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Bond Dispute Resolution News Volume 7

BOND UNIVERSITY
Dispute Resolution Centre

BOND DISPUTE RESOLUTION NEWS

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Recent Activities of Bond University Dispute Resolution Staff

Courses

Jakarta, Indonesia 2000-2001	Bond University Dispute Resolution Centre has been awarded a contract by the Australian Government to train mediators in Indonesia. The first 3 day training course for members of the Jakarta Initiative took place in Jakarta, 23-25 November led by John Wade and Pat Cavanagh. The Jakarta Initiative is an organisation which is mediating the restructure of 150 billion dollars (US) of debt owed by foreign and local corporations to the Indonesia Central Bank. The course received rave reviews. The Centre has been invited to conduct 2 more mediation courses in January, 2001 in Jakarta. *"Trainers are excellent in presenting – they help us to understand easily."* *"I was surprised, since this is my first contact with an Australian institution. You are wonderful guys!! Thank you, big thanks."* *"I came in sceptical, how government could teach mediation. I was extremely impressed by how you have developed a procedure – not only how to mediate disagreements but also how to teach mediation."* *"Excellent, can we get more books, articles and videos? Great job!!"* *"Excellent instructors!! Presentation skills are fabulous."* *"This course put a huge amount of structure into what I have been intuitively doing. Already on Friday I was conscious of an improvement in my conduct of mediations and I am confident that, as I read the notes, this improvement will continue."*
Marriott, Gold Coast: December 2000	Each year, our final mediation course is held at the Marriott Hotel on the Gold Coast – delightful venue. This year 3 instructors (Laurence Boulle, Pat Cavanagh and John Wade) and eleven coaches led a packed house of

	lawyers, counsellors, ministers and business people. *"The course lives up to its reputation. The blend of theory and practice is excellent. The presenters are first-class and the course well designed."* *"I did learn a lot about a mediation even though I've sat through many. Understanding what a mediator is doing (process) will make mediation more effective for me."* *"Fantastic course – thank you. The presenters were very knowledgeable and very organised. Good use of case studies. The presenters kept my interest during the whole course. Good use of multimedia and visual aids. My time at this course has been well spent and given me tips not only on mediating but also how to run a training course! Well done!"* *"Many thanks on a terrific course. What an eye-opener! Should be compulsory teaching in schools."* *"The 'learning by doing' method (with coaches!) is an excellent way to learn, sharpen skills and do it all in a safe environment. The mixture of educational methods (AV, discussion, role plays etc) was excellent too. The team is to be congratulated."* *"Warm, witty and informative. Great instructors. Helpful coaches."*
South Methodist University, Texas: January 2001	**John Wade** taught a 5 day mediation course at SMU Dispute Resolution Center in Plano Texas between 2-6 January. John has been invited back to teach again in Texas in summer of 2001, January 2002 and at SMU's summer school in London in 2002.

Recent Publications of Bond Dispute Resolution Centre Staff

Peripatetic Publication

Professor Laurence Boulle's book ***Mediation: Principles, Process and Practice*** has now been published in six different versions in Australia (1996), South Africa (1997), New Zealand (1998), Canada (1999), Singapore (2000) and forthcoming United Kingdom (2001).

Please contact Butterworths publishers in the relevant jurisdiction for your copy.

NADRAC

Professor Laurence Boulle continues in his role as Chairperson of the National Alternative Dispute Resolution Advisory Council. This group has been appointed by the Federal Attorney General to advise him on policy research and legislation in Australia in the area of dispute resolution. Under Laurence's direction, NADRAC has published discussion papers on terminology, mediator standards, and licensing for family mediators.

THE SEVEN BIG QUESTIONS IN CONFLICT MANAGEMENT AND MEDIATION

Professor John Wade was recently asked to write on this topic for a Swedish audience by Professor Bengt Lindell from Upsala University. John's paper, which draws particularly from the work of Joan Kelly, is set out in this newsletter.

