



ADRIC 2018:  
ADR to the Rescue of Justice  
November 21-23, 2018  
Hôtel Bonaventure Montréal  
900 de la Gauchetière West  
Montreal, Canada

## Wednesday November 21, 2018

Pre-Conferences: *(Choose from two full-day pre-conferences)*

PRE-CONFERENCE A (Full-Day) Room: *OUTREMONT 4*

### Commanding Presence: Advanced Communication and Presentation Skills Workshop

**Cet atelier sera présenté en anglais. Cependant Peter est parfaitement bilingue et pourra ainsi répondre à toute question et clarifier tout point en français.**

Two of Commanding Presence's most transformational One-Day Workshop units are the *FOCUS! Method* and *Charismatic Communication*. In this special presentation, you will enjoy both!

The *FOCUS! Method* is a favourite among our clients as it provides a way for both introverts and extroverts to essentially “say less, and say it better”. It is a way to take complex thoughts and ideas and quickly and effectively deliver them in a way that is designed to be heard, remembered, and persuasive. Participants will get a chance to create their own Focus Method presentations using current topics or issues and practice delivering them to other participants.

The *Charismatic Communication* unit will help the participants to understand the behavioural cues of when your message is being received, when to slow down, and when you need to clarify your message. Participants will also learn how to speak effectively from notes and text while using a conversational style of speaking that will help to imprint their message. Participants will practice these techniques with partners and put them all together to deliver a short presentation.

**Facilitator:** Peter Hiddema is an expert and speaker on negotiation, collaboration, communication, and conflict management. Building on his association with the Harvard Negotiation Project, the renowned research centre dedicated to improving the practice of negotiation and conflict management, Peter has taught, consulted, and spoken about the principles of the methodology in numerous countries on four continents since 1996.

Peter has worked in a wide variety of settings. In the private sector he has trained and advised executives of global Fortune 500 companies on high-stakes negotiations and relationships and has also assisted small local organizations. In the public sector he has worked with the World Health Organization, the Inter-American Development Bank, international NGOs, as well as universities, national and regional government bodies and indigenous peoples. In addition, Peter has been a Visiting Professor in France and Singapore at INSEAD – The Business School for the World, and has lectured at Queen’s University (Canada and the UK), and Harvard University, among others.

Peter began his career in finance and banking. He worked with the Royal Bank of Canada in Toronto, Canada and London, England. He holds an Honours Bachelor of Commerce Degree from McMaster University, an MBA from Queen’s University (Canada), and an Executive Master’s Degree in Consulting and Coaching for Change from INSEAD (France).

Peter speaks 4 languages, has lived in 6 countries on 4 continents, and has traveled through over 50 countries. He is curious by nature and considers himself a perpetual student in the school of life.

**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.*

#### Schedule

8:00 am	Breakfast & Registration
9:00 am	Program
10:30 am	Refreshment Break
11:00 am	Program
12:00 pm	Buffet Lunch
1:00 pm	Program
2:30 pm	Refreshment Break
5:00 pm	Program ends



*Pre-Conference programs include breakfast, lunch and refreshments.*

*The organizers reserve the right to cancel the event if less than the minimum required participants have registered. Liability is limited to the registration fee.*



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Pre-Conferences: *(Choose from two full-day pre-conferences)*

PRE-CONFERENCE B (Full-Day) Room: OUTREMONT 5

### Multi-Party Mediation

CANCELLED

This session will be presented in French.

Drawing from experiences involving more than two parties in estate, partner, shareholder, construction, finance and labour mediation, this workshop will focus on its characteristics, the preparation and preliminary steps, strategies and techniques, the organization of materials and determination of duration.

It will include PowerPoint presentations, theoretical presentations, case studies, question and interaction periods, exercises inspired by the trainer's experience, and feedback and coaching. Participants will also be able to suggest situations inspired by their practice or their imagination. The pedagogical approaches of the theater of mediation and the "Mediation" will also be used.

