

**AMENDMENT TO THE UNIFORM MEDIATION ACT
TO ADD AN ARTICLE
REGARDING INTERNATIONAL COMMERCIAL MEDIATION ***

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

MEETING IN ITS ONE-HUNDRED-AND-TWELFTH YEAR
WASHINGTON, D.C.

AUGUST 1–7, 2003

**AMENDMENT TO THE UNIFORM MEDIATION ACT
TO ADD AN ARTICLE
REGARDING INTERNATIONAL COMMERCIAL MEDIATION**

WITHOUT PREFATORY NOTE OR COMMENTS

Copyright © 2003
By
National Conference of Commissioners
on Uniform State Laws

* The following text is subject to revision by the Committee on Style of the National Conference of Commissioners on Uniform State Laws.

**DRAFTING COMMITTEE TO AMEND THE UNIFORM MEDIATION ACT
TO ADD AN ARTICLE REGARDING
INTERNATIONAL COMMERCIAL CONCILIATION**

MICHAEL B. GETTY, 1560 Sandburg Terr., Suite 1104, Chicago, IL 60610, *Chair*
PHILLIP CARROLL, 120 E. Fourth St., Little Rock, AR 72201
STANLEY M. FISHER, 1100 Huntington Bldg., 925 Euclid Ave., Cleveland, OH 44115-1475
ELIZABETH KENT, P.O. Box 339, Honolulu, HI 96809-0339
BYRON D. SHER, State Capitol, Suite 2082, Sacramento, CA 95814
FRANCIS J. PAVETTI, 18 The Strand, Goshen Point, Waterford, CT 06385, *Enactment Plan
Coordinator*
NANCY H. ROGERS, Ohio State University, Moritz College of Law, 55 W. 12th Ave.,
Columbus, OH 43210, *Reporter*

EX OFFICIO

K. KING BURNETT, P.O. Box 910, Salisbury, MD 21803-0910, *President*
MARTHA LEE WALTERS, 245 E. Fourth St., Eugene, OR 97401, *Division Chair*

AMERICAN BAR ASSOCIATION ADVISOR

LAWRENCE D. W. GRAVES, 55 Stone Ridge Dr., Northampton, MA 01062-2672, *ABA Advisor*

EXECUTIVE DIRECTOR

WILLIAM H. HENNING, University of Alabama, School of Law, P.O. Box 870382, Tuscaloosa,
AL 35487-0382, *Executive Director*
WILLIAM J. PIERCE, 1505 Roxbury Road, Ann Arbor, MI 48104, *Executive Director Emeritus*

Copies of this Act may be obtained from:

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
211 E. Ontario Street, Suite 1300
Chicago, Illinois 60611
312/915-0195
www.nccusl.org

**AMENDMENT TO THE UNIFORM MEDIATION ACT
TO ADD AN ARTICLE
REGARDING INTERNATIONAL COMMERCIAL MEDIATION**

SECTION ____ . INTERNATIONAL COMMERCIAL MEDIATION.

(a) In this section, “Model Law” means the Model Law on International Commercial Conciliation adopted by the United Nations Commission on International Trade Law on 28 June 2002 and recommended by the United Nations General Assembly in a resolution (A/RES/57/18) dated 19 November 2002, and “international commercial mediation” means an international commercial conciliation as defined in Article 1 of the Model Law.

(b) Except as otherwise provided in subsections (c) and (d), if a mediation is an international commercial mediation, the mediation is governed by the Model Law.

(c) Unless the parties agree in accordance with Section 3(c) of this [Act] that all or part of an international commercial mediation is not privileged, Sections 4, 5, and 6 and any applicable definitions in Section 2 of this [Act] also apply to the mediation and nothing in Article 10 of the Model Law derogates from Sections 4, 5, and 6.

(d) If the parties to an international commercial mediation have agreed under Article 1, subsection (7), of the Model Law that the Model Law shall not apply, this [Act] applies.