



ADRIC 2017: ADR & Access to Justice Conference

October 18-20, 2017

St. John's, NL

Wednesday October 18, 2017

Delta Hotels St. John's Conference Centre
120 New Gower Street St. Johns, NL AIC 6K4

Full-Day Pre-Conference

PRE-CONFERENCE A (Choose from two full-day pre-conferences)

Going Beyond the Basic Skills of Mediation and Facilitation - Room: SALON C

The success of any resolution process rests largely on the shoulders of the facilitator, group leader or mediator and their ability to create a space that is conducive to genuine exchange of information, emotion and hopes between the people involved. The process leader is therefore a facilitator and, by extension, an "instrument of communication" in the challenging task of bringing the conflicted parties together.

How can a person improve their capabilities to best fulfill this role? That's what this workshop offers. You will sharpen mediation and facilitation skills with: Systems Thinking, Mindfulness, Energy Awareness and the concept of Self as an Instrument of Communication. The workshop is interactive and experiential in nature. Participants can expect body awareness and light physical exercises.

Facilitator: Alain Paulin, C.Med

Alain has operated Sphera Facilitation Inc. since 2013 offering mediation, facilitation and training services. Previously, he worked for the Government of Canada for 24 years successively in communications, human resources and conflict resolution, including eight years as a mediator with the Department of National Defense. In Canada, he has worked from coast to coast in both official languages. He has also worked in the Central African Republic, Uganda, Kenya and the Dominican Republic for the Canadian Institute for Conflict Resolution and the United Nations. He currently serves on the Board of the ADR Atlantic Institute.

Who should attend: This skill building workshop will be useful for any person who may be involved in problem-solving with two or more people – mediators, leaders, lawyers, facilitators, managers, union leaders, social workers, human resources staff and negotiators. The primary goal is to strengthen skills that are needed when the basic communication and problem-solving skills are not enough.

Eligible for credit toward ADRIC C.Med and Q.Med designations and offers 12 ADRIC Continuing Education and Engagement (CEE) points. CPD accreditation pending from all Canadian law societies.

Pre-Conference Workshops Schedule

8:00am - 9:00am	Breakfast & Registration
9:00am - 10:30am	Program
10:30am - 11:00am	Refreshment Break
11:00am - 12:30pm	Program
12:30pm - 1:30pm	Buffet Lunch
1:30pm - 3:00pm	Program
3:00pm - 3:30pm	Refreshment Break
3:30pm - 5:00pm	Program ends

Pre-Conference programs include breakfast, lunch and refreshments.





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Full-Day Pre-Conference

PRE-CONFERENCE B (Choose from two full-day pre-conferences)

Elder Mediation: Training day - Room: SALON D

Elder Mediation is a focused, preventative, respectful process - usually multi-party, multi-issue and intergenerational - whereby a trained Elder Mediator facilitates discussions focusing on present strengths and assists participants in addressing their stated concerns. This training will utilize learnings from evidence-based knowledge to provide the skills and sensitivities necessary to be successful in this emerging field. This training will combine an interdisciplinary study of the theoretical foundations of Elder Mediation along with practical skills development. Topics will include:

- The language of Elder Mediation
- Social perspectives on aging
- Evolving definition of family in Elder Mediation
- Elder Mediation issues and process
- The empathy deficit and ageism
- Legal & capacity issues
- Certification & skills training

Judy McCann Beranger, FMC Certified Family Mediator, Family Mediation Canada

Coordinator for the Employee Assistance Programs for Teachers in NL, Judy is an International trainer, best-selling author, guest lecturer and certified with both Family Mediation Canada's comprehensive family mediation and elder mediation, Judy pioneered training for elder mediators and drafted the first code of conduct. Judy is a past president of Family Mediation Canada and Elder Mediation International Network (EMIN), and was involved in several research initiatives on elder mediation. Judy is EMIN's Chair of Summits and has led all 8 World Summits.