Mediation—Seven Fundamental Questions

Professor John Wade[1]

In parts of many countries, mediation is a commonly used process for managing and resolving conflict. In many other places, mediation is virtually unknown in both practice and theory. People confuse mediation with meditation or medication. Why do these interesting anthropological variations exist? Why are the various forms of mediation relatively uncommon in Sweden?

A vast and growing literature is available on conflict management and mediation.[2]This short comment will outline seven fundamental and recurring questions about mediation.[3]Similar questions can be asked helpfully about every profession, including lawyering, plumbing and judging. Every lawyer should be able to answer these seven basic questions from enquiring clients, or from other lawyers.

What is mediation?

Mediation is a process whereby a skilled helper assists people to communicate, negotiate and make decisions. There are many different forms and processes being used by successful mediators around the world. There are ongoing research attempts to categorise the different "types" of mediation---for example," settlement", "problem-solving", "evaluative", and "therapeutic" mediation. Predictably, as with any labelling process, rarely does any mediator fit neatly into one particular type or category. However, it is essential that lawyers be familiar with the different types of mediation practice. Otherwise they will inevitably refer clients to the wrong service.

Which disputes are suitable for mediation?

There are many diagnostic lists which have been drawn up in an attempt to predict which conflicts are suitable in content and timing for negotiation, doing nothing, mediation, yielding, filing in a court, judicial decision[4], arbitration, violence, or therapy. The medical profession is accustomed to using such checklists when trying to decide upon surgery, exercise, drugs etc.

Mediation is particularly worth considering if the disputants have an ongoing relationship, or fear publicity; have reasonable communication skills; have access to skilled mediators; have used mediation successfully in the past; have several issues in dispute (rather than one only);are experiencing strong emotions and yet are still able to weigh up the costs of ongoing conflict in a rational manner.

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[1] Professor John Wade, Director, Dispute Resolution Center, Bond University,Gold Coast, Queensland, Australia, e-mail john_wade@bond.edu.au .Thanks to Amber Howard and to Alan Chan,who patiently taught me computing skills at Bond University, while I wrote this note during their classes

[2] For introductory reading see, R. Fisher and W. Ury, Getting to Yes (Houghton Mifflin:Boston,1981); C. Moore, The Mediation Process (San Francisco: Jossey-Bass,1996); L. Boulle, Mediation (Sydney: Butterworths,1996); The Mediation Quarterly (San Francisco:Jossey Bass); K. Kovach, Mediation (St Paul: West,1994); M. Deutsch and P.T. Coleman The Handbook of Conflict Resolution-Theory and Practice (San Francisco: Jossey-Bass, 2000); G.Tillett, Resolving Conflict: A Practical Approach (Melbourne: Oxford University Press, 2000); Z. Rubin, D. Pruitt and S. Kim, Social Conflict: Escalation, Stalemate and Settlement (New York: McGraw-Hill,1994)

[3] These questions are foreshadowed particularly in J.Kelly, " A Decade of Divorce Mediation Research: Some Answers and Questions" (1996) 34 Family and Conciliation Courts Review 373

[4] eg J.H. Wade, "Don't Waste Your Time on Negotiation or Mediation: This Case Needs a Judge" (2000) Mediation Quarterly (forthcoming)

Many courts take the view that all conflicts are suitable for mediation and therefore send every litigant to mandatory mediation. Even cases of violence are then mediated via separate rooms or buildings or over the telephone.

The writer works with a number of lawyers who say that some progress in decision-making is made at every well-prepared mediation they have ever attended, and therefore skilled mediation is always "appropriate". These lawyers, like diplomats in Israel, the Balkans and Northern Ireland have wisely expanded their definitions of "success".

Nevertheless, diagnostic criteria will continue to be a much-debated topic.

What value can mediation add to ordinary negotiation?

If a dispute is suitable for negotiation, why waste money on employing someone to "assist" the negotiation process? This is an important question, as mediation, like any new profession, can become a conspiracy against the laity, and aim to promote expensive client-dependence on another class of "experts".

