ADR Institute of Ontario

ADR UPDATE

ISSUE 101 | WINTER 2019

Featuring

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- *Thought-provoking articles on:*
  - ✓ *ADR in the context of workplace investigation*
  - ✓ *Assessing the value of settlement offers*
  - ✓ *Review of Gary Furlong and Jim Harrison's new book on questioning skills*
  - ✓ *The art of listening*
  - ✓ *Survey on online tech access to justice in Family Law*
  - ✓ *Mediation and forgiveness*
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And much more!

ADRIO 34th AGM and Conference

"Expanding the Pie: Appropriate Dispute Resolution in the New Millennium"

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Tommy Lam
Professional Development & Events Coordinator
ADR Update Editing Coordinator & Designer

Board of Directors

EXPANDING THE PIE
APPROPRIATE DISPUTE RESOLUTION IN THE NEW MILLENNIUM

PRESIDENT'S MESSAGE

MARVIN HUBERMAN, LLB, LLM

Today, it is clear that certain alternatives to litigation, like negotiation, facilitation, mediation and arbitration - often termed "Appropriate or Alternative Dispute Resolution (ADR)," can be a faster, cheaper and more effective way to resolve disputes with greater party satisfaction than going to court. A prime example is integrative bargaining.

In *Getting to Yes*, the celebrated work from Harvard Law School professors and negotiation gurus, Roger Fisher and William Ury, the authors advocate for integrative bargaining, in which each disputant seeks to create an agreement beneficial to both parties in situations where an initial win-lose negotiation can often be turned into an opportunity for mutual gain and value creation. This negotiation model is different than distributive bargaining in which every negotiator focuses on satisfying their own interests, despite the loss the others may suffer. Through integrative bargaining, the parties can uncover additional value, make useful trades, and assemble a package that exceeds a party's expectations, even in the realm of competitive business negotiations. Integrative bargaining helps parties to recognize opportunities to grow the pie of value, or "expand the pie" through mutually beneficial trade-offs, allowing them to achieve more than they would if they simply compromised on each issue.

To be sure, integrative bargaining is neither perfect nor necessarily suitable for every "party, process or problem," but it should be considered as a valuable ADR tool in many disputes in the New Millennium, including those involving Millennials, or the Millennium Generation, Generation Y. Millennials, the generation of people born between the early 1980s and 1990s, have been generally described, on the positive side, as being more open-minded, confident, self-expressive, liberal and receptive to new ways of living and ideas. Effectively growing the pie of value or expanding the pie through effective ADR is one of those new ideas to which the Millennials and older disputants and their representatives should be very receptive, in my view.

To meet the ADR opportunities and challenges we face today, in the New Millennium, from both an institutional perspective and a contextual approach, I strongly recommend that ADR professionals positively receive and implement the following ten ideas, some old and others new, namely, to:

1. **Explore and implement** new approaches to promote the effective and timely prevention, management and resolution of disputes;

2. **Obtain** greater public commitment to the effective use of ADR as a means of problem solving;

3. **Endeavour** to get greater support for and the promotion of ADR from prominent international ADR organizations, promotional sponsors and media coverage to raise of awareness of appropriate ADR;

4. **Improve** training programs for ADR neutrals and professionals to increase their knowledge, skills and competence in selected areas of interest/concern, including analysis, empathy, active listening, asking

questions, conflict resolution strategies, negotiation tactics for bargaining with difficult people, integrative negotiation strategies for creating value, building trust, sharing information, problem solving and generating options, to list a few;

5. **Develop** on-line databases and rosters of expert ADR neutrals and professionals who have the requisite knowledge, skills, and training to effectively handle dispute resolution today;

6. **Understand** underlying sources and causes of conflict among people and organizations;

7. **Examine** the core principles, procedures and methods pertinent to appropriate dispute resolution;

8. **Draft** more robust ADR clauses in commercial agreements;

9. **Learn** the fundamentals of serving as an effective professional conflict resolution representative or neutral; and

10. **Focus** more on ways to address the public access to civil justice challenges and on methods of ADR that improve access to justice in Canada and elsewhere.

I am confident that if we all work together to get "a bigger pie" - more effective appropriate dispute resolution - we will undoubtedly generate creative and constructive solutions that will increase the benefit for all.

The result will be well worth the effort.

--

Marvin J. Huberman
(www.marvinhuberman.com) is the President of ADRIO. He is a Toronto Civil Litigation Specialist and a Mediator and Chartered Arbitrator. Marvin also holds a Master of Laws degree in ADR from Osgoode Hall Law School.

Congratulations on Your New Designations!

New Qualified Mediators (Q.Med)

Fathima Fareeha Aziz
Angela Bradley
Conor Brannigan
Brian Byrnes
Shawn Conway
Olivia D'Annunzio
Jeremy de Boer
Lorenzo De Franco
Timothy Galvin
Thangavel M. Kesavan
Christine Kilby
Howard Martin
Treena Nickels
Dr. Emile Ramlochan
Shane Spice
Shannon B. Sullivan
Carol Takahashi
Dave Wilson

New Qualified Arbitrators (Q.Arb)

Meagan Bensadoun
Jaspal Kaur Gill
Rekha Lakra
Lisa Mastrobuono
Lisa C. Munro
Majid Pourostad
Andre M. Santamaria

New Chartered Mediators (C.Med)

Mr. Justice Todd Archibald
Helene Senior Rampersaud

New Chartered Arbitrators (C.Arb)

Matt Mortazavi
Jack Zwicker

34th AGM and Conference

ADRIO 2019

June 6, 2019

9:00AM-3:30PM

Novotel North York

3 Park Home Ave. Toronto, ON.

Early Bird Member $220 (ends May 9)
Member Regular $270
Non-Member $370
President's Circle $220

Marc Bhalla
Catch Up or Get Left Behind… Arbitrating Online in 2019

Jennifer Webster
Creative Conflict Management

Colm Brannigan
Med-Arb as a Well-Designed Stand-Alone Process

Debbie Kassirer
Managing Difficult Conversations

Marc Emond
Claim it and Name it to Tame it: Awareness First in ADR

John Shippam
The Advantage of Understanding How Belief Systems Operate

Angela Bradley
Workplace Harassment Investigation and Mediation: What it Means to be "Appropriate in the Circumstances"

Brian Knowler
Keynote Speaker
Police Officer, Lawyer, Mental Health Advocate and Leadership Expert

Ann Morgan
Mental Health and Psychologically Safe Workplaces

Helen Lightstone
Understanding how Film Contributes to the Pedagogy of Dispute Resolution

EXPANDING THE PIE:

APPROPRIATE DISPUTE RESOLUTION IN THE NEW MILLENNIUM

Join us on June 6, 2019, for our 34th Annual General Meeting, followed by an incredible showcase of professional development workshops that will explore innovative, important and forward-thinking Dispute Resolution and Conflict Management Processes. These workshops will illuminate, challenge and refine the definition of Appropriate Dispute Resolution in the New Millennium. Registration includes workshop materials, breakfast, lunch and refreshments.

ADR Institute of Ontario

REGISTER NOW

WWW.ADR-ONTARIO.CA/ADRIO2019

Visit the above link to view full program brochure.
Sponsorship Opportunities: events@adr-ontario.ca

Lawyers and paralegals must determine for themselves whether an activity is an eligible educational activity for CPD and qualifies for Substantive Hours. +HST on all rates. Cancellation Policy: If you are unable to attend, your registration is fully transferable to another person in your organization. If you must cancel, notice must be received in writing. All refund requests received on or prior to May 10th, 2019 will receive a refund less a 20% administrative fee; those received on or before May 17th, 2019 will receive a refund less 50%. Absolutely no refunds under any circumstances after May 17th, 2019. Sessions, speakers and times are subject to change. Registrations are tentative until May 30th, 2019. Should ADRIO need to cancel this event, you will receive a full refund.

