



ADR Institute of Canada, Inc.  
 Institut d'Arbitrage et de  
 Médiation du Canada Inc.



presents:

# ADRIC 2012: Guiding Beacon to Best Practices in ADR



Thursday October 25 to  
 Friday October 26, 2012  
 Atlantica Hotel, Halifax, NS, Canada

Valuable Pre-conference Session:  
*Marketing Your ADR Practice*  
 Wednesday October 24, 2012

C.Meds, Q.Meds  
 earn 18.5 CEE points!

**ADRIC 2012: *Everything you need to:***

- Build and maintain an effective ADR practice*
- Develop your practice in new and emerging areas*
- Harness the power of the latest innovations*
- Benefit from the experience and insights of leaders in the field*
- Network and share with colleagues across the country*

**Lawyers:**  
 Accredited for 9+ hours of Professional  
 Development Credits from the Law  
 Societies of BC, SK, PEI and NB;  
 Session 2B accredited by the LSUC for  
 1.25 Professionalism Hours and the  
 balance of the conference for Substantive  
 credits; pending QC accreditation.

*Featuring Special Presentations by:*

**The Honourable Mr. Justice Thomas Albert Cromwell, Supreme Court of Canada**

**Irvine Carvery, President, Africville Genealogy Society, Chair, Halifax Regional School Board**  
 "From Injury to Apology: Negotiating Africville"

**Rear-Admiral David C. Gardam, OMM, CD, Commander Joint Task Force Atlantic and Commander of Maritime Forces Atlantic, Royal Canadian Navy**  
 "Current World Threats: How They Affect Canada and How the Navy Works To Resolve Disputes"

*Diamond Sponsor:*



*Gold Sponsors:*



# ADRIC 2012: Guiding Beacon to Best Practices in ADR

Thursday October 25

- 8:00 Registration & Continental Breakfast **Guild Hall Foyer** *Gold Sponsor: CRS Atlantic*
- 8:30 ADR Institute of Canada Annual General Meeting (*all welcome to attend*) **Guild Hall**
- 9:00 Welcome to ADRIC 2012 **Guild Hall**  
**Randy Bundus** President, ADR Institute of Canada, Inc.; VP, General Counsel and Corporate Secretary, Insurance Bureau of Canada  
**Andy Butt** C.Med, President, ADR Atlantic Institute
- 9:30 "From Injury to Apology: Negotiating Africville"  
**Irvine Carvery** President, Africville Genealogy Society, Chair, Halifax Regional School Board
- 10:00 "Current World Threats: How They Affect Canada and How the Navy Works To Resolve Disputes"  
**Rear-Admiral David C. Gardam** OMM, CD, Commander Joint Task Force Atlantic and Commander of Maritime Forces Atlantic, Royal Canadian Navy
- 10:30 *Refreshment Break and Networking Opportunity* *Gold Sponsor: Deloitte & Touche LLP*
- 11:00 *Breakout session of your choice* *Silver Sponsors: Arbitration Place / Borden Ladner Gervais LLP*

Break out sessions are organised into four concurrent themed streams: (you may choose any session from any stream)

