Mediation in the Context of Conflict

When people have a dispute or difference the optimal result is for them to sit down together and sort out the problem. Perhaps they have read the bestselling book about negotiation, Getting to Yes, by Fisher and Ury. Following its recommendations, they will listen respectfully to each other to gain an appreciation of everyone's needs and concerns and then craft a mutually advantageous solution, after brainstorming some creative ideas.

Unfortunately such a happy turn of events does not occur as often as we would like. “Human nature” seems to get in the way of constructive conflict resolution. Social scientists have revealed some common thought processes that block our efforts to resolve disputes – I will call these “conflict conundrums”. Conflict resolution professionals have used this knowledge of conflict conundrums to design processes and techniques that surmount these typical obstacles to dealing successfully with conflict.

I will describe some of the human barriers to efficient conflict resolution and how the mediation process, conducted by a skilled mediator, can help to achieve the goal of informal, effective solutions.

Some Conflict Conundrums

Psychologists and social psychologists have discovered common patterns of thought that adversely affect the way we respond to conflict in modern society.

Such ways of thinking may have been valuable adaptations to earlier environments, but are counter-productive now. These conflict conundrums are not signs of mental illness; they affect most of us when we face stressful conflicts in our lives.

Conflict theorists and practitioners, in turn, have used this knowledge to design processes and interventions that help reduce the influence of these conflict conundrums. Mediation is one such process.

I will now describe three of the common conundrums found in conflicts and the way mediation works to reduce their negative impact.

The Attribution Fallacy

We all have a deep need to understand why others act the way they do. This helps us navigate the twists and turns of social life by making it easier to predict how people will behave when we interact with them.

However, research has revealed a common and serious flaw in our thinking about other people’s motivations; this trait has been labeled the “attribution fallacy”. These fallacy consists in ascribing (attributing) bad intentions to others more often than we should given the evidence we have about the states of their minds. (It also works in reverse – we usually ascribe good motives to our own actions).

Here is an example of the fallacy at work. If we believe we have been harmed by someone there are at least four explanations we can adopt for their behaviour; unintentional (accident); habitual (character or personality); intentional (self interest); and intentional (malice). The fallacy results in us attributing malice to others more readily than the other possible motivations. And it is not restricted to interpersonal disputes – remember the “axis of evil” and the “devil President”.

(Cont. > page 3)
You are invited to submit an abstract for a paper to be considered for inclusion in the 9th LEADR international Mediation Conference.

**Timeframes**

Abstracts may be submitted at any time up until 30 March 2007. Papers selected for inclusion will be decided and submitters notified by 1 May 2007.

Streams will include:

- ‘Future Focus’ featuring new areas such as e-mediation, telephone mediation, online dispute resolution, impact of new technologies, research and new concepts and topics.
- Process and Practice, featuring skill development and process enhancement.
- Government and the Courts. Likely to cover public sector areas and the Courts’ growing interest in ADR, the Law Commission.
- Environment and public policy.
- Managing workplace tension to include employment conflict management, dispute systems, HR trends.
- It’s wider than us - international and regional issues and practice.
- Culture / Community
- Commercial

Streams indicated are a guide. Please do not feel constrained if your topic does not easily fall into one of the above, or if it covers more than one category.

**Format**

Two and a half days with two plenary sessions (morning and afternoon) followed by 3 or 4 concurrent streams with 50 minute sessions or workshops.

**Expected attendance**

At least 130 participants from New Zealand, Australia, the Pacific and Asia.

**Details for submission**

You may submit your proposal electronically to leadrnz@xtra.co.nz

**Contact**

For enquiries or to discuss ideas for papers please contact: Pele Walker, Convenor, leadrnz@xtra.co.nz
The Value Added by Mediation

Archie Zariski, BA, LLB, LLM, C Med
(Archie is a member of IAM and former Senior Lecturer at Murdoch University)

(cont. < page 1).

The attribution fallacy makes conflict resolution difficult between the affected parties very difficult. If one assumes both sides are operating under the fallacy then trust between them is probably nonexistent, and this impacts all avenues of resolution beginning with communication.

