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Book review

Dispute Resolution Guidebook by Ruth Charlton

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Ruth Charlton's *Dispute Resolution Guidebook* is designed for today's experienced ADR practitioners, but it also speaks to a community that needs to know more about ADR. It is particularly relevant for corporate leaders looking for options other than litigation. And it will be a valuable tool for executives in human resources and customer service, particularly managers responsible for complaints handling.

The *Guidebook's* publication demonstrates the increasing sophistication and complexity of dispute resolution in Australia. A core of experienced mediators now exists, who are ready for a text which discusses the kind of problems and issues which they have encountered in practice.

The specialist practitioner will find chapter 2 of particular interest. It confronts the reality that the principles of mediation so frequently espoused in a purist form have in fact 'mulated', as the author puts it, over 20 years of active practice in Australia. Elsewhere, she draws on her experience to discuss the more sophisticated aspects of a mediator's skills: 'How to use process to best advantage'; 'Facilitating direct communication'; and 'The role of options in negotiations'.

The book's great strength is its realism. A practitioner of Ruth Charlton's experience understands that process is most effective when adapted to circumstances. Part 3 of the book is a valuable description of how the dynamics and strategies for dispute resolution vary according to whether the issue is bank debt, workplace conflict, commercial, neighbourhood or family conflict. Case studies vividly illustrate the author's points.

Confusion over terminology almost certainly inhibits decisions to try

ADR processes rather than litigation. The corporate or lay reader will benefit particularly from chapter 1 of the *Dispute Resolution Guidebook*, which clarifies the differences between forms of alternative dispute resolution, such as mediation, conciliation, early neutral evaluation, compared to arbitration, or expert determination. The succinct explanations contained in the *Guidebook* will allow corporate leaders, for instance, to inform themselves about ADR options before raising the subject with their legal advisers.

Quality complaint handling has become a contemporary management tool of major importance, and frequently a legal obligation as well. It is covered in the *Guidebook* with the kind of detail needed by managers in both the public and private sector. Topics range from the complaint handling process, its accessibility to clients, recordkeeping, complaint evaluation for planning and possible remedies, right down to staff training. There is also a chapter on conciliation, how it incorporates mediation strategies, and its application for complaints received by a statutory body.

The *Dispute Resolution Guidebook* is not a dry textbook. It is always readable, and informed throughout by what Professor Hilary Astor describes in her introduction as 'a wry and tolerant humour'. And she rightly adds, 'It is the work of a truly reflective practitioner, which gathers together information and wisdom gleaned from 20 years of experience.' ●

Babette Smith is a mediator in private practice. She is a member of the mediation panel of the Supreme Court of NSW & of the Legal Aid Commission of NSW.

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