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Federal Magistrate Court - ordered property conciliation at Relationships Australia Queensland

Mieke Brandon

Tom Stodulka

Looking for the answers

Federal Magistrate Court-ordered property conciliation at Relationships Australia Queensland

Mieke Brandon and **Tom Stodulka**

> It must be considered that there is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all those who profit by the old order, and only lukewarm defenders in all those who would profit by the new order, this lukewarmness arising partly from fear of their adversaries, who have the laws in their favour; and partly from the incredulity of mankind, who do not truly believe in anything new until they had actual experience of it.
>
> Niccolo Machiavelli, *The Prince* 1513, p 51.

How did the project evolve?

In the context of community rumblings about the family law system, the targeting of lawyers for cashing in on people's misery, the media asserting that the system was not meeting the needs of parents, particularly relating to children becoming the innocent victims, the relatively new Federal Magistrates Court (FMS) was being snowed under with an ever-increasing case load. To achieve a quick turn-around and reduce backlogs in the FMS the Relationships Australia Queensland (RAQ) property conciliation program commenced in mid-2003. A co-conciliation approach, combining skills of mediators with a social science or law background with experienced family lawyers was chosen over a solo model.

Initially a group of family law specialists and RAQ mediators was trained by Stephen Quinlan (formerly Primary Dispute Resolution (PDR) Manager at Windsor branch Relationships Australia) and Nadja Alexander (University of Queensland), with Susan Cibau (PDR Coordinator of the FMS) in attendance.

The 12-month trial was hailed as a huge success. Over 500 parties in the last three years, have achieved successful outcomes, as approximately 75 per cent wholly or partially settled and only 25 per cent did not settle. The reasons for not settling will be dealt with later in this article.

What is conciliation?

In establishing practice guidelines the notion of how conciliation would be different needed to be explored. NADRAC (2001, p 116) defines conciliation as:

> Conciliation is a process in which the parties to a dispute, with the assistance of a neutral third party (the conciliator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but no determinative role. The conciliator may advise on, or determine, the process of conciliation whereby resolution is attempted, and may make suggestions for terms of settlements, give expert advice on likely settlement terms, and may actively encourage the parties to reach agreement.

How is conciliation conducted at RAQ?

The following is adapted from RAQ's Policy and Procedure document, of August 2004:

> Conciliation at RAQ, like any other program of the Agency, has a whole agency and whole person approach to its clients. The property conciliation service therefore exists alongside a range of other relationship support services provided by RAQ. The Agency aims to facilitate a continuum of services to clients' needs and the seamless movement of clients between programs.

In all service delivery RAQ is guided by principles of: confidentiality, as well as safety considerations and duty of care, including cultural, gender and power awareness in the context of child-focused practice.

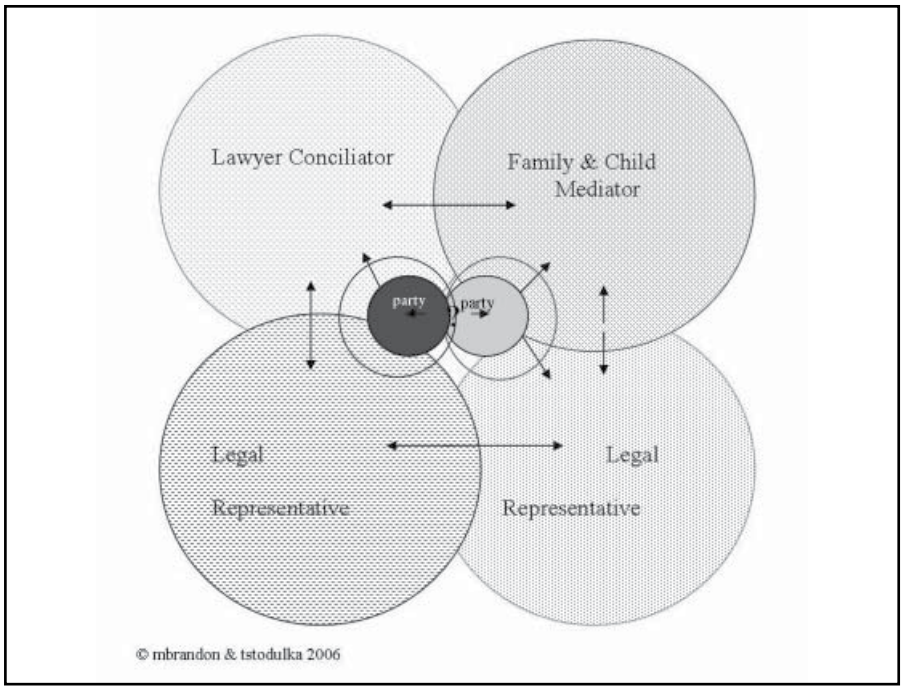
> RAQ believes that the principles underpinning its professional practice therefore require a co-conciliation model for property conciliation to ensure:
>
> (a) an appropriate gender balance — there will if possible be male and female co-conciliators, providing a model for appropriate male/female dialogue.