Here is how mediation deals with this problem. A skilled mediator will facilitate thorough exploration of all parties’ needs and concerns in a joint meeting, a step which is designed to reveal the motivations they bring to the dispute. Although mediation is future-focused, it allows some examination of the past in order to correct mistaken impressions such as those due to the attribution fallacy. By encouraging the parties to reveal their motivations and by sometimes rephrasing them, so they are really heard by the other side, the mediator helps disputants regain some trust in each other, open communication lines, and then deal with the problem more constructively.

Reactive Devaluation

"Reactive devaluation" is the term researchers have used to describe another common human failing when dealing with conflict. It happens when one side makes an offer of compromise or settlement. Our normal thought processes then find fault with (“devalue”) the proposal, although it may be worthy of serious consideration. The result may be rejection of a reasonable offer.

It is easy to see how reactive devaluation may be tied to the attribution fallacy. If you believe the other party is acting out of malice, then you may conclude any offer they make must be a trap to be avoided.

By combating the attribution fallacy, mediators can help to limit reactive devaluation as well. But mediation also provides an avenue to deal with reactive devaluation directly.

Mediators recognize the importance of getting all parties to a dispute to consider their alternatives if they cannot reach an agreed solution. Thus, mediators encourage each disputant to clearly define their "BATNA" (Best Alternative to a Negotiated Agreement) – what they can achieve without the cooperation of the other side.

Then, if an offer is made that compares favourably to a person’s BATNA, that party is more likely to take it seriously and not dismiss it out of hand due to reactive devaluation.

Mediators work with each party, usually in private session, to help them clarify their BATNA and weigh offers in the light of their alternatives. In this confidential, private setting, mediators are able to forestall reactive devaluation that can lead to premature termination of efforts to resolve a dispute.

Perspective Taking

One of the best ways to settle a dispute is for the parties to treat the contentious issues as a mutual problem to be solved through collaboration. This problem solving approach is at the heart of the theory of "principled" or "interest based" negotiation described in Getting to Yes. In practice it can yield creative, satisfying solutions.

A key step in interest based negotiation is appreciating the needs and concerns of the other party – being able to "stand in their shoes". Another name for that crucial step is "perspective taking," and research has shown it is difficult for people to accomplish unaided.

Mediation provides a supportive framework for interest based negotiation guided by a problem solving approach. A mediator encourages disputants to try to understand the conflict from the perspective of the other side. This may be done by asking one party to paraphrase what they have heard said by the other. On occasion the mediator may ask the parties to engage in "reciprocal role playing" in which they are asked to say what they would have done, or would do in the future, if they were in the other party’s place. Or, a mediator might suggest that disputants “stand in each other’s shoes” by looking or listening from the other side of the wall, fence or border in questions, and then bring that experience back to the table.

The intent and effect of these mediation techniques is to assist parties in perspective taking and in doing so discover solutions that meet everyone’s needs.

Mediation

Mediation conducted by a skilled practitioner is an effective intervention in disputes that can fester and grow because of common human failings that obstruct direct informal settlement.

The benefits of skilled mediation are not restricted to interpersonal differences, but can be realised in disputes between businesses, nations and just about any combination of such parties. The human factors that get in the way of constructive responses to conflict are the same in every interaction.

Mediation thus adds value by helping people resolve disputes that might otherwise become prolonged, acrimonious, sometimes violent, and always more expensive for everyone involved.

WADRA thanks Archie Zariski for his kind permission to reproduce this article for the newsletter.
LEADR has a reputation for excellence in mediation training. As one of the first providers of mediation training in Australia, LEADR combines its extensive experience with latest developments in Alternative Dispute Resolution occurring both nationally and internationally. LEADR training is recognised for the high quality of its program design, the interactive and experiential emphasis of the learning activities and the exemplary skills of its facilitators.

Who should attend?

- Individuals who are keen to add mediation to their professional skill set.
- Those involved in advising clients, managing staff, facilitating planning and decision making or handling disputes in commercial, government, not-for profit or community sectors.

Previous attendees include lawyers, managers, human resource personnel, industrial relations experts, healthcare practitioners, educators, counsellors, coaches, conciliators and community engagement professionals.

What the program offers

- A proven mediation process adaptable to different types of mediations.
- Sound theoretical frameworks in which to embed process and skills.
- Essential communication skills to explore issues and reality test.
- Practical tools to keep parties focused.
- Strategies to generate options and to break impasses.
- Eight mediation role plays.
- Personalised feedback from highly skilled mediation practitioners on Day 4.
- Complimentary LEADR membership to 30 June.

