



ADR Institute of Ontario

ADR UPDATE

“The Future of ADR is EDR”

President’s Message, pg. 4

#100

ONE HUNDREDTH ISSUE | FALL 2018

WELCOME TO THE 100TH ISSUE OF ADR UPDATE

Newsletter Committee

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Ben Drory, JD, MBA, C.Med, C.Arb

Kim Parish, LLM, C.Med

Robyn Jacobson, B.Comm, LLB, LLM, PhD, C.Med

About ADRIO

The ADR Institute of Ontario™ assists the public, businesses, non-profits and government bodies at all levels to consider, design, implement and administer alternative dispute resolution (ADR) strategies, programs and processes including mediation and arbitration.

Our goal is to assist our members, and users of ADR services, by providing information and education, maintaining high professional standards and providing a structure to ensure members adhere to those standards.

The opinions expressed by the various authors in this newsletter are not necessarily those of the ADR Institute of Ontario.

President's Communiqué

Something New . . .

This is the first of what will be a monthly newsletter from the Arbitration and Mediation Institute of Canada to the regional institutes across Canada. This first issue is being sent to the President and Chief Staff Officers of the regions.

If you would like to have enough copies sent to you in bulk to mail out to the members in your region, please fax our Executive Director, Rob Nelson details as to how many copies will be required, and your normal mailing date each month to your members.

Through this informal newsletter AMC hopes to increase awareness of its activities, pass along interesting ADR related news, and respond to issues that deserve mention sooner than the next issue of the Journal magazine.

After you have had an opportunity to see the July and August issues, we would welcome your comments about content, AMC activities, and the advancement of ADR in general.

Planning:

Gervin L. Gressley, C.Arb.
President

Working for the Future

The board continues to work toward completion of a national strategic plan. The process is well advanced and we are



Arbitration and Mediation
Institute of Canada Inc.
Institut d'Arbitrage et de
Médiation du Canada Inc.

July, 1996

- establish a policy for membership admission; set standards for ADR courses; establish a code of ethics (done); set standards for accreditation (done); publish national rules of procedures for commercial arbitration and for commercial mediation (done); establish a program of continuing education requirements to maintain certification;

- develop a directory of organizations and government agencies involved in alternative dispute resolution; proactive work.

The National Committee on Professional Standards and Good Practice for the guidance of all members of the Institute of Arbitrators and Mediators. The following is the text of a report of the Committee in the hands of the NATIONAL COMMITTEE for review. It is included in this NEWSLETTER as a matter of interest. It is requested that you comment on it please send them to the Secretary of A.I.C. NATIONAL, 177 Alexander Boulevard, Toronto, Ontario, M4R 1M1.

This Code and these Guidelines shall apply to all arbitrators who are members of the Arbitrators' Institute of Canada Inc. or one of its Regional Affiliates and to all arbitrations conducted under the auspices of these organizations. Both are to be read in conjunction with the AIC Rules for the Conduct of Arbitrations; and the Interpretation provisions (section 1) of the Rules shall apply to this Code and these Guidelines.

Celebrations

of Arbitration and Mediation in Canada

Accommodations

being held until September 1st. If you wish to be sure to mention you are attending the conference to receive the preferred rate.

Program

MEMBER

fortunate in having Members who are sufficient in our Institute to offer to serve and to contest these Positions.

and a short biography from each of (Stated or Nominated), and we Biographies received to the

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Executive

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Making a Wor

In May of 1986 the Ontario Task Force on Insurance Ontario presented a report to the Dr. David W. Stone, Chairman of the Task Force, published in

REMINDER J

ANNUAL MEETING LUNCHEON

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PLEASE RETURN BY THE 31ST DAY OF MAY

E. BEATON, F.C.A., A.S.A., C.B.V., C.ARB.
Municipal and real estate consultant and entrepreneur, frequent expert witness, author of published professional articles.

and referee: 1943-45, Chartered Arbitrator (C.A.), Quebec Gold Medalist 1947 (A.S.A.) 1971. American Society of Appraisers since 1968.

(McGill) 1943. RCAF Pilot 1943-45, Chartered Arbitrator (C.A.), Quebec Gold Medalist 1947 (A.S.A.) 1971. American Society of Appraisers since 1968.

Arbitrators' Institute of Canada Inc. (C.Arb.) 1988; Director 1984-1990. "The Arbitration Journal" 1973. "The Bottom Line" Magazine 1989. "The Bottom Line" Magazine 1989. "The Arbitration Journal" 1973. "The Bottom Line" Magazine 1989.

Working for the Future

The board continues to work toward completion of a national strategic plan. The process is well advanced and we are

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Contents

(click on the article title to jump to the corresponding page)

President's Message.....4
by **Marvin Huberman**

Message from the Chair of the
Newsletter Committee.....9
by **Barbara Benoliel**

Mediators Focus on Everyone
...Except Themselves!.....10
by **Marc Bhalla**

Coping with Secular Bias in
Mediation.....13
by **Hayley Rose Glaholt**

The "Secrets" of Managing
Confrontational and Aggressive
Behaviour.....17
by **Kevin Stapley**

Surprise at Small Claims Court:
Mediation the Morning of Trial.....20
by **Jennifer Egsgard**

Open with Strength: The Power of
Opening Remarks in Mediation.....22
By **Marshall Schnapp**

Restorative Justice in Haiti.....25
by **Martina Paloheimo**

THE FUTURE OF ADR IS EDR

PRESIDENT'S MESSAGE

MARVIN HUBERMAN, LLB, LLM

"Being fully present is the best guarantee for a bright future." - Guy Finley, American Writer

ADR Defined

When I received my Master of Laws degree in 1997, "ADR" signified "Alternative Dispute Resolution," a phrase encompassing a wide range of techniques that may be used to attempt to resolve a legal dispute without having to proceed to more traditional adversarial and adjudicatory processes such as litigation, hearings and appeals. These include consensual or non-binding procedures like negotiation, neutral listener proceedings, early neutral evaluation, advisory opinions, the use of an Ombudsperson, settlement conferences, peer review, mediation, the mini-trial, the summary jury trial, conciliation, neutral expert fact-finding and non-binding arbitration. It also includes binding adjudication such as arbitration and private judging.

More recently, "ADR" denotes "Appropriate Dispute Resolution" which takes a systems approach and considers **all** the responsible dispute resolution options, including the courts and traditional adjudication, for people who are in conflict. It is hoped that the most appropriate method for resolving a particular dispute between or among specific disputants will be selected.

