2009-2010 Report

The Dispute Resolution Centre (established in 1989) has had another year of activity and achievement. Based in the Faculty of Law, the Dispute Resolution Centre was established in 1989 and has a national reputation for training, teaching, research and mediation process.

Relevance of Centre

Since 1989, the Dispute Resolution Centre has been one of the great success stories of the Law Faculty and University at many levels of "success".

The aims and objectives of the Centre are:

- To promote a better understanding of the need for, dynamics of and advantages of consensus-oriented procedures of dispute resolution.
- To develop modules in negotiation, mediation, arbitration and other forms of alternative dispute resolution in the Law School programs.
- To provide training in dispute resolution methods for lawyers and other professionals involved in this field.
- To encourage and facilitate research and publications in the different areas of dispute resolution.
- To provide an umbrella organisation for individuals and bodies involved in this field.

This is achieved through courses, workshops and seminars presented on and off campus, as well as directed research. (See http://www.bond.edu.au/faculties-colleges/dispute-resolution/index.htm)

Structure

The DRC has the following structure:

1. Director (Professor John Wade) reports to Law Dean at least annually; and to Advisory Board at least annually under "Collaborative Research Centre Policy" in TLR 5.03. The Director is appointed by the Law Dean on a three year basis. Professor John Wade's term of office expires on October 2011, when Professor Laurence Boulle takes on the position of Director.

2. Deputy Directors: Professors Laurence Boulle, Pat Cavanagh and Libby Taylor.
3. Membership. Open to anyone (including higher degree students) who has a demonstrated interest in dispute resolution and who agrees with the goals of the DRC. The Director approves of any membership application in consultation with the Advisory Board.

Members

Members particularly involved in leading Bond courses are:

John Wade (Director); Laurence Boulle; Pat Cavanagh; Libby Taylor; David Bryson; Ian Hanger QC, Robyn Hooworth; Linda Kochanski, Ross McSwan, Miryana Nesic, Anne Purcell, Bobette Wolski.

Leisha Browning was welcomed to the DRC team in 2010.

Libby Taylor has been acting director since 1 April 2010 while John Wade has been on long service leave in USA and Canada.

The DR Centre also has 50 coaches around Australia who assess and coach at courses in the various state capital cities.

Administrators: Jane Hobler and Cheryl Hensel.

Adjunct appointments were made to the Faculty of Law of a number of specialists in dispute resolution, namely Miryana Nesic, Ian Hanger SC, Nadja Alexander, Robyn Hooworth, and Samantha Hardy.

Advisory Board

The Advisory Board meets at least once a year to give advice on strategy, activities, and performance objectives; and once a year to review the actual report.

In March 2010, the following distinguished people accepted two year appointments on the Advisory Board of the Bond University Dispute Resolution Centre

- David Bryson, Workcover Victoria
- Rick Jones, Lawyer and mediator, Jones Mitchell, Gold Coast
- Ian Hanger, SC, Brisbane

In September 2010, two international board members were added to the Board

- Professor Woody Mosten, UCLA, Los Angeles
- Professor Tony Picchioni, Southern Methodist University, Texas

Courses in 2009-2010

The Centre has run various Bond University short courses, namely 4 four day basic mediation courses; three 2-day mediator assessment courses to meet National mediation accreditation standards; and one 2-day advanced

mediation course. People attending came from all over Australia and included lawyers, judges, HR officers, managers, counsellors and school teachers.

Date/Venue	Course	Attendees
15-18 October 2009 Melbourne	4-day Basic Mediation course, in conjunction with Leo Cussen Institute.	17
6-7 November Melbourne	2-day Assessment Course, in conjunction with Leo Cussen Institute	11
26-29 November Gold Coast	4-day Basic Mediation Course	19
12-13 February 2010 Gold Coast	2-day Assessment Course	17
18-21 March Gold Coast	4-day Basic Mediation Course	20
6 May QLS, Brisbane	1-day Refining Your Mediation Style	20
13 May Bond University	1-day Conflict in Schools	15
11-12 June Bond University	2-day Assessment Course	20
29 July-1 August Gold Coast	4-day Basic Mediation Course	19
7-8 August Bond University	2-day Flagship Mediation Processes	14
23-27 August Bond University	5-day Family Dispute Resolution (Legislation and Skills) LAWS 73-786	10
30 August- 4 September Lyons, France	5-day Global Negotiation (Université deCatholique)	13

For Schools

Ross McSwan: One day course for teachers on “Conflict in Schools” on 13 May held at Bond University.