The facilitators

LEADR facilitators are experienced dispute resolution professionals as well as skilled adult educators.

Tania Sourdin  Professor of Law and Dispute Resolution and Director for the Conflict Resolution Centre at La Trobe University. Facilitated organisation change workshops and change processes involving over 400 staff. Conducted evaluation research into dispute resolution processes in seven Courts and Tribunals.

Nina Harding  Mediator for commercial, workplace and large public disputes and community issues. Panelist for a range of organisations including the Hong Kong International Arbitration Centre. Conducted more than a hundred highly successful training programs in corporate settings and for several Australian universities and law societies and for the University of Hong Kong.

Bradley Chenoweth  Mediator in a wide range of disputes. Facilitated multi-party processes in community, organisational, commercial and cross-cultural contexts. Visiting Fellow to the University of WA Law School and currently participating in a leading research project on frontier methods of dialogue developed at the Massachusetts Institute of Technology, Boston.

Anne Sutherland-Kelly  Mediator in disputes ranging from commercial and complex multi-party through to family law over property and custody. Mediator and arbitrator for the Workers Compensation Commission of New South Wales and external mediator for the Australian Defence Organisation.
A one-day in depth micro-skills refresher  
Facilitated by LEADR in-house trainer, Bradley Chenoweth

Facilitating issues exploration between parties is the foundation of interest based mediation and negotiation. Mediators can experience this joint session skill as a challenging art form to master.

This workshop provides an opportunity to develop and expand your skills in facilitating direct dialogue between the parties in a micro-skills refresher. You will clarify the key roles of the mediator in the Issues Exploration phase:

- Mediator as a facilitator.
- Mediator as agent of responsibility.
- Mediator as agent of reality.

In this one day program you will learn:

- Strategies to keep people talking to one another.
- Effective use of an agenda to structure discussions.
- Interventions to facilitate direct communication between the parties on all issues.
- Methods to assess the accuracy of your own listening as the mediator.
- Transitions to enable parties to move from blame for the past to acceptance of responsibility for the future.

This workshop is suitable for:

- New or newly trained mediators who want to further their understanding and have an opportunity for practice and feedback.
- Experienced mediators who want to complement their strengths with a structure for issues exploration in their mediation.

Features of the program include:

- Coaching and feedback from experienced mediators.
- Opportunities for practice in simulations.
- Strictly limited course numbers to maximise the learning experience.
- Comprehensive course notes and certificate of attendance.

Cost: Early Bird payment received by date below: $440 (GST inclusive)
Standard registration: $495 (GST inclusive)

Perth: Early Bird payment due: Tuesday, 23 January
Date of course: Tuesday, 13 February
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<th><strong>Mediation Training – Level 1</strong></th>
<th><strong>Advanced Family Law Mediation Training</strong></th>
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<td>3 Day Course</td>
<td>Pre-requisite Level 1 or appropriate tertiary qualifications</td>
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<tr>
<td>Defining core elements &amp; exploring models, negotiating styles, developing skills &amp; techniques.</td>
<td>Role playing mediation model from agenda setting to agreement.</td>
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<td><strong>Date:</strong> 12, 13 &amp; 14 March 2007</td>
<td><strong>Date:</strong> 18 &amp; 19 June 2007</td>
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<td><strong>Date:</strong> 20, 21 &amp; 22 August 2007</td>
<td><strong>Date:</strong> 15 &amp; 16 October 2007</td>
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<td><strong>Cost:</strong> $495</td>
<td><strong>Cost:</strong> $330</td>
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Bookings required
Contact: Mandy Flahavin
(08) 9489 6322
www.relationships.com.au

WESTERN AUSTRALIA

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The WA Chapter of the Institute of Arbitrators and Mediators Australia is holding a Mediation Colloquium on 13 February 2007.