Who should attend: Mediators, lawyers, physicians, nurses, psychologists, social workers, educators, case managers, clergy, pastoral care workers and other health care professionals wishing to enhance their knowledge and mediation skills in this emerging area. The session will be responsive to questions and issues raised by participants.

Eligible for credit toward Elder Mediation Certification (FMC & EMIN), ADRIC C.Med and Q.Med designations and offers 12 ADRIC Continuing Education and Engagement (CEE) points. CPD accreditation pending from all Canadian law societies.

Schedule

8:00am - 9:00am	Breakfast & Registration
9:00am - 10:30am	Program
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Thursday October 19, 2017

8:00am

Registration and Full Hot Breakfast *sponsored by* **Borden Ladner Gervais LLP**

8:30am - 9:15am

ADR Institute of Canada Annual General Meeting - Room: Salon A

9:15am - 9:30am

Conference Opening & Land Acknowledgement:

Inuk Elder Emma Ford-Reelis and Amelia Reimer

Welcome: President **Scott Siemens**, Vice-President, President Elect **Thierry Bériault** and ADRAI President **Wendy Scott**

Arbitration Stream
Room: Salon G

Family Stream (Thursday)
Room: Salon C

Workplace/HR/ Stream
Room: Salon A

Special Interest Stream
Room: Salon D

9:30am - 10:45am (75 minutes)

1A

Being Jointly Retained as Referee

Jennifer Fiddian Green,
Leader, National Forensic
and Dispute Resolution,
Grant Thornton LLP;
Trisha LeBlanc, CPA, CA,
CPA (IL), Grant Thornton
LLP

Jennifer and Trisha will walk through a case study in which they were engaged to act as referee. This will include challenges faced, and what you can do to help your clients when drafting dispute sections of a Share Purchase Agreement.

2A - Two mini sessions in one:

Part I: How to Build a Brain

Part II: New Ways for Families - Getting Through the Breakup Earthquake

Part I: Dr. Nicole Sherren, Palix Foundation

Converging lines of evidence from neuroscience, molecular biology, genetics, and the social sciences tell us that early experiences are literally built into our brains and bodies to affect life course trajectories, for good or for ill. This has profound implications for all the policies, programs, and services that support children and families, including those of the family justice system.

In this session, you will learn how brains are built: what kind of experiences promote healthy brain architecture, what kind of experiences derail it, and how these experiences get "under our skins" to affect learning, health, and social outcomes across the life span.

Part II: Janis Pritchard, JD, BA,
Pritchard & Co. Law Firm LLP

Building on the information Dr. Sherren provides, attendees will hear about and see one application of brain science for ADR and other professionals working with families going through the Breakup Earthquake.

3A

Effects of Social Media on Effective Conflict Resolution

Chair: **Kelly Smith**, CDMP,
CDM NL Workplace Solutions;
Chris King, BA, LL.B, McInnes
Cooper;
Larry Pittman, Labour
Relations Consultant;
Tammy Sheppard, HR Advisor,
City of St. John's

This dynamic panel discussion will examine the effects of social media on workplace conflict: how it can escalate the conflict causing turmoil and breach of confidentiality and impact morale within the workplace. This discussion will examine cases and provide best practices for employers to avoid the negative effects of social media.

4A

Disability Access and Mediation

Martha E. Simmons, JD,
LL.M, PhD, Assistant
Professor at Osgoode,
Director, Mediation Intensive
Program and Mediation
Clinic

This session will act as an introduction to the **NEW Disability Accessibility Guidebook for Mediators**, written by Martha Simmons and David Lepofsky, published by ADRI. It will discuss the importance of accessibility in mediation and provide concrete suggestions to increase access to the mediation process. Attendees will receive the guidebook.