Gee and Urban (1994, pp 44) similarly describe the benefits in their project conducted in the Family Court in Victoria to address gender concerns put forward by the feminist literature.

> (b) an appropriate balance between strictly legal issues and each party's personal issues, which may impact on a party's ability to fully or confidently participate in the conciliation process.
>
> (c) an appropriate balance, within the conciliation, between content and process tasks, with the lawyer conciliator primarily able to focus on legal content matters and the RAQ conciliator able to focus primarily on matters of process.

The expertise of an experienced legal practitioner can be combined with the family mediator's understanding of marital and family dynamics and experience of working with families. The strength and challenge of interdisciplinary co-conciliation lie in the way it weaves different kinds of knowledge and skill into the fabric of conciliation, developing a creative partnership, not merely collaborating between two professionals weaving away on adjacent looms (adapted from Parkinson 1989, p 138).

> (d) an appropriate monitoring of the interests of any children of the parties'



relationship (Conciliators are trained in child-focused practice).

The UN Convention on the Rights of the Child (1991) states, among other things, that children have the right to know, be cared for and feel loved by both parents. In this context you can see that children's interests cannot be ignored in property conciliation.

(e) That any necessary reporting back to FMS can occur and RAQ staff have an ongoing role in the assessment of the conciliation service.

Procedure for conducting property conciliation at RAQ

The following information is adapted from RAQ Practice Model, 2004.

Conciliators are allowed one hour to peruse papers prior to the conciliation and each conciliation session is normally booked for three hours.

First conciliators see each party separately, introduce themselves and check for any issues of physical and emotional safety and each party's comfort level in potentially being seated in the same room as the other party. DV or Protection Orders need to be dealt with appropriately and the Agreement to Conciliate is signed by each party. Conciliators meet with the legal representatives of the parties and clarify: their role, that is to advocate and also promote their client's involvement and participation in the process, their and their client's willingness to participate in a joint session, and the conciliators' proposed process for joint and separate sessions.

Ideally the conciliators bring the parties and their solicitors together. If this is possible conciliators (adapted from Altobelli 2002, pp 244–247) would set the scene by often making an opening statement, explaining the process and other relevant matters. They may summarise the current situation in a neutral way and check if there have been any changes since documents were prepared, clarify the discussions that have been held and offers that have been made, have each party state their respective positions and clarify needs and interests as necessary, highlight the range of the disputed figures and any sticking points, as the conciliators understand it, checking with parties and solicitors.

If it is not appropriate to bring the parties and their solicitors into the same room the conciliators will most likely caucus first with each solicitor separately to set the scene and to explore how far the parties are apart, and the strengths/weaknesses of each party's claims and demands, develop alternative proposals, reality test the likely outcomes in court and suggest solutions that encourage a spirit of collaboration.

Conciliators will use as many private sessions as are necessary, or continue as in shuttle negotiations. Wherever, at a later stage, it is possible to bring parties and their solicitors to a joint session conciliators will encourage this.

Throughout the process, the legal representative can help timid and naïve parties negotiate effectively and have the opportunity to discuss with the conciliators, the other party's legal representative and with their client such legal, evidentiary, practical and personal matters as are raised by the conciliators or required by clients (adapted from Sordo 1996, pp 22–24).

At the end agreements, or current proposals if no agreement, are summarised. If there is an agreement, minutes of consent orders are prepared by the parties' lawyers with the assistance of the conciliators and signed by the parties and then faxed, together with relevant documentation, to the FMS, thus enabling a magistrate to make the orders in chambers immediately. Conciliators also clarify any 'next steps' which may be needed, eg further conciliation, mediation of other issues, or next steps in court process.