CPD event for Arbitrators – (possibly a Moot) on 12 March 2007 and Training for Adjudicators under the Construction Contracts Act 2004 on 17 and 26 March 2007

All enquiries to the Chapter Administrator at wa.chapter@iama.org.au or phone 9201 0564
GRAND FINAL 2006

WINNER:
Christ Church Grammar School

RUNNER UP:
Great Southern Grammar School

Held at:
Edith Cowan University, Faculty of Business and Law
Thursday, 21 September 2006
7.00pm – 9.00pm

Christ Church Grammar School
Teacher: Michelle Gore
Coach: Jill Howieson
Mediator 1: Lachlan Bisset
Mediator 2: Lawrence Ward
Drew (Party A1): Daniel Bourke
Alex (Party A2): Daniel Johnson
Pat (Party B1): Andrew Burns
Cameron (Party B2): Jonathon Lau
Reserve: Michael Wilson

Great Southern Grammar School
Teacher: Sheryl Gardner
Coaches: Antonia Grasso, Kathy Burgess
Mediator 1: Alice York
Mediator 2: Shani Mattinson
Drew (Party A1): Natalie Sharp
Alex (Party A2): Ella Budrikis
Pat (Party B1): Alannah Woods
Cameron (Party B2): Anna Lloyd
Reserve: Laine Ferry

PROGRAM
The teams, adjudicators and guests were welcomed by Professor Robert Harvey, Executive Dean, Faculty of Business and Law.

Following the mediations the following awards were presented:

Encouragement Awards sponsored by Relationships Australia
Mandy Flahavin, Manager of Family Dispute Resolution Services, presented the Encouragement Award to St Brigids for their wholehearted dedication to SCRAM in 2006. St Brigids received a plaque, certificates, LEADR video and training place for a teacher at a Relationships Australia 3 day mediation course.

Participation Award sponsored by Institute of Arbitrators and Mediators Australia
Kim Doherty, Deputy Chairman, Western Australian Chapter, presented trophies and certificates to Safety Bay Senior High School for the highest number of participants in SCRAM in one school in 2006. Safety Bay Senior High School received an IAMA Teacher training course, LEADR video and certificates.

Runner up sponsored by Centrecare
Judge John Chaney, State Administration Tribunal made the presentation to Great Southern Grammar School. Great Southern Grammar School received a plaque and a LEADR Video, a Mediation training course from Centrecare. Team members, teacher and coach each received a trophy and certificate.

Winner sponsored by LEADR
Judge John Chaney, State Administration Service made the presentation to Christ Church Grammar School. Christ Church Grammar School received the perpetual trophy, a plaque and one complimentary enrolment in a mediator training course conducted by LEADR Team members; teacher and coach each receive a trophy and certificate.
SCRAM AIM AND PHILOSOPHY

SCRAM is a Year 9 & 10 interactive role play competition aimed at encouraging the development of conflict resolution skills in secondary schools. Mediations are based on fictitious community based scenarios. A team of 6 – 10 students is given background information on a problem and the student mediators lead the disputing parties through the mediation process in an effort to find a solution that all can accept.

Mediation is a structured problem solving process. It is one of the principal forms of alternative dispute resolution and offers the opportunity to resolve disputes to the satisfaction of all parties. SCRAM provides an enjoyable and dynamic way of introducing students to the mediation process.

ACKNOWLEDGEMENTS

The Western Australian Dispute Resolution Association Inc. would like to thank all the volunteers who have contributed to the 2006 SCRAM Program and Competition as coaches, adjudicators and SCRAM Committee members.

In particular, WADRA would like to thank Edith Cowan University Faculty of Business and Law for sponsoring SCRAM since 2005 and for hosting the SCRAM Grand Final.

The SCRAM committee appreciates the provision of meeting rooms at Legal Aid Western Australia.

Financial support from The Alfred T Bellord Charitable Trust (administered by Perpetual Trustee) is gratefully acknowledged.

PRINCIPAL SPONSORS

Edith Cowan University – Faculty of Business & Law
LEADR
Centrecare
The Institute of Arbitrators & Mediators Australia
Relationships Australia
Citizens Advice Bureau
Legal Aid
The Trillium Group

2006 Committee

Margaret Halsmith (Convenor); Julia Carr (ECU) (Co-ordinator); Mark Stoney (ECU); Elizabeth Halsmith (Centrecare); Rae Kean (Relationships Australia); Margaret Dixon (Citizens Advice Bureau); Katia Nadalin (Legal Aid); Jenny Sullivan (Citizens Advice Bureau); Chris Stevenson (Francis Burt Chambers & LEADR); Julie Mercer (IAMA); Ruther Reader (Legal Aid); Marilyn Hopkins (Hopkins & Associates); Catherine Doran (Murdoch University).