ADR Goals

The goals of the various forms of dispute resolution have been described by ADR gurus Stephen Goldberg, Frank Sander and Nancy Rogers as follows:

1. To reduce court caseloads and expense;
2. To reduce parties' financial and time expenditures;
3. To provide speedy settlement of disputes disruptive to the community and the parties' families;
4. To improve the level of public satisfaction with the justice system;



5. To provide for resolutions tailored to the parties' needs;
6. To increase voluntary compliance with case resolutions;
7. To restore the influence of neighborhood and community values and the cohesiveness of communities;
8. To provide accessible forums to parties; and
9. To teach the public to try more effective processes for dispute resolution than violence or litigation.

ADR's Tremendous Potential

ADR has been hailed as a way to lessen costs, save time, reduce stress, build and strengthen relationships, provide more flexible processes and more party-sensitive and complex solutions than a traditional litigated outcome. It is also intended to provide a structure for "win/win" solutions.

It recognizes that often winners of lawsuits are losers in terms of fees, frustration, wasted time and other factors not measurable in monetary terms, such as ruined relationships. The French philosopher Voltaire said: "I was ruined but twice - once when I lost a lawsuit and once when I won!"

ADR has been accepted and is increasingly used internationally in the context of civil litigation in order to capture the potential advantages of ADR - and its use as a flexible and multi-purpose tool in preventing and resolving disputes - over traditional adversarial litigation. The five major outcomes from ADR identified in international literature are:

1. Increased settlement;
2. Improved satisfaction with the outcome or manner in which the dispute is resolved among disputants;
3. Reduced time in disputes;
4. Reduced costs in relation to the dispute resolution; and
5. Increased compliance with agreed solutions.

Disadvantages of ADR

There are, however, ongoing debates among proponents and critics of ADR concerning the nature and extent of the perceived advantages and disadvantages of ADR, and the merits, risks and potential problems of different ADR options. These include the concern that ADR, particularly mediation, delays dispute resolution, and that it can increase costs, especially when it comes to arbitration.

Furthermore, mediation is generally not considered suitable in cases of sexual harassment, violence and other forms of abuse and power imbalances. And, for some parties, litigation is the chosen and more appropriate dispute resolution process, including where a binding judicial precedent is required or desired by the disputants, a substantial public interest component is at stake such as constitutional questions, environmental lawsuits, occupational health and safety proceedings or class actions, or where a party needs or wants personal vindication, retribution to protect its name or reputation, or a public declaration of guilt. Such instances can include cases involving breach of fiduciary duty, fraud and sexual harassment. There are also those who point out that, despite ADR, there has been an increase in lawsuits, legal billings and damage awards.

The Key to Success

So, when does ADR work? The key to success in ADR lies in its effective use, that is “EDR,” “**Effective Dispute Resolution.**” As professor Frank Sander of Harvard Law School proposed, one must “fit the forum to the fuss”, that is analyze the particular dispute and then find the appropriate forum(s) to assist in facilitating resolution. The correct process for the specific dispute and particular disputants must be selected. An appropriate neutral expert trained in ADR should be retained in order to custom-tailor and explore creative approaches to dispute resolution in order to maximize the chances for optimal innovative and mutually beneficial solutions - all with regards to the

three Ps: the people, the problem & the process.

Success in ADR requires the following from its stakeholders:

1. Better awareness, education and training;
2. Increased quality control of ADR trainers, mediators and arbitrators;
3. Commitment to ADR and its goals, values, principles and challenges;
4. Changes in attitude and working assumptions in respect of settling disputes promptly and fairly;
5. Greater clarity in expressing the parties’ needs, interests and objectives in the event of a dispute and in understanding the barriers to settlement;
6. A more intense focus on risk analysis and creative outcomes rather than on the legal strengths and weaknesses of each party’s position and settlement amounts; and
7. A better understanding of the cost, availability and the requisite qualifications of appropriate ADR providers.

The Future Looks Bright

ADR is a broad and elusive term embracing established and innovative techniques and concepts as a means of resolving disputes without formal adjudication. It is a mindset which fosters creative and critical thinking, and the scrutiny of assumptions about traditional adjudication. ADR's full potential, while recognized, has yet to be realized. Inventiveness and imagination will yield further ADR innovations and hybrid techniques and concepts. The process of evolution will continue.

ADR presents challenges and opportunities. It is a tool offering variety, flexibility, adaptability and practicality - which, if **appropriately and effectively** used, promises to assist in fundamentally enhancing our justice systems, both private and public.

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.

Resources for ADRIO Members

Exclusive discounts, job opportunities, webinar recordings and much more!



[Visit Your Member Portal](#)

Note: Some Resources are Only Available to Full Members.

Contribute to *ADR Update*

Do you want to share your ideas with the professional community of ADR practitioners?

ADRIO's Newsletter Committee wants to hear from you!

ADR Update is a source for important, current and forward-thinking information for ADR Practitioners. We welcome article submissions relating to: mediation, arbitration, conflict coaching or conflict resolution more generally.

If you are interested, please email events@adr-ontario for more information.

This is a fantastic opportunity for you to share your knowledge and ideas with the ADRIO community and contribute to the ADR discourse at large.



Learn. Network. Succeed.

We value growth and lifelong learning. ADRIO’s Professional Development opportunities afford members and the public with inclusive spaces to learn, network and grow as professionals in the conflict management and dispute resolution industry. Enhance your career and strengthen your professional growth as an ADR practitioner through offerings such as workshops, conferences and section seminars.

Find the resources most relevant to you and register today at www.ADR-Ontario.ca/events



UPCOMING EVENTS

2018

OCT. 3: Insurance Section Seminar: Demystifying Insurance Mediation

OCT. 16: Restorative Justice Section Seminar

OCT. 18: Conflict Management Coaching Section Seminar

OCT. 23: Family Section Seminar

OCT. 25: Mediation from the Inside-Out: Deepening Our Capacity as Conflict Healers Workshop

NOV. 12-16: Advanced Workplace Restoration and WFA Certification Training

DEC. 6: Member Appreciation Evening

2019

MAR. 28: “ADR In the Capital 2019” ADRIO PD Event in Ottawa and Pub Night (Save the Date!)

JUN. 6: 34th Annual General Meeting and Professional Development Conference

“Expanding the Pie: Appropriate Dispute Resolution in the New Millennium” (Save the Date!)

More Details:

www.adr-ontario.ca/events

ADRIO is committed to ensuring that our services are provided in a manner that respects the independence and dignity of anyone with special needs. Accommodation is available for persons with disabilities.