While the above process is recommended, conciliators' experiences suggest that each conciliator has their favourite way of conducting these meetings. Co-conciliators, who may have never met each other before, have to form good working relationships instantly. Teamwork, modelling respect, openness, being able to handle different interests, and finding a way of working collaboratively are vitally important.

It was also expected of the conciliators, while strictly not allowed to give advice, to seriously reality test, and give the parties the benefit of knowing what a particular magistrate may decide if they were to deal with the matter in dispute. Providing the parties with information is acceptable, giving legal advice is not. Conciliators therefore must have confidence to work with the legal representatives' input as they advise in the 'shadow of the law' and assist their clients to make wise decisions in the face of uncertainty (Emerson 2006, p 7). From time to time a conciliator would also reality test the assertions made by a legal representative as perceptions of what a court would decide sometimes differ. How to do this gently, sensitively and in a non-alienating way without risks to loss of face becomes an art in diplomacy.

What works in the six different relationship dimensions?

Co-conciliation offers a multi-layered study of various relationship dynamics that will influence negotiations. These are addressed here, not necessarily in order of significance. Each relationship or lack of relationship can significantly influence negotiations at different times. For example, a solicitor who announces: 'we cannot achieve anything today as the children's matter is not settled' or states 'my client will not settle the property unless the children's matter is resolved'; or a party who tells us that 'the house has not been valued yet' or complains that 'I cannot settle this because I am too emotional' may have an influence on the conciliation process. This would depend on how the conciliators decide to handle the statements. At this stage they are more likely to manage a process that provides opportunities to discuss concerns rather then react to any content provided.

First, the relationship between the separating parties

Separation itself, and litigation as a result, can engender heightened emotional responses between the parties. One can assume that a fairly high proportion of separated couples, being court-ordered to attend conciliation, are likely to have great difficulties in making decisions. Ahrons and Rogers (in Beck and Sales 2001, p 66) typify *Angry Associates* and *Fiery Foes* as parties who retain resentful feelings about their past relationship and present bitterly towards each other, resulting in acrimonious interchanges, and verbal intimidation or physical violence could have been present. Although some angry parents are still able to cooperate in their parenting arrangements, their children are often caught in the middle.

'Fiery foes', they say, may not be able to co-parent, for example: a case in which the parties could not decide with whom the children should live, both insisting that the children were better off with them. A property settlement needed to include consideration of hypotheses of 'what if' both children lived with dad, 'what if' both children lived with mum and 'what if' one child was with each parent.

Emery (2005, pp 1–6) categorises parents having difficulty making living arrangements for their children by identifying their behaviours around time-sharing options according to *angry*, *distant* or *cooperative* divorce styles. These styles affect wildly different valuations, perceptions and assertions about contributions, different interpretations of precedent cases, or magistrates' rulings, including a range of historical and emotional stories that have to be overcome in their negotiations.

When parties have not directly communicated with each other for a long time, distortions, generalisations and negative intimacy (Ricci 1997 in Fisher and Brandon 2002, p 159) commonly create an impasse. External and relationship impasses may be more commonly managed then internal impasses. The narcissistic propensity of one or both parties may need an intra-psychic perspective, according to Rogers and Gee (2003, p 280). Typically, one party is seen as intractable and demonstrates in all their thinking and proposals a high degree of self interest, in contrast to a party who demonstrates a certain amount of consideration and empathy for the needs and interest of their ex-partner and makes proposals accordingly. The most difficult task is to remain patient with the intransigent party, who seems determined to have their day in court!

At the end of the conciliation parties are encouraged to complete the FMC Client Evaluation Form. From these we can establish that the majority found that the conciliators made sure that the process was fair and impartial and provided everyone with an opportunity to speak, that information was relayed effectively between all parties, that difficult parties were kept in check, and that conciliators were very helpful in appreciating the human side of their situation.

Most feedback showed that an excellent service was provided, professionally conducted and handled despite difficult situations, in an honest, compassionate and skillful way.

In terms of reservations one party suggested starting punctually would have saved time and several parties and solicitors would have preferred attending an office in other locations, such as the Gold or Sunshine Coast and the City.

Second, the co-conciliation relationship

As in any co-mediation, conciliators need to brief themselves not only with the substantive information, but also with each other's styles, their favoured practice application and how they will share their roles. Combining different approaches, backgrounds, competencies, gender and levels of experience can lead to increased efficiency. By sharing expertise, blending styles and having two problem-solvers in the room, more options are explored, more ideas generated and more impasses avoided; sharing the load can also reduce pressure on individuals (Emerson 2006, pp 2–3).