2006 Grand Final Mediation

LONELY LEAVERS

Parties:

Party B1: Cameron – 18 year old, year 12 student Denton High School.

Background Information

Alex, Pat, Cameron and Drew are all friends. Alex and Pat in particular have remained close friends since primary school. Cameron joined the school at the beginning of year 11 having come from overseas to attend year 11 and 12 to sit the TEE. Repeating year 11 means that Cameron is 18 years old.

Cameron’s first class at Denton High School had been science where Cameron sat next to Drew. They hit it off immediately. Drew was a bit of a loner except for hanging out with friends Alex and Pat. Drew didn’t play sport, was a bit of a science geek, and socialized very little other than with Alex and Pat. Drew got on with Cameron from the first day when Drew learnt of Cameron’s interest in science. Both want to end up working in the sciences. Drew wants to work as a scientist for the CSIRO and Cameron wants to become a chemical engineer.

Alex and Cameron are also members of the school hockey team. Both are very talented players. They create a formidable team on the field. It was as if they knew what the other was thinking and repeatedly Cameron would get the ball to Alex who would then turn the situation into a goal. Cameron enjoyed playing hockey and Alex was passionate about it. Alex’s big ambition is to play hockey for Australia. The school coach is heavily involved in competition hockey and saw both students as potential players for the state and possibly the country.

All four planned to go on “leavers” together and all their parents were happy about this. The four had looked out for each other over the past two years and their parents were confident they would be safe together. Pat’s and Drew’s parents insisted however that “leavers” take place on Rottnest Island or not at all. They were worried about drink driving issues. On the island no cars were allowed and all the “leavers” were given a special section of the island to stay at, mix and have fun.

(continues on page 9.)
The incident

It was the fourth last hockey game of the season against the school’s strongest rival. It looked like being a hard game. The coach had told the team at training on Thursday that his mate, one of the coaches for the State hockey team, was coming to watch the game. Alex was really excited. This could be his/her chance for possible selection to the State team.

The four had accepted an invitation to go to the 18th birthday party of another year 12 student. It was being held the Friday night before the game. Alex had suggested that she/he and Cameron not go to save themselves for the game but Cameron wanted to go. Alex decided to go but to stay for only a couple of hours. All were having a good time at the party. Alex only drank coke. Alex was a bit concerned about the mixed drinks Cameron was putting away because, like the rest of them, Cameron did not drink. “It will be fine” Cameron had assured Alex. When Alex got picked up at 11.00pm, the party was in full swing. Cameron, Pat and Drew were staying until 12.30am when Cameron’s parents were picking them up.

Unfortunately, after Alex left, Cameron somehow got challenged into a sculling competition with another party goer. Both Pat and Drew had tried to stop Cameron but Cameron persisted. The three were not picked up until 1.00am and by that stage Cameron was very drunk indeed.

Pat and Drew spent the night at Cameron’s and all three were very drunk indeed.

Cameron was suffering from a dreadful hangover and did not play well – Cameron felt like death. Alex didn’t get the leads Alex was used to from Cameron and when Alex did get a shot it was placed so badly that Alex had to work extra hard to make the shots to set up for a goal. By half time the coach took Cameron off the field. Alex was furious at Cameron. This affected Alex’s game. Alex made silly mistakes and missed easy goals. Alex could see the shocked look and the shaking head of the coach a few times after he made silly mistakes. This made it worse.

The game ended, the school team lost by two goals. Alex was last off the field and came off furious. Alex walked up to Cameron who was standing with the rest of the team. Cameron started to say something to Alex but before Cameron could speak Alex started yelling abuse at Cameron about being irresponsible, unreliable and untrustworthy and about it being Cameron’s fault that Alex played badly and would probably not be selected for the state team.

Cameron was silent at first then started screaming back at Alex that if Alex did not get selected it was because Alex just could not play hockey well enough. Alex became so upset after that comment that Drew and Pat got concerned. Pat started pulling Alex away. Drew started doing the same to Cameron. In the end Cameron yelled at Alex that she/he was not going on leavers with Alex and that was that. Either Alex went or Cameron went but they both were not going. Cameron then walked off.

Aftermath

On Monday Cameron told Pat and Drew she/he was serious about what she/he had said about “leavers”. Both Pat and Drew were shocked and concerned. Without Cameron they could not stay on Rottnest unless they found another 18 year old whom their parents trusted. It was also highly unlikely if they pulled out now they would get their money back for several weeks to use for other arrangements.