10:45am - 11:15am Refreshment break *sponsored by* KPMG LLP

Arbitration Stream
Room: Salon G

Family Stream (Thursday)
Room: Salon C

Workplace/HR/ Stream
Room: Salon A

Special Interest Stream
Room: Salon D

11:15am - 12:30pm (75 minutes)

Thursday October 19

1B
Time to Call in the Referees

Hon. Roger T. Hughes, (FC-Ret.), JAMS

Canadian Courts have the power to appoint a referee to hear evidence respecting matters within their special competence and produce a report for acceptance by the Court. This little used power, if more widely adopted, could measurably assist the overburdened Courts and parties seeking knowledgeable resolution of their disputes. Could you be considered as a referee?

2B
Elder Mediation: What's in a Name? How Elder Mediation Differs from Other Forms of Mediation

Judy McCann Beranger, M.A., CCFE, Cert.CFM, Cert.EM.

This presentation will explore the unique qualities that an Elder Mediator brings to the table. It will outline the specialized knowledge and skills needed to practice as an effective Elder Mediator.

3B
Neuroscience in Working with High Conflict Disputants

Suzanne Sherkin, Q.Med, BA, Highborn Communications

Why are some people stuck in their high conflict behaviour, and why is it so tricky to move them into calmer, collaborative thinking? Answers lie in understanding the neuroscience of conflict. The more we know about how our brain deals with emotions, perceptions and decisions, the more successful we'll be at facilitating agreements. At this session, you'll find out what happens when people are 'high on conflict' and learn strategies for creating more success at the mediation table.

4B
Holistic Approaches to Dispute Resolution in a Community Setting - the Experiences of the Aga Khan Ismaili Conciliation and Arbitration Board

Karim Sunderji, Chairman, Aga Khan Ismaili Conciliation and Arbitration Board for Canada

Established in 1987 and part of an international network, the Aga Khan Ismaili Conciliation and Arbitration Boards provide mediation services in family, matrimonial, commercial and business disputes. The Boards also focus on the unity and harmony of the community and society by developing initiatives on dispute prevention, post settlement assistance and by helping parties move beyond conflict. The presentation will highlight best practices in ADR in a pluralistic community setting with emphasis on experiences in case management, healing of parties, post settlement evaluation, dispute prevention initiatives and performance management.

12:30pm – 2:00pm **Lionel McGowan Awards Luncheon** *sponsored by* **Jensen Shawa Solomon Duguid Hawkes LLP**
Room: Salon A

1:00pm - 1:15pm Presentation of the Regional and National **McGowan Awards of Excellence**

1:20pm - 2:00pm **Hon. Thomas Cromwell**, Chair, National Action Committee on Access to Justice in Civil and Family Matters and **William G. Horton**, C.Arb, FCI Arb, William G. Horton Commercial Arbitration: **A Fireside Chat on Access to Justice**

The "Fireside Chat on Access to Justice" will be conducted as a conversation on the state of access to justice, the causes of inadequate access to justice and the responsibility that various participants in the justice system have to rectify the problem. During his academic and judicial careers and since his retirement from the Supreme Court of Canada, Hon. Thomas Cromwell has played a leading role in examining and recommending solutions to the access to justice challenge. He will be interviewed by William G. Horton, editor of the *Canadian Arbitration and Mediation Journal* published by ADRIC.

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2:15 pm – 3:45 pm (90 minutes)

Thursday October 19

1C
Dealing With Value Gaps in Financial Expert Opinion Evidence

Suzanne C. Loomer, MAcc, CPA, CA, CBV, Partner, Advisory Services, KPMG LLP;

Robert Belliveau, McInnes Cooper;

Jim McCartney, C.Arb, C.Med, McCartneyADR

Often in cases where the quantum of financial loss or business value is at issue, two financial experts will give two different opinions about the value of a business or the financial losses suffered by one of the parties. When the differences in opinion are significant, there is a risk that one or both testimonies will be ignored, lose credibility or, at the very least, create confusion among the stakeholders. And beyond that, the litigants find themselves in the difficult situation of negotiating a settlement based on divergent valuations. As well, the arbitrator faces the challenge of understanding the reasons for the difference in the opinions. While financial expert witnesses, like Chartered Business Valuators, strive to uphold their duty to remain independent and objective, significant differences in opinions can be met with allegations of expert bias and advocacy.