The advantages in co-conciliation of a balance of professional backgrounds far outweigh the potential disadvantages, according to Gee and Urban (1994, pp 44–47). They state that client confidence is essential and a comprehensive knowledge of family law and the psychology of family dynamics is necessary to establish and facilitate that confidence. Co-conciliators tend to work out how this can be achieved, for example, one team of co-conciliators decided that, while both had family law expertise, one conciliator would mostly work with the legal representatives and the other pay most attention to the parties. Another team alternated their roles between dealing with the content and provision of substantive information and facilitating the process to keep it moving forward. A third team worked side by side and had a very short discussion between each separate meeting on how to move forward, who to see and what to discuss — such as details or an in-principle package option, challenges to proposals, or massaging the figures with a party and their solicitor to come closer to the other side. Generally these arrangements worked very successfully.

Co-conciliators are encouraged to debrief and complete a FMC Conciliation report which is forwarded to the FMC. From these we interpret that the greatest stumbling blocks are the emotional states of the parties, the

lack of factual information, disclosure, contributions and evaluations, taxation, the unresolved children's issues, and unpreparedness to settle, as major contributors for not getting to agreements.

Third, the relationship that each conciliator has with each legal representative

A conciliator with a legal background is likely to have come across some of the legal representatives in some other setting. Depending on how their history is perceived by either they may or may not collaborate in a scheduled conciliation. Power struggles, one-upmanship, overt or covert competitive behaviours, collusion, bravado, posturing and argumentation can occur as a result. Similarly, conciliators with a social science background may or may not have had a positive experience in working with lawyers. Triangulation, projection, negation, confrontation, transference and counter-transference may occur.

Many lawyers and clients prefer mediators or conciliators with both substantive and negotiation process expertise (Wade 1994, pp 161–163). Wade considers nine reasons for this, from lawyers being able to tie up any loose end for a financial settlement, such as stamp duty or tax liabilities, and drafting and fine-tuning agreements, to challenging factual suppositions or unrealistic options and keeping things in club so that ethical and professional accountability is assured. The role of legal representatives is essential in making sure all financial information is available, preparing the client for entering mediation with an open mind, considering a realistic percentage range, the costs of mediation and any subsequent costs (Feil 2005, p 7), and at the end creating the consent orders and making sure that all necessary agreements that can become legally-binding are clear between the parties to avoid post-conciliation wrangling. Any agreements that are acknowledgements and cannot be legally enforced can also be explained by the legally-trained conciliator. Feil warns against legal representatives mirroring their clients' behaviour, perhaps not realising that a loud and aggressive tone of voice and body language can block negotiations, and suggests delivering client's instructions in a constructive manner by using reframing skills.

Sharp (2006, pp 1–3) states that some legal representatives perceive that they are considered as some sort of mediation interloper, or they fear that the mediator may usurp them and their role and have a disproportional influence on their client. He has several suggestions on how the relationship can be improved such as: conciliators need to understand that not all clients have trusting relationships with their legal representatives and some clients may not be influenced to see things from a different perspective because they are already frustrated with the lack of progress, or clients refuse to listen to their solicitor's advise and any probing must not challenge the solicitor's competence in the eyes of the client.

It is important that conciliators allow legal representatives to do their job, acknowledge their expertise, and use their ability to assist with the negotiations or suggest 'time out' with their clients to talk privately and encourage responsiveness in joint sessions. For example, it is important for a legal representative to point out to their client that going to court over $5000 is really not worth it. Co-conciliators need to avoid a party inadvertently being cross-examined. In return, lawyers are encouraged to allow the conciliators to do their job, show respect for their different expertise and act realistically when seen privately during the process.

From time to time parties are also seen individually, that is without their solicitors, to explore underlying unresolved issues and needs, such as things that need to be said before someone can move on, an apology or clarification, or intentions for the future regarding family or extended family interests. Dealing with parties that are deeply affected or may be traumatised may be beyond the timeframe of conciliation and referral to other services becomes advisable. Whether, as part of the process, each party in turn needs to be seen or whether one party is seen and the other not is a decision often left to the conciliators.

Fourth, the relationship between the representatives of each party

The way each solicitor comes across to the other party can make or break negotiations. Solicitors who have a history of lack of cooperation in previous cases are not likely to cooperate in conciliation. Any solicitor making a threatening impression on the party of the opposite side has a negative influence on any positive outcome for conciliation. For example, one solicitor invited his colleague to bring out their client so the riot act could be read. Conciliation requires a different mindset to the adversarial approach that lawyers traditionally apply and they should discard their 'adversarial suits' and gladiatorial manner of negotiating (adapted from Emerson 2006, pp 6–10).