WHAT IS "APPROPRIATE" DISPUTE RESOLUTION IN TODAY'S WORKPLACE INVESTIGATION CONTEXT?

ANGELA BRADLEY, B.Sc, JD

In advance of the June 6, 2019 Workshop at ADRIO's Annual General Meeting and Professional Development Conference

Amendments to Ontario's *Occupational Health and Safety Act* (*OHSA*) have made decision-making around workplace conflict ever more challenging. In particular, the question arises: Once an employer receives a complaint or incident report of personal harassment or bullying, is there an opportunity to mediate the dispute?

When the *OHSA* was amended in September 2016, the Ontario Ministry of Labour updated its guidance memorandum and included the following mandate:

The employer must ensure that an investigation be conducted that is appropriate in the circumstances. Alternative dispute resolution or mediation cannot replace the investigation. It may be possible, if the parties agree, for alternative dispute resolution to form part of the resolution of the complaint after the investigation is completed. The process and results should be documented. The employer would still have to provide the results of the investigation, in writing, to the appropriate workers.[1]

So, what is "appropriate in the circumstances?" This phrase of the Ministry's mandate, on its own, calls for an assessment of workplace conflict on a case-by-case basis. Case law interpreting "appropriate in the circumstances" has emphasized that the investigator needs to be objective or impartial and that the investigation process needs to be confidential, thorough, fair and timely.[2]

In the current context, it is risky to make mediation the first step in resolving workplace conflict. To do so,

managers and human resources professionals would need to be quite confident that the dispute represents interpersonal conflict and that such conflict clearly involves no discrimination or harassment.

Given the challenges I have seen clients face in the past few years, I have created an assessment process to help guide managers and human resources professionals in deciding whether an investigation is necessary, what type of investigator and investigation will be compliant with the OHSA, and when mediation can be an appropriate next step.

I look forward to sharing those insights, as well as the current law and practice in workplace investigation and mediation, at ADRIO's Annual General Meeting and Professional Development Conference.

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A member of the ADRIO Board of Directors from 2016-2018, ***Angela Bradley*** *is a labour and employment lawyer specializing in workplace investigation and mediation.*

[1] "Workplace Harassment and Violence – Understanding the Law," Ontario Ministry of Labour, September 2016.

[2] McDonald v. CAA South Central Ontario, 2018 HRTO 163. Gordon v. Best Buy Canada Inc. 2018 HRTO 1816.

LITIGATION RISK ASSESSMENT IN MEDIATION

HOW MEDIATORS CAN HELP PARTIES ACCESS THE VALUE OF SETTLEMENT OFFERS RELATIVE TO THEIR TRIAL BATNAs

MEGAN KEENBERG, BA (HONS), LLB, LLM (DISP. RES.)

Litigation risk assessment is a huge part of my job as a litigator. It starts on day one with the client, during our intake interview. We assess the potential net value of a plaintiff's case, or the total exposure a defendant could be facing, based on:

• the facts of the case, the story those facts tell, and the relative sympathies engendered by each party;

• the availability, quality and credibility of evidence supporting the foundational facts;

• the legal merits of the claim, defences, any counterclaim and whether any of the case law engaged by the issues is unsettled;

• the novelty or complexity of the case;

• whether it is a bi-party or a multi-party case, and attendant issues of apportionment between joint actors and cross-claims;

• recoverability risks for adverse parties who may be impecunious, uninsured, extra-jurisdictional or otherwise judgment-proofed and unable to pay;

• the monetary costs of pursuit or defence, including:

- estimated legal fees and disbursements;
- projected enforcement and appeal costs;
- the time-value of money, with an award deferred to the end of trial (and appeals); and
- the opportunity costs stemming from capital tied up in legal fees or awaiting judgment;

• non-monetary costs of litigation, including:

- reputation impairment, negative publicity and invasion of privacy;
- potential loss of market share or diminution in share price and goodwill;
- impairment to future prospects or recruitment/retention efforts;
- the time commitment required by the client and/or key employees to take the case to trial, with attention diverted from other pursuits;
- the personal strain of being subjected to cross-examination and challenges to credibility;
- the risks of setting an adverse precedent for future cases; and
- the strain on key relationships with the client's family and/or customers, strategic partners and key employees.

In my experience as a commercial litigator, by the time a case progresses to mediation, the parties have usually exchanged productions and conducted examinations for discovery. They may have also exchanged expert reports. As new facts emerge, the theory of the case is tested, and the emerging evidence needs to be assessed within a revised litigation risk framework.

Rather than relying on qualitative, back-of-the-napkin valuations of the case, we dig deep into each element of the claim, defences and head of damages, and critically assess the availability and quality of the evidence supporting each element. Based on that assessment, we assign quantitative probability scores to the likelihood of proving each element and each head of damages at trial, and then aggregate those liability and damages scores to arrive at a prediction for risk-adjusted damages. A further litigation discount would be applied to account for any known recovery risks. From that number, we subtract the costs incurred to date and estimated legal fees and disbursements required to take the case to trial (and potential appeals or enforcement proceedings). We add the amount we expect to recover in adverse costs if successful, or the exposure to adverse costs if unsuccessful.

As a result of this analysis, before we go to mediation, my client and I arrive at a realistic prediction of the odds and quantum of success at trial, and weigh that against the possibility of losing and exposure to adverse costs. This prediction serves as a barometer against which settlement offers can be measured and helps to manage the client's expectations.

When I work as a mediator, I find myself surprised by the number of parties who come into mediation without having engaged in this type of deep dive on risk assessment. As a result, settlement discussions can be thwarted by the parties' unrealistic expectations. An under-prepared plaintiff with a $1.5M negligence suit would be surprised to learn that the risk-adjusted value of their claim, after accounting for evidentiary frailties, adverse case law, serious recovery risks and the significant costs of litigation, might be as low as $280K. Without an accurate barometer, an over-confident plaintiff may dismiss a defendant's $250K offer as a low-ball insult, when in fact it is a reasonable offer worth considering.

Likewise, an under-prepared corporate defendant facing a $2M suit for breach of contract with a key supplier may have failed to account for the full measure of reputational costs, including the potential diminution of share price, devaluation of goodwill and future prospects (including with other suppliers), and the costs of strained relationships with its customers, shareholders, auditors and key employees. These "soft" costs could amount to $500K or more, along with legal fees and disbursements. As a result, the defendant may reject a heavily discounted offer from the plaintiff to settle for $650K, under the mistaken apprehension that the maximum exposure they are facing is zero liability plus their legal fees.

Mediators can help parties in overcoming such impasses by guiding them through a risk analysis with their lawyers - not by telling them what their case is worth, but by socratically asking thought-provoking questions that enable them to arrive at their own risk-adjusted valuations. Assessing quantifiable risks and costs is straightforward math. What can be more difficult is adequately quantifying non-monetary costs, so that they factor into the analysis meaningfully. One way to assign numbers to qualitative elements such as personal stress, relationship strain and reputational risks, is to ask the parties key questions:

- For defendants - What would you pay someone to never have to deal with this, or to have never been sued?

- For plaintiffs – If this case belonged to someone else, how much would you pay to acquire it?

These questions often elicit answers that reveal the opportunity costs parties face in continuing with the litigation. With their capital tied up in legal fees or awaiting judgment, and their attention diverted to litigation activities, they may be missing out on significant business or personal opportunities, such as investing in a business or entering the public market. Discussions around these potential opportunities can, in the hands of a capable mediator, lead the parties to more forward-thinking options that are more likely to result in a win-win.