Off-shore Courses in 2009-2010

- John Wade taught one five-day Bond course in Global Negotiation at the Universitie de Catholique in Lyon, France.
- Libby Taylor and Robyn Hooworth taught two 5-day mediation courses for the Hong Kong Law Society in February/March 2010.
- Libby Taylor, Robyn Hooworth and John Wade taught two 5-day mediation courses for the Hong Kong Law Society in July 2010.

- Robyn Hooworth taught several Assessment Courses for the Hong Kong Law Society in July-September 2010.

The Director meets with Michael Lupton and Lee Steusser each year to ensure that an adequate number of dispute resolution electives are offered each semester to allow specialisation in Dispute Resolution in the LLM and SJD degrees.

Positions Held

- Laurence Boulle is Director of the Mandela Institute for Global Economic Law in Johannesburg (2009-2011). He will be returning to the DRC in 2011.
- Laurence Boulle has been appointed Chair of the National Dispute Resolution Accreditation initiative in South Africa
- Laurence Boulle has been elected a Director of the Board of the new Mediation Accreditation Standards Board for two years.
- John Wade was Chair of the Family Law Council of Australia between 2008-2010; on the ADR Committee for the Queensland Law Society; and a member of the national Committee for Mediation Practice and Compliance; and is a visiting professor at UBC Vancouver and at SMU Dallas.
- John Wade is on editorial boards of *Family Court Review* (New York); *Journal of Family Studies* (La Trobe).

Training for Organisations

In 2009-2010 members of the Centre led training in conflict management, mediation or negotiation for:

- The Australian Tax Office
- Freehills, lawyers, Sydney and Melbourne
- Blake Dawson, lawyers, around Australia
- Dobinson Davey, Lawyers, Canberra
- Hong Kong Law Society
- Social Security Appeals Tribunal
- CCH Publishers
- Office of the Information Commissioner, Brisbane
- District and Supreme Court Judges and Registrars of WA
- Department of Child Protection, Western Australia

Publications

- For access to publications, see epublications http://epublications.bond.edu.au/drc/
- 6 issues of the Bond University *ADR Bulletin*

- 2 electronic Bond University DR Newsletters to over 4500 subscribers (back copies at http://epublications.bond.edu.au/drcn/.
- Laurence Boulle and Miryana Nesic, *Mediator Skills and Techniques: Triangle of Influence* (2009, Bloomsbury, London UK, 789 pages)
- Laurence Boulle, *The Law of Globalisation* (Kluwer Law International, Netherlands, 2009, 430 pages)
- Laurence Boulle, 'International arbitration and competing dispute resolution options', chapter in M Hiscock and W van Caenegem (eds) *The Internationalisation of Law* (Elgar, 2009) pp 251-276.
- Laurence Boulle, 'In and Out the Bramble Bush – South Africa and the Global Investment Regime', in (2010) 58 *Focus* 18 pp
- Bobette Wolski, *Skills, Ethics and Values in Legal Practice*, (Thomson Reuters, 2009)
- Bobette Wolski, "Beyond Mooting: Designing an Advocacy, Ethics and Values Matrix for the Law School Curriculum" (2009) 19 *Legal Education Review*, 41-82.
- Bobette Wolski, "Reform of the Civil Justice System Two Decades Past – Implications for the Legal Profession and for Law Teachers" (2009) 21 *Bond Law Review*, 192-232.
- Bobette Wolski, 'Reform of the Civil Justice System 25 Years Past – (In)Adequate Responses from Law Schools and Professional Associations? (and How Best to Change the Behaviour of Lawyers)', forthcoming, *Common Law World Review*.
- Role Play Book (Bond University, 2010), ed J.H. Wade.
  This is made up of 100 role plays mainly drawn from real mediators and negotiators for use in the Law Faculty Skills program.
- J H Wade - "Negotiating with Difficult People (DRC News Vol 32) and "The Procedural Evolution of Conflict towards Litigation and Implications for Legal Publishers" (DRC News Vol 33).
- J H Wade - "Meet MIRAT: Legal Reasoning", in John Farrar *Legal Reasoning* (Lawbook) pp 317-331.
- J H Wade - "Matching Disputes and Responses" (2010) 12 *ADR Bulletin* 4-10.

Visitors

- Three esteemed visitors from Lyon, France were: Frank Violet, Dean of the Law Faculty at the Universite Catholique de Lyon, Nicole Ughetto, Director of International Relations, and Bernard Ughetto, an intellectual property lawyer in Lyon.
- Coaches who came to campus for assessment courses – Tom Stodulka, Mieke Brandon, Lisa Frisken, Jenny Felton, Janet Barnes, Deb Keenan.