**Facilitator:** Serge Roy is a graduate of University of Montreal Law. He is a mediator, arbitrator and lawyer and member of the Quebec Bar since 1978 and chaired the Quebec Bar Mediation Committee from 1995 to 2005. A passionate practitioner of law and dispute resolution, he has conducted many arbitrations in private practice as well as hundreds of mediations in various fields, including several major multiparty mediations in Canada and Europe.

Serge has taught at the University of Ottawa and Saint Paul University since 2010 and has trained more than 2,000 mediators in Quebec, Ontario, Belgium, France and Portugal. He has also lectured on mediation in these countries as well as in Damascus, Syria. He wrote several articles and co-wrote the book "Mediation: Prepare, Represent, Participate", published by Éditions Yvon Blais. In 2005, he was appointed Director of Dispute Resolution Services at the Public Service Staffing Tribunal in Ottawa, a position he held for ten years. He is a recipient of the Queen Elizabeth II Diamond Jubilee Medal for his contribution to the development of mediation in Canada and Europe.

#### Who should attend:

This workshop is intended for mediators and other professionals in beginner, intermediate and advanced ADR.

#### Schedule

- 8:00 am Breakfast & Registration
- 9:00 am Program
- 10:30 am Refreshment Break
- 11:00 am Program
- 12:00 pm Buffet Lunch
- 1:00 pm Program
- 2:30 pm Refreshment Break
- 5:00 pm Program ends

*Pre-Conference programs include breakfast, lunch and refreshments*

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## Thursday November 22, 2018

**8:00am** Registration and Full Hot Breakfast, sponsored by **JSS Barristers**  
**8:30am – 9:15am** **ADR Institute of Canada Annual General Meeting** *Room: Salle de bal de Montréal*  
**9:15am – 9:30am** Conference Opening & Welcome: President, ADR Institute of Canada and President, Institut de médiation et d'arbitrage du Québec  
 Opening Ceremony led by Elder, **Otsi'tsaken:ra** (Speckled Flower, Bear Clan), from the Kanien'keha:ka Community of Kahnawake

**9:30am – 10:45am** (75 minutes)

Arbitration Stream <i>Room: St Laurent 5</i>	Family Stream <i>Room: St Laurent 6</i>	Workplace/HR/ Stream <i>Room: St Laurent 7</i>	Special Interest Stream <i>Room: St Laurent 8</i>
<p>1A</p> <p><b>Limitation Periods in Arbitration – A Trap for the Unwary</b></p> <p><b>Sabri M. Shawa</b>, QC, Jensen Solomon Shawa Duguid Hawkes LLP</p> <p>Limitation periods are a trap for the unwary at the best of times. That is particularly so in arbitration. This presentation will include: the application of limitation periods to arbitration, the effect on limitation periods of contractual preconditions to arbitration (like mediation), what satisfies a limitation in an arbitration, and practical practice management advice about determining and tracking limitations in disputes subject to arbitration.</p> <p>English with SI</p> <p>Room Host: Jim Musgrave</p>	<p>2A</p> <p><b>International Family Disputes and Mediation</b></p> <p><b>Mary Damianakis</b>, Cert.F.Med, Mediator, Supervisor and Trainer;  <b>Ernest Tannis</b>, C.Med</p> <p>The session will give brief introduction to the scope and applicability of the Hague Convention on the Civil Aspects of International Child Abduction. The session will explore when and how mediation can be an appropriate tool for international family disputes. The session will address how practicing mediators can assist with prevention and briefly touch on relocation issues.</p> <p>English with SI</p>	<p>3A</p> <p><b>Apology, Yes. But Apology Accepted? Forgiveness as the Forgotten Factor in an Effective Workplace Dispute Resolution</b></p> <p><b>Kelly VanBuskirk</b>, QC, Ph.D, C.Arb, Kelly VanBuskirk Professional Corporation Inc., Partner, Lawson Creamer</p> <p>A 1994 study of patients and the families who had filed medical malpractice suits indicated that 37% of those interviewed said that an explanation and apology were more important than monetary compensation, and that they might not have filed suits had they been given an explanation and apology.*</p> <p>Since 2002, hospitals in the University of Michigan's Health System have been encouraged to apologize for mistakes. Since then annual lawyers' fees dropped from three million dollars to one million dollars, and malpractice suits and notices of intent to sue have dropped from 262 in 2001 to approximately 130 per year.†</p> <p>Last, as Daniel Shuman has said, an apology is a form of compensation and an</p>	<p>4A</p> <p><b>ADR in Community Organizations</b></p> <p><b>Jean-Paul Bevilacqua</b>, J.D., Adjunct Professor, Osgoode Hall Law School, Project Coordinator, Winkler Institute for Dispute Resolution;  <b>Paul Conway</b>, Executive Director, ADR Institute of Alberta;  <b>Karim Sunderji</b>, Chairman, Aga Khan Ismaili Conciliation and Arbitration Board;  <b>Martha Simmons</b>, JD, LL.M, PhD, Assistant Professor at Osgoode, Academic Co-Director of the Winkler Institute, Winkler Professor in Dispute Resolution</p> <p>Community organizations be they cultural, faith groups or others, serve a number of important objectives such as education, awareness, advocacy, support, enhancing culture, etc in strengthening civil society in Canada. However, none of them are immune from conflict whether between members of the management team or within their membership or their worshippers. Many of these people including newcomers and immigrants turn to their</p>