Fifth, the relationship that has developed between a party and his/her legal representative

The representative is the person who stands, acts or speaks for another, a passive mouthpiece or actively assisting a party to make a wise decision (Wade 2000, p 1). Wade lists many advantages and disadvantages of using a representative. Many solicitors are now trained in mediation or representing their clients in mediation or conciliation. Those trained are able to use their skills proficiently in the property conciliations; others seem to struggle with wearing a different hat and need support in their particular role in a conciliation forum.

Vickery (1998, pp 82–84) suggests seven principles for successfully advising a party in mediation. They include: becoming familiar with the process, having a thorough knowledge of the case and the law relating to it, being flexible, expanding the pie where possible, being responsive to the client's needs and where necessary taking a back seat and acting as a consultant, being frank, diplomatic, patient and alert, and tracking concessions by both sides to optimise outcomes.

Many clients' lack of sensitivity to the other party, as the 'leaver' and the 'left' are in different stages of the grieving process over their lost relationship (Fisher & Brandon 2002, p 43), results in them having trouble making decisions. Unless their solicitor is encouraging those parties to be self-determined it is like pulling hens' teeth to get some parties to negotiate on their own behalf.

Many solicitors are well prepared, have all the facts and figures at their finger tips and collaborate by making reasonable offers and or by creating lateral options for settling the dispute. Some solicitors seem to identify with their client and boundaries seem to get blurred between the needs and interests of the legal representative vis-a-vis their client.

Sixth, the relationship and level of rapport that each conciliator forms with one or both parties

It is important to establish, at the onset of conciliation, that it is the parties' process to help achieve their outcome that both find acceptable. Goldberg (2005, pp 365–373) researched the secrets of successful mediators. Overwhelmingly mediators responded that the reasons for their success were their ability to develop rapport with the disputing parties. We assume that a relationship that develops understanding, demonstrates empathy, treats each individual with respect and connects with people's concerns, feels their pain and sees their point of view is as important for conciliators to establish and maintain with mandated clients. Credibility enhancing qualities, such as honesty, ethical and trustworthy behaviour, helps parties, so the respondents claimed to open up and take the mediator/conciliator into their confidence so more information could be shared and creative solutions generated. Success was achieved through optimism, persistence, tenacity, timing and balance between facilitative and more directive interventions, and patience in encouraging parties to keep working on a settlement. It seems that in the absence of rapport not many techniques work on their own to help parties progress towards agreements.

Last but not least are all other relationships with the children, grandparents, new partners, financial institutions, neighbours, friends and other family that may influence decisions to be made by the parties. Flushing out hidden agendas fuelled by external pressures can make conciliators privy to contextual constraints. One party told us that constant phone calls from their in-laws suggesting that no amount of money was deserved made standing up for their needs as a parent almost impossible.

What are the competencies used?

Bryson and McPherson (1998, pp 45–46) identify that core competencies for conciliators include: self-efficacy, personal flexibility, expert knowledge and appropriate use of a legislative framework, analytical and interpersonal skills, strategic direction, inventiveness and problem-solving; they also need to be clear about these and demonstrate objective empathy to manage the parties' expectations effectively.

Getting a feel for each individual party instead of going through the motions, and keeping them apart, so they can concentrate better instead of getting worn out as a result of having to also cope with any emotional reactions of their previous partner, may also work well. Being able to adapt to the way parties problem solve, for example, dealing with figures in a mathematical way and keeping negotiations concrete may help or hinder some parties.

Working with good faith and bad faith participation in conciliations keeps conciliators on their professional ethical toes, so to speak.

Awareness of living in a multicultural society and the contrasts in cultural working environments of legal and social science conciliators needs to be acknowledged in process design as well as in practice application (Lebaron & Zumeta 2003, pp 463–472).

Therefore, conciliators like mediators need to attend to the structural organisation of the session, attend to the parties' socio-emotional issues, help solve the substantive details of the issues and actively contribute to and shape what is discussed as well as how issues are addressed.

While conciliation may offer a lesser balance between attending to socio-emotional issues and the multiple substantive details that are critical to a successful property settlement, it seems important that conciliators do not curtail important skills from their background expertise in fear of conducting therapy or cross-examinations (adapted from Gale, Mowery, Herrman & Hollett 2002, pp 389–420).