	<i>Building an Effective ADR Business</i>	<i>Workplace Challenges &amp; Solutions</i>	<i>Specialty Areas</i>	<i>Family and Community</i>
	- 1 A - <b>Citadel Room</b>	- 2 A - <b>Guild Hall</b>	- 3 A - <b>Cunard Room</b>	- 4 A - <b>Commons Room</b>
<b>11:00 - 12:15</b>	<b>Training and Credentialing of the ADR Practitioner</b>  <i>Moderator: Anne Wallace, QC, C.Arb, C.Med, Anne Wallace Legal Professional Corporation;</i> <b>Gilbert Ladéroute</b> , University of PEI; <b>Rosemary Nichols</b> , Saint Mary's University; <b>Brian Strom</b> , University of New Brunswick / Canadian Institute for Conflict Resolution  <ul style="list-style-type: none"> <li>How are universities and colleges responding to training needs?</li> <li>What are we doing well?</li> <li>Where are we falling down?</li> <li>Improving the links between learning and practice</li> <li>ADR Institute of Canada (ADRIC) credentialing</li> <li>What do you need to obtain these important credentials?</li> <li>Availability of local training via ADRIC</li> </ul>	<b>Having Difficult Conversations with Difficult Employees</b>  <b>Gaye Wishart</b> , Advisor, Harassment Prevention/Conflict Management, Office of Human Rights, Equity & Harassment Prevention, Dalhousie University  This session will cover the skills you need to effectively manage performance and workplace relationships – with the most challenging employees. You will learn:  <ul style="list-style-type: none"> <li>To be more confident managing emotions including anger – yours and theirs</li> <li>To respond, rather than react</li> <li>Why you need to deal with conflict early</li> <li>Different approaches for difficult conversations, including mental health issues</li> </ul>	<b>International Dispute Resolution</b>  <i>Moderator: William G. Horton, C.Arb, FCIArb; Steven K. Andersen, VP Int'l Development, ICDR;</i> <b>Thomas G. Heintzman, OC, QC</b> , Arbitration Place and McCarthy Tetrault; <b>Gordon E. Kaiser</b> , JAMS Resolution Centre, Toronto and Dallas; <b>James Woods</b> , Woods LLP  <ul style="list-style-type: none"> <li>Institutional trends from a global perspective; Comparing process and practice in Canada, Mexico and the U.S.</li> <li>Equitable jurisdiction: Power to order specific performance and Quebec C.A. judgments; Distinction between injunctive relief and specific performance in Quebec civil law; Recent cases on the power to order provisional and statutory oppression-type remedies</li> <li>Relevance of the "Seat" of arbitration to: applicable law, procedural issues, enforcement</li> <li>Class action arbitration: US, Canada and the future</li> </ul>	<b>Creating Conflict Competent</b>  <b>Mike Scheidl</b> , Coordinator, Municipal Dispute Resolution Services, Alberta Municipal Affairs  This session will explore:  <ul style="list-style-type: none"> <li>Alberta's experience in developing conflict resolution services for its municipalities</li> <li>How the program has evolved</li> <li>Key program transition points</li> <li>Development of innovative evaluation tools</li> <li>Cases illustrating the challenges of delivering this internationally recognized program</li> </ul>

- 12:15 The McGowan Luncheon **Guild Hall**
- 12:30 Luncheon Speaker: *Diamond Sponsor: Fraser Milner Casgrain LLP*  
**The Honourable Mr. Justice Thomas Albert Cromwell, Supreme Court of Canada**  
 "Observations on ADR"
- 1:15 Presentation of the McGowan Awards of Excellence
- 2:30 *Concurrent Afternoon Sessions...* (see next page for schedule and descriptions)
- 5:15 *Cocktail Reception* *Relax and enjoy complimentary hors d'oeuvres with wine or beer. An ideal opportunity to network with others in your field.*

**Silver Sponsors:**


















# ADRIC 2012: Guiding Beacon to Best Practices in ADR

Thursday October 25

2:30 Breakout session of your choice

Silver Sponsors: Cox & Palmer / Mac Mac & Mac Law Offices

	- 1 B - Guild Hall East	- 2 B - Guild Hall West	- 3 B - Citadel/Cunard Room	- 4 B - Commons Room
2:30 - 3:45	<b>Building Your Referral Engine</b>	<b>Managing Intergenerational Issues Between Parties in the Workplace</b>	<b>Role of Apologies in ADR Best Practices</b>	<b>Collaborative Family Law and Advocacy</b>
	<p><b>Michele Gibson</b>, Founder and Senior Consultant, Digital Smart Tools</p> <p>Every practice needs referral business to grow and prosper. This session will teach you how to use today's technology and marketing techniques to become "Known, Found and Remembered" so you can grow your own business by building your own dynamic referral engine.</p>	<p><b>Rosemary J. Nichols</b>, R.J. Nichols Consulting Inc.</p> <p>This session will examine the complexities of effectively working in and managing a multi-age workforce. You will learn how to:</p> <ul style="list-style-type: none"> <li>Identify the most common generational issues in the workplace including: Assumptions based on age; Communication styles; Use of technology; Work ethic and loyalty.</li> <li>Discuss and resolve generational differences in a way that maintains respect and productivity.</li> </ul>	<p><b>Pamela Large-Moran</b> Conflict Resolution Services (CRS) Atlantic</p> <p>Apology legislation provides protection against apologies being used as evidence of liability or denial of insurance coverage and exists in 8 out of 10 provinces. This session will cover:</p> <ul style="list-style-type: none"> <li>Legislation in various jurisdictions</li> <li>The critical role apologies can play in ADR</li> <li>Strategies for constructing effective apologies</li> </ul>	<p><b>Karen Killawee</b>, Family Centre, Mac Mac &amp; Mac <b>Leisa MacIntosh</b>, Mac Mac &amp; Mac</p> <p>ADR professionals working with individuals who have an ongoing personal or professional relationship to manage will be interested in this session. Topics covered include:</p> <ul style="list-style-type: none"> <li>Acting as advocate and advisor while facilitating an interest-based negotiation</li> <li>Unique challenges facing ADR professionals</li> <li>Family and civil disputes</li> </ul>