However, it is clear that there are many situations where the disputants have not been able to help themselves and need someone to do what they are not able to do. For example, the conflict has escalated and the disputants cannot effectively arrange a comfortable meeting room; or speak clearly; or exchange information; or redefine the problems in mutually acceptable language, organize well-expressed offers; or listen carefully; or increase the number of methods, beyond money, to address problems; or prepare a documented risk analysis on the costs of future conflict;[5] or listen to their lawyers; or use highly confidential information in order to make a wise decision.[6]

Obviously, almost all mediations take place after unassisted negotiations have failed, and necessarily the disputants are saying "we need some skilled help". In Australia, so many lawyers, accountants and business managers have been to mediation training that there has been a cultural change over the last 15 years. Many lawyers and business people have dramatically improved their communication and problem solving skills, and now are able to prevent and settle more conflicts without the assistance of mediators.

What makes a competent mediator?

Many judges and arbitrators aspire to be mediators of some kind----often as a post-retirement job. However, few succeed in the reskilling and marketing required. Most are disappointed and discover that no-one wants to hire them. In Australia, only three retired judges have successfully made the transition from judge to respected and regularly employed mediator. In the USA, a larger number of retired judges have successfully made careers as evaluative mediators. That is, they are employed to give a clear opinion, or to raise doubts about the range of possible outcomes of a conflict if it escalates to a court hearing. However, the vast majority of judges, even in the USA, do not make a successful transition to evaluative mediation(which often resembles a familiar form of arbitration),let alone to the less familiar and more difficult forms of problem-solving mediation.

[5] J. H. Wade,"Systematic Risk Analysis for Negotiators and Litigators: But you never told me it would be like this!"Bond University Dispute Resolution Newsletter, October, 2000, website http:www.bond.edu.au/law/centers/index

[6] For a categorization of how mediators can "add value" to the negotiation process, see J.H. Wade, Representing Clients in Negotiation and Mediation, (Bond University Dispute Resolution Center, 2000)

Surveys of, and one-way mirrors observing, commercially successful mediators suggest that the skills, processes and attributes which they have developed include: patience, a strong emphasis on an easily understandable process, a reluctance to give advice until trust has developed, persistence, emphasis on visuals and whiteboards, reframing and summarizing, listening, preparation, and expanding the presenting "monetary" problems to include a wider range of interests and emotions.[7]To repeat, so counter-intuitive are these vital measures of competency, that many lawyers struggle to reskill, while some engineers, managers and counsellors are able to make the transition more readily.

How successful is mediation compared to ------?

This is a very important question for both clients and policy-makers.

Clients ask this question every day to their lawyers. "Is it worth spending time and money on mediation?" "Would we be more successful to file in court? Or to do nothing? Or to organize a meeting between just the lawyers? Or to employ a therapist or management consultant or police officer? etc".(Diplomats in the Middle East ask analogous questions every day).

Clients are very interested in comparative costs, risks and "success" rates. At mediation training courses, participants practise how to answer these standard client questions with a degree of honesty and clarity----no easy task!

Apart from individual clients, governments and policy makers in every country are focused on this "comparative success" question. This is because all governments only have limited funds to spend on conflict management services. There is no bottomless pit of money. Which services should receive the majority of government conflict management budgets?---therapists?, arbitration?, educational workshops?, judges?, evaluative mediation?, problem-solving mediation? Should the emphasis change according to the substantive field of conflict?---for example, injuries in the workplace, disputes over rental properties, conflict in families, motor traffic injuries, disagreements about commercial contracts, retrenchments and loss of jobs.

The competition for limited money leads to constant claims that "I can prove that my service is better that yours" and the preparation of less than reliable statistics about "success". All measurements of success will be unreliable to some extent, as: (1) it is impossible to assemble say 10 large control groups, send them to 10 different conflict management services over several years, and to observe details of process and outcome; and(2) it is very difficult to measure all the different criteria of "success" which are important to different clients---for example low cost, speed, signed agreements, durable agreements, sense of control, preserving relationships, being listened to. There are over 20 measures of success which clients and governments say are important in any mediation or conflict management service.[8] For example, an arbitrator may impose a quick and enforceable "resolution" and claim "success" on those two criteria. However, the clients may decide that the outcome was a complete failure as the arbitrator did not understand the complexity of their businesses, and the attribution of fault has imposed an expensive strain on all future business relationships between the parties.