ADR Institute of Ontario

“Best of the day...best workshop speaker in a couple of years...Betty is an excellent and professional speaker...first-class presentation with superb diagnostic tools”

– Testimonials from ADRIO AGM Program in 2017

Full-day of interactive educational content with group exercises and case studies.
Registration includes course material, certificate, breakfast, lunch and refreshments.

Full-Day Professional Development Training

MEDIATION FROM THE INSIDE OUT: DEEPENING OUR CAPACITY AS CONFLICT HEALERS

October 25, 2018

8:30 AM – 4:30 PM

Novotel, 3 Park Home Avenue, Toronto, ON.

Cost:

Early-bird Member (until Oct. 1st) \$230 | Member Regular \$260

Non-Member \$300

"The success of an intervention depends on the interior condition of the intervener." Is this quote from William O'Brien true? If it is, it could be read to say, "The success of a mediation (or coaching session) depends on the interior condition of the mediator (or coach)." **This is hard news for mediators, coaches and other intervenors!** This workshop considers how our interior condition influences, transforms or entrenches the clients with whom we work, inviting us to sharpen our capacity as conflict healers. Attention is given to how we might attend to our interior condition as we walk with our clients through their hard conversations. Visit the link below for complete program details.



Betty Pries

CEO of Credence & Co.

Register: www.adr-ontario.ca/conflicthealing

THE FUTURE OF ADR IS MORE CHANGE

MESSAGE FROM THE CHAIR, NEWSLETTER COMMITTEE

BARBARA BENOLIEL, PhD

Just as all things are in flux, ADR is a moving target;

only now it is moving faster than ever. Changes to what have been long held beliefs in the advantages of ADR over traditional judicial procedures, the role of the Dispute Resolver and the process of resolving disputes are all being challenged. Rapid advances in Artificial Intelligence (AI), Online Dispute Resolution options, and dispute resolving algorithms are impacting how the public accesses dispute resolution. While these innovations are having a significant impact in the field, there are also ongoing unresolved issues and challenges to some fundamental ADR concepts of neutrality, fairness, equality and justice in popular areas of ADR, such as divorce and commercial mediation. These issues have yet to be resolved.



The ADRIO newsletter wants to tackle all these exciting developments and much more. While we celebrate our successes, there are more challenges coming our way. The future of ADR is more change.

We hope to bring into the forefront what is working well, what is not, and where we are going. Hang on for the ride!



**ANOTHER WAY TO FIND ADR
PRACTITIONERS IN ONTARIO**

Ontario Resolution Professionals Directory
www.adr-ontario.ca/directory

MEDIATORS FOCUS ON EVERYONE...EXCEPT THEMSELVES!

MARC BHALLA

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

Should mediators think about their own comfort participating in the process?

Many mediators go out of their way to ensure that their clients are comfortable. Consideration is often given to seating and set-up, the temperature of the meeting space and the availability of snacks - especially if the mediation is expected to be lengthy or take place over traditional mealtime. Thoughtful mediators recognize that the comfort level of participants can influence their ability to make the most out of the mediation opportunity.

While thinking of others is a trait that many successful mediators share, reflection upon my experiences and those of colleagues has led me to wonder if mediators do enough to consider their own comfort in facilitating the process.

Dress for Success

In the Fall 2016 issue of this publication, I contributed an article titled *The Mediator's New Clothes*¹. In it, I suggested that mediators should dress for their clients rather than themselves, i.e., mediators should think about how their choice of attire can impact participant perceptions and go with what would likely offer the greatest comfort to those taking part in mediation, e.g., the formality of a suit can help establish the right tone in some instances but may not always put people at ease. There is no reason why a mediator's wardrobe cannot be as flexible as the mediation process itself.

Usually, I wear loud shoes when I mediate. The idea being that the sound of my steps offers warning that I am approaching a caucus room, thereby reducing the potential of me overhearing something not intended to be shared.



While this approach has worked quite well at times, it is not helpful on every occasion, e.g., a facility with carpeted floors may silence my footsteps.

When there is distance between meeting rooms, loud shoes may not be comfortable. While facilitating shuttle diplomacy can be helpful, success at mediation need not come at the cost of blisters for the mediator!

You Are What You Eat

Chartered Mediator and Former ADRIO Board Member Mitchell Rose wrote a popular 2015 article titled *The Very Hungry Mediator*². In it, he spoke of the lack of opportunity mediators often have to eat when facilitating the process. We do not always have time to munch and are often too focused on helping address the dispute to even think to do so. Rose highlighted the negative health consequences this risk.

Similar consideration can be given to the importance of hydration. Many mediators ensure that water is available to their participants, nonetheless struggle to find occasion to drink it themselves. Particularly in

¹ adr-ontario.ca/wp-content/uploads/2017/03/ADRUpdate_Fall2016.pdf#page=6

² <http://www.sgrllp.com/hungry-mediator/>

the summer months, it may be important for mediators to find opportunities to stay hydrated, especially as it is the mediator who is typically the most physically active participant in mediation. The extent to which a mediator is starved or parched may also risk affecting their decision making.

When Nature Calls

It is also worth considering the other end of the spectrum in terms of hydration and the consequences of a mediator consuming too much liquid during their participation in the process.

What follows is a true story...

Many years ago, I took part in a community mediation program that used a co-mediation model. One memorable case had me involved in a lengthy mediation that was going nowhere. Hours passed with little progress until a tiny concession started the ball of momentum rolling. It seemed everyone started to feel that there was a chance of settlement! That is, until my co-mediator had to pause the mediation to make use of the facilities. Unfortunately, this killed the momentum that was built and we were not able to get back to where we were before the bathroom break was called.

This last consideration may not seem as easy to address in advance as clothing, food and drink, yet can still be taken into account as part of a mediator's preparation. I always factor a bathroom visit into my time of arrival at the mediation venue.

While I may have conjured up images of a mediator appearing to be ready to run a marathon with comfortable shoes, a track suit, hydration belt, etc., my point is that we give so much consideration and accommodation to those participating in our process and ought to pay more attention to ourselves. Doing so appropriately need not come at the expense of others.

I have developed my own "Mediator's Survival Kit" to have on hand at my mediations. This is what mine looks like, though you are welcome to customize yours to suit your tastes...

Marc Bhalla's Mediation Survival Kit

- Granola bites (small clusters of granola that can be easily consumed travelling between meeting rooms)
- Water bottle
- Facial tissue (pocket size)
- First aid kit
- Power bank and USB cable
- Stain removal pen

I keep these items in a small travel pouch and access them as needed, typically when travelling between meeting rooms or during breaks.

Note: Additional items such as a change of shoes, a sweater and umbrella may also be considered on a case-by-case basis, dependent upon the mediation environment and weather forecast.