3:45 Refreshment Break and Networking Opportunity

Gold Sponsor: Insurance Bureau of Canada

4:00 Breakout session of your choice

Silver Sponsors: MacGillivray Injury and Insurance Law / Marsh Canada

	- 1 C - Guild Hall East	- 2 C - Guild Hall West	- 3 C - Citadel/Cunard Room	- 4 C - Commons Room
4:00 - 5:15	<b>New and Undiscovered Niches</b>	<b>Workplace Conflict Management in Municipalities, Provincial Workplaces, Saint Mary's University</b>	<b>Family Arbitration – Learning from the Ontario Experience</b>	<b>Restorative Justice and Practices: A Way Through for Communities</b>
	<p><b>Moderator: Master Donald E. Short</b>, C.Arb, FCI Arb, Superior Court of Ontario</p> <p><b>Construction: David Bristow</b>, QC, C.Arb, Team Resolution <b>Insurance: Sandra Arab Clarke</b>, Cox &amp; Palmer <b>IT and IP: Colm Brannigan</b>, C.Med, C.Arb, Mediate.ca <b>Michael Erdle</b>, C.Med, C.Arb, Practical Resolutions Inc.</p> <p>Over time new opportunities develop in new niche areas across Canada. Experts involved in ADR in Information Technology, Intellectual Property, Insurance and Construction will provide an overview of practising in these areas.</p>	<p><b>Bridget Brownlow</b>, Conflict Resolution Advisor, Saint Mary's University <b>Terry H. Wagar, PhD</b>, Professor of HR Management, Saint Mary's University</p> <ul style="list-style-type: none"> <li>Relationship between culture and conflict in the workplace</li> <li>Impact of a weak / strong commitment to justice issues</li> <li>Use of discipline and dismissal</li> <li>Why use mediation to resolve non-union grievances</li> <li>Proactive, preventive approaches to managing workplace conflict</li> <li>System design based on best practices at Saint Mary's University</li> <li>Rights-based and interest-based options</li> </ul>	<p><b>Sheila Gibb</b>, Epstein Cole LLP</p> <p>The hybrid process of "mediation/arbitration" is the dispute resolution mechanism of choice for many Ontario family lawyers, yet it is uncommon in other Canadian jurisdictions. This session will explore the med/arb experience from beginning to end, including:</p> <ul style="list-style-type: none"> <li>The legislative framework in Ontario (and how it compares to other jurisdictions)</li> <li>The step-by-step process</li> <li>The benefits and pitfalls, and</li> <li>The responsibilities of the mediator/arbitrator.</li> </ul>	<p><b>Gola Taraschi</b>, Atlantic Restorative Company Inc.</p> <p>This session will explore restorative practices in the justice system, school, workplace and community settings as a way of strengthening relationships, preventing conflict, and repairing harm. Topics will include common elements of restorative processes and the role that empathy, human emotion, neurobiology and the socratic method play in setting the stage for good dialogue. Attendees will view a short documentary film "A Way Through" illustrating the experiences of victims of crime and the capacity of restorative processes to make a difference.</p>

5:15 Cocktail Reception Relax and enjoy complimentary hors d'oeuvres with wine or beer. An ideal opportunity to network with others in your field.