So how is it that two experienced expert witnesses form conclusions that are dramatically different from one another, yet seemingly based on the same set of facts? This session will explore some tools that arbitrators, experts and counsel can use to encourage settlement and better informed judgements.

2C
R. v. Jordan (SCC) Decision: Implications on Family

A presentation by the Canadian Bar Association (CBA) ADR Section

Chair: **Sandra Burke**, QC; **Trudy Burge**, M.Sc. (Psychology), Phoenix Counselling Services; **Dolores M. Crane**, QC, Boardwalk Law Office; **Janis Pritchard**, JD, BA, Pritchard & Co. Law Firm LLP; **Dr. Nicole Sherren**, Palix Foundation

The Supreme Court of Canada decision in R. v. Jordan requires that criminal cases be resolved within 18 (provincial court) to 30 (Superior Court) months. Consider that *Justice Delayed is Justice Denied* equally applies to families in crisis.

This multi-speaker session will provide useful information about:

- Alternative practical tips for family practitioners for expediting resolution shared by an experienced psychotherapist
- How a senior family lawyer resolves 70% of her cases without the filing of affidavits
- How brain damage develops in young children when parents are verbally fighting
- How family practitioners may simplify and render their own practice healthier.

3C
Real Issues which Support/ Inhibit Access to Justice

Chair: **Brenda Kelleher-Flight**, Ph.D, Q.Med, GDP Consulting Inc.;

Carey Majid, BA, LL.B, NL Human Rights Commission; **Linda Ross**, Hon. B.Sc, Provincial Advisory Council on Status of Women; **Ian Shortall**, BSW, MSW, RSW, Q.Med, NL Employee Assistance and Respectful Workplace Program; **Andrew Butt**, C.Med, Q.Arb, TRIAD Conflict Management and Workplace Consulting Services

The panel will examine how human rights fits into managers' views of justice, models of services which influence access, and what employees express when they are seeking justice. The panel will look at 8 practical issues from personnel and employer's viewpoints to stimulate discussion, enable problem solving and encourage participants to address these issues in their own workplace/practice.

4C
Transformative Mediation as an Alternative to Screening Sexual Abuse Complaints against Health Professionals

Paul Fauteux, LL.M, Attorney, Mediator and Lecturer

This presentation will discuss how sexual abuse complaints are addressed under the Ontario Health Professions Procedural Code. It will then show how transformative mediation, combined with provisions from the Code of Ethics of Québec police officers, could provide an attractive alternative to screening such complaints.

3:45pm -4:00pm Refreshment Break sponsored by **KPMG LLP**

ADRIC 2016



Arbitration Stream
Room: Salon G

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Workplace/HR/ Stream
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Special Interest Stream
Room: Salon D

4:00pm - 5:15pm (75 minutes)

Thursday October 19

1D

Ad Hoc v. Institutional Arbitration – Advantages and Disadvantages

Chair: **Michael Schafler**, LL.B, Dentons Canada LLP;
William J. (Bill) Hartnett, QC;
William G. Horton, C.Arb, FCI Arb, William G. Horton Commercial Arbitration

The availability of institutional arbitration services from providers such as the ADR Institute of Canada (ADRIC) is a fairly new development that gives parties in Canada a real alternative to ad hoc arbitration. But does this mean that *ad hoc* arbitration is not as good? This interactive panel discussion will examine perceived advantages to *ad hoc* and institutional arbitration and so help attendees gain a better understanding as to the various pros & cons.

2D

JADE: Closing the Gap - Opening the Door

Joan Cass, BA, MSW, RSW, Q.Med;
Ashley Amaro, BA
Debbie Kassirer, MSW, MBA, Q.Med;
Eileen Fortin, B.Sc. (Psychology), Dip. Career Counselling, Graduate Certificate Mediation/ADR

JADE Mediation Practice Group, a free program launched in early 2017, provides opportunities for new ADR professionals to learn, network, and build community. JADE's adaptable model can be used anywhere there are mediators interested in remaining connected while practicing their skills. Get acquainted with JADE and be inspired!