		<p>irreplaceable benefit for many injured persons that we cannot ignore if we are committed to the wellbeing of these people. This is surely a moral consideration of fundamental importance. †</p> <p>*Van Dusen, Virgil and Spies, Alan, "Professional Apology: Dilemma or Opportunity", American Journal of Pharmaceutical Education 2003; 67 (4) Article 14, p.3</p> <p>†Associated Press, "Doctors Urged to Apologize for Mistakes; Softer Approach Aims to Reduce Malpractice Lawsuits", November 11, 2004.</p> <p>‡Shuman, Daniel W., "The Role of Apology in Tort Law", (2000) 83 Judicature 180</p> <p>English with SI</p> <p>Room Host: Scott Siemens</p>	<p>community organizations for assistance.</p> <p>How do community organizations assist and deal with conflict situations and what can they do to ensure that they have the skills and competency to address these ongoing issues.</p> <p>This panel session will explore key issues that community organizations face in dealing with conflict and possible strategies to build competency in dispute resolution.</p> <p>English with SI</p> <p>Room Host: Wendy Hassen</p>
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**10:45am – 11:15am** Refreshment break sponsored by [Beihai Arbitration Commission](#)

**11:15am – 12:30pm** (75 minutes).....[Thursday November 22](#)

<b>Arbitration Stream</b> <i>Room: St Laurent 5</i>	<b>Family Stream</b> <i>Room: St Laurent 6</i>	<b>Workplace/HR/ Stream</b> <i>Room: St Laurent 7</i>	<b>Special Interest Stream</b> <i>Room: St Laurent 8</i>
<p><b>1B</b></p> <p><b>Getting the First (or Final) Say – Arbitral Jurisdiction</b></p> <p><b>Bevan Brooksbank</b>, Lawyer, Commercial Litigation Group, Borden Ladner Gervais LLP</p> <p>The session addresses the important topic of arbitral jurisdiction, with reference to recent domestic developments. In particular, two issues will be posed, namely</p> <p>i) Who gets to decide if the dispute is arbitrable? Recent applications of the competence principle.</p> <p>ii) The limits of arbitral jurisdiction – a case study (contrasting and comparing FCA Canada v. Pajunen 2017 ONSC 7223 and Subaru Canada v. Hall 2018 MBQB 33).</p> <p>English with SI</p>	<p><b>2B</b></p> <p><b>Stand By: Supporting Individuals Impacted by Domestic Violence</b></p> <p><b>Andrea Silverstone</b>, RSW, Q.Med, Executive Director, Sagesse;</p> <p><b>Wayne Barkauskas</b>, LL.B, Mediator, Arbitrator, Parenting Coordinator, Past Board Chair, Sagesse Board of Directors</p> <p>Women experiencing abuse engaged with the justice system often feel disempowered, frightened and isolated. This workshop will provide mediators, lawyers and other dispute resolution professionals with skills and knowledge to recognize and respond to domestic violence while enhancing and expanding their ability to address the dynamics of high conflict couples.</p>	<p><b>3B</b></p> <p><b>Effectiveness of Transformative Mediation in the Workplace: “Applying the Art”</b></p> <p><b>Viki Scott</b>, RC (c); BSc; RRP; CHRM; MBA; ADR(c), President and Principal Consultant of Scott &amp; Associates Inc.</p> <p>Transformative mediation is an approach to conflict intervention that does not seek an immediate resolution to a problem. Instead, the mediator usually seeks to instill mutual recognition and empowerment between the conflicting parties. The parties then work with the mediator to determine the appropriate resolution process for their situation. This session will demonstrate how effective this approach is for resolving conflict in today’s workplace environments.</p>	<p><b>4B</b></p> <p><b>Resolution of Class Actions in Multiparty Jurisdictions</b></p> <p><b>Moderator: Anne Merminod</b>, Partner, Borden Ladner Gervais LLP</p> <p><b>Patrice Benoit</b>, Gowling WLG; <b>The Honourable Warren K. Winkler</b>, QC, Winkler ADR; <b>The Honourable François Rolland</b></p> <p><i>Description TBA</i></p> <p>Room Host: Jacques Darche</p>

