

Alternative Dispute Resolution Conference

Recorded: 22 February 2019 | 7 hours
2018/2019 or 2019/2020 CPD year

Overview

As pressure from courts and clients for pre-trial settlements increases, practitioners experienced in mediation and/or arbitration have a distinct advantage. Whether you are a general practitioner seeking dispute resolution training or an accredited specialist seeking continuing education, view this recording to update your legal toolkit with mediation and arbitration skills. Don't be left behind - you will receive practical tips and training to plan a mediation, powerful techniques for communicating with influence during negotiations, guidelines for addressing ethical issues and much more!

7 CPD Points



60min



ADR is not just private mediation: Opportunities for the 21st Century

According to a 2018 report on the state of the Australian legal market, dispute resolution is the fastest growing practice area at 19.1% growth year on year. Many courts are encouraging and in some instances even legislating prefilling ADR. Hear from a panel of experts including members of the judiciary, legal practice and education sectors as they discuss the increasing role of dispute resolution and what this means for you.

Panellists:

The Honourable President Fleur Kingham, President, Land Court Queensland

Peta Stilgoe OAM, Member, Land Court of Queensland

Dr Rachael Field, Professor of Law, Faculty of Law, Bond University and Co-Director, Dispute Resolution Centre, Bond University

Laurence Boulle, Adjunct Professor of Law, Australian Catholic University and Director, Independent Mediation Services

Chair: **Paul Coves**, Principal and Director, Coves & Co. and Deputy Chair, Queensland Law Society Alternative Dispute Resolution Committee

60min



Arbitration vs Litigation: What you need to know to have a successful arbitration experience

Recognising when to litigate and when to arbitrate is key when trying to achieve the best results for your clients. This session will explore the pros and cons of both methods and provide you with the tips you need to achieve a good commercial arbitral outcome.

Warren Fischer, Managing Director, Alternative Dispute Resolution Services

Chair: **Karyn Reardon**, Partner, HWL Ebsworth, Chair, Queensland Chapter, Resolution Institute and Member, Queensland Law Society Alternative Dispute Resolution Committee

60min



Beyond BATNA: Taking your mediation training to the next level

Whether you are an experienced mediator or a practitioner looking to upskill, this session will elevate your current training and knowledge to develop your strategic approach to mediate. Hear from an experienced mediator and practitioner as they discuss:

- how to intake and adequately prepare clients
- how to create and execute an effective plan-of-action
- the tricks and traps even the most experienced of mediators face and how to deal with them

The Honourable Richard Chesterman AO RFD QC, Former Justice, Court of Appeal, Supreme Court of Queensland and Mediator

Karyn Reardon, Partner, HWL Ebsworth, Chair, Queensland Chapter, Resolution Institute and Member, Queensland Law Society Alternative Dispute Resolution Committee

Chair: **Jim Brooks**, Director, Jim Brooks Lawyers and Member, Queensland Law Society Alternative Dispute Resolution Committee

60min



Negotiating with difficult people: How to get better results

The dispute resolution process can be highly charged. This session will help you to understand how to manage tough negotiations with difficult people and how to better prepare your client. This session will focus on:

- types of difficult people
- how to negotiate with different types of difficult people
- what is the role of cognitive bias
- what can we learn from research on how we make decisions
- what to do when clients become blocked and can't make a decision
- other tips to negotiate the impossible with the impossible
- preparing clients for the heat of the ADR battle

Alison Haly, Principal and Mediator, Haly & Company

Chair: **Shane Budden**, Ethics Solicitor, QLS Ethics and Practice Centre, Queensland Law Society

60min



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 on how to mediate effectively 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 and Practice Centre, Queensland Law Society

Chair: **Farley Tolpen**, CEO, Mediation Experts and Member, Queensland Law Society Alternative Dispute Resolution Committee

60min



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 the 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 McCarthy; Principal Mediator, Rice Mediations & Dispute Resolution; Accredited Specialist (Family Law) and winner of the Leneen Forde AC Woman Lawyer of the Year Award (2018)

Chair: **Farley Tolpen**, CEO, Mediation Experts and Member, Queensland Law Society Alternative Dispute Resolution Committee

60min



Understanding the potential psycho-social impacts on ADR practitioners

Legal practice professionals face a number of risks and challenges. The impact of this is the elevated prevalence of mental health issues that are among the highest of any profession. Specifically, practitioners who specialise in ADR tend to work in isolation and in stressful and potentially aggressive situations. This can result in a number of psycho-social issues including:

- stress related challenges
- burnout, and
- compassion fatigue.

This session will discuss the common mental health challenges facing ADR practitioners and provide practical guidance on how to implement better business practices to combat same.

Matt Burns, Group Training Manager, JBS Swift Australia and former Principal Consultant, Organisational Development, PPC Worldwide

Chair: **Farley Tolpen**, CEO, Mediation Experts and Member, Queensland Law Society Alternative Dispute Resolution Committee