How to market mediation services?

[7] Ibid, Wade at pp 90-101.
[8] Ibid Wade note 6 at pp 58-61.

Marketing any new product is a challenge. Mediation is particularly difficult because:

- Competition for customers or clients in the conflict management area is vigorous---between lawyers, courts, counsellors, management consultants.
- The vast majority of the public do not know anything about "mediation" except for occasional media references to peacemaking initiatives in Northern Ireland or the Middle East.
- The popular media rarely depicts mediation meetings in detail. Such meetings are. relatively boring compared to the Hollywood mythology of drama in the courtroom.
- Initially, lawyers and other go-betweens tend to fear new processes, especially when they have not learned how to behave, and fear loss of face in front of a client.
- Children usually acquire no routine experience of mediation as compared to regular childhood visits to doctors, dentists, counsellors and even lawyers. (In parts of Australia and the USA, school mediation services have been growing for the last ten years, so there is now a generation of young adults who have both been trained as mediators, and have seen student-led mediation used to resolve conflicts at school).[9]
- Some lawyers are reluctant to use mediation as they prefer to "hang-on" to clients and make money from servicing (and sometimes overservicing) clients with traditional lawyer behaviours.
- The reputation of mediation can readily be tarnished by lawyers who only refer clients to one monochrome evaluative model of mediation; by clients who have unrealistic expectations of quick fixes for their complex conflicts; and by lawyers, arbitrators, retired judges and counsellors who try to practise as mediators without sufficient training and supervision.

Successful mediators market their skills by:

- Speaking regularly at conferences and to the media
- Writing about conflict management
- Conscientious and skilled practice as mediators
- Encouraging referral agents, such as lawyers, to attend with their clients and observe the process and level of client satisfaction.
- Observance of high ethical standards
- Keeping their daytime jobs! until their mediation practices have become commercially viable
- Openly reflecting upon their skills and process with other professionals and attempting to improve.[10]

How can the standard of mediation practice be improved?

[9] See R J Bodine, D.K. Crawford, and F. Schrumpf, Creating the Peaceable School—A Comprehensive Program for Teaching Conflict Resolution (Illinois: Research Press, 1994)

[10] See F. Mosten ,The Complete Guide to Mediation (Chicago: American Bar Association, 1997) chapter 21-"Marketing"

This is a much-debated topic in many countries at present.[11] However the debates should be placed in the perspective that every working group faces this question---doctors, lawyers, salespeople, builders etc. There is sometimes an unnecessary moral panic that mediators should instantly have higher competencies than other working groups. This panic is sometimes strategically encouraged by competitors in the conflict management market.

It is very difficult to regulate a new profession when the practice of mediation has so many different and "successful"(on some definition of "success") forms.

Nevertheless, predictable methods used in other industries in an attempt to improve standards of practice are gradually being applied in the many different parts of the mediation industry. These include:

- Multiple mediation organizations which exchange information
- Constant training and advanced training courses
- Drafting of many codes of ethics
- National conferences between different parts of the mediation and conflict management industries
- Particular organizations (eg workers compensation, family counselling), which develop vigorous and mandatory education and supervision programs for their own mediators
- Gradual connection of training to more disciplined, systematic and cross-disciplinary university courses[12]
- Occasional comments from judges, or even legal decisions suggesting appropriate standards of conduct for mediators.
- Gradual emergence of mandatory minimum legislated standards for certain areas of mediation practice---particularly the politically sensitive area of family mediation.[13]
- Some minimum standards of behaviour required by insurance companies which offer insurance to mediators against liability for negligence.
- Disciplinary and ethical panels associated with mediation organizations which issue rulings and reprimands for members.
- Competency training which certifies that a mediator has achieved a certain level which can then be advertised as "specialist grade x".