3D

Accessing Justice within the Workplace: ADR Tools for Managing HR Complaints

Shelley Alward MacLeod, Q.Med, HR on the GO Inc.;
Andrea MacNevin, JD, DW Clark PC Services Inc.

This workshop will explore alternative ways of addressing disputes arising from an allegation of discriminatory treatment occurring in the workplace by using known ADR techniques.

4D

How to Use Your Power to Ensure Access to Justice

Brenda Kelleher-Flight, Ph.D, Q.Med, GDP Consulting Inc.;
Lisa Cheeseman, BA, BSW, RSW, Q.Med

The presence or absence of critical processes directly impact a person's ability to access justice. This presentation uses case studies to examine the continuum of justice, how decision makers use their power of position to facilitate or inhibit access to justice, and how practitioners can use their power to advocate for or ensure access to justice.

5:15 pm - 7:00pm

Cocktail Reception sponsored by **Dentons Canada LLP**
in the **Harbourview Ballroom**



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8:00am - 8:30am

Registration and Full Hot Breakfast *sponsored by JAMS*

Arbitration Stream
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Mediation Stream (Friday)
Room: Salon C

ADR Processes Stream
Room: Salon A

Special Interest Stream
Room: Salon D

8:30am – 10:00am (90 minutes)

1E
Maximizing the Efficiencies of the Arbitration Process (Or, How Not to Litigate an Arbitral Dispute!)

Craig R. Chiasson, LL.B, B.Ed, BA, Partner, International Trade and Arbitration Group, Borden Ladner Gervais LLP;
David R. Haigh, QC, FCI Arb, CA CI Arb, Burnet, Duckworth & Palmer LLP;
P. David McCutcheon, LL.B, C.Arb, Dentons Canada LLP;
Kathryn A. Raymond, QC, Arbitrator, Mediator, Senior Partner, Boyne Clarke LLP

Arbitration is often pitched to clients as an alternative to litigation, but many counsel treat it no differently than they would a traditional trial resulting in lost efficiencies. This panel will explore this issue and will discuss practical steps that counsel and arbitrators should consider in resolving arbitral disputes.

2E
Access to Justice and Intimate Violence

Constable **Lindsay Dillon**, Royal Newfoundland Constabulary (RNC)

A case study approach will be used to discuss the serious issue of intimate violence. An overview of the Intimate Violence Unit of the Royal Newfoundland Constabulary, statistics in the RNC jurisdiction, and what to look for in relation to intimate partner violence will be reviewed. Also, an opportunity to examine what the general public, coaches and mediators can do when they uncover issues related to intimate violence will be explained as case studies are discussed.

3E
Innovation and Access to Justice through the Award Winning Public Navigator Program

Heather de Berdt Romilly, Executive Director, Legal Information Society of Nova Scotia

Public Information Societies are vital to reaching unrepresented and unsure complainants who cannot manage the regular legal channels to justice. LISNS is doing it differently. The presentation will engage other Province's Programs as well.

4E
Construction Disputes and Project Justice: Mediate, Arbitrate or Litigate?

Chair: **John V. O'Dea**, QC, McInnes Cooper LLP;
David Burley, National Service Line Leader, Contract Management and Real Property Management Services, Defence Construction Canada;
Thomas G. Heintzman, OC, QC, FCI Arb, Heintzman ADR;
Rick Romkema, Vice-President, Legal Services, EllisDon Group of Companies

This session will cover:

- Reality of costs and the concept of proportionality in choosing mediation vs. litigation vs. other means to resolve claims;
- The benefit of early resolution (i.e., during the project) and use of a project mediator;
- Strategies in project disputes, i.e. preparing for mediation at the contract drafting stage;
- Language of the ADR clause;
- Narrowing the issues to be mediated in a construction project.