At the very least, by adding rigour to the risk analysis, mediators can help parties come to more realistic valuations of their cases, thereby minimizing the possibility that they will walk away from reasonable settlement offers without due consideration.

Megan Keenberg *is a partner and co-founder of Van Kralingen & Keenberg LLP, a commercial litigation and employment law boutique firm. She is a Certified Specialist in Civil Litigation, practicing commercial litigation. Megan also holds a Master of Laws degree specializing in Dispute Resolution, and maintains a separate mediation and arbitration practice, focusing broadly on business disputes.*

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BOOK REVIEW

BRAINFISHING – A PRACTICE GUIDE TO QUESTIONING SKILLS BY GARY T. FURLONG & JIM HARRISON

MARC BHALLA
BA (Hons), C.Med, Q.Arb, MCIArb

Gary T. Furlong & Jim Harrison, B*rainFishing – A Practice Guide to Questioning Skills* (Victoria: FriesenPress, 2018)

ISBNs 978-1-5255-3437-9 (hardcover) 978-1-5255-3438-6 (paperback) & 978-1-5255-3439-3 (eBook)

"People are brilliant problem solvers – when they are in a problem-solving frame of mind."

This almost famous quote (by Furlong and Harrison) nicely summarizes what this practice guide to questioning skills is all about - offering a practical way to engage others to work toward mutually beneficial solutions.

With *BrainFishing*, Gary T. Furlong and Jim Harrison provide what many respected ADR practitioners and scholars have long viewed as missing from the field's catalogue, a book that explains – practically – how to ask the types of questions that need to be posed to shift to underlying interests and encourage collaborative problem-solving.

This book is a quick and easy read that provides insights and tools of value to anyone – ADR practitioners or otherwise. Analysis of various approaches to interactions and what they serve to accomplish are complemented with the offering of hands-on tools and skills that can be applied to a wide range of situations for win-win outcomes.

While many consider questioning skills to be an art, Furlong and Harrison examine and apply the neuroscience behind what engages people … but in a really fun way! *BrainFishing* contains a number of real-life examples (Fish Stories), along with exercises for the reader to do to apply lessons learned. It is also full of humour, which is refreshing. For example, the "Fun with Closed Questions" exercise is vintage Furlong - viewing conflict through a lens that takes it in stride, all the while helping us to better understand why approaches lead to certain behaviours.

Tip: Read the footnotes!

The reader is enlightened as to the short-sightedness of win-lose positioning and receives takeaways by way of positive and practical guidance, such as the offering of sample information gathering and problem-solving questions that can be used to address conflict at any stage.

Furlong and Harrison accompany these sample questions with explanations, the "Reason you might ask" particular questions. This provides the reader with much to contemplate as they develop their own style of questioning. There is more here than simply repeating examples, *BrainFishing* helps us make these concepts our own. As there is no "one size fits all" question that can be asked in every situation, the guide categorizes question types, reviews what each accomplishes and offers how questions can be structured to be

effective. This equips the reader to consider how to frame the questions they ask and allows for better strategizing around one's approach to navigating challenging situations.

While I, myself, am not much of a hunter or fisher, the metaphor utilized to illustrate competitive and collaborative approaches and how to effectively engage people to seek win-win outcomes works. Analogies to bait, casting and reeling and filling your tackle box with tools and skills presents sophisticated concepts in a way that is easy to understand and illustrate. This also helps keep *BrainFishing* a light and enjoyable read, something that is not always easy to accomplish in this field.

The book is 150 pages and starts with a brief introduction explaining the hunting and fishing metaphors. *Chapter 1 – Fishing for Brains* speaks to overarching aims of communication and presents the Red Brain / Blue Brain distinction that is returned to throughout the book. This simple distinction explains the need to engage people on a deeper level to reach sustainable, mutually beneficial solutions. Examples and illustrations help the reader understand what they need to do to position themselves for a win-win outcome. Then, Furlong and Harrison delve into how to do it. The Practice Guide itself is presented in *Chapter 2 – A Practice Guide to Questioning Skills*.

Lessons are explained through tables, summaries, exercises and Fish Stories to help the reader understand the purpose of the approaches presented and how to implement them. Each tool and skill is offered succinctly yet fully, in a manner that makes it easy to return to any one in isolation in the future, as needed.

I expect this layout will keep *BrainFishing* from collecting dust on many bookshelves.

Chapter 3 – Neuroscience, Habits and Better BrainFishing is offered outside of the Practice Guide itself. This section explains a little more about the science behind the concepts. It speaks to the way our minds work and the psychology of the approaches offered. This is presented in an easy-to-read way, as a Q&A. Here, attention is also drawn to a wealth of other resources that will surely be of interest to ADR academics and practitioners. This final chapter concludes by offering a series of tips to help the reader overcome common hurdles and otherwise master the skills presented in the book.

The *BrainFishing Tackle Box* offers a summary of the Practice Guide, mapping out its presentation accompanied by illustrations.

A variety of exercises are presented throughout the book that are designed to help the reader practice developing their skills. These ten exercises – *BrainFishing Worksheets* – are also placed at the back of the book in a fillable format, to allow each reader to apply lessons learned to situations that they themselves have encountered. This level of interaction, and customization, makes *BrainFishing* relatable.

The only criticism I offer surrounds a comment listed on the back of the book which suggests that *BrainFishing* will complete your professional bookshelf. It is not that I disagree but rather that I feel *BrainFishing* could also serve as an excellent start to a professional bookshelf and introduction to ADR concepts. In the course of reading it, I found myself returning to feelings I had many, many years ago when I read *Getting To Yes* for the first time.

Learning does not have to come at the cost of enduring overly wordy and boring text.

I commend Furlong and Harrison for contributing something both fun and insightful to the ADR publication catalogue!

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***Marc Bhalla**, BA (Hons), C.Med, Q.Arb, MCIArb is a non-lawyer mediator and arbitrator. He manages multiple websites dedicated to his ADR practice – www.MarcOnMediation.ca, www.Prepare2Mediate.ca and www.Arbitrate.Online*

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Many organizations simply do not have the time, resources or know-how to recruit qualified ADR professionals, design workable systems or administer cases effectively and efficiently.

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MASTERING THE ART OF LISTENING

JASON DYKSTRA
BA, MA, Acc.FM, FDRP Med

From the moment we were all born we have been trained, encouraged and educated in the art of speech. If you think about the journey of your life, you will see that as a child you were taught to use your inside voice; as a youth, how to form and write a compelling paper; as an adult, many of us have been trained in how to speak in public settings. Throughout the entirety of our lives, we have been taught how to speak.

Have you given your listening skills the same attention as their sibling, speech?

We cannot expect to master the art of listening without ongoing self-reflection and practice. It would be ludicrous for us to try to run a marathon without advanced training and strength building. Similarly, it is essential to spend time consciously assessing our current listening capacity, noticing the specific areas that we are finding challenging, and taking small steps towards developing the capacity we are seeking.

Allow me to suggest six areas in which we should consciously and attentively reflect on when we L.I.S.T.E.N.

This first is **Learning**. For a moment, think of a conversation like a tennis match. When one player takes their shot, the opposing player must adjust their position so they will be in the right position to return it. If we anticipate our opponent will hit the ball into the deep left corner, we can ready ourselves in that position.

This is where we can often get caught in conversations – we assume the story is going in a particular direction, and we adjust our questions, and potentially our advice, towards that direction.

However, what happens in tennis when we move to the left side too early? We leave the entire right side of the court wide open for our opponent. This is why you will always see tennis players return to the centre of the court so they can quickly adjust and adapt to the direction and placement of the oncoming ball.

The path to learning more, in conversations, will take twists and turns. If we are not ready for that change in direction, we may be caught out of position, and we will miss the opportunity to truly learn more about what our conversation partner (or client) is talking about.