Conferences and Key Note Speakers

John Wade has delivered keynote papers at -

- The national Canadian Family Law Conference in Victoria BC in July 2010
- BC Succession conference in Vancouver on 21 September 2010
- BC Annual ADR conference on 22 April 2010
- ABA conference on Dispute Resolution in San Francisco on 9 April 2010

Bobette Wolski, Conference papers delivered –

- Paper titled 'Impediments to Effective Communication (and Why We Don't Know What We Think We Know)', Australian Lawyers Alliance Conference Queensland, Saturday 20 February 2010, Gold Coast.
- Paper titled 'Reform of the Civil Justice System 25 Years Past – (In)Adequate Responses from Law Schools and Professional Associations?, Non-Adversarial Justice: Implications for the Legal System and Society Conference, 4-7 May 2010, Melbourne.
- Paper titled 'An Analysis of the Factors Affecting the Ethics of Legal Representatives in Mediation, Ideally and in Practice', International Legal Ethics Conference IV, July 15-17, 2010, Stanford University, Palo Alto, California.

Laurence Boulle has given addresses –

- a paper on ADR in International Investment Disptues at the National Mediation Conference in Adelaide, 8-10 September 2010.
- a paper on 'Diagnosing for Appropriatness in Investment Disputes, at the UNCTAD/ Washington and Lee Conference on Investment Law and Dispute Resolution, Lexington US, March 2010.
- with Nokuhle Madolo presented a paper at the second Society for international Economic Law conference, Barcelona, Spain, July 2010.
- a paper on 'Globalisation Dynamics: An Investment Case Study', paper presented to SA Insititute of International Affairs, April 2010.
- a paper on, 'From Adjudicators to Resolvers – Changing Roles for Courts', paper presented at symposium on Changing the Civil Justice System, Helen Suzman Foundation, Johannesburg, March 2010
- a paper presented on 'New Directions in Global Finance and Regulation', at Konrad Adenauer Stiftung Conference on New Directions in Economics and Ethics, Johannesburg 15-16 September 2010.
- a seminar at the World Trade Institute in Berne, Switzerland in June, spoke at the the Arbitration Association Annual General Meeting in Johannesburg in June and presented a seminar at the African Dispute

Resolution Centre in Cape Town in August. He chaired a panel at the TRAPCA trade conference in Arusha, Tanzania in July.

Additionally, Laurence Boulle attended -

- The UNCTAD-Washington and Lee Investment Conference in Lexington, US.
- The Society for International Economic Law Conference in Barcelona, Spain.
- The Arbitration Association Annual General Meeting in Johannesburg.
- The African Dispute Resolution Centre in Cape Town, South Africa.
- And chaired a panel at the TRAPCA trade conference in Arusha, Tanzania.
- And introduced the key-note speaker, Justice Albie Sachs, at the National Mediation Conference, Adelaide.
- During his time in Johannesburg he is chairing a project on National Accreditation Standards in the Dispute Resolution Industry.

2009-2010 Initiatives

- After years of planning, the Centre launched the first 5 day Family Mediation course in August 2010 on campus. This course satisfies two goals—first it is a post graduate course; secondly, and significantly, it satisfies the complex statutory requirements of being an accredited family mediator in Australia. This course was led by Mieke Brandon and Linda Kochanski. Special thanks to Jane Hobler and Cheryl Hensel who persisted through years of challenges to launch this important pioneering course.
- Robyn Hooworth, Kathy Atkins, Pat Cavanagh, Libby Taylor and John Wade wrote, organised and acted in a family mediation role play on campus. This has been edited into a family mediation training DVD by two Bond graduates from the Film and Television School.

  Thanks to the Law Faculty and to Lee Stuesser for a teaching and learning grant to cover some of the costs of production.
- Robyn Hooworth and Libby Taylor led two 4 day training courses for the Social Security Appeals Tribunal in Sydney and in Melbourne. These provided unique contact with administrative judges and with the legal profession.

REVIEW

1 YEAR STRATEGIC PLAN IS TO:

(a) Provide 4 x 4 day short courses for the legal profession and other professions.

(b) Provide 3 x 2 day assessment courses for national mediation assessment.

(c) Train Bond coaches and assessors around Australia.

(d) Produce 4 electronic Bond University Dispute Resolution Newsletters for 4000 subscribers.

(e) Provide keynote speakers for dispute resolution conferences around the world.

(f) Produce role plays and teaching support (videos; cue cards) for the Bond University skills program.