10:00am – 10:30am

Refreshment Break *sponsored by McInnes Cooper LLP*



Arbitration Stream
Room: Salon G

Mediation Stream (Friday)
Room: Salon C

ADR Processes Stream
Room: Salon A

Special Interest Stream
Room: Salon D

10:30am - 12:00pm (90 minutes)

Friday October 20

1F
Hot Topics in Arbitration

Chair: **Norm Emblem**, LL.B, Dentons Canada LLP;
Barbara Grossman, Partner, Dentons Canada LLP;
Naomi Loewith, Investment Manager, Legal Counsel, BenthamIMF;
Michael Mooney, Vice President, General Manager, Garden City Group, Crawford Company;
Gregory M. Smith, Partner, Curtis, Dawe Lawyers;
Errol Soriano, FCPA, FCA, FCBV, CFF, CFE, Managing Director, Duff & Phelps

In this session, you will hear about cutting edge issues in arbitration from a distinguished group of speakers including a third party institutional funder, a business valuator, a claims administrator and three litigators. The interplay between arbitration clauses and class actions where the proposed class action involves non-consumer claims and consumer claims: Will the class action be partially stayed in favour of arbitration with respect to the non-consumer claims for which the arbitration clause is valid and enforceable? The trilogy of the Ont. CA decision in Griffin v Dell Canada Inc. (no partial stay), the SCC decision in the BC case Seidel v. Telus Communications Inc. (partial stay) and the Ontario CA decision in Wellman and Corless v. TELUS and Bell (no partial stay, but there is a pending application for leave to appeal to the SCC).

2F
A Restorative Approach to Addressing Civil Claims

Laura Bruneau, BA, LL.B, CMC, Bruneau Group;
Mike Dull, B.Sc, JD, Valent Legal;
Jennifer Llewellyn, BA, MA, LL.B, LL.M, University of Dalhousie, Schulich School of Law

Restorative Justice is an increasingly preferred approach to addressing harms within the criminal realm. But does it have a place in the civil justice system? Can it be used in resolving civil disputes? Session panelists share their experiences and lessons learned through Canada's first restorative class action settlement for the Home for Colored Children class action in Nova Scotia. Drawing upon this and other experiences panellists will share the principles of a restorative approach and what they require in practice. Panellists will address the similarities and differences between a restorative approach and more common ADR settlement processes. Specific attention will be paid to the implication of this approach for the work of ADR professionals.

3F
The Med/Arb Process

Charmaine Panko, LL.B, C.Med, Q.Arb, Panko Collaborative Law & Mediation

Learn about the Med - Arb Process as an alternative dispute resolution option. This process combines Mediation and Arbitration allowing people the possibility of self determination while still ensuring timely, cost efficient and effective solutions to specific problems.

4F
Access to Justice for Indigenous Peoples and the Potential of ADR: Powerful Possibilities or Overinflated Expectations?

Bruce C. Gilbert, PhD;
Amelia Reimer, Cultural Support Coordinator, St. John's Native Friendship Centre;
Matt Thorpe, Senior Director, M. Thorpe Inc.;;
Elder **Calvin White**, Former Chief of the Flat Bay Indian Council

Several Indigenous leaders, each with a unique perspective, will share their experiences, stories, insights, and ideas regarding ADR. After a short small group exercise, the audience will then be invited to comment, question, or respond.