[11] eg. In Australia see, National Alternative Dispute Resolution Advisory Council, (NADRAC) The Development of Standards for ADR (Canberra:Commonwealth of Australia, 2000).

[12] eg The growing number of dispute resolution centers at Universities. See Australian Law Reform Commission, Managing Justice: A review of the federal civil justice system, (Report no. 89, 2000), ch 2,"Education ,training and accountability".For example, Bond University in Queensland in Australia offers 19 postgraduate subjects in a conflict management program in the schools of law, business and psychology. Analogous programs are offered in several universities in the USA, including Pepperdine, Ohio State, Southern Methodist University, and Harvard, to name a few. Where dispute resolution courses become fashionable and nominal additions to already overcrowded curricula, there is the predictable risk that scholarship and teaching will be shallow---how to preserve standards once again!

[13] For example, in Australia, practising as a family mediator was legislatively and prematurely prohibited in 1996 unless certain minimum training, supervision and procedural steps are followed. See J. H. Wade "Family Mediation-A Premature Monopoly in Australia" (1997) 11 Aust. Journal of Family Law 286. Predictably, these prohibitions will be modified by legislative amendments proposed in 2001.

- Emergence of "reflective practitioners" who are respected for both their practical competency and for their ability to develop evolving theories emerging out of practice.[14]

Conclusion

These seven fundamental questions about mediation are being asked regularly by clients, lawyers and policy makers in every country. Problem-solving mediators and managers are renowned for trying to ask the right questions rather than finding premature solutions.

The writer has found that reflecting upon these seven questions has provided a helpful antidote for the many clients, lawyers and policy-makers who prematurely suggest quick solutions to complex conflicts "To every complex social problem there is a simple answer, and it is wrong".

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[14] See D. Schon, The Reflective Practitioner: How Professionals Think in Action (Basic Books, 1983).See also Deutsch and Coleman, ante note 2; and the work of Christopher Honeyman in the USA which encourages theory and practice to inform each other, www.convenor.com

THE REPRESENTATIVE AT MEDIATION AND NEGOTIATION

By Professor John Wade

What is a "representative"?