Marc Bhalla, BA (Hons), C.Med, Q.Arb, MCI Arb 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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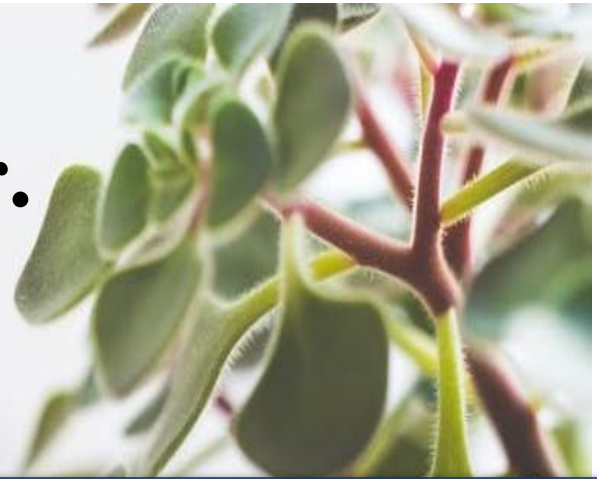
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Learn more about becoming an ADRIO Member by calling Mena, Coordinator, Membership & Accreditation: 416-487-4447 x 101.

Join today to take advantage of the many benefits we offer:

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Membership Benefits	MEMBERSHIP TYPE		
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Your own Member Portal with access to Members Only content.	✓	✓	✓
Opportunity to serve on ADRIO committees.	✓	✓	✓
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COPING WITH SECULAR BIAS IN MEDIATION

DR. HAYLEY ROSE GLAHOLT

In March of 2017, Oxfam, the formidable international humanitarian organization, released a report written in conjunction with Harvard's Religious Literacy Project, titled *Local Humanitarian Leadership and Religious Literacy: Engaging with Religion, Faith, and Faith Actors*. This report marked the culmination of a partnership between these two entities, with the unified goal of increasing religious literacy within Oxfam and engaging religious communities in Oxfam's humanitarian work. Tara Gingerich, a Senior Humanitarian Researcher with Oxfam, documented her colleagues' reactions to their organization's newfound focus on religion and religious literacy in a blog post about the project. In her words,

Some Oxfam colleagues were excited and said how important—even overdue—they thought such work was, but I also received confused and skeptical reactions, followed by statements along the lines of 'I don't understand. Oxfam is researching religion? Why? But we're a secular organization.' Two colleagues—one from the US and a national staff colleague from an Oxfam field office—told me that our engaging on the issue of religion in any way made them uncomfortable. While it didn't make me uncomfortable, I will admit that I entered into the research with skepticism about how much a secular organization. Two colleagues—one from the US and a national staff colleague from an Oxfam field office—told me that our engaging on the issue of religion in any way made them uncomfortable.



While it didn't make me uncomfortable, I will admit that I entered into the research with skepticism about how much a secular organization like Oxfam should partner with local faith groups and fairly certain Oxfam did not need to have religious literacy (whatever that was).

(Tara Gingerich, "Who needs religious literacy? In a disaster, maybe we all do," Oxfam First Person Blog, March 31, 2017)

What Gingerich expresses here is, no doubt, a common reaction among organizations—and ADR practitioners—who place themselves squarely within the "secular" camp when confronted with religious concerns in a professional context. Such concerns can generate discomfort, confusion, skepticism, even antagonism. This is hardly surprising. In Gingerich's own words, "the term 'secular' [is associated] with neutrality, impartiality, and organizations that are primarily guided by human rights." Religious organizations and individuals, and perhaps those sympathetic to religious causes, may find themselves unfairly perceived when viewed through the lens of secular bias.

Gingerich’s description of Oxfam’s transition from skeptical to “converted”—from biased to religiously literate—highlights the value of understanding how religious belief and religious groups function in everyday life. This is the value of “religious literacy.”

Hans Gustafson, Director of the Jay Phillips Center for Interfaith Learning at the University of St. Thomas (Minnesota), describes religious literacy as “having the sense that religion can influence many situations, from PTA meetings to business negotiations, to providing health care, to effective inter and intra group leadership. Being religiously literate involves knowing that religion can influence particular contexts, and having the wherewithal to discern and learn how it does. In this way, it is most certainly a *skill* to be cultivated and not just an accumulation of facts about traditions and worldviews.” (Hans Gustafson, “Interreligious Wherewithal: Cultivating a Leadership Virtue,” State of Formation Blog, November 16, 2017) The *skill* of “interreligious wherewithal” is one that can and ought to be learned by ADR professionals.

As mediators, how might religious literacy affect our ability to best serve our clients?

1. **Appreciating context.** ADR professionals have much to learn from the Oxfam approach. As conflict management professionals, we can best serve our clients by understanding context, including ethno-religious and ethical context. Religion is a defining characteristic of many people’s lives, and lives in conflict. It is both an identity marker and an influencing force. A client’s faith and ties to their religious community may consciously or unconsciously affect BATNA/WATNA evaluations, perceptions of reciprocity and negotiating power, and visions for a conflict-free future.

2. **Appropriate vocabulary.** Interest-based and facilitative negotiation will necessarily engage belief systems, and at the most basic level, a vocabulary appropriate to that discussion is required. The parties are entitled to a mediator who can clearly and accurately identify and reflect such considerations. A religiously literate mediator can more readily serve as a “translator” between parties holding divergent worldviews—whether religious or secular.
3. **Trust and credibility.** Credibility markers are important in establishing an atmosphere of candour and cooperation. By demonstrating religious literacy early on, a mediator may avoid the perception of secular bias and acquire trust and credibility that might otherwise be withheld.

As mediators, we are careful to avoid biases against particular genders, ethnicities, and sexual orientations. Whether expressed as an inclination towards secularism or a prejudice against religiosity, however, secular bias is rarely addressed or acknowledged explicitly in this field. If we do not self-consciously take stock of our own beliefs regarding the secular/religious divide, we do a disservice to both our clients and ourselves. Just as prejudicial views regarding gender, race and sexuality have been successfully challenged—so too must those regarding faith. Cultivating the skill of “interreligious wherewithal” is a significant step towards that end.

Hayley Rose Glaholt is a mediator in Toronto. She holds a PhD in Religion, Ethics and Public Life from Northwestern University (Chicago), and is a Certified Mediator of Ethno-Religious Conflict, and an Accredited Family Mediator (OAFM). (www.hqmediation.com)

PRACTICAL ETHICS FOR WORKING MEDIATORS



Get the best resources on ethics in mediation from world renowned experts, including course author, Elaine Newman, BA, LLB, LLM

In order to ensure and encourage enhanced professionalism and adherence to best practices, ADRIO™ requires that new members take its online course, “Practical Ethics for Working Mediators,” before or within the first three months of new membership.