Questions to be considered:

- Is there actually a role for ADR in resolving issues with and for Indigenous peoples needing access to justice?
- If yes, what is this role(s)?
- Are we over-selling the potential of ADR to bring about desired change?
- Are we underutilizing ADR?
- What challenges exist in using ADR in Indigenous contexts to resolve complex issues?
- Who needs to do what to ensure ADR's potential is maximized?
- What can leaders, legal professionals, educators, ADR practitioners and others do about this?
- What is the role of ADRIC and its affiliates when it comes to advancing high-quality ADR within and across Indigenous



12:00pm – 1:00pm Friday Plated Luncheon - Room: Salon A

12:20pm - 1:00pm Keynote Address: **Hon. Justice Malcolm Rowe**, Supreme Court of Canada

Dispute Resolution for Online Consumer Transactions

Online commerce continues to grow at a rapid pace. Traditional dispute resolution mechanisms are not well suited to meet the demands imposed by new communication technologies, new sales techniques, and new types of products and services offered online. Complexity is added by the internet bringing together parties across national boundaries. These challenges and possible responses are considered in the context of low to medium value consumer transactions.

Arbitration Stream
Room: Salon G

Mediation Stream (Friday)
Room: Salon C

ADR Processes Stream
Room: Salon A

Special Interest Stream
Room: Salon D

1:15pm - 2:45pm (90 minutes)

Friday October 20

1G
Marshalling Evidence for Use in International Arbitration
Roger B. Campbell, Barrister and Solicitor;
Allison Kuntz, Partner, Norton Rose Fulbright Canada LLP;
Michelle T. Maniago, Partner, Borden Ladner Gervais LLP

International arbitration often provides challenges for evidence collection when parties, witnesses and counsel are situated in different countries. This panel will explore common complications that arise due to regional differences, including those caused by legal systems, language and even time zones, and provide practical tips to overcome these challenges.

2G
Resolving Conflict from the Inside Out
Matt Thorpe, Senior Director, M. Thorpe Inc.
Matt is a “Story Teller” and in this interactive session, the participants will gain more knowledge in the world of Stress and Conflict from an Aboriginal perspective that will benefit them on many different levels. Matt will share his Stories on how his world of Stress and Conflict for many years which created a liability in his world was transformed into an Asset that is shifting the world today.

3G
Departments of Justice
Hon. Andrew Parsons, NL Minister of Justice and Public Safety, Attorney General, Government House Leader, Minister Responsible for the Access to Information and Protection of Privacy Office

4G
Managing Workplace Accommodation in a Unionized Workplace Environment – A Workplace Model
Viki Scott, RC(c), B.Sc (OccHealth), RRP, CHRM, MBA.ADR(c), President and Principal Consultant, Scott & Associates Inc.

Managing injuries, illness and disability in the workplace is challenging especially in “safety sensitive” workplace environments. This session introduces an integrative, interest based workplace model to assist workplace parties with developing a successful, effective and results based workplace accommodation program for physical and psychological disabilities. Discover how a union can be a valuable asset in helping design, develop and implement a workplace Early and Safe Return and Workplace Accommodation Program, risk management initiatives, preventative programs and more.



2:45pm – 3:00pm Refreshment Break *sponsored by McInnes Cooper LLP*

Arbitration Stream
Room: Salon G

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3:00pm - 4:15pm (75 minutes)

1H
Barriers & Opportunities to Achieving Justice for Parties to a Labour Arbitration Process

Chair: **James C. Oakley**, QC, BA, B.Ed, LL.B, LL.M, C.Arb, Oakley Dispute Resolution;
Rick M. Dunlop, Partner, Stewart McKelvey;
Steve Porter, Labour Relations Officer, Association of Allied Health Professionals Mt. Pearl NL
Is labour arbitration meeting its mandate for delivering justice for grievors/unions/employers concerning timeliness, cost-effectiveness, appropriateness, and fixing the problem for workplace dispute resolution?

- Are changes needed to current approaches to Labour Arbitration to keep it relevant and effective – use of alternative processes, combinations of processes, etc.?
- Are the right kinds of disputes proceeding to arbitration (contract disputes vs relationship disputes)?
- Modern workplaces are now resolving complaints in many ways (investigations, lawsuits, workplace assessments, adjudication panels, mediations, group facilitations, etc.): What are effective ADR processes that can help and do help meet expectations; who is using them well?
- Is labour arbitration really dispute resolution or simply breach of contract adjudication?