Bronze Sponsors:



# ADRIC 2012: Guiding Beacon to Best Practices in ADR

Friday October 26

8:00 Registration & Continental Breakfast

*Gold Sponsor:* Deloitte and Touche LLP

9:00 Breakout session of your choice

*Silver Sponsors:* Osler, Hoskin & Harcourt / Saint Mary's University

	- 1 D - Guild Hall East	- 2 D - Guild Hall West	- 3 D - Citadel/Cunard Room	- 4 D - Commons Room
9:00 - 10:30	Why Must You Have Insurance and How Much Should You Have to be Sufficiently Insured?	<b>Workplace Investigations: Where They Go Wrong and How to Make Them Right</b>	<b>Using ADR to Resolve Individual Issues in Class Actions</b>	<b>Values and Tools: Managing Power Imbalance</b>
	<p><b>Janet Lobo</b>, Assistant Vice President, Marsh Canada Limited, Consumer Practice</p> <p><b>Joanna Reid</b>, Vice President, Marsh Canada Limited</p> <ul style="list-style-type: none"> <li>• What is Professional Liability Insurance?</li> <li>• General policy provisions and "Claims Made" provisions</li> <li>• Who is an Insured?</li> <li>• What services are insured?</li> <li>• Policy Exclusions</li> <li>• Risk Management strategies</li> <li>• Extended Reporting Period (ERP)</li> <li>• Other lines of coverage at Marsh</li> </ul>	<p><b>Steven C. Gaon</b>, C.Med, ADR Ottawa</p> <p>By the end of this session you will:</p> <ul style="list-style-type: none"> <li>• Possess tools to conduct a solid workplace investigation or manage and monitor an investigation</li> <li>• Recognize where critical errors can taint or derail important investigations</li> <li>• Be able to implement best practices for conducting an investigation or managing an investigation process</li> </ul>	<p><i>Moderator:</i> <b>Michael D. Schafler</b>, Fraser Milner Casgrain LLP</p> <p><b>Norm Emblem</b>, Fraser Milner Casgrain LLP</p> <p><b>Jamie MacGillivray</b>, MacGillivray Injury and Insurance Law</p> <p><b>Ray Wagner</b>, Wagner and Associates</p> <p>Solutions to Class Actions often involve out-of-court alternatives. Experts with a wealth of information to share will explore the practical options available.</p>	<p><b>Andréa Morrison</b>, Quebec Human Rights and Youth Rights Commission</p> <p>Mediators often face situations where one party, for individual or social/systemic reasons, is at a disadvantage. What is the role of the mediator in managing power imbalances and protecting or empowering vulnerable people? This session will consider the difference between neutrality and impartiality and provide useful strategies and tools to ensure everyone at the table has a voice.</p>

10:30 Refreshment Break and Networking Opportunity

*Silver Sponsor:* MNP LLP

10:45 Breakout session of your choice

*Silver Sponsors:* CICR/University of New Brunswick / Wagner & Associates

	- 1 E - Guild Hall East	- 2 E - Guild Hall West	- 3 E - Citadel/Cunard Room	- 4 E - Commons Room
10:45 - 12:00	Impact of Personality Traits on Mediation Outcomes: New Psych Research	<b>Leveraging the Science of Personality in Dispute Resolution</b>	<b>Med - Arb: When, Where and How</b>	<b>Using Financial Experts in Family Mediation and Arbitration</b>
	<p><b>Debra Gilin Oore</b>, PhD, Associate Professor, Department of Psychology, Saint Mary's University</p> <ul style="list-style-type: none"> <li>• How does a disputant's tendency to "perspective take" and empathize relate to their conflict approach and ability to contribute to productive outcomes?</li> <li>• Can perspective taking and empathy be liabilities?</li> <li>• Can disputants be coached to strategically employ these mental approaches?</li> <li>• How can ADR practitioners foster productive perspective taking and empathy among the disputants?</li> </ul>	<p><b>David Osborne</b>, Vice President Predictive Success Corporation</p> <p>This session will help you assess personality styles - including your own - on a deeper level, so you can facilitate communication with and between parties, within the context of a workplace, business or any other dispute. Participants will leave with an enhanced understanding of the science behind personality assessment tools and improved ability to communicate with individuals based on greater understanding of who they are.</p>	<p><i>Moderator:</i> <b>Eric Slone</b>, C.Arb</p> <p><b>Peter J. MacKeigan</b>, QC, C.Arb, C.Med</p> <p><b>Augustus (Gus) M. Richardson</b>, QC</p> <p>Experts will provide insights on benefits and pitfalls of this emerging hybrid including "do's and don'ts" based on cases they have been involved in.</p>	<p><b>Paul F. Bradley</b>, PricewaterhouseCoopers LLP</p> <p><b>Robert Low</b>, Deloitte &amp; Touche LLP</p> <p><b>Richard M. Wise</b>, C.Arb, MNP LLP</p> <p>Some of the foremost financial experts in Canada discuss:</p> <ul style="list-style-type: none"> <li>• The role of experts in litigation versus mediation or arbitration</li> <li>• Retaining the "right" expert</li> <li>• Interaction between expert and mediator /arbitrator /counsel</li> <li>• Scope of potential roles for the expert; Independent expert for one party, or neutral for both parties</li> </ul>