The course will assist you in creating an “Ethical Blueprint,” increase awareness of mediation values, assist you in becoming a more reflective practitioner and provide a foundation for skillfully resolving ethical dilemmas that emerge in your practice.

REQUIRED COURSE - This course is required for all new ADRIO members, designation applicants and roster applicants.

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hours**

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THE “SECRETS” OF MANAGING CONFRONTATIONAL AND AGGRESSIVE BEHAVIOUR

KEVIN STAPLEY, Q.Med, B.Sc, WFA

As ADR professionals, we are trained and accustomed to dealing with emotion and emotional behaviours as part of the regular work that we do. In most cases, the formality, structure and social expectations provide enough incentive to motivate people to keep their cool (more or less). But what about those rare cases when someone completely loses control and becomes confrontational or even aggressive? How would you respond? How have you responded in the past? In my 20 years of experience as an intervenor in high level, high risk incidents of aggression and violence, I have learned that the vast majority of people do not respond well to threats and intimidation. Why is that? It is largely because they are reacting emotionally to the threat they are facing. A skilled intervenor understands what is happening with the other person and has the capacity to maintain their self-control. It is these two factors or “secrets” that enable them to de-escalate effectively.

Secret #1: Threat Response

When we feel threatened, our bodies respond by initiating our “fight, flight or freeze” response. This is something that most of us are already aware of. What you may not realize is that we all feel threatened when we perceive that our needs, values, or sense of self are being challenged or undermined in some way. This applies to us—ADR professionals—as well. Most of the time we are able to regulate our behaviour so that we stay within social norms. However, in the context of aggressive and threatening behaviour, it is important to understand that mostly the agitated person comes very close to losing their ability to think rationally. When we



are not rational, we cannot engage in complex discussions. All we understand are simple statements. We are in “fight” mode, and everything that we are seeing and hearing is being assessed to determine whether or not it is a threat. In our role as de-escalators, our job is to communicate in a way that places us in their “not a threat” category. As a neutral third party, you would not be representing the party who is perceiving the threat.

As a neutral third party, it is unlikely that you will be the one representing the threat. One of the parties’ representatives may be representing an individual who perceives the interaction or communication as a threat. The representative can then become the target of the aggressor’s reaction. Your priority is always safety, and if there was ever a good time to call a caucus, it is when this occurs. Once you remove the source of the threat, you can use your communication skills to allow the agitated person to feel heard and validated. Once the individual(s) has calmed down, assess their ability to continue with the ADR process. Then do the same with the other party, while assisting them with understanding how their words or behaviour may have contributed to the outburst. Assess their ability and willingness to continue before bringing everyone back together to continue discussions.

Secret #2: Maintain Self-Control

You now know that people behave in confrontational and aggressive ways because they are reacting to and defending themselves from a perceived threat. The good news is that, with this knowledge, you are able to take deliberate action. This can reduce the intensity of the threat so that the person no longer feels that they have to defend themselves. The bad news is that you are susceptible to the same risks of escalating within yourself. When someone tries to challenge, frighten or intimidate you, your mind and body will react to the threat. If you begin to escalate and lose rationality from within, you will not be effective in your role as a de-escalator. Effective de-escalation requires assessment, planning and flexibility. These are complex thought processes, none of which are available to you when you escalate emotionally. Just like the other person, your focus will turn to defending and overcoming what you perceive to be a personal attack. What you end up with is an argument at best, and at worst a fight. You must be able to withstand the verbal onslaught, and the fear and frustration that comes with it. Being able to maintain your self-control is the single most important skill you need to develop. Everything hinges on your ability to avoid being outwardly triggered emotionally.

As a professional conflict manager, you have confidence in your ability to keep the peace and build bridges. When things suddenly fall apart in front of your eyes, you might feel as though you are failing at your job. Combine that with the intensity of the situation and it's easy to let your emotions take over. But as a professional, if you possess the knowledge and understanding of why people react in violent and aggressive ways, you will equip yourself with the tools you need to manage the situation. If you've done your homework ahead of time, you should already be aware of any volatility among the parties.

Prepare for the worst ahead of time and put your plan into action if necessary. Remember the behaviour you're witnessing is not really an attack on you. It is a reaction to a perceived threat. Remove or address the threat and the person's need to defend themselves will diminish. Expect certain behaviours, like verbal, challenges, threatening comments and name calling. When people are highly

agitated, they look for ways to drag others into the battle with them. Don't become susceptible to this. See it for what it is and remain calm. If things continue to escalate, disengage and end the session. If necessary, take steps to keep yourself and everyone else safe. Above all else, do not allow your emotions to make you become part of the problem.

Kevin Stapley, Q.Med, B.Sc, WFA, is a highly trained conflict management professional with 20 years experience within the dynamic Health Care sector. Kevin provides a variety of ADR services such as mediation, conflict coaching and confrontation management training.

JADE

MEDIATION PRACTICE GROUP UPDATE

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To read full JADE update, click
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SURPRISE AT SMALL CLAIMS COURT: MEDIATION THE MORNING OF TRIAL

OSGOODE PRO BONO MEDIATION PROGRAM

JENNIFER EGSGARD

The unrepresented parties sit anxiously in the packed Small Claims Court on the morning their trial is scheduled, folders of evidence stacked on their lap. Exhausted from the evenings spent preparing for this day, they are uncertain of the outcome: will they win and receive what they have claimed, or lose and be forced to pay their opponent? Court is called into session and the parties stand nervously. The Deputy Judge asks whether anyone is interested in trying to settle the case that morning with the help of Pro Bono mediators. The parties exchange glances and come to a quick agreement: they are willing. Mediators are called and given the court file. Several minutes later the parties are called into a small room and the mediation commences...

So may begin a morning at the Brampton and Toronto Small Claims Courts, both of which host the Osgoode Law School Pro Bono Mediation Program (the “Program”). Supervised by Professor Martha Simmons, the Program affords some Small Claims Court litigants an opportunity to mediate their case on the day of trial.

Fifty-four cases were mediated by the Program in the 2017-18 academic year, averaging just over an hour and a half, and a settlement rate of approximately 44%. 43% of cases involved only one party with representation, parties were both represented in 22% of cases, and the remaining cases involved entirely unrepresented parties. Contracts and related issues were the primary subject matter of the mediated disputes, with debt collection, real estate matters, consumer issues, landlord-tenant and solicitor-client matters following behind.