English with SI

The participant will:

- Be introduced to the role and function of a mediator within a transformative orientation as it applies to today's workplace environments;
- Learn how transformative mediators pro-actively support shifts in the parties' interaction based on possible movement towards greater empowerment and recognition;
- Learn that the mediator's role is facilitative and non-directive, focusing on the moment-to-moment unfolding conflict interaction, and offering support for its transformation;
- Learn through a number of case examples how, by using a transformative approach assists parties in shaping their own outcomes. With the ultimate goal being for parties to create their own outcomes based on clearer and more confident understandings of themselves, each other, and the nature of the issues that divide them;
- Learn how to facilitate a mutual agreement without the risk of the parties deciding to escalate their conflict by pursuing it through an adversarial process outside of the mediation.

English with SI

Room Host: Scott Siemens



ADRIC 2017

**12:30pm – 2:00pm** **McGowan Awards Luncheon** *Room: [Salle de bal de Montréal](#)*  
sponsored by [Borden Ladner Gervais LLP](#)

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

**1:20pm – 2:00pm** **"A Conversation with ADRIC 2018 Attendees"**  
Pose your burning questions about ADR in Canada to this diverse panel of renowned experts.  
**Moderator:** Laura Bruneau, BA, LL.B, CMC, Interim President;  
**William G. Horton**, C.Arb, FCI Arb, William G. Horton Corporation;  
The Honourable **François Rolland**