Interest is the second area. In a world full of distractions, we have the choice whether or not we are going to give our attention to someone. Dale Carnegie once said “to be interesting, be interested” (*How to Win Friends and Influence People*). To truly engage with others in conversation and have the others be interested in what we will say, we need to place our interest and attention on others first. This does not mean feigning interest in what the other is talking about, but rather, finding something within that individual that we can genuinely take an interest in.

One thing we know is that we cannot engage someone from mindsets of judgment and curiosity simultaneously. Therefore, we need to choose. Often, our standard mindset is that of judgment – judging the information in front of us, the potential solutions to the problem, and how that information fits in with the

knowledge that we already possess. Here lies our opportunity - the ability to **Shift** our mindset from a place of judgment to a spirit of curiosity.

Scott Ginsberg once said "listening is not waiting to talk." When we come to listening from a place of judgment, we have our response ready before the person has finished speaking. However, once we shift to a mindset of curiosity, we practice "thoughtless listening," which encourages us to be present at that moment, clearing out our mind of those rambling thoughts and putting our full attention on the person speaking.

Often when we think of listening, we do not think about talking. However, various forms of talking and question-asking enable us to get a better grasp on what the person is saying, assists us in ensuring that we have heard what they intended to convey and can help us build trust and rapport with the individual. The area of **Tell** utilizes conflict professionals' skills in paraphrasing, restating, summarizing, using questions and reframing to ensure we have heard correctly.

The next area is **Evaluate**. One of the biggest challenges that we face in conversations is the risk of being changed. Any story, information or anecdote cannot be unheard, and we need to be able to evaluate how that information impacts the stories we tell ourselves. Peter Senge, in his book *The Fifth Discipline*, said "when we realize that our views and opinions are based upon the assumptions that we hold, we can release those views to being assumptions, and thus opening ourselves up to have a dialogue with the view that our assumptions aren't absolute truth." Holding our assumptions up and making room for new information does not mean that we must abandon, suppress or avoid those assumptions or views. Rather it says that we must be aware of our assumptions, so that we can examine them as we hear new information.

Lastly, our body language is more powerful than any spoken word that we might utter when we are listening — as such, paying attention to our **Non-verbals** is vitally important. Our body language can disarm a speaker and make them feel comfortable, or it can put the speaker on edge, causing mistrust or anxiety within them.

So ask yourself the question – where do I need to place more attention when I L.I.S.T.E.N to the person in front of me? Which of these six areas would I benefit from further exploring to further develop my capacity in the art of listening?

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Jason Dykstra *journeys alongside individuals in their pursuit to unleash their potential. Through mediation, coaching and teaching, Jason is helping organizations and churches turn conflict situations into creative solutions. Find more about Jason at www.jasondyk.com*

SURVEY

OPTIMIZING ONLINE TECH ACCESS TO JUSTICE IN FAMILY LAW- YOUR SUGGESTIONS SOUGHT

REBECCA BROMWICH, PhD, LLB, LLM

In advance of ADRIO's ADR In the Capital 2019 event on March 28, where Rebecca Bromwich will be speaking about tensions between human dynamics and tech solutions

For at least a decade it has been clear to lawyers and alternative dispute resolution professionals working in the family law field that there are growing problems with access to justice for co-parents in their parenting disputes. Recently retired Chief Justice Beverley MacLachlin, among other jurists, many times drew attention to a crisis situation where Canadians cannot get effective access to justice.

A growing number of people in separation, divorce and child custody matters are "self-reps," (parties who represent themselves in courtrooms). Online technology is growing in its capacities and ubiquity. At the same time, judges in Family Courts in provincial and territorial jurisdictions across Canada, in over 100 recent cases, have ordered parties to use privately operated, for-profit, US-based apps to manage their conflicts concerning custody and access issues. More parents still are using the apps voluntarily. Online metrics show in excess of 100,000 Canadian individual downloads of co-parenting apps.

I am conducting research through the Program on Conflict Resolution at Carleton University's Department of Law and Legal Studies with the support of a $45,000 research grant from the Law Foundation of Ontario's Access to Justice Fund. This research is taking a closer look at case law where apps are being court-ordered, as well as to better understand circumstances in which parents are using, or could use, tech to support human solutions in the context of ongoing co-parenting issues.

The use of these co-parenting apps raise legal, privacy and safety questions. Little is known about whether, and to what extent, these apps can and do in fact reduce levels of conflict between co-parents and the extent to which they can benefit or detrimentally affect the best interests of children.

An important aspect of this interdisciplinary study is a survey questionnaire that can be filled out online. ADRIO members: please take a moment to fill in the survey at the link to let me know your views and experiences and have your say in how tech apps should be involved in co-parenting dispute resolution in future.

Here is the survey:

https://carleton.ca/law/future-students/gdcr/gdcr-events-news/

WE'VE ALL BEEN DONE WRONG

JOHN OLSTHOORN, GDCR, Q.Med

In advance of ADRIO's ADR In the Capital 2019 event on March 28, where John Olsthoorn and Daniel Markus will be speaking about forgiveness as a new addition to the dispute resolution process

Driving on the highway, someone cuts us off. A friend or colleague has made a disparaging remark. Our house was broken into. A family member was hurt or killed. We've been abused, mentally, sexually, psychologically. Those who have offended or hurt us may have done so deliberately or unintentionally. The effect, in the end, is the same.

The range and depth and scale of hurt people are subject to seems endless. In most cases, we're left angry and resentful. We want revenge and justice. Or we suffer silently, often for years, carrying the burden that weighs us and those around us down.

We try to forget and often can't. Or won't. Perhaps we want to get back at our perpetrator. An eye for an eye. We want them to suffer as we have. It eats at us. It affects our decisions, our relationships, our lives.

It's unforgivable. Or is it?

What if we can find a way to forgive? Forgive without giving up our desire or need for justice, or without losing memory of what happened, but a forgiveness that takes away the anger and those emotions that can make us offenders ourselves. There is a way.

Forgiveness in peace-building and conflict resolution

Coming from a variety of fields and traditions, several forgiveness models are rooted in peace-building efforts in places such as Rwanda and Uganda, and in Columbia where the Fundación para la Reconciliación founded ESPERE in 2002. The UNESCO Education for Peace Prize recognized ESPERE for its significant contribution to peace-building in Latin America. ESPERE is in 21 countries as a pedagogical model for teaching the practice of forgiveness. In Canada, the model is being

introduced through ForGiving ForRestoring Canada as a way to nurture the advancement of a culture, pedagogy and spirituality of liberation from the impact of violence or conflict people experience in life.

As well, ADRIC's national conference in Montréal last fall saw a workshop on forgiveness. Kelly VanBuskirk spoke about how conflict practitioners often overlook a victim's power to forgive because we tend to focus more on apologies. He encourages considering forgiveness as a tool to move towards more meaningful and satisfying resolutions.

Forgiveness is a skill we can learn and it can help overcome resentment felt by those engaged in conflict. It can also discharge the negative feelings that anchor people in victimhood and can disarm the urgency of revenge in their search for justice or resolution. Moreover, learning to forgive can reap benefits for the forgiver and those around them. It overcomes the subjective interpretations we apply to our offender in justifying our anger and hatred, furthering the cycle of animosity. The results of forgiveness are new understandings that serve to restore people and relationships.

Where forgiveness and mediation converge

The first area of convergence is in a mediator's reflective practice and professional development, and how a

mediator can be more sensitive to and aware of the role forgiveness can play in conflict through their own experiences.