The unique Program plays an important role, allowing the parties a last-ditch chance for settlement at a point when they have scrutinized their case, and prepared for trial as fully as they are able. Being more aware of their own strengths and weaknesses than they may earlier have been at the Pre-Trial stage, many parties acknowledge and appreciate the ability to resolve matters on terms over which they have some control. In some cases, the mediation allows the parties to improve their own relationship, as opposed to damaging it further during cross examination and positional arguments.

The Program also frees up Court resources, taking potentially lengthy trial matters off the docket, allowing Judicial resources to be dedicated to other matters, and ultimately reducing the waiting time for other trial dates.

The mediators themselves are also beneficiaries of the Program. The students are predominantly from Osgoode Hall Law School, or the Osgoode Alternative Dispute Resolution Master of Laws Program. Two people serve as co-mediators. A more experienced mediator coach is also present to assist, if needed, during the mediation, and to later provide feedback

to the mediators.

The learning opportunities for the student mediators are immense as the cases, issues, dynamics and parties are as diverse as the people of Ontario. Students have a first-hand chance to grapple with issues that face all mediators, for instance: how quickly a party's trust can be lost from a perception of mediator bias (and how one might regain it); whether and how to balance power in the mediation when only one party has legal representation; the profound impact on the parties from feeling that their positions are understood; how to move parties from an apparent impasse; strategies for being effectively persistent; what to do when the parties have an opposing view of the facts; determining when it would be unethical for a party to enter into a settlement agreement without independent legal advice; and whether and when to caucus with the parties.

As a mediator and now mediation coach in the Program, it has been a privilege to be a part of it. I particularly relish witnessing the moment of relief when a settlement seems possible to each party for the first time; their physical relaxation is obvious and humour often springs into the room. Such settlements really do feel like the parties, Court and student mediators have found a win-win-win.

*A lawyer for over 15 years, **Jennifer Egsgard** is a mediator with Egsgard Mediation, helping people resolve conflict efficiently, fairly and on their own terms. She mediates civil court cases including contract, commercial, insurance, employment, personal injury, product liability and other disputes. Jennifer also practises law with Sills Egsgard LLP.*

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OPEN WITH STRENGTH

THE POWER OF OPENING REMARKS IN MEDIATION

MARSHALL SCHNAPP, BA, JD, LLM (ADR)



Many lawyers often want to do away with opening statements in the mediation process, believing they are nothing more than formalities that get the backs up of each party and heighten tensions. This thinking suggests that whatever one side hears from the other is going to offend, insult and agitate...so why start a mediation on the wrong foot...and from a position that would seem to make a settlement even more unlikely?

At least that is how the argument goes – and in fact, I’ve been hearing more and more mediators blindly agreeing. That is a shame.

When approached with a different sensibility and thoughtfulness, openings are anything but stubborn statements of defiance and rigidity.

First, both mediators and lawyers are likely to recognize that this may be the first time both parties have had an opportunity to sit down face-to-face together and explain their positions in their own words. This is not to be taken lightly. In many cases, three or four years may have already passed since the incident that was the impetus for the mediation.

The parties may have been questioned at an examination for discovery by opposing counsel; but in the mediation session there is a moment here to really shift the narrative in a positive way. Parties often look to the mediator to work magic and get the deal done; yet settlement may be more challenging without well designed opening statements.

The American Bar Association’s Dispute Resolution section prepared a paper on Research of Mediator Techniques¹ that found parties feel better about the

mediator the more time spent in caucus, but not about their situation or the other party. However, mediation is not supposed to be a popularity contest for the mediator.

I suggest that spending more time talking in caucus is not the answer. Mediators can, and I believe should, assist counsel by advocating for opening statements—and specifically their opportunity to outline; the facts of the case that may be presented should the dispute go to court; risks of the dispute not being resolved; setting a constructive tone for the mediation to follow; and establishing an environment conducive to collaboration.

Strategies for Productive Openings

In my experience, either an **apology** or an **acknowledgment** by either side in their opening can go a long way to laying the groundwork for settlement. It can often help towards moving beyond long-standing hurt feelings or grudges. Parties feeling better about their situations, and seeing the opposing party in a better light, are often first steps to getting down to the business of a resolution. Don’t be above recognizing that many mediations are about trying to settle files. Even if obvious (depending on the context), stating this fact is

¹https://www.americanbar.org/content/dam/aba/administrative/dispute_resolution/med_techniques_tf_report.authcheckdam.pdf

important to **establishing good faith in your negotiation efforts**. Expressing the understanding sincerely that both sides need to work together to reach a settlement is a best practice. This opening helps establish an intention of proceeding with honesty, sincerity, and a sense of fairness, which can go a long way towards establishing the trust and rapport necessary to arrive at a settlement.

I also **encourage that, in addition to themselves, counsel have their clients speak in the opening, and in their own words**. This can be powerful and instructive for all sides. The opposing side may get an overdue sense of where the other person is coming from, what they have been thinking, and what they are looking to get out of the mediation. It also gives both counsel and the mediator an opportunity to see how the party would come across during a hearing or trial.

This is especially useful in cases when a party is an insurance adjuster. An adjuster can outline what the claimant needs to show as evidence in order to approve a specific monetary amount for settlement. This is often eye-opening information to the claimant.

Make the Opening Count

Opening statements should avoid using aggressive language that can be interpreted as attacks on personal character, or casting judgements on the honesty and integrity of the opposing side.

I recognize that not all cases are amenable to joint

opening statements – for example, those where a party is acting in bad faith and is only attending the mediation because it is mandatory, or where there is a concern of violence between the parties and having them in close proximity could be unsafe. But for the vast majority of cases, mediators can do more than just advocate for having cases begin with openings. Our role can be as champions of respectful and well-considered statements that set up a fruitful dialogue to carry on through the mediation. In short, it is about the parties working together, explaining their positions without casting personal judgement, and answering challenges put forward by the other side respectfully.

Don't underestimate what is a golden and potentially pivotal moment. A mediator who understands how a successful mediation can start with a good opening is also one who may find more of their cases end up being settled.

What has been your experience with opening statements in mediations? Please send your comments to the editors of the newsletter for future publication.

Marshall Schnapp is a Mediator & Arbitrator, with significant experience in personal injury, insurance, banking, and municipal law. His other services include workplace investigation, complaint handling, and conflict management coaching. Marshall is also the Chair of the University Complaint and Resolution Council for Student Societies at the University of Toronto and is on the Board of Directors for the ADR Institute of Ontario. For more information please visit his website at www.schnappmediation.com



An advertisement for Health Plus insurance. It features a pink background with a couple smiling. The Health Plus logo is at the top. Below it, the text reads "NEED BETTER BENEFITS?" followed by "Health + Dental + Drug + Travel". There are four circular icons: a person, a tooth, a pill, and an airplane. At the bottom, it says "Your ADRIO member plan offers better coverage at better rates and preferred pricing on leading edge pharmacogenetic testing. Designed for independent professionals, freelancers and small business." and the website "healthplusinsurance.ca/adrio".