As RAQ's conciliators work in pairs observation can be made of these competencies. It is, however, more difficult to address any weaknesses or areas for further development as up to now there has not been an opportunity for review. Ideally an independent observer could assess to what standard each conciliator works individually and as a member of a team. Discussions between the RAQ mediator/conciliators can address some concerns, however in the spirit of working and learning together, regular reflective processes would benefit all participating conciliators.

What are the rewards and challenges?

Everyone participating in a court-ordered property conciliation comes with a different agenda, and whether the agenda is subconscious or clearly stated can make a difference to how participants feel, for example, rewarded or challenged before, during and after the session is over. Some parties do not want to take an active role in negotiations and some solicitors prefer their clients to minimise their interactions with their ex-partner or the solicitor from the other side. Some legal representatives are comfortable with emotional exchanges or outbursts, others want to nip them in the bud and move forward with the process, preferring to let negative matters fall by the wayside. From time to time issues in conciliation will run parallel with unfinished business in the conciliators' or legal representatives' lives.

As parties are always in different phases of adjustment in the dissolution process of their marriage or relationship, their experience of previous mediation and court hearings and the timing of the conciliation can help or hinder negotiations. New partners or family or other support person being in the waiting room, different cultural backgrounds, domestic violence, young/older children, or a party getting bogged down in an item of furnishings that has no monetary value but sentimental associations, influence results. Power imbalances from a party's perspective, for example, that the party previously considered weaker has now become the stronger one, or power fluctuations between parties, for instance showing emotional and or bullying behaviours to manipulate or put force behind their argument will affect the outcome.

Since most conciliation is conducted with many separate sessions or as shuttle negotiations, what remains confidential and what is not can become blurred. Conciliators may inadvertently provide contextual information with a proposal that may not have been checked as to whether this is information to be passed on. Becoming the messenger of what is perceived as good or bad tidings can also put a conciliator in a difficult spot and care needs to be taken so they do not become the scapegoat.

As each conciliation session is different in financial complexity, and each mandated couple is different in how they relate to the opportunity to settle their finances outside a court, the conciliators' challenge remains being creative with competing agendas and process interventions that respond to these diverse interests. Many a time co-conciliators had to find ways and means to incorporate unfinished children's issues in the short time that is available to concentrate on the property settlement. Repeatedly they have done this very comprehensively, as in any conciliation with parents the focus remains on the best interests of the child(ren).

The rewards and challenges in becoming more familiar with the idiosyncrasies of court-ordered property conciliations and the camaraderie and opportunity for learning from one other is paramount. For example, many conciliators have said how much they learnt from the approach, clarity and precedent examples used by experienced family law co-conciliators. Others have learnt to factor in the financial and emotional costs of settling now to the costs of settling later. The combination of co-conciliators was ideal. In addition to the benefits of a gender balance, the combining of years of experience as mediators and lawyers became a brilliant collaboration between mediators/conciliators and parties' lawyers.

Recommendations

Court-ordered property conciliation has proved to be a sound, dynamic,

effective and well-liked process. Future empirical research that adds to what we have learned to date will help validate, direct, and facilitate the future growth of our field (adapted from Saposnek 2004, pp 49–50). Saposnek explains:

> to better understand the nature of family mediation/conciliation, we need to know which clients, with what personal and interpersonal dynamics, with what length and quality of pre-separation relationship, with how many children, at what ages, at how long since separation, with what preparation experience and quality of individual and marital counselling, with what number and complexity of issues in dispute, with what extended family or new partner's involvement, in what setting (court or private), with what experience level and training of the mediator/conciliator, using what model and processes of mediation/conciliation, for how many sessions, with what frequency of sessions, with what kinds of follow-up interventions and referrals.

Conciliators need active exchanges with other groups that conduct conciliation in a variety of settings to learn from their practice and enrich the literature accordingly. Mediators are appropriately placed to facilitate, create, promote and help others to adapt to change; despite some cynics all who participated in the RAQ system now believe in the benefits of the project. Acceptance by stakeholders, due to the successful outcomes for the parties, the program should continue to be promoted and funded. Successful outcomes for parties, and the acceptance of stakeholders, suggest that the program should continue to be promoted and funded. ●

Mieke Brandon has been a family & child mediator/conciliator with Relationships Australia since 1993. Mieke and Linda Fisher co-authored Mediating with Families making the difference 2002, Pearson Education Ltd, Sydney.