Last year as part of my ongoing professional development as a mediator, I followed a two-part workshop on forgiveness and reconciliation offered through the Canadian Institute for Conflict Resolution at St. Paul's University in Ottawa. I wanted to understand what forgiveness was all about, and how I could use a better understanding of it as a conflict practitioner.

I was in for a surprise, both pleasant and difficult. The first part of the workshop was a 3-day journey where participants learned about the stages of the forgiveness process using an offense we suffered in our personal lives. The second part of the workshop was held several months later and focused on the reconciliation process.

Having gone through the process the workshop offered, I am better equipped to deal with life's offences, large and small, and feel a new sense of empathy and understanding of others.

Mediation Practice and Forgiveness

The second area is in our mediation practice. There are three key areas of mediation we can consider: intake, the mediation between parties itself and in follow-up.

In intake, the mediator can get a sense of the relationship between the conflicting parties. Is it a victim/abuser one? Is it one in which both parties feel they are victims and the other the perpetrator/abuser? Are there other dynamics at play? At this stage the forgiveness-savvy mediator could see the opportunity forgiveness sensitivity could play in reducing the anger/resentment/revenge in one or more of the people involved in the conflict. Awareness is helpful to prepare the parties for the mediation, and in cluing the mediator on how to strategically approach the mediation process itself.

We are conflict specialists, not psychologists nor psychiatrists. Yet conflict work gives us a better understanding of human behaviour and we do help people by trying to resolve their differences which are often rife with emotion.

During the mediation, the mediator often senses the level of hostility between the parties, particularly if you see there is deep rooted anger or resentment or a strong desire for revenge. Through the exploring you do, the probing and deepening questions and other tools available, you may be able to bring to light and awareness what is underlying the conflict, if done in a sensitive manner. Keep in mind, the parties themselves may not be fully aware.

As a post-mediation suggestion, particularly if agreements are reached and not kept, the mediator could provide the party or parties who they feel may benefit from "forgiveness training" with information on what is available and how it may help bring longer lasting resolution.

Forgiveness is a personal choice. Some people may not be ready to embark on what can be a painful journey however beneficial the process of forgiveness may be in the end. It can and it has helped people overcome the destructive effects of anger and resentment, and forgiveness can restore in each of us the power to break the cycle of conflict in our lives.

--

John Olsthoorn, Q.Med, conducts workplace investigations and helps people resolve their disputes through mediation. With a graduate diploma in conflict resolution (Carleton) and advanced ADR training, he is also a licensed private investigator.

ADR Institute of Ontario

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Investigating Harassment in the Age of "Me-Too"

10:00 AM – 11:30 AM PAUL FAUTEUX, LLM

Transformative Mediation as an Alternative to Screening Sexual Harassment Complaints Against Health Professionals

12:30 PM – 2:00 PM REBECCA BROMWICH, PhD, LLB, LLM

Tensions between Human Dynamics and Tech Solutions: Tech Apps for Conflict Resolution

2:15 PM – 3:45 PM JOHN OSLTHOORN, GDCR

Forgiving—a New Addition to The Dispute Resolution Process: Exploring the Practice of Forgiveness as a Conflict Healer

3:45 PM – 4:15 PM HOWARD MARTIN, MA, RPC

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IMAGES OF SELFHOOD AND THE TRANSFORMATION OF CONFLICT

BETTY PRIES, BTh, BA, MTS, C.Med

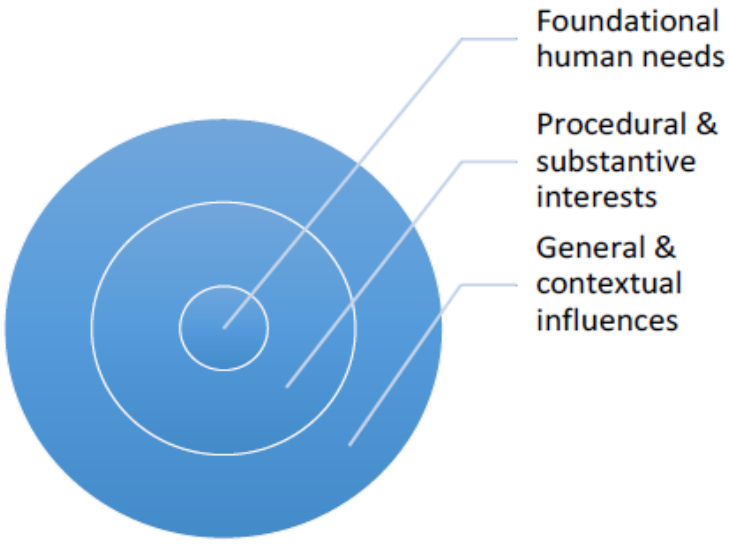
The divisions that separate the world between self and other, us and them, challenge us at multiple levels: Interpersonally, inter-culturally, nationally and globally. Even a cursory look at the daily news reveals just how alive this divide is. The overarching question this article seeks to answer is quite simple:

"How is the divide between self and other healed?"

To pursue an answer, we consider an image of selfhood that has the potential to deeply influence the self-other divide.

Conflict theory proposes that when the layers that contribute to conflict are peeled away, when emotions, history, power dynamics, social forces and extenuating circumstances are considered, a three-layered set of conflict building blocks remains: the substantive, rational perspectives behind the positions people take on an issue; the procedural expectations regarding how the issue should be or should have been addressed; and most importantly, the foundational human needs (for belonging, recognition, autonomy, meaning and security) that drive conflict behaviour. An image of selfhood emerges from this theory, that can be drawn as a series of concentric circles:

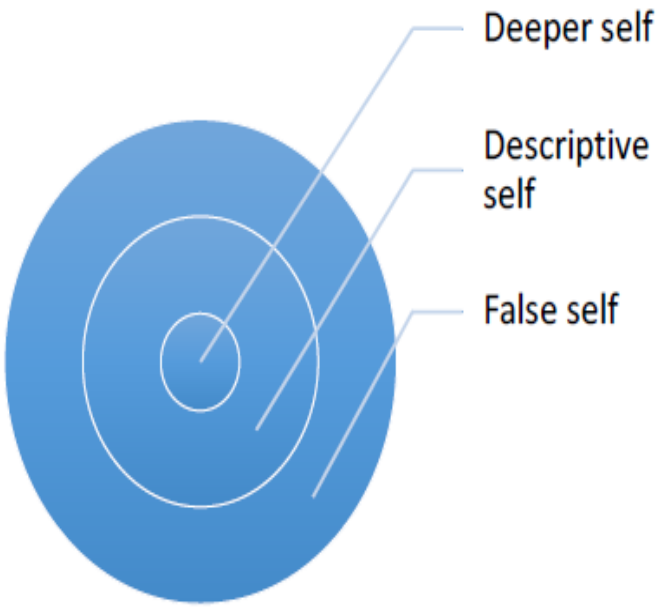
Figure 1



When in the context of differences only substantive and procedural interests are awakened, it is likely that the differences between the parties will remain at the level of healthy disagreement. When foundational needs are awakened, however, identity or selfhood is perceived to be at risk and differences rapidly shift from healthy disagreement into conflict. Because needs are experienced vulnerably, to speak about them well is not necessarily easy to do. As a result, the awakening of needs both reflect and drive conflict. Need-driven reactions, counter-reactions and alliances emerge causing conflict to grow and entrench.