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RESTORATIVE JUSTICE IN HAITI

MARTINA PALOHEIMO, M.Phil

Restorative Justice is a complicated, radical and philosophical concept upon first glance. I flew into Port-au Prince six years after my first visit there, which was two years after the Earthquake in 2010. I was unsure of what to expect, who I was going to meet, and exactly how I was going to implement Restorative Justice. For my training, I was tasked with introducing four different communities in Port-au Prince to the concept of Restorative Justice. I was also tasked with convincing these communities (in Creole) that leading and practicing mediation, along with victim offender reconciliation were important tools to learn, practice and engage with.

The communities in Port-au Prince are marginalized communities in an already impoverished Nation, that live on an average of less than US\$3.00 a day. Overworked and underemployed, most Haitians have lived through a series of traumatic events, natural disasters, violent conflict and a daily worry of where their next meal is coming from. The legacy of international intervention, humanitarian aid and disaster relief created an aid dependent economy largely reliant on outside imports and a corrupt government. Communities are often left unsupported and distrustful of any program that does not provide immediate results.

So, how can Restorative Justice help?

There are alternatives to our traditional justice system, which can provide an even better sense of satisfaction to victims while helping to reduce the cycle of violence, often perpetuated by the justice system itself. A lot of the time this concept of Justice we fight so hard for is no longer serving its intended purpose. We do not realize that this concept is privileged only to those who can afford it or to those who can afford to stay out of



circumstances that often lead people down a road of crime in the first place.

The typical Haitian finds him/herself amidst stigma, discrimination, monumental delays, power imbalances and vast inconsistencies when they enter into the justice system. Should you get caught for stealing two handfuls of beans, you could be thrown in jail for 2-5 years, while waiting for your case to be processed and move to a trial. For an estimated 3,700 prisoners in an over-capacity prison in Port-au Prince, approximately 3,300 are still in detention awaiting a trial. It is only a small minority that have been sentenced and are in custody. They can wait 7-10 years before they are officially placed into “prison.” They wait their time in prison by sharing a cell occupied by over a hundred other men. There is only room to stand, and the same plate is used for eating and going to the bathroom. The men take turns sleeping and standing while awaiting their fate. There is no access to Justice.

A police officer arriving at a civilian’s house to respond to a crime is dependant on whether or not that police station has money for gas that day. People take justice into their own hands: seek out community leaders for



resolution, go to the police, or take people to the Courts. The courts are typically a luxury, and revenge is a common tactic to deal with the outcome of trial or lack of a trial. As a result, payback can come from a voodoo priest in the form of a curse or, even worse, death- better known as "*Justice Mystique.*"

As it turns out community leaders were already off to a very good start with regards to practicing Alternative Dispute Resolution. Informal mediations and conversations are not an uncommon practice and are typically the first attempt to resolve conflict. Haitians practice a great deal of mediations - both informal and formal. This is prior to anything going to trial, or in relation to police charges. They perform these mediations without any formal skills or process training; which is why successes are not as common as they could be. So now what these communities need and what they

can do has been expanded to include Restorative Justice - a concept that at first seemed illogical. Typically, the average person is quite defensive of their idea of justice. At the beginning of my conversations there was little room for criticism of the traditional justice system in Haiti; conversations ended in alternatives and a window of possibilities. Space in people's minds began to open up, and optimism started to pour in. Sitting in circles helped elicit self-reflection and responsibility for your own actions, and the understanding of others; leading to the support of one another, not competing against each other, and to stronger more resilient communities looking towards the future.

Transformative mediation can be utilized to regain a sense of empowerment and recognition in the justice process and over our own lives. This alternative utilizes

creative problem-solving with those affected by the problem or who have experienced harm. Issues can be re-addressed by the parties themselves in ways that would never be possible through third party solutions. This alternative provides victims as well as offenders with solutions and answers to problems, so they can start to reconstruct, regenerate and rebuild themselves as well as their communities. Restorative Justice processes provide a means for offenders to actually understand the true impact of their actions and space to accept responsibility for them, while victims have the potential to be compensated in ways our traditional system can't deliver.

Looking at Dominic Barter's three principles for restorative justice, we can begin to build mutual

understanding, self-responsibility and agreed actions through circle. We can give people empowerment and recognition through transformative mediation. We can identify who are the victims; who is responsible; and what their needs are. By addressing these questions we can begin to de-stigmatize one another, begin to repair the harm done to victims in a way that allows them the proper reparations to move forward with their lives and restore the harm that has been done.

Martina Paloheimo is Vice-President of Peacebuilding and Indigenous Relations at *Global Indigenous Trust* <http://globalindigenoustrust.org/> *Martina was in Haiti working for Community Justice Initiatives.*

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The following alternative dispute resolution programs have been evaluated by the education committee. Completion of a total of 40 hours meets the educational criteria for membership in the Institute. For details regarding additional upcoming course dates, fees and locations, please see contact information in each of the listing. [Contact us](#) to submit your course for approval by ADRIO™.

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Instructors: Stitt Feld Handy Group
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 one-year program over two 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, LL.B.; Richard W. Shields, LL.B., MA., LL.M., PhD., LSUC, Cert. CFM, C.Med., C.Arb., Cert.F.Med., Acc.F.Med.; Dennis Hodgkinson, BComm, LL.M, 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

Family Negotiation and Mediation: Theory and Practice (40 hours)

Instructors: Hilary Linton, LL.M., Acc.FM.; Elizabeth Hyde, B.Ed., LL.B., LL.M., AFM
Location: Toronto, Ontario
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Contact: Munn Conflict Resolution Services – Ms. Munn at (519) 660-1242 or kmunn@munnrcs.com; Northern Ontario – Mr. Bisson 1-855-647-4857 or donald@bissonmediation.ca
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Instructors: Helen Lightstone LL.M., C.Med, 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 and Virginia Harwood (Program Co-coordinators),
Virginia.Harwood@durhamcollege.ca
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Website: <http://www.durhamcollege.ca/programs/mediation-alternative-dispute-resolution>