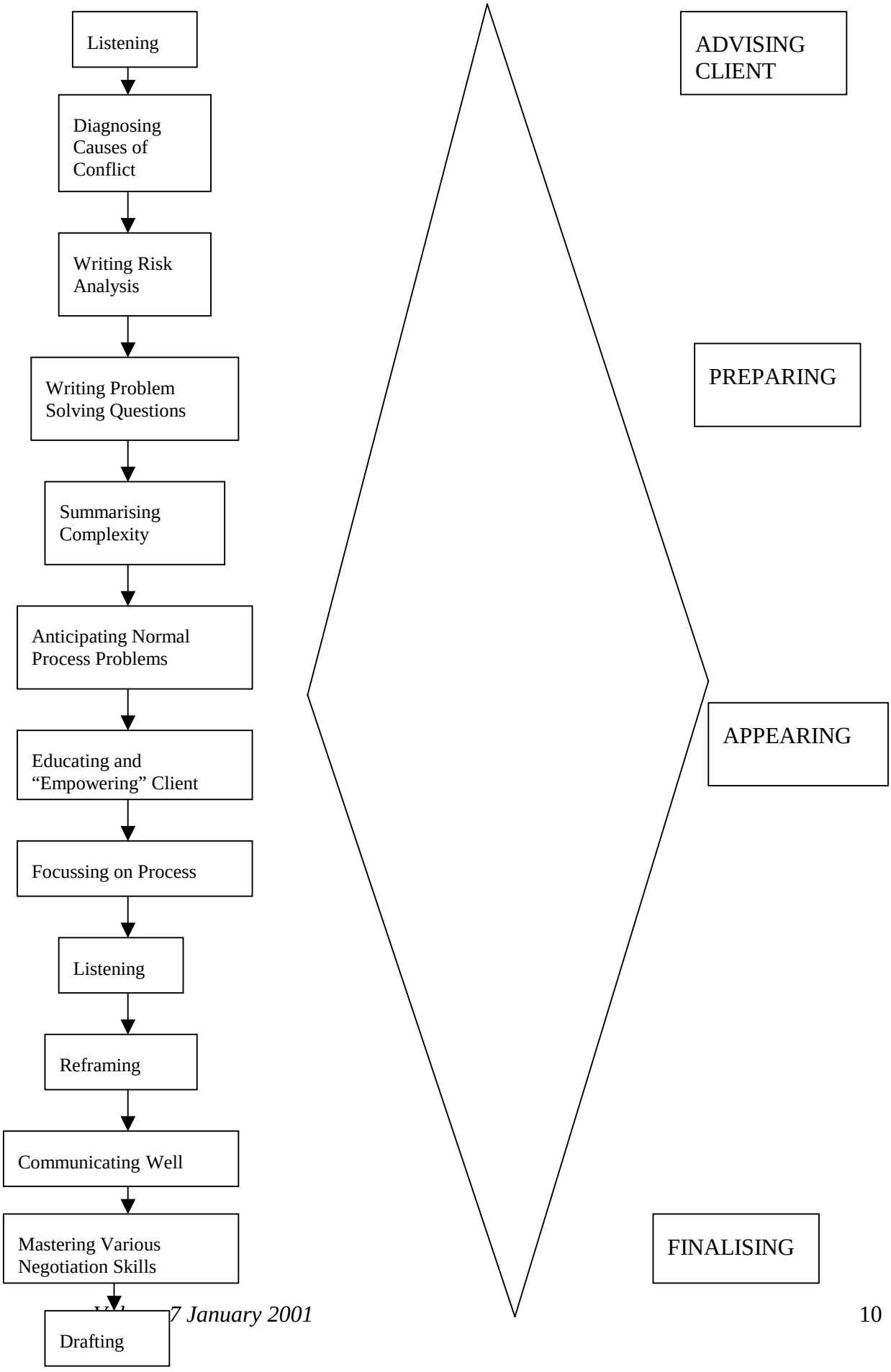
A "representative" is a person who stands, acts, or speaks for another. A representative can be a passive mouthpiece or a messenger for his/her principal, or can actively assist the principal to make a wise decision.

The vast majority of "personal" mediations and negotiations take place without a representative assisting in either preparation or attendance – eg. disputes between friends, club members, employees, spouses. Sometimes representatives assist in personal disputes. These may be friends, relatives, lawyers or union officials.

However, once a dispute involves a business, corporation, partnership, church, nation, employer, bank, insurance company, family, or any "group", then necessarily that group will be represented by an individual or by a number of individuals. The representative may be an in-house or outside lawyer, an employee, an accountant, a friend, a union official or an ambassador. Thus "representation" is very common and is done not only by a stereotypical "legally" trained representative.

When conflicts are referred to mediation from the courts, and there is money available, it is common for clients to be assisted by representatives with legal experience.

Skills Of A Representative in The Mediation Process



Advantages of Representation

The potential advantages for a disputant being represented at a mediation (or negotiation) are many. They include the following:

1. Two heads are better than one. When trying to make a wise decision, it is helpful to have a friend to bounce ideas off.
2. Intense conflict can cause a disputant to lose perspective. ("(S)he loses the forest for the trees."; "A lawyer who acts for himself/herself has a fool for a client." etc.)
3. An experienced and competent representative can:

- Reduce costs by preparing efficiently;
- Minimise adjournments of meetings because of disorganised preparation;
- Reduce over-reaction and walkouts by identifying what are "normal" events;
- Make suggestions about varying processes or taking breaks;
- Improve the physical environment for negotiation (eg. seating, time, food);
- Exercise excellent communication, listening and summarising skills when the disputant(s) lack these;
- Collaborate with the mediator to diagnose and intervene with a degree of objectivity;
- Give realistic advice on risks and costs outside the mediation room;
- Assist an inarticulate or disorganised person to summarise and be assertive;
- Use a variety of strategies to intervene when a client feels overwhelmed and too readily wants to give up;
- Make an informed decision when the mediator's strategies or process are more unhelpful than helpful.