The next few weeks were really difficult. Alex and Cameron were not talking to each other. Pat and Drew were caught in the middle. All four were no longer sitting together. Out of loyalty, Pat sat and hang out with Alex. Drew, out of concern and loyalty, hung out with Cameron. At times things got even a little strained between Pat and Drew when talking to each other about who was to blame and who should do what to resolve the problem.

Two further games of the season were played but the tension between Cameron and Alex showed on the field and was affecting the whole team. Cameron no longer played to assist Alex and Alex was off his/her game.

Pat’s and Drew’s parents continue to insist that, dispute or not, “leavers” has to be on Rottnest. The situation is also affecting their studies and their parents were starting to talk about canceling “leavers” altogether if they did not get their studies back on track. To try and salvage the situation Pat’s parents contacted Pat’s 18 year old cousin Leigh who had agreed to go to “leavers” if needed. Leigh was on Rottnest last year for “leavers” and it was a lot of fun.

The group has been told if they cancel their booking it will take weeks before their money is returned and it will be paid to the 18 year old named in the booking. In the end the coach spoke to the school counsellor who spoke to each of the students and suggested they go to a mediator to help resolve the dispute.

Scenarios

The WADRA-SCRAM subcommittee wishes to acknowledge and thank the New South Wales Law Society for assisting with scenarios for SCRAM WA in 2006.

If you would like to assist with coaching or adjudicating, and/or if your school is interested to participate, please explore the web site and contact the SCRAM co-ordinator at www.scram.business.ecu.edu.au
Video Assessment days are scheduled in order to assist members or new applicants to successfully complete the requirements for accreditation in accordance with the Scheme for Accreditation of Mediators.

The assessment process will allow any member of LEADR to seek accreditation. The pre-requisite is completion of a course in mediation (by a recognised training provider) or with suitable extensive experience in the field.

The LEADR assessment procedure involves:

- a two hour mediation simulation which will be video taped;
- review of the videoed simulation by one or more LEADR assessors.
- satisfactory evidence of competence in key areas of mediation practice, as demonstrated by the candidate during the simulation.

**PERTH DATES**

Wednesday, 28 March 2007
Thursday, 21 June 2007
Tuesday, 31 July 2007
Thursday, 8 November 2007

**COST:** A$484.00 (Including GST of $44)

**NOTE:** Video Assessments will be held in 3 sessions of 2 hours duration each. Candidates need only complete one session.

| Session 1:  | 8.45am  - 10.45am |
| Session 2:  | 11.15am - 1.15pm |
| Session 3:  | 2.00pm  - 4.00pm |

For more information or to be sent a registration form please contact:

LEADR, Level 9, 15-17 Young Street, Sydney NSW 2000
Telephone: (02) 9251 3366 Facsimile: (02) 9251 3733
LEADR is delighted to announce a very competitive Professional Indemnity Insurance policy that, at the instigation of LEADR, Aon risk Services has negotiated.

*$125 for 12 months’ cover*

**This offer is available only to financial members of LEADR.** Many of our members have contacted us to comment on how pleased they are to be able to access professional indemnity cover at such a reasonable rate.

Please note that members are under no obligation to obtain Professional Indemnity Insurance through Aon Risk Services. You are free to use your current insurer or source another scheme. Members can access this offer however, only through this arrangement with LEADR. Please contact Aon Risk Services to seek advice before you make your final decision.

Please refer to the LEADR website www.leadr.com.au for details of how to become a member.

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**Confidence is built on trust; trust Aon when it comes to your insurance**

Aon’s professional indemnity policy covers members of LEADR for your:

- Legal defence costs,
- compensation, and
- legal costs to be paid to the claimant;

Following allegations of professional wrongdoing by you in the course of providing services.

**Who is covered?**

The insurer has agreed to provide cover for sole practitioners who operate under a Company name. The insurer is unable to extend cover for companies that have more than one member operating under a Company structure. We can assist these members by providing a competitive stand alone cover.

**What activities am I covered for?**


**Is there any excess?**

Yes. The excess if $5,000 inclusive of legal fees.