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Website: www.mdrassociates.ca
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Contact: Rose Bowden – 1-800-524-6967 or (905) 627-5582 or roseb@agreeinc.com
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Instructors: Tricia Morris Q. Med, Acc. FM, CP Med, Laura Gray BA, MA, LL.M., Acc. FM
Location: Online
Contact: Alysha Doria, Academic Director, Ph: 416-724-1053
Website: <http://www.herzing.ca/professionaldevelopment/mediation-for-professionals-certificate/>

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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) Program consisting of the following courses: Human Rights Mediation; Employment & Mediation; Family Mediation; Theory and Practice of Mediation

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

Upcoming Dates: September 16, 2017 – May 12, 2018

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



ADR Institute of Ontario

Success Stories

Dinner

Cash Bar

Member Recognition & Celebration

MEMBER APPRECIATION EVENING

December 6, 5PM – 9PM

65 Dundas St. East, Toronto

For more than thirty years, ADRIO has provided educational and networking opportunities for ADR professionals throughout the Province of Ontario. We acknowledge and appreciate that the foundation of our success is built upon our members' engagement and commitment. Join us on December 6th for a fun night of dinner, drinks and inspirational speeches from some of our long-time members. We will be celebrating and honouring our members who have been with the Institute for 20+ years.



"Building an ADR World"

Barbara Benoliel, PhD



Member Recognition

Marvin Huberman LLB, LLM



"The Need for Training & Certification"

Jonathan Fidler B.Sc, JD, C.Med

Cost:

Member Early-Bird \$80 (ends Nov. 12)

Member Regular \$100

Non-Member \$160

Hotel Discount and Cancellation Policy on the next page.

Register: www.adr-ontario.ca/MemberAppreciation



THANK YOU FOR 20+ Years

We would like to recognize and honour the following members for their commitment of 20+ years to The Institute:

Ackerley	Glenn	Christoff	George	Higgins	Janine	O'Connor	Les
Alexandor	David	Ciaschini	Lynda	Ittihadieh	Mohammad	Omrim	Demitry
Arkin	Harold	Cohen	Farley	Jack	Don	Pervin	Timothy
Atlin	David	Cowan	Jeff	Jensen	Monika	Russell	Richard
Banack	Larry	Cutbush	Douglas	Johnson	Ian	Stitt	Alan
Beaudry	Roger	Davies	John	Keefe	John	Tannis	Ernest
Beifuss	Richard	Davies	John	Kirsh	Harvey	Walters	Paul
Benoliel	Barbara	Drake	Ralph	Landau	Barbara	Whitmore	Elinor
Biedermann	Mary	Dymond	M.J. Cindy	Landau	Daryl	Wolfson	Lorne
Borg	Dawna	Faggioni	Marcel	Lebow	Barry		
Bowles	Patrick	Fidler	Jonathan	Levy	Alan		
Boyak	Mark	Flanders	Jonathan	Macfarlane	Bunny		
Brunner	P. John	Freeman	Claude	McCutcheon	P. David		
Buhlman	John	Furlong	Gary	McDougall	John Lorn		
Bussell	Neville	Gaster	Cheryl	McLaren	Richard		
Cameron	James	Genge	Gerald	Millar	W.A. Derry		
Campos	Jorge	Grant	Anne	Miller	Michael		
Caplan	Gary	Haber	Harvey	Miskin	Murray		
Catzman	Lynn	Hallman	Margot	Munn	M. Kathryn		
Chornenki	Genevieve	Hausmann	Chris	Neville	William		

Register: www.adr-ontario.ca/MemberAppreciation

Hotel Room-block: We have blocked guestrooms for December 6, 2018 for the special rate of \$125 + HST per night. Reservations can be made with front desk staff by calling 416 362 6061 and quoting "ADR Ontario," or you can reserve online through this link: <http://bookings.ihotelier.com/bookings.jsp?groupID=2112580&hotelID=12522>

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 November 12, 2018 will receive a refund less a 20% administrative fee; those received on or before November 19, 2018 will receive a refund less 50%. No refunds after November 19, 2018. Sessions, speakers and times are subject to change. Registrations are tentative until November 26, 2018. Should ADRIO need to cancel this event, you will receive a full refund.



ADR Institute of Ontario

ADR in the Capital 2019



SAVE THE DATE: MARCH 28, 2019 | OTTAWA

9:00AM – 8:00PM | 2 Keynote Speakers, 3 Workshops, and a Networking Pub Night

Ottawa Embassy Hotel, 25 Cartier St.



9:30 AM – 10:00 AM STEVE GAON, BA, JD (LLB), C.Med

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

The Future of ADR: Diversity, Technology and Conflict Resolution

Register/ View Full Flyer: www.adr-ontario.ca/Ottawa2019



The National Council... Institute of Good Practice for the... Affiliates. The following is the text... in the hands of the NATIONAL COMMITTEE for... this MESSAGE as a matter of interest. If you care to... comments on it please send them to the Secretary of A.I.C. 101... 177 Alexandra Boulevard, Toronto, Ontario, M4R 1M1.

PRESIDENT'S MESSAGE

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1-844-487-4447 | 416-487-4447
info@adr-ontario.ca

www.adr-ontario.ca



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Take your ADR Career to the next level and join ADRIO today. We assist our members, and users of ADR services, by providing information and education, maintaining high professional standards and implementing a structure to ensure members adhere to those high standards. See page 12 to view the many benefits we offer.

Visit www.ADR-Ontario.ca/join

fortunate in having Members who are sufficiently
in our Institute to offer to serve as our
and to contest these Positions.

and a short biography from each of the present
(Stated or Nominated), and we are pleased to
the Biographies received to the time of
on.

NORMAN SHERMAN, Q.C.
Executive Director



MEMBER'S PROFILE

May of 2006 the Ontario
Insurance
Insurance
of the
Chairman of the Com
Application for

REMINDER JUNE 4*
ANNUAL MEETING LUNCHEON SPEAKER

RESERVATIONS: Alberta Room, Royal York Hotel, Toronto
at 11:30 a.m. on June 4th, 1987.
ATTEND THE LUNCHEON, which will cost \$17.50
to the Ontario Institute of Canada Inc.
PLEASE RETURN BY THE 3RD DAY OF MAY, 1987.



SEATON, F.I.A., A.S.A., C.B.Y., C.A.M.
Principal and Real Estate Consultant
Entrepreneur, frequent expert witness, author
published professional articles.
and referee: occasionally
since 1968.
(McGill) 1943. RCAF Pilot 1943-45. Distinguished
Ontario) 1973. Chartered Business
(A.S.A.) 1968.
Institute of Canada Inc. (C.Arb.) 1988.
of Commercial Disputes
1984-1990. Wrote 'The
Journal'.