But there is another image of selfhood that pushes the assumptions made by conflict theorists. According to this image, there is a descriptive self given to each person at birth that is most commonly associated with selfhood. This self naturally differs from one person to the next as it includes each person's unique characteristics, skill sets and limitations. The descriptive self is also neutral – it is neither good nor bad. Unfortunately, in the eyes of the world, descriptors are not created equally. Some descriptors are valued, while others are dismissed, disliked or detested. As a result, a "second skin" grows over the descriptive self, covering characteristics, limitations and skill sets with either ego or shame. It is this second skin that is sometimes referred to as the "false self." Hidden within the cloak of the descriptive self, however, is another self – the deeper self. At the place of the deeper self, the self is simply good. Here, it is not its past nor its future, not its strengths nor its limitations, not its traumas nor its flights of glory. This self is simply the self, emptied of its descriptors and in unity with ultimate meaning. The second image of identity can also be regarded as a series of concentric circles:

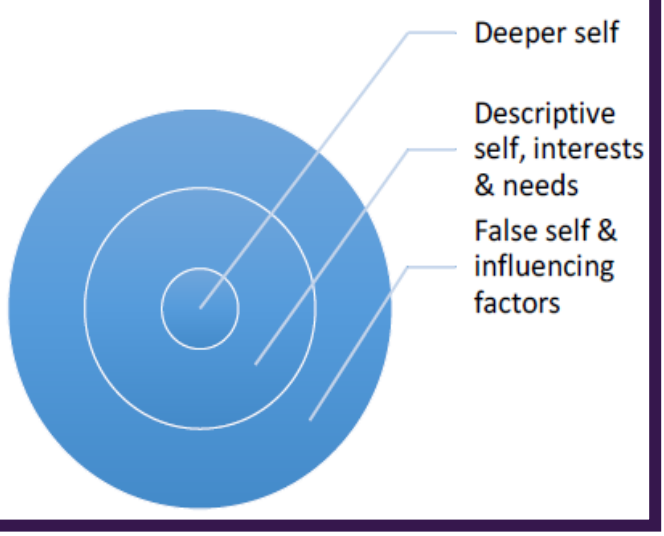
Figure 2



According to this second model of selfhood, self and other fall into conflict whenever the centre of identity is placed exclusively with the descriptive self. When this occurs, the self becomes defined by the descriptive self alone and, in so doing, falls into the ego-shame trap, the false self. Exclusive alliance with the descriptive self generates conflict because without a relationship with the deeper self, the descriptive self loses its neutrality. When the centre of identity is placed with a descriptor and when that descriptor is regarded poorly by another, one's identity is at risk. Ego and shame are now awakened, plunging the self into defensiveness and launching self and other into conflict.

If the two images of selfhood proposed thus far are brought together, a new image emerges, as follows:

Figure 3



Significant implications emerge from this third image of selfhood. (1) At the point of the deeper self, self and other are each already one with ultimate meaning and with one another. This suggests that conflict conversations begin on a landscape of pre-existent oneness. By contrast, if the core of selfhood lies with one's needs, then self and other are naturally in competition with one another – one person's needs may not be able to co-exist with another's need. While conversations regarding competing needs are critical, the tenor of this conversation is positively influenced when parties and practitioners bring an assumption of pre-existing oneness to the table.

(2) Attention to the deeper self limits conflict and moderates behaviour when conflict occurs. When grounded in the deeper self, selfhood is never at risk, thus limiting the number of issues that cause conflict in the first place. Also, when drawing from the deeper self, the inclination to judge, dominate and devalue another's descriptors decreases, opening the space for healthier and more equitable relationships to form. Furthermore, when conflict does occur – as it naturally will – grounding in the deeper self allows for a more effective discernment regarding how to respond. It is difficult to assess how best to address conflict when it occurs. What part belongs to the self and what belongs to the other? What portion belongs to another situation altogether? And what part might be driven by biases and systemic injustices inherited from the world at large but that exist primarily at a subconscious level? Discerning truthful answers to these questions and responding accordingly is difficult. When the centre of one's identity is placed at the same location as one's need, it is difficult to discern well. It is as though a conflict of interest is established within the self, allowing for self justification while the other's actions are declared bad or wrong. By placing the centre of one's identity with the deeper self, space is created between the core of identity and one's needs, enhancing the possibility of healthy discernment.

(3) Qualities such as generosity, grace and goodness emerge from the deeper self. When conflict practitioners guide conversation to the place of needs only, yet expect those in conflict to engage the other with generosity and kindness, they create a frustrating dilemma. Conflicting parties are guided to the area of needs and descriptors yet are expected to rise to the qualities of the deeper self. To truly transform the relationship between self and other engagement with each individual's deeper self raises the potential for genuine healing to occur.

The very technical skill sets that we bring to our work as conflict practitioners are profoundly important. When we locate these skills in a deeper and more fulsome understanding of selfhood, we discover that

our skills also deepen as we honour the full selfhoods of the people we are supporting. This influences everything from the questions we ask, to the underlying assumptions we make about the nature of the disagreement between the parties, to the subtle and subconscious ways we regard the humanity of the people with whom we are working. When we positively regard each person's deeper self, when we hold each person's unique characteristics neutrally, and when we recognise the common frailty of the false selves each of us carries, we invite those in conflict to do the same, opening space for deeper healing to occur.

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Betty Pries *is co-founder and CEO at Credence & Co, and specializes in providing mediation, training, facilitation, coaching, and consulting services for businesses, not for profit organizations, governments and churches.*

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HOW TO KEEP OUR BOUNDARIES IN THE FACE OF CONFLICT

SUZANNE SHERKIN, Q.Med

Our work as mediators is tricky. It involves an artful balance between safety and trust. When we're on our game and things go well, we feel accomplished and proud of our skills. There is great pleasure – almost a kind of visceral pleasure of the body, mind and spirit, knowing that you've made a difference and have assisted people in moving to a place of resolution. Our artful accomplishments feel rewarding – and that's when we love our work.

But what about those times when it doesn't go so well? The times we struggle to keep our own balance. What happens in situations where your own trigger points of discomfort get pulled from holding the centre; the safe place of impartiality, and as a result, you get pulled over to one side? What happens then? Nothing good, I can tell you!

Likely you've experienced losing centre ground at some point in your personal or professional life. We're human. It's bound to happen. As mediators, we simply cannot let that happen. It's our business to ensure that doesn't happen, but it has happened to me.

I will fully disclose a situation I recently found myself in. One of the disputants was so deeply positional – unwavering in his unwillingness to hear the other party. As I sat listening to him tell his "story," I could feel my stomach roiling, my blood pressure rising and my heart racing. Then I heard that familiar tone in my voice – the one I use when I'm stressed or upset. I'd totally lost my centre. Totally! I knew my biases were kicking in and I was projecting emotions onto this disputant that I had harboured in my own life. At that moment, I realized I was unfit to be a mediator as I was unable to ensure safety, balance and neutrality at the negotiating table. I

decided a break was needed and left the room to breathe and rebalance myself. When I returned to the table, I was significantly more focused on the parties and the process, and significantly less focused on my own experience. We never stop learning – no matter how many successful mediations we've conducted.

So how does one maintain boundaries in the face of conflict?

I first looked to Constance Simmonds, a Metis elder who has 40 years of experience working with people in conflict, addiction and trauma across the country. She is experienced and knowledgeable about defining and reinforcing boundaries; she said, "it's not up to us to save anyone. It's up to us to remain in a neutral space so we can hear all parties equally and effectively. We're here to assist them with reaching an agreement and cannot get caught up in their emotions, otherwise you cannot hear them, you're only hearing **you**."

This idea of listening and hearing is central to staying balanced. Vickie Scott, a mediator and registered psychotherapist put it succinctly: "When we listen to

someone else, we don't come up with ideas of our own – we're listening. We're staying in the moment and connecting with what the person is saying or trying to say. When we're fully listening, we're fully engaged in making sense of *their* story – not ours."