(g) Provide leadership in Law Societies, National Mediation Association and Law Reform Commissions in relation to Dispute Resolution.

(h) Employ two staff members entirely from proceeds of short courses.

(i) Use the best of post-graduate essays for publication.

(j) Publish the Bond University ADR Bulletin in hard copy six times each year.

(k) Bring real life conflict cases into the classroom for analysis.

(l) Invite visitors to the campus.

(m) Run one day courses on *Conflict in Schools.*

(n) Offer free places in training courses to members of the Bond University community to learn about education methods, and about dispute resolution.

(o) Provide both theory and practical examples for the flagship program on legal skills at the Faculty of Law and for post-graduate dispute resolution courses.

INCOME 2006-2010

Each year, short course gross income of about $180,000.

Expenditure on hotel conference sites, food, technology, coaches, and wages for two support staff of $170,000.

The Centre has run in the black each year for 20 years. The Law Faculty contributes a room, computers, and logistical support each year. In 2009, the Law Faculty also contributed $16,000 to assist with the publication costs of the ADR Bulletin.

EVIDENCE OF SUCCESS?

Respect in the profession; constant invitations to speak at conferences; to train in multiple industry sectors; to be on leading dispute resolution committees around the nation; international editorial boards; remarkable international publication rate for 20 years; invitations to teach at schools, universities, churches and medical associations around the world.

*Formal feedback from courses can be found at http://www.bond.edu.au/faculties-colleges/dispute-resolution/course-evaluation/index.htm.

Members of the Centre have published on topics of dispute resolution since 1989:

i. 20 books
ii. 17 book chapters
iii. Over 140 articles in refereed national and international journals

Further publication details on website http://www.bond.edu.au/faculties-colleges/dispute-resolution/members-publications/index.htm

NAMES OF BOND ACADEMIC STAFF TEACHING FOR CENTRE

Bond Staff

John Wade
Linda Kochanski
Pat Cavanagh
Robyn Hooworth
Laurence Boulle
Libby Taylor
Miryana Nesic
Bobette Wolski

National Coaches/Assessors/Trainers

Marcel Alter
Janet Barnes
Mieke Brandon
David Bryson
Callum Campbell
Stephanie Charlesworth
John Cleary
Pippa Colman
Peter Condliffe
Caryn Cridland
Alexander Crawford
Ian De Lacy
Frances Falduti
Pina Federico
Jennifer Felton
Lisa Frisken
Nikki Goldstein
Carol Grace
Susan Hamilton-Green
Ian Hanger QC
Mark Hebblewhite
John Hertzberg
Robyn Hooworth
Rick Jones
Sheryl-Lee Kaye
Deborah Keenan
Dennis Liner
Brenda Mahar
Bill Martin
Ross McSwan
Amanda Molomby
Kevin O'Neill
Anne Purcell
Shanna Quinn
Jill Raby
Natasha Rae
Nick Roberts
Leigh Robertson
Bernadette Rogers
Jonathan Rothfield
Tom Stodulka
Philip Theobald
Robert Vial
Julie Walker

Managers and Support Staff

Cheryl Hensel
Jane Hobler

KEY PERFORMANCE INDICATORS

See (4) and chart below:

Performance Goals of DRC

(1) Organise and teach 4 X 4-day mediation courses on Gold Coast and in Melbourne

(2) Achieve attendance of at least 15 lawyers, judges, accountants at each course

(3) Organise and teach 3 X 2-day mediator assessment courses to enable national mediation accreditation

(4) Achieve attendance of at least 10 people at each assessment course

(5) Publish the international Bond DR Centre email newsletter 3 times a year to at least 4000 subscribers

(6) Members deliver keynote papers by invitation at least 15 international conferences

(7) Members deliver keynote papers to at least 10 state or national conferences

(8) Publish at least 10 articles in national and international journals

(9) Publish at least 6 copies of the hard copy Bond University ADR Bulletin

(10) Be appointed to at least 6 international journal editorial boards

(11) Teach at least ten workshops to Australian law firms

(12) Formally mediate at least 40 disputes around Australia

(13) Be appointed to at least 6 professional, government or law reform committees which shape dispute resolution policy in Australia

(14) Be invited to teach short courses for at least 4 prestigious international universities

(15) Publish at least one book per year

(16) Achieve and retain accreditation as a national mediation trainer

(17) Have gross income from short courses of at least $165,000

(18) Employ 2 part-time administrative officers from short course income

Professor John Wade, Director
Dispute Resolution Centre
Faculty of Law
Bond University
30 September 2010