Tom Stodulka is a specialist mediator, conciliator and facilitator working in family law, workplace, commercial and community disputes. He is an advanced mediator and mentor with LEADR, is accredited with IAMA, the Qld Courts and Law Society. In 2004 he founded the ADR Forum and co-founded Mutual Mediations in Qld in 2003.

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- The **Centre for Information Technology and Dispute Resolution** will be holding the **Fifth UN Forum on Online Dispute Resolution** on 19–21 April 2007, in Liverpool, United Kingdom. For more information or to register, visit <www.odr.info>.
- The **Australian Centre for Peace and Conflict Studies** will be holding a **Mediation Course** on 23–26 November 2006, in South Brisbane, Queensland. The course is aimed at professionals who either want to start a mediation practice or who need mediation skills as part of their professional duties. For more information and to register, visit <www.uq.edu.au/acpacs>. Alternatively, they can be contacted directly by email at <mediate@uq.edu.au>, or by phone (07) 3346 8742.
- **LEADR Training** is holding a series of **mediation workshops** around Australia. They will be in Brisbane, Queensland from 18–21 October 2006 and in Sydney, New South Wales from 8–11 November 2006. For more information or to register, contact <therese@leadr.com.au> or free call 1800 651 650.
- The **Trillium Group** is holding an **Advanced Mediation Course** in Melbourne, Victoria, from 31 October–3 November 2006. For members of the Victorian Association for Dispute Resolution, there is a special offer of 20 per cent discount off the price of the course. For more information, refer to <www.thetrilliumgroup.com.au>.
- The **Australian Commercial Dispute Centre** is holding a **Conflict Resolution/Dispute Avoidance Certificate** workshop in Sydney, New South Wales on 24 October 2006, 23 January 2007 and 22 February 2007. This is a one-day workshop that includes the foundation skills and information to handle conflict and disputes. It also prepares participants for the mediation workshop. For more information or to register, refer to <www.acdcltd.com.au>.
- The **Australian Commercial Dispute Centre** will also be holding the **Mediation: Skills, Techniques and Practice Course** in Sydney, New South Wales on 31 October–3 November and 5–8 December 2006. In 2007, the ACDC will also be holding courses in Sydney from 6–9 February and 13–16 March, and in Coffs Harbour on 2–5 April. An additional course will be held in Melbourne, Victoria, from 27 February–2 March 2007. **Optional Accreditation Days** are being held 6 March 2007 in Melbourne, 13 or 14 April in Coffs Harbour, and 14 November 2006, 12 December 2006, 13 February 2007 and 24 March 2007 in Sydney. This mediation workshop includes activities, practice and coaching. For more information or to register, refer to <www.acdcltd.com.au>.
- **IAMA** is holding a **Practitioners Certificate in Mediation Course** in Melbourne, Victoria on 8–15 November 2006. This five-day interactive workshop combines theory and practice with one-on-one coaching by experienced mediators. On successful completion of the course, participants are eligible to apply for accreditation as Mediator with the Institute. For more information or to register, visit <www.iama.org.au> or contact them directly on (03) 9602 1711.
- The **Harvard Negotiation Insight Initiative** is holding the **Winter Wisdom Workshop: Cultivating Peace** in Boston, US, on 30 November–3 December 2006. This gathering in a countryside retreat outside of Boston will bring together people who want to train themselves in cultivating peace. For more information or to register, visit <www.pon.harvard.edu/hnii> or contact them directly at <cmartin@law.harvard.edu> or call 617-485-7711.
- **Mediation and Training Alternatives** is holding **Mediation Masters Classes** in London, United Kingdom on 1 February, 1 March, 29 March and 3 May 2007. These courses are open to both practicing mediators and non-mediator guests, and involve a prominent mediator being interviewed and some techniques of this mediator being identified and put into practice in interactive workshops. For more information or to register, visit <www.mata.org.uk> or contact David Richbell at <david@mata.org.uk>.
- The **National Association of Securities and Dealers** (NASD) announced its annual **Mediation Settlement Month** for October in the US, during which its mediation rates will be reduced substantially (up to 50 per cent or more) and it will provide educational programs to promote mediation. Settlement month has been a success in past years, increasing the number of cases mediated by 40 per cent or more. For more information, visit <www.nasd.com>.

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