**Are there any additional covers?**

Yes, you are automatically covered for:

- Libel and slander
- Intellectual property.
- Lost documents.
- Fraud and dishonesty.
- Joint venture liability
- Fidelity cover to $50,000 (misappropriation of funds).
- Cover for past activities – 1 January 2000 retroactive date.

**What happens if I retire or cease to operate?**

The policy provides free run-off cover for members (sole practitioners who have ceased to practice). This is on the basis that LEADR Master Policy is renewed each year. If the Master Policy is not renewed or is replaced with another Insurer run-off cover will not be applicable.

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**NEED HELP?**

Kerry Howson – Account Broker  
(08) 8100 0627

Tia Hutchings – Account Executive  
(08) 8301 1186

Wayne Trezona – Account Manager  
(08) 8301 1170
The nominated Directors have been meeting regularly to lay the groundwork for an excellent conference.

The theme will be ‘Transforming the Landscape’. It is expected that the Conference will be held over three days between late August and early October in 2008.

Details will be announced in the WADRA newsletter as they come to hand.

Please find the directors listed below:

Mark Stoney
Associate Professor
Faculty of Business & Law
School of Law & Justice
Edith Cowan University

Mandy Flahavon
Manager FDR
Relationships Australia WA

Graham Castledine
Secretary 9th National Mediation Conference
Special Counsel, Minter Ellison
Proprietor, Castledine Legal and Mediation Services

Laurie James
Chairman of Partners
Kott Gunning
WADRA Convener

Tony Newport
Newport & Wildman
Co-Chair
8th National Mediation Conference
Hobart

Catherine Doran
Consultant Mediator & Lawyer
Hobart

Helen Marks
Director of Alternative Resolutions and Equity
Department of Defence
Canberra
Director of National Mediation Conferences since 2002

Chris Stevenson
Co-Chair 9th National Mediation Conference
Barrister
Francis Burt Chambers

Margaret Halsmith
Co-Chair 9th National Mediation Conference
Director & Principal Mediator
Halsmith Consulting Pty Ltd

Organising Committee: a group of people who have offered to support the Conference, through the Directors:

Julie Mercer
Colin Kaezer
Barbara Kwiecien
Lynn Stephen
Sandra Boyle
Rose Zaffino

Bruce Menzies
Peter Curry
Karene Primrose
Nicolette Cifoloilli
Robert Mancini
Tracey Marshall

The directors would be pleased to hear from people with suggestions for international Conference speakers. Please send suggestions and comments by e-mail to:

