

Legal Skills
Series

Convenient
half-day
format

Negotiation & ADR

Mastering effective alternative dispute resolution methods to achieve optimal commercial outcomes

22 July 2009

Conrad Treasury Hotel, Brisbane
365 Little Collins, Melbourne

Chairperson:

Khory McCormick, Partner, *Minter Ellison (Brisbane)*

Derek Minus, President, *Chartered Institute of Arbitrators (Melbourne)*

1:00 **Registration**

1:30 **CASE STUDY: Best practice in dispute resolution through negotiation and mediation**

- Defining the mediator's role, mediator power and influence
- Applying the science of negotiation at the mediation table
- Conflict resolution: what to do when conflict escalates
- Encouraging settlement / Embodying the terms of settlement
- Special issues in mediation – avoiding traps and pitfalls
- The decision-making of negotiation
- Illustrating examples in practice

Ian Hanger QC, Queensland Bar (Brisbane)

CASE STUDY: Negotiation and Mediation: Achieving best practice in resolving disputes through alternative dispute resolution processes (ADR)

- Selecting the right ADR process to resolve various disputes
- Achieving a negotiated settlement of the dispute
- Achieving the balance of power to influence optimal outcomes
- Special issues in mediation – avoiding traps and pitfalls
- Judicial mediation in Victoria – managing the judicial mediation process
 - ADR processes adopted by the court: mediation, arbitration, pre-trial / case management conferences
 - Arguments for and against judicial mediation

Tony Nolan SC, Victorian Bar (Melbourne)

2:15 **CASE STUDY: Practical aspects of representing litigants and various parties in mediation and ADR**

- Highlighting the importance of pre-mediation preparation and conferencing with clients

- How to prepare and what to do in preparation of the ADR and mediation in a commercial context, including some case examples
- Assessing the timing of ADR & mediation, including scenarios where ADR & mediations would be inappropriate and when should adjournments be considered
- Negotiations on the door of the court house – the wonderful impetus of imminent uncertainty!
- Ethical traps for the unwitting lawyer in negotiations

Ben Whitten, Barrister, *Queensland Bar (Brisbane)*

Michael Pearce SC, Victorian Bar (Melbourne)

3:00 **Afternoon tea**

3:30 **SIMULATION: Mock mediation and negotiation**

Analysing scenarios, participants will be divided into groups and apply negotiation in common models of mediation used in commercial practice and conflict scenarios. Led by a panel of experts to conduct the mediation whilst soliciting input from the audience, this dynamic and interactive session will cover:

- Negotiation in the context of mediation
- Preparing for mediation
- Developing effective commercial negotiation skills
- Drafting concise and enforceable settlement agreements

Facilitated by:

Ian Hanger QC, Queensland Bar (Brisbane)

Patrick Cavanagh, Co-Director, *Dispute Resolution Centre, Bond University (Brisbane)*

Sir Laurence Street, Former Chief Justice of New South Wales (Melbourne)

Panellists:

Ben Whitten, Barrister, *Queensland Bar (Brisbane)*

Alicia Hill, Partner, *Dibbs Barker (Brisbane)*

Michael Pearce SC, Victorian Bar (Melbourne)

Albert Monichino, Barrister, *Victorian Bar (Melbourne)*

5:00 **Close of workshop**

Endorsed by:



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About your facilitators:

Ian Hanger QC

Queensland Bar (Brisbane)

Mr Ian Hanger AM QC is a leading commercial dispute resolution practitioner in Brisbane. He is an accredited ADR specialist with the Bar Association of Queensland and is an Adjunct Professor at the Australian Centre for Peace and Conflict Studies, University of Queensland. Mr Hanger is a Fellow of the Institute of Arbitrators and Mediators Australia and former Director and Queensland Chair of LEADR. He is a member of the Court of Arbitration for Sport and a member of the panel of conciliators for the International Centre for Settlement of Investment Disputes and member of the Law Council of Australia's ADR subcommittee. He has recently been appointed to the arbitration panel of the Chinese International Economic and Trade Arbitration Commission. Mr Hanger was appointed Queen's Counsel in 1984 and Member in the Order of Australia in 2007.

Sir Laurence Street

Former Chief Justice of New South Wales (Melbourne)

Sir Laurence Street has played a leading role in introducing and practicing commercial mediation/conciliation in Australia and neighbouring countries in the region. He has conducted well over 1,500 successful mediations/conciliations in commercial disputes in Australia and overseas. Sir Laurence has been able to draw on his long period of senior judicial office, his boardroom experience and his extensive practice as a disputes consultant in handling a wide variety of commercial disputes and sensitive issues.

Who Should Attend

- Lawyers, Solicitors, Associates, Partners
- In-house Counsel
- Barristers
- Government Lawyers

Priority registration form Negotiation & ADR

4 easy ways to register

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