Gary Furlong, mediator, negotiator, trainer and author has significant experience in the field of conflict resolution. He conceptualizes boundaries as a key to operating a successful professional and personal life. "It's important to constantly question your own relationship to your boundaries, and deeply understand that what goes on in mediation is not personal. My personal interests or opinions are not part of the outcome. Sometimes, of course, something will trigger a personal feeling, but in the end, it's a conscious decision to not make it personal and keep things professional."

Gary Furlong sees boundaries as providing the framework for our work. "We're building a structure for our mediation – a vessel within which a conflict can get played out. The vessel has to be strong enough to withstand the friction of the conflict. We need to know, and the disputants need to know, that the vessel will hold, no matter what! Without boundaries, there is no safe space and nothing can be resolved."

So, what are boundaries in mediation – and are we setting them for ourselves as mediators or for the disputants? How do we establish them? How do we know when they're breaking down, and how do we get them back again?

The Oxford dictionary defines a boundary as being a border, a dividing line, a threshold, a line of demarcation. Applied to mediation, a boundary is what separates personal from professional; safe from unsafe; respectful from disrespectful; ethical from unethical; partial from impartial; neutral from biased. We can only do our mediation work if the environment is professional, safe, respectful, ethical, impartial and unbiased. This is a tall order, and it's our work. So how do we get there?

Setting boundaries is inherent in our process. We start off by telling the disputants what the ground rules are. We speak of boundaries right from the beginning; parties know what they can expect from us and we're clear what we need to expect from them. Our body language is key to setting and keeping boundaries. Constance Simmonds clarifies that "people can see and hear my boundaries – my tone of voice and body language. They can hear what I'm focusing on and not focusing on. I remain neutral. My body language is relaxed – I don't appear anxious in any way. I may be smiling and looking friendly but I'm not their friend. I'm working."

The issue arises when one of the key components of the mediation is compromised and a line has been crossed in the realm of being professional, safe, respectful, ethical, impartial and unbiased. We never intend, of course, to cross the boundary ourselves or allow a disputant to cross the boundary, which means that it gets crossed without our conscious awareness. Boundaries in mediation get crossed when we allow it to take place unconsciously, unwittingly, unintentionally.

We now get to the real question: How do you stay consciously connected to the essential boundaries which are key to delivering good work? Here are five things to keep in mind:

1. **Come prepared.** Know as much as you can about the issues and the disputants beforehand so you can recognize any potential areas you might find challenging.

2. **Manage your own emotions.** Do whatever personal work you need to do to ensure that you don't transfer your emotions and your perceptions to the disputants' stories as this compromises your professionalism.

3. **Maintain impartiality.** Regardless of what your personal views are, you need to stay balanced to ensure that all parties are treated fairly, and that the parties perceive they're being treated equally with respect to the time, space and respect they receive from you both verbally and non-verbally.

4.**Ensure ethics are respected**. Ethics are central to our work as mediators and need to be applied equally to all parties when an ethical dilemma arises.

5. **Know when you are not within a neutral state**. Be aware of your behaviours and how you may come across to others when you're in a balanced state and when you're not. The more self-aware you are, the more quickly you can catch yourself from crossing your own boundaries.

Setting and keeping boundaries in mediation takes dedicated personal work that comes from paying attention to your own thoughts, words and behaviour.

Very good work impacts your personal world and creates more effective behaviour there as a result.

It takes practice, of course, like all things worthwhile.

My invitation to you is to develop short-term and long-term practices to help you strengthen your ease of consciously setting and keeping boundaries which are always safe, respectful, ethical, unbiased and professional. Here are some practice suggestions to help with maintaining your own boundaries and keeping that artful balance of safety and trust within all aspects of your life:

1. Take breaks to re-evaluate

2. Take deep breaths to keep your brain calm

3. Know your personal warning signals when you're out of balance

4. Tune into the out-of-balance signals of others

5. Develop a regular practice to keep yourself consciously connected to your thoughts and behaviour.

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Suzanne Sherkin, Q.Med, is President of Highborn Communications, a Qualified Mediator, Certified Facilitator and Conflict Coach. She has an expertise in working with organizations experiencing conflict, harassment and stigma.

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Location: Toronto and Ottawa, Ontario (and other cities throughout Canada)
Contact: Stitt Feld Handy Group at 1-800-318-9741 or 416-307-0000
Website: www.adr.ca

The Alternative Dispute Resolution (ADR) Graduate Certificate Program (full-time 1-year program over 2 academic semesters)
Instructors: Various ADR practitioners
Location: Humber College Institute of Technology, Lakeshore Campus
Contact: Mary Lee, LL.M. (ADR), Program Advisor, ADR Graduate Certificate Program (mary.lee@humber.ca)
Website: www.humber.ca/program/alternative-dispute-resolution

Certificate in Dispute Resolution (140-hour program)
Instructors: Desmond Ellis, PhD.; Blaine Donais, BA, LLB.; Richard W. Shields,LLB., MA., LLM., PhD., LSUC, Cert. CFM, C.Med., C.Arb., Cert.F.Med., Acc.F.Med.;Dennis Hodgkinson, BComm, LLM, Cert. ADR.
Location: York University, Toronto, Ontario
Contact: School of Continuing Studies, Ph: 416-736-5616
Website: http://continue.yorku.ca/certificates/dispute-resolution/certificate/

Collaborative Conflict Resolution and Mediation Skills & Process
Instructor: Janine Higgins, LL.B., C.Med
Location: University of Western Ontario, London, Ontario
Contact: Division of Continuing Education, Ph: 519-661-3658
Website:
www.uwo.ca/cstudies/courses/professional/adr/index.html

Dispute Resolution Level 1 & 2
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Heather Swartz, M.S.W., C. Med., Acc. FM, Cert. F. Med.
Shelley Stirling-Boyes, BA (Hons), Acc. FM
Contact: Rose Bowden – 1-800-524-6967 or (905) 627-5582 or roseb@agreeinc.com
Website: https://agreeinc.com/our-services/training/dispute-resolution-level-1-2

Upcoming Dates:
Level 1 – Fundamentals – July 22 – 24, 2019
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Both workshops also qualify for credits toward a Certificate in Conflict Management and Mediation offered by Conrad Grebel University College, affiliated with the University of Waterloo. These courses also qualify for LSUC CPD hours.

Family Negotiation and Mediation: Theory and Practice (40 hours)
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Instructor: Kathryn Munn, LL. B., Cert. ConRes., C. Med., C.Arb, IMI Certified Mediator; Donald Bisson, Q.Med (Northern Ontario)
Location: London, Ontario and other locations in Ontario; Northern Ontario – D. Bisson
Contact: Munn Conflict Resolution Services – Ms. Munn at (519) 660-1242 or kmunn@munncrs.com; Northern Ontario – Mr. Bisson 1-855-647-4857 or donald@bissonmediation.ca
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Mediation – Alternative Dispute Resolution (graduate certificate, one-year program)
Instructors: Dale Burt, MA Psych, Q.Med, Virginia Harwood, Q.Med, Tricia Morris, Q.Med
Location: Durham College – Oshawa, Ontario
Contact: Dale Burt, MA Psych, Q.Med (Program Coordinator), Dale.Burt@durhamcollege.ca
Website: http://www.durhamcollege.ca/programs/mediation-alternative-dispute-resolution

5-Day Foundational Conflict Resolution & Mediation Workshop – MDR Associates Conflict Resolution Inc.
Instructors: Richard J. Moore, LL.B., C.Med, C.Arb, CFM, Cert. Med. IMI – MDR Associates
Location: Ottawa and various sites across Canada
Contact: Richard Moore at 613-230-8671
Website: www.mdrassociates.ca
Upcoming dates: March 18-22, 2019

