

Dispute resolution conference

Recorded: Friday 16 February 2018 | 7 hours
2017/2018 or 2018/2019 CPD year

Overview

Encompassing recent trends in alternative dispute resolution, this year's dispute resolution conference canvasses the latest in this growth area of law such as complexities in international arbitration, conflict management coaching in practice, ethical issues for dispute resolution practitioners, a look inside the psychology of difficult disputes, and powerful techniques for communicating with influence during negotiations.

7 CPD Points





Judicial Q&A: Perspectives from the bench



Join us for a cross-bench judicial approach to dispute resolution.

President Fleur Kingham, President, Land Court Queensland

The Honourable Justice Martin Daubney, President, Queensland Civil and Administrative Tribunal

The Honourable David Searles, retired Judge, District Court of Queensland

Chair: **Hamish Clift**, Barrister, Queensland Bar and member, Queensland Law Society Alternative Dispute Resolution Committee



International commercial arbitration: In focus



Join us for an enlightening and practical look at international arbitration including:

- an overview of international arbitration
- the different types of arbitration
- tips for drafting arbitration clauses
- how to enforce arbitration agreements and awards.

Our expert presenters will also discuss:

- the arbitration process
- arbitral awards
- views from an arbitrator
- investor-state arbitration (a process where a foreign investor can bring an arbitration claim against a sovereign state).

Russell Thirgood, Partner, McCullough Robertson

Erika Williams, Senior Associate, McCullough Robertson and member, Queensland Law Society Alternative Dispute Resolution Committee

Chair: **Hamish Clift**, Barrister, Queensland Bar and member, Queensland Law Society Alternative Dispute Resolution Committee



Beyond horse-trading: Communicating with influence

This session will cover the six steps to motivating internal stakeholders, for achieving optimal outcomes in a professional practice as follows:

Step 1: Analyse your intention. Are you influencing or manipulating?

Step 2: Examine your internal dialogue. Is it healthy, helpful and productive?

Step 3: Address your physiology. Convey positive energy without saying a word.

Step 4: Start with "Why". Why should this be important to the other party?

Step 5: Adapt your communication style to the personality of the other party.

Step 6: Use a framework to prepare and conduct your conversation to ensure commitment and understanding.

Diana Stowers, Facilitator, Australian Institute of Management

Chair: **Hamish Clift**, Barrister, Queensland Bar and member, Queensland Law Society Alternative Dispute Resolution Committee



The ethics of dispute resolution

While most alternative dispute resolution regimes allow for a less rigid set of rules in order to increase the chances of resolving a matter, ADR does not exist in an ethics-free universe and solicitors remain bound by their ethical duties.

This session will cover the fundamental duties all solicitors owe, the specific obligations of practitioners running a mediation or participating in it, and will provide guidance as to how to effectively mediate for your client without breaching ethical duties. With mediated resolutions quickly becoming the norm in the justice system, this session will be of practical use to all prudent practitioners regardless of their area of practice.

Shane Budden, Ethics Solicitor, QLS Ethics Centre, Queensland Law Society

Chair: **Hamish Clift**, Barrister, Queensland Bar and member, Queensland Law Society Alternative Dispute Resolution Committee



Fishbowl: Conflict management in practice



Has your client's emotional reaction to a conflict derailed a negotiation or mediation process? And what can be done to prevent this? Using a practical fishbowl demonstration, an experienced conflict coach will work with a fictional client to demonstrate how Conflict Management Coaching (CMC) helps clients understand the real triggers preventing the client from effectively negotiating and resolving a conflict.

Through this demonstration, you will observe the changes that the client experiences as they identify the underlying values which are being challenged by the conflict and ultimately preventing the resolution of the conflict. Through CMC the client will gain skills in reflecting on their role in the dispute, viewing the dispute from the other person's perspective and learn better communication skills to work collaboratively to resolve the conflict.

During the session, you will be asked to reflect on an issue that you may be experiencing thus gaining a greater appreciation of how conflict management coaching might assist your clients who are highly conflicted and whose habitual conflict resolution patterns are impacting on the ability to reach a settlement.

Amanda Molomby, Nationally Accredited Mediator; Family Dispute Resolution Practitioner and member, Queensland Law Society Alternative Dispute Resolution Committee

Julie Walker, CINERGY Conflict Management Trainer, Resolution Institute and Mediator

Chair: **Annie Leeks**, Associate, Jones Day and member, Queensland Law Society Alternative Dispute Resolution Committee



The psychology of dispute resolution

The dispute resolution process can be highly emotional for clients. This session will help you to better prepare your client to ensure that you get them the best possible results. This session will focus on:

- how to recognise difficult clients – red flags
- types of difficult clients
- types of difficult lawyers
- the emotional issues in a dispute process
- how to help the client de-escalate emotions
- how clients can become blocked and can't make a decision
- how you can get your client's point across to help the client settle a dispute
- preparing the client for the emotional reactions before they get them
- dealing with difficult practitioners on the other side.

Dr Anne Purcell, CEO, Resolutions Partners and Mediator

Farley S. Tolpen, CEO, The Mediation Experts

Chair: **Annie Leeks**, Associate, Jones Day and member, Queensland Law Society Alternative Dispute Resolution Committee



Negotiating through a different lens: How a collaborative skill set unlocks dispute resolution opportunities

Dispute resolution begins at the first client meeting but preparing a client for agreement is often counter intuitive for most lawyers, at least until the usual legalistic thought processes have been exhausted. By that stage, the conflict, if not the dispute, has usually grown as the tools to unlock and maximise a problem solving mindset (for lawyer as well as for client) are not found in case law or legislation.

This session will explore how (regardless of your area of expertise) a positive approach to problem solving and a conscious focus on expanding areas of agreement, can transform your practice.

Anne-Marie Rice, Director, Rice Naughton and Accredited Specialist (Family Law)

Chair: **Annie Leeks**, Associate, Jones Day and member, Queensland Law Society Alternative Dispute Resolution Committee