Are there sufficient arbitrators?
Where does the successor group of labour arbitrators come from?
How do they get the right training and experience?

4:15pm - 4:45pm

Closing Plenary and Coffee

2H
Beyond Settlement: A Restorative Approach to Human Rights Claims

Professor Jennifer Llewellyn, BA, MA, LL.B, LL.M, Schulich School of Law, Dalhousie University

This presentation will introduce the theory and practice of a restorative approach and its application to addressing human rights claims. Attention will be paid to the recent reforms at the Nova Scotia Human Rights Commission to implement a restorative approach to its work and the resolution of individual and systemic human rights complaints. The presentation will consider the practical potential and difference a restorative approach offers over more traditional alternative settlement processes. It will explore the role of facilitators and counsel within restorative processes and the potential of such an approach for the promotion and protection of human rights within organizations and institutions.

Room: Salon A

3H
Gender Diversity, Unconscious Bias and ADR

Suzanne Sherkin, Q.Med, BA, Highborn Communications.

Most people are comfortable with the gender they were born into and never experience being uncomfortable as a male or female. However, a growing percentage of the population consider themselves somewhere along the gender spectrum and issues of harassment, bathroom usage and civility are surfacing. What unconscious biases are mediators bringing to the mediation table around gender diversity?

Friday October 20

4H
Community Justice – for Whom?

Katherine O'Rourke, RSW, Clinical Director, Blue Sky Family Care;
John Whelan, LL.B, Executive Director, Blue Sky Family Care

Conflict is often created in communities when specific services are located in neighborhoods where the citizens believe they should not be, giving rise to the NIMBY syndrome: "Not In My Back Yard." This presentation reviews the role of ADR in confronting the recurring NIMBY issues that happen across municipalities in Newfoundland and elsewhere.



ADRI 2016

**This training can be applied towards your FMC certification program or your annual FMC*

continuing education requirements.



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Registration Rates

Registration closes Sunday October 15, 11:59pm			
Two-Day Conference Oct 19-20	ADRIC and Affiliate Members	Includes breakfasts, lunches, refreshments and Dentons Cocktail Reception	\$ 600.00
	Non Members		\$ 725.00
	Student Rate: Full-time studies only - must provide proof of enrollment from an accredited facility		\$ 550.00
Thursday only October 19	ADRIC and Affiliate Members	Includes breakfasts, lunches, refreshments and Dentons Cocktail Reception	\$ 369.00
	Non Members		\$ 449.00
	Student Rate: Full-time studies only - must provide proof of enrollment from an accredited facility		\$ 339.00
Friday only October 20	ADRIC and Affiliate Members	Includes breakfasts, lunches and refreshments	\$ 349.00
	Non Members		\$ 429.00
	Student Rate: Full-time studies only - must provide proof of enrollment from an accredited facility		\$ 319.00
Pre-Conference Workshop only - Wednesday October 18	ADRIC and Affiliate Members	Includes breakfasts, lunches and refreshments	\$ 400.00
	Non Members (<i>student rate not available</i>)		\$ 500.00
Pre-Conference Rate if purchased with any other conference registration	ADRIC and Affiliate Members	Includes breakfasts, lunches and refreshments	\$ 350.00
	Non Members (<i>student rate not available</i>)		\$ 450.00
Cocktail Reception attendance only (October 19, 5:30pm) If you are registering for the full conference or for Thursday only, this is included.....			\$ 75.00
Thursday Luncheon attendance only (October 19) If you are registering for the full conference or for Thursday only, this is included.....			\$ 50.00
Friday Luncheon attendance only (October 20) If you are registering for the full conference or for Friday only, this is included.....			\$ 50.00
<p>Please note: All sessions, speakers and timing subject to change.</p> <p>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 1, 2017 will receive a refund less a 20% administrative fee; those received on or after October 2 will receive a refund less 50%. No refunds after October 13, 2017.</p>			ADD 15% GST GST registration #125294660

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