4. Legal representatives are particularly skilled as drafters of agreements. They are accustomed to quickly drafting settlements which cover many predictable contingencies and loopholes.
5. The presence of an influential representative (eg lawyer, friend, accountant) avoids the clumsiness of trying to explain later to that person "what really happened" at the mediation. Instead they witness first hand the pain, concessions, to and fro which led to the agreement. If the influential "representative" or cheerleader is present at the meeting, it is more difficult for them later to be destabilising armchair critics.
6. Many mediators also want legal or accounting representatives to be present at preparation or joint meetings for personal marketing reasons. They want to show the representatives first hand what an excellent job is being done, so that the representatives send the mediator more work in the future.

Disadvantages of Representation

Predictably, there is a range of disadvantages where representatives, legal or otherwise, purport to assist in the preparation for or attendance at a mediation or negotiation. Many of

these disadvantages echo the traditional critiques of the "helping" professions (eg. see G. Egan, *The Skilled Helper*, 5th ed, California: Brooks/Cole, 1994).

Both clients and representatives should constantly consider these disadvantages when deciding to what extent any and which representative should assist in the preparation for and attendance at a mediation. In the writer's experience as a mediator, a sophisticated group of lawyers has emerged over the last decade, who choose to prepare certain clients at length for a mediation but do not attend the mediation unless special circumstances exist. Conversely, there are other lawyer representatives who always attend.

Some of the potential disadvantages of "involving" the representative of a disputant in the mediation process are as follows:

- **Expense.** A professional representative increases the out-of-pocket costs of the mediation as (s)he must be paid.
- **Minimal preparation.** A paid representative will sometimes attempt to reduce the costs of the mediation by minimising preparation of documents and dispensing with intake or preparation meetings. ("Forget the x-rays; just cut.")
- **Scheduling complexity.** Scheduling meetings is made more complex as more people try to attend.
- **Incompetence.** Some representatives are incompetent communicators and negotiators.
- **Emotional involvement.** Some representatives (especially friends, relatives and a few lawyers) are emotionally entangled in the conflict and cannot separate their own anguish from the needs of the client.
- **Multiplication of interests.** All representatives bring new interests into the mediation room which potentially make the negotiations more complex (eg. need to save face; need to be paid; need to be seen to be helpful; need to be seen to be aggressive).
- **Loss of control.** Some representatives "take over" from their clients – talk too much, don't listen, take control, convert the issues into narrow questions which reflect their own expertise. These are some of the recurrent critiques of litigators recycled in another context.
- **Wrong choice of mediator.** Some representatives choose mediators with whom they, rather than their clients, are comfortable.
- **Ignorance.** Some lawyer representatives know little about mediation or conflict management generally. (This group has decreased dramatically in number over the last fifteen years.)
- **Dumping difficult clients.** Some lawyer representatives only refer files to mediation after the client has been over-serviced with warlike behaviours. Or alternatively, they use mediation as a dumping ground for difficult or dangerous clients.
- **Few settlement incentives.** Legal representatives have no clear financial incentives to be efficient negotiators. They will actually be paid *more* if the conflict continues.
- **Quick settlement payout.** Conversely, some representatives have an interest in pushing hard for a quick settlement in order to get paid quickly (perhaps a contingency fee); meet budget, manage heavy work loads; get rid of a troublesome client.

- **Loss of face.** Some representatives have given over-confident or ignorant early advice, and do not want to lose face publicly at the mediation when their over-confidence or ignorance becomes apparent. Therefore they bluster, pontificate or walk out.
- **Avoiding disappointing news.** Some representatives are reluctant to tone down a client's extreme claims. They fear that the client will feel betrayed by an ally, or will shoot the messenger, or will badmouth the representative for being a wimp (and will refuse to pay the representatives fees), so they continue to offer half-hearted support for the client's extreme claims ("I'll follow your wishes/instructions"), while desperately hoping that "someone else" (eg. mediator, Registrar or Judge) will beat up the client, and bear the blame for the client's disappointing outcome.

What advantages and disadvantages have you experienced, of the involvement of representatives in the mediation (or negotiation) process? Set out at least three of each.