Mr Graham Castledine
Secretary
9th National Mediation Conference

Graham.Castledine@MinterEllison.com

Margaret Halsmith– Co-Chair
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<td>7 February</td>
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<td>WADRA</td>
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<td></td>
<td>Kott Gunning</td>
<td></td>
<td></td>
<td>Tel: (08) 9321 3755</td>
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<td>13 February</td>
<td>All day</td>
<td>Mediation Colloquium</td>
<td>IAMA</td>
<td>TBA</td>
<td>Wendy Brown</td>
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<td>Tel: (08) 9201 0564</td>
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<td>13 February</td>
<td>All day</td>
<td>Breaking the Deadlock</td>
<td>LEADR</td>
<td>$440 - Early Bird $495 - Standard</td>
<td>Margaret Halsmith</td>
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<td>Mastering the Art of Exploration</td>
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<td>Tel: (08) 9388 1272</td>
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<td>12 March</td>
<td>All day</td>
<td>CPD Event for Arbitrators</td>
<td>IAMA</td>
<td>TBA</td>
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<td>12 – 14 March</td>
<td>9.30am - 5.00pm</td>
<td>Mediation Training Level 1</td>
<td>Relationships</td>
<td>$495</td>
<td>Mandy Flahavin</td>
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<td>Australia</td>
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<td>14 - 17 March</td>
<td>All day</td>
<td>LEADR Mediation Workshops 2007</td>
<td>LEADR</td>
<td>Early Bird: $440</td>
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<td>(Incl. GST)</td>
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<td>17 – 26 March</td>
<td>All day</td>
<td>Training for Adjudicators under the</td>
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<td>3 sessions</td>
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<td>4 April</td>
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<td>WADRA Meeting</td>
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<tr>
<td>18 &amp; 19 June</td>
<td>9.30am – 5.00pm</td>
<td>Advanced Family Law Mediation Training</td>
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<td>21 June</td>
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<td>20 – 22 August</td>
<td>9.30am - 5.00pm</td>
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<td>19 – 21 Sept</td>
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<td>9th International Mediation Conference</td>
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<td></td>
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<td>Kott Gunning</td>
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<td>15 &amp; 16 Oct</td>
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<td>Advanced Family Law Mediation Training</td>
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<td>Member bodies and representatives of WADRA</td>
<td>Name</td>
<td>Contact Information</td>
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<tr>
<td>AACDR <em>(Accountants Assisting Commercial Dispute Resolution)</em></td>
<td>Jennifer Low</td>
<td>Tel: 9221 9339</td>
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<tr>
<td>Aboriginal Alternative Dispute Resolution Service <em>(AADRS)</em></td>
<td>Margaret Maxwell</td>
<td>Tel: 9229 2450</td>
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<tr>
<td>Anglicare</td>
<td>Bruce Menzies</td>
<td>Tel: 9325 7033</td>
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<tr>
<td>Australian Property Institute</td>
<td>John Garmony</td>
<td>Tel: 9474 2220</td>
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<tr>
<td>Bunbury Community Legal Centre <em>(Community Mediation Service)</em></td>
<td>Lynn Stephen</td>
<td>Tel: 097 913 206</td>
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<td>Centrecare Marriage and Family Service</td>
<td>Carole Hopkins</td>
<td>Tel: 9440 0400</td>
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<tr>
<td>Citizens Advice Bureau of W.A. <em>(Inc.)</em></td>
<td>Elizabeth Acason</td>
<td>Tel: 9221 5711</td>
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<tr>
<td>Curtin University</td>
<td>Leighton Jay</td>
<td>Tel: 9266 7207</td>
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<td>Department of Conservation and Land Management</td>
<td>Tel: 9334 0290</td>
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<tr>
<td>Edith Cowan University</td>
<td>Mark Stoney</td>
<td>Tel: 9400 5555</td>
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<td>Family Court Mediation and Counselling Service</td>
<td>Kay Benham</td>
<td>Tel: 9224 8248</td>
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<td>Federal Court of Australia</td>
<td>Martin Jan</td>
<td>Tel: 9268 7100</td>
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<td>Gosnells Community Legal Centre</td>
<td>David Webse</td>
<td>Tel: 9398 1455 or 66 – Not on Mondays</td>
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<tr>
<td>Halsmith Consulting Pty Ltd</td>
<td>Margaret Halsmith</td>
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<tr>
<td>Henderson Power</td>
<td>Shane Henderson</td>
<td>Tel: 9474 5777</td>
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<td>Institute of Arbitrators &amp; Mediators Australia</td>
<td>Wendy Brown</td>
<td>Tel: 9201 0564</td>
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<td>Law Society of Western Australia</td>
<td>Laurie James</td>
<td>Tel: 9321 3755</td>
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<td>LEADR</td>
<td>Chris Stevenson</td>
<td>Tel: 9220 0472</td>
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<td>Legal Aid ADR Unit</td>
<td>Mark Proud</td>
<td>Tel: 9261 6205</td>
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<tr>
<td>Murdoch University</td>
<td>Catherine Doran</td>
<td>Tel: 9360 2984</td>
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<td>Lillian Maher</td>
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<tr>
<td>Relationships Australia</td>
<td>Rae Kean</td>
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<tr>
<td>RAP Program</td>
<td>Melanie Pearse</td>
<td>Tel: 0407 424 312</td>
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<td>Nicoletta Ciffolilli</td>
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<td>Supreme Court of Western Australia</td>
<td>Hon. Mr Justice Simmonds</td>
<td>Tel: 9421 5333</td>
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<td>The Australian Institute of Family Law Arbitrators and Mediators</td>
<td>Colin Kaeser</td>
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<td>University of Notre Dame Australia</td>
<td>Jane Power</td>
<td>Tel: 9433 0732</td>
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<tr>
<td>University of Western Australia</td>
<td>Robyn Carroll</td>
<td>Tel: 9380 2965</td>
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<td>Graeme Roe</td>
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**Newsletter editor**

Jennifer Low, Sheridans, Chartered Accountants, Level 6, 40 St George’s Terrace, Perth WA 6000
Tel: (08) 9221 9339  Fax: (08) 9221 9340  E-mail: general@sheridansac.com.au  www.sheridansac.com.au