5-Day Advanced & Multiparty Mediation Workshop – MDR Associates Conflict Resolution Inc.
Instructors: Richard J. Moore, LL.B., C.Med, C.Arb, CFM, Cert. Med. IMI – MDR Associates
Location: Ottawa and various sites across Canada
Contact: Richard Moore at 613-230-8671
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For more information and to register: www.cinergycoaching.com or contact us at cinnie@cinergycoaching.com

Mediation for Professionals Certificate
Instructors: Tricia Morris Q. Med, Acc. FM, CP Med, Laura Gray BA, MA, LLM, Acc. FM
Location: Online
Contact: Alysha Doria, Academic Director, Ph: 905-839-0001
Website:
http://www.herzing.ca/professionaldevelopment/mediation-for-professionals-certificate/

Carleton University, Department of Law and Legal Studies – Graduate Diploma in Conflict Resolution (GDCR) (7 graduate level courses over 18 months)
Director: Rebecca Bromwich, Ph.D., LL.B., LL.M.,B.A. (Hon).
Location: Carleton University, Ottawa Ontario
Contact: Department of Law and Legal Studies Ph: (613) 520-3690
Website: https://carleton.ca/law/future-students/gdcr/
Admission is rolling. Program entry is in February each year but there is also an option to enter the program in late May: https://carleton.ca/law/future-students/gdcr/apply-to-gdcr/

ADR specialization (within the Legal Studies Program)
Name of Approved Course Provider: Legal Studies Program, Faculty of Social Science and Humanities, University of Ontario Institute of Technology
Location: UOIT, Oshawa, Ontario
Contact: Ms. Sasha Baglay, PhD, Director of Legal Studies Program, Faculty of Social Science and Humanities, University of Ontario Institute of Technology (UOIT)
Website:
http://socialscienceandhumanities.uoit.ca/legalstudies/current-students/course-descriptions.php

Arbitration Courses

Comprehensive Arbitration Training

Instructor: Murray H. Miskin, LL.B.
Location: Toronto, Ontario
Contact: 416-492-0989, 905-428-8000 or by email at miskinlaw@yahoo.com
Website: www.adrworks.ca

Correspondence Course in Arbitration

Location: Available anywhere in Canada
Contact: ADR Institute of Canada, Inc. at 416-487-4733 extension 101
Website: http://adric.ca/resources/training-handbooks/

Toronto Commercial Arbitration Society: the TCAS Gold Standard Course in Arbitration

Location: Arbitration Place

This 40-hour course is held over 18 weeks and provides an in-depth understanding of domestic and international commercial arbitration, both institutional and ad hoc. The program is directed by William G. Horton with the assistance of Stephen R. Morrison and is taught by a faculty of leading arbitration practitioners.

Website: http://torontocommercialarbitrationsociety.com/gold-standard-course-arbitration/

For more courses, workshops and seminars:

www.adr-ontario.ca/events

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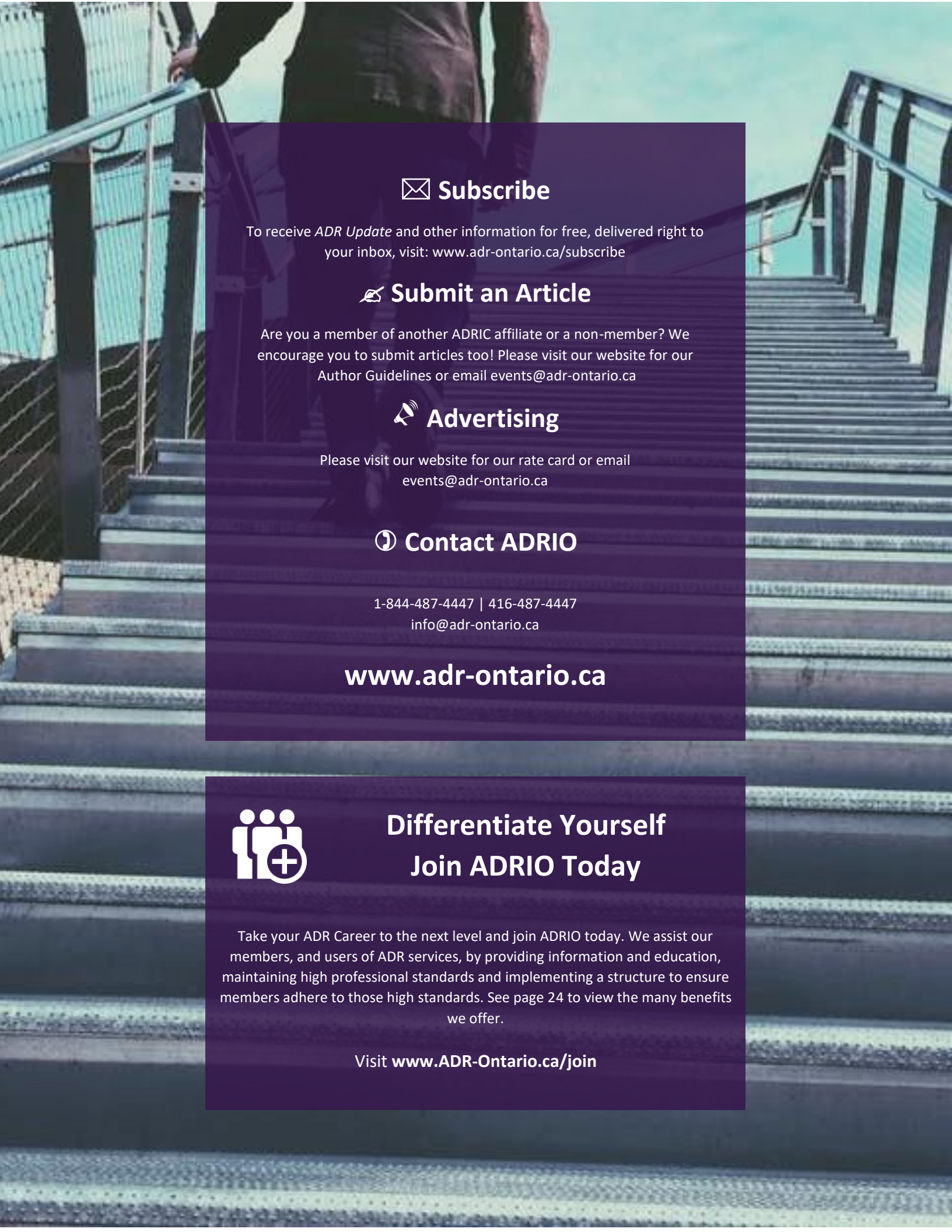
REMINDER:

It's time once again, to turn our minds to the election of the Board of Directors for the term 2019-2021. The AGM is scheduled for Thursday, June 6, 2019. Members applying for nomination as a candidate for election to the Board of Directors pursuant to By-Law No. 1 should note the following:

The Board of Directors is to be composed of twenty (20) Directors. In accordance with By-Law No. 1, at the 1998 Annual and Special Meeting of Members, ten (10) Directors were elected with a one (1) year term of office and ten (10) Directors were elected with a two (2) year term of office. At the 2018 Annual Meeting of Members, ten (10) Directors are to be elected. These ten (10) Directors will have a two (2) year term of office from the date of the 2018 Annual Meeting until the second Annual Meeting after such election.

Regarding the ten (10) Directors to be elected at the 2018 Annual Meeting, the Scrutineers will determine the two (2) nominees from outside Greater Toronto with the largest aggregate number of votes who will be elected. The Scrutineers will then determine the eight (8) nominees whether from within or outside Greater Toronto with the largest aggregate number of votes who will be elected.

If you haven't already, please renew your membership to participate in the nomination process. If you are a student or associate member, upgrade your membership by calling Morgan: 416-487-4447 x 102 (Tuesday to Friday from 8:00 am to 4:00 pm).



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