



Digital Commons@
Loyola Marymount University
LMU Loyola Law School

Loyola of Los Angeles International and Comparative Law Review

Volume 10
Number 3 *Symposium—International Dispute
Resolution: Enforcement of Awards or
Agreements Resulting from Arbitration,
Mediation and Conciliation*

Article 2

6-1-1988

Introductory Remarks

Karen Tolson

Follow this and additional works at: <https://digitalcommons.lmu.edu/ilr>



Part of the [Law Commons](#)

Recommended Citation

Karen Tolson, *Introductory Remarks*, 10 Loy. L.A. Int'l & Comp. L. Rev. 567 (1988).
Available at: <https://digitalcommons.lmu.edu/ilr/vol10/iss3/2>

This Symposium is brought to you for free and open access by the Law Reviews at Digital Commons @ Loyola Marymount University and Loyola Law School. It has been accepted for inclusion in Loyola of Los Angeles International and Comparative Law Review by an authorized administrator of Digital Commons@Loyola Marymount University and Loyola Law School. For more information, please contact digitalcommons@lmu.edu.

SYMPOSIUM

International Dispute Resolution: Enforcement of Awards or Agreements Resulting from Arbitration, Mediation and Conciliation*

Introductory Remarks

KAREN TOLSON**

On behalf of the International Law Society, good evening and welcome to Loyola Law School. Having developed an appreciation for dispute resolution methods used by parties of different nations, through my association with today's speakers and the Los Angeles Center for International Commercial Arbitration, I am proud to be a part of this important event. The Society and Loyola Law School are pleased to present this symposium.

For audience members unfamiliar with the concept of "alternative dispute resolution," I will give a quick, generalized description of each dispute resolution technique which will be discussed tonight, to set the stage for our speakers.

Where parties from different nations disagree about contractual provisions or oral agreements made, especially in business transactions, they are naturally reluctant to go to courts for dispute resolution because foreign nations' judicial systems may not provide a fair, unbiased forum.

* The following symposium presentations are printed as revised by their respective authors.

** Karen Tolson is associated with the defense litigation law firm of Breidenbach, Swainston, Crispo & Way, Los Angeles, CA. She received her B.A. in 1980 from the College of William and Mary, Williamsburg, Virginia, and her J.D. in 1987 from Loyola University of Los Angeles Law School. Ms. Tolson is the author of *Punitive Damage Awards in International Arbitration: Does the "Safety Valve" of Public Policy Render Them Unenforceable in Foreign States?*, 20 LOY. L.A.L. REV. 455 (1987). She is a member of the State Bar of California's International Law Section, and admitted to practice by the Supreme Court of California and the United States District Court for the Central District of California. Ms. Tolson organized the present symposium.

Recently, such parties have found alternative methods more attractive. They submit their dispute to a neutral third party or a panel of neutral parties for a solution which may prove more fair and satisfactory. Arbitration is the most similar to the judicial forum, in that a neutral arbitrator or panel of arbitrators will listen to each side's presentation of the case, weigh evidence, and come up with a ruling that is usually binding on the parties. The arbitration award is usually based on the law of one country; that of the situs of the arbitration or of a country's laws that the parties select.

Mediation, however, employs a neutral person to serve as a go-between for the parties. As the parties explain their positions, the mediator's object is to get one side to listen to the other side's position in order to get the parties themselves to come up with a solution to their problem. Mediation may be binding or non-binding. Conciliation, on the other hand, is non-binding and much like simple negotiation, where the objective third party helps the disagreeing parties create their own solution.

Without further delay, let us proceed to our first speaker.