT ANNEXED MEDIATION ON MMC

- Reduction in cases referred to MMC
- MMC now does more training and accreditation
- We have trained
 - Industrial Court Judges
 - University lecturers
 - Local authorities
 - Lawyers, doctors, engineers & other professionals