12:00 - 12:30 Wrap up: Where is ADR headed? Where will we be in 2020?

Share your thoughts in this interactive session: Where would you like to see ADR? What would you like from your Regional and National Associations?

Independent Supporters:

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# ADRIC 2012 REGISTRATION



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Please enter your name, title and organisation as you prefer it to appear on your badge.

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## PLEASE SEND REGISTRATIONS TO

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"ADR Canada Conference Group"

Registration Rates Registration closes October 17		Regular Rate	Qty	Total
Both Events (Pre-Conference and Conference) Oct 24-26	ADR Institute of Canada Members' Rate	\$780.00		
	Non Members	\$895.00		
	Student Rate (Full-time studies only - please attach proof of enrollment from an accredited facility)	\$585.00		
Full Conference Oct 25-26	ADR Institute of Canada Members' Rate	\$485.00		
	Non Members	\$575.00		
	Student Rate (Full-time studies only - please attach proof of enrollment from an accredited facility)	\$365.00		
<b>Specific Day Registration:</b>				
Wednesday Oct 24 Pre-Conference Day Marketing Workshop	ADR Institute of Canada Members' Rate	\$295.00		
	Non Members	\$345.00		
	Student Rate (Full-time studies only - please attach proof of enrollment from an accredited facility)	\$225.00		
Thursday October 25	ADR Institute of Canada Members' Rate	\$340.00		
	Non Members	\$395.00		
	Student Rate (Full-time studies only - please attach proof of enrollment from an accredited facility)	\$255.00		
Friday October 26	ADR Institute of Canada Members' Rate	\$195.00		
	Non Members	\$230.00		
	Student Rate (Full-time studies only - please attach proof of enrollment from an accredited facility)	\$145.00		
McGowan Luncheon attendance only (October 25, 12:15pm) or Cocktail Reception attendance only (October 25, 5:15pm) If you are registering for the full conference or for Thursday only, these are included.		\$75 \$75		
		<small>This fee is for those who wish to attend the luncheon or cocktail only</small>		
GST registration #125294660		<b>ADD 15% (Nova Scotia) HST</b> (regardless of your residential Province)		

**Please note: All sessions and speakers are subject to change.**

**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 October 12, 2012 will receive a refund less a 20% administrative fee; those received on or after October 13 will receive a refund less 50%. No refunds after October 23, 2012.

**Please indicate if you have any special needs, including dietary:**

**Please indicate if you require English to French translation:** Yes  No



# Wednesday October 24th, Pre-Conference Full-Day Seminar: Marketing Your Mediation Practice in the Digital Era by Michele Gibson, Founder and Senior Consultant, Digital Smart Tools

Wednesday October 24, 2012 • Citadel/Cunard Room, Atlantica Hotel, Halifax, NS, Canada

Attendees will receive a free copy of Michele's new book: *Marketing Your Mediation Practice Ethically, Efficiently & Effectively in the Digital Era*

Whether you employ a marketing firm or DIY (do it yourself) you've got to understand how to leverage current digital tools in order to market your practice. In this day-long information-packed workshop you will learn about:

### Websites

- The basics of good design: what appeals to site visitors; what turns them off; and what keeps them reading
- Understanding the structure of building a web page
- How to improve your search engine rankings - the key dos and don'ts that can take you to the top
- Registering your website with the major search engines so you get noticed immediately
- What the analytics are actually telling you- why "hits" aren't important
- Testing your website to see what you forgot to add
- All the information you need to know to manage your webmaster

### Social Media

- The major social media platforms: how they differ and which engine is right for your practice
- What you are really trying to achieve with social media and how to do it
- Getting your feet wet - how to get started
- Measuring your effectiveness and learning what your audience wants to hear to keep them coming back

### eNewsletters

- Why this tool is the "secret sauce" in your marketing plan
- Canned tools to easily create your newsletter
- Analyzing newsletter analytics - what numbers are most important
- Creating a subject line to get your mail opened...or at least noticed
- Finding the right content and using it effectively

### The Traditional Tools that You Still Need

- Creating and building your brand to get noticed
- "Being Known," "Being Found," & "Being Remembered:" why all three components are critical
- Writing articles that can go "viral" in a digitally driven world
- Finding opportunities to speak
- How to "write the book" and be recognized as an expert in your market niche
- What is CRM and why do you need it to manage your *marketing funnel* effectively?

**Whether you are just starting or want to expand your mediation, arbitration or law practice, you must attend this workshop!**

<b>Schedule:</b>	Location: Citadel/Cunard Room
8:00AM	Registration & Continental Breakfast
9:00	Start
10:30 - 10:45	Refreshment Break
12:30 - 1:30PM	Lunch and Networking
3:00 - 3:15	Refreshment Break
4:30 - 5:00PM	Finish

*Spaces limited: register and reserve your spot today !*

This comprehensive seminar is designed for individuals with a basic knowledge of tools such as Microsoft Office, email and perhaps Photoshop. Knowledge of website design or social media is not a requirement for success in this class.

## ADRIC 2012: Guiding Beacon to Best Practices in ADR

We wish to know approximately how many are interested in each session so we may use the most appropriately-sized meeting space. Please help us by indicating **your choice of session**. Please note that this is to provide us a guideline only - you are welcome to "change your mind" and attend whichever session you choose at the time of the conference. *(Please note: All sessions and speakers are subject to change.)*

Break out sessions are organised into four concurrent themed streams: (you may choose any session from any stream)

	Building an Effective ADR Business	OR	Workplace Challenges & Solutions	OR	Specialty Areas	OR	Family and Community
11:00 - 12:15 Thursday October 27	- 1 A - Training and Credentialing of the ADR Practitioner	OR	- 2 A - Having Difficult Conversations with Difficult Employees	OR	- 3 A - International Dispute Resolution - Trends and Developments	OR	- 4 A - Creating Conflict Competent Communities
2:30 - 3:45	- 1 B - Building Your Referral Engine	OR	- 2 B - Managing Intergenerational Issues Between Parties in the Workplace	OR	- 3 B - Role of Apologies in ADR Best Practices	OR	- 4 B - Collaborative Family Law and Advocacy
4:00 - 5:15	- 1 C - New and Undiscovered Niches	OR	- 2 C - Workplace Conflict Management in Municipalities, Provincial Workplaces	OR	- 3 C - Family Arbitration – Learning from the Ontario Experience	OR	- 4 C - Restorative Justice and Practices: A Way Through for Communities
9:00 - 10:30 Friday October 28	- 1 D - Why Must You Have Insurance / How Much Should You Have to be Sufficiently Insured?	OR	- 2 D - Workplace Investigations: Where They Go Wrong and How to Make Them Right	OR	- 3 D - Using ADR to Resolve Individual Issues in Class Actions	OR	- 4 D - Values and Tools: Managing Power Imbalance
10:45 - 12:00	- 1 E - Impact of Personality Traits on Mediation Outcomes: New Psych Research	OR	- 2 E - Leveraging the Science of Personality in Dispute Resolution	OR	- 3 E - Med – Arb: When, Where and How	OR	- 4 E - Using Financial Experts in Family Mediation and Arbitration