Advantages: .....

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Disadvantages: .....

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To repeat, the potential advantages and disadvantages of representation provide a sobering challenge, to clients and representatives, to reflect upon the degree of involvement of a representative which will be helpful in each mediation. A competent mediator will want to brainstorm possible answers to this important question with each representative.

(Extract from J.H. Wade, *Representing Clients at Mediation and Negotiation*, Bond University Dispute Resolution Centre: Queensland, 2000)

Forthcoming Courses

Bond Courses in 2001

15-18 January	**Indonesia**	**Short course – 4 days**	**Basic Mediation Course, sponsored by AUSAID for the Ministry of Justice Jakarta and Jakarta Initiative, Indonesia**	**Boulle Cavanagh**
26-27 January	**Indonesia**	**Short course – 2 days**	**Intensive Mediation Course, sponsored by AUSAID for the Ministry of Justice Jakarta and Jakarta Initiative, Indonesia**	**Cavanagh Wade**
16 & 17 February 2001	**Sydney**	**Short course – 2 days**	**Representing Clients at Mediation and Negotiation**	**Wade Boulle**
15–17 March	**Bond University**	**Short course – 3 days**	**Basic Mediation Course and Foundation Family Mediation Course in conjunction with AIFLAM**	**Wade, Boulle & Cavanagh**
30, 31 March & 6, 7 April	**Sydney (KVB Inst of Tech)**	**Short course – 4 days**	**Basic Mediation Course (can be assessed as PG course)**	**Boulle, Cavanagh Wade**
19-21 April	**Perth**	**Short course – 3 days**	**Family Arbitration, Enquiries: Law Council, Elizabeth Marburg 02 6247 3788**	**AIFLAM**
27-29 April	**Perth**	**Short course – 3 days**	**Basic Mediation Course, in conjunction with University of Notre Dame. Enquiries: College of Law, Holly Kneebone 08 9239 5732**	**Boulle Cavanagh**
18 May	**Bond University**	**One day intensive**	**Effective Commercial Negotiation Strategies**	**Cavanagh**
3-5 August	**Melbourne**	**Short course – 3 days**	**Basic Mediation Course, in conjunction with Leo Cussen Institute. Phone 03 96023111, email: dirooney@leocussen.vic.edu.au**	**Boulle Cavanagh Wade**
16-19 August	**Sheraton, Noosa**	**Short course – 4 days**	**Advanced Mediation Course**	**Wade Cavanagh Boulle**
6-8 September	**Bond University**	**Short course – 3 days**	**Family Arbitration, Enquiries: Law Council, Elizabeth Marburg Phone: 02 6247 3788**	**AIFLAM**
6-8 December	**Marriott, Gold Coast**	**Short course – 3 days**	**Basic Mediation Course**	**Wade Boulle Cavanagh**

REPRESENTING CLIENTS AT MEDIATION

The Dispute Resolution Centre has been invited to lead a course for Sydney barristers on "Representing Clients at Mediation and Negotiation" in Sydney on 16, 17 February 2001.

The course text will be John Wade's *Representing Clients at Mediation and Negotiation*. To purchase a copy of the book please email drc@bond.edu.au or post your order with cheque or credit card details (Australian residents $55.00 (inc GST & postage) or overseas residents $50 US (as converted to A$) including postage) to –

The Administrator, Dispute Resolution Centre, Bond University Q 4229 Australia

Reflections on Conflicts – Lessons Learned

The next newsletter will contain a case study from a single line shuttle mediation between farmers and an insurance adjuster. Why is this lawyer-dominated model of mediation so popular? What are its advantages and disadvantages?

Bonding to Bond

If you have any suggestions about this newsletter; *OR* if you or your colleagues would like to be included on, or excluded from receiving this occasional newsletter, **please send us a message** with your e.mail address to:

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These will be transferred to our website, namely – http://www.bond.edu.au/law/centres/drc/newsletter.htm and can be read or printed down from there.

J H WADE
Director
Bond University Dispute Resolution Centre