*Sessions resume at 2:15pm*

**2:15 pm – 3:45 pm** (90 minutes) ..... **Thursday November 22**

<b>Arbitration Stream</b> <i>Room: <a href="#">St Laurent 5</a></i>	<b>Family Stream</b> <i>Room: <a href="#">St Laurent 6</a></i>	<b>Workplace/HR/ Stream</b> <i>Room: <a href="#">St Laurent 7</a></i>	<b>Special Interest Stream</b> <i>Room: <a href="#">St Laurent 8</a></i>
<p><b>1C</b> <b>The Next Generation of Arbitration</b></p> <p><b>Moderator:</b> <b>Chloe Snider</b>, Partner, Dentons Canada LLP; <b>Dina Awad</b>, Dentons Canada LLP; <b>William G. Horton</b>, C.Arb, FCI Arb, William G. Horton Corporation; <b>Michelle T. Maniago</b>, Partner, Borden Ladner Gervais LLP; <b>Marie-Claude Martel</b>, LL.B, LL.M, Lawyer, Mediator and Arbitrator, Arnault Thibault Cléroux Avocats; <b>John Siwiec</b>, Perley-Robertson, Hill &amp; McDougall LLP</p> <p>This panel will cover issues relating to the next generation in arbitration. Speakers will discuss the following:</p> <ul style="list-style-type: none"> <li>- Challenges/opportunities for the next generation of arbitrators</li> <li>- Diversity in arbitration – what does this mean?</li> <li>- Arbitration 101 – what the next generation needs to know</li> <li>- Lessons from a senior arbitrator or arbitration practitioner’s perspective</li> </ul> <p>English with SI</p> <p>Room Host: Jim Musgrave</p>	<p><b>2C</b> <b>The Impact of Identity in the Mediation of Emotionally Charged Family Conflicts</b></p> <p><b>Linda Bérubé</b>, MSS, TS, Mediator</p> <p>Family conflicts affect the identity of the protagonists, which heightens the emotional load in negotiations over matters such as the sharing of parental responsibilities and money. This workshop will consider identity and a framework for managing the vulnerabilities that arise when people feel that their identity is being threatened.</p> <p>French with SI</p> <p>Room Host: Paul Fauteux</p>	<p><b>3C</b> <b>Mediation: A Tool of Justice in the Working World</b></p> <p><b>Jonathan Plamondon</b>, Principal Advisor Human Resources, Corporate Services, Administrative Tribunals Support Service of Canada; <b>Rémy Tondreau</b>, CRHA</p> <p>The perception of justice in the working world or within an organization is fundamental for engaging and mobilizing employees, but the legal methods that our labour laws offer to process and resolve conflicts are having increasing difficulty maintaining and reinforcing the perception of justice in labour. Mediation has therefore become a crucial tool to foster the sense of justice and have a positive impact on workers and organizations.</p> <p>This interactive presentation will present and examine mediation as the path of the future to establish methods and approaches that can be quickly deployed in the workplace to address conflicts positively, increase the sense of justice and enhance the performance of employees and businesses.</p> <p>French with SI</p> <p>Room Host: Michael Schafler</p>	<p><b>4C</b> <b>Provisions Concerning Private Processes for Resolving Disputes in the New Code of Civil Procedure – Two Years On: What has Changed?</b></p> <p><b>Paul Fauteux</b>, LL.M, Mediator; <b>Prof. Pierre Noreau</b>, Université de Montréal; <b>Me Yan Paquette</b>, Associate Deputy Minister and Assistant Deputy Attorney General, Direction générale des affaires juridiques, législatives et de l'accès à la justice; <b>Jean-François Roberge</b>, LL.D, LL.M, Professor and Director of Dispute Prevention and Resolution Program, Université de Sherbrooke</p> <p>On January 1, 2016, Québec’s new Code of Civil Procedure came into effect, giving unprecedented importance to private processes for resolving disputes through provisions that make the courts a last rather than first recourse. More than two years later, the members of this round table will recall the context and objectives of these provisions, examine how their implementation has fared to date and look at the progress left to be made to change the legal culture that the Québec National Assembly unanimously called for in adopting them.</p> <p>French with SI</p>

**3:45pm – 4:00pm** Refreshment Break sponsored by [Beihai Arbitration Commission](#)

**Arbitration Stream**  
*Room: St Laurent 5*

1D  
**The Recent Evolution of Expert Evidence in Selected Jurisdictions Around the World**

**Norm Emblem**, LL.B, Partner, Dentons Canada LLP;  
**Errol Soriano**, FCPA, FCA, FCBV, CFF, CFE, Managing Director, Duff and Phelps

Expert evidence has been a vital part of the adversarial litigation process. Few would dispute the need for this type of evidence, and many would say it is all the more important today given the heightened complexities of daily life. However, the probative value of expert evidence is, by its nature as opinion evidence, subject to the frailties of human nature and therefore often viewed by stakeholders with some apprehension. This session explores several recent emerging trends and practices concerning the use of expert opinion evidence in various common law jurisdictions. The session will examine the increasing codification of experts' conduct and novel approaches to expert evidence, including concurrent testimony (or "hot tubbing"), jointly appointed experts, expert conferences and joint expert statements.

English with SI

Room Host: Jim McCartney

**Family Stream**  
*Room: St Laurent 6*

2D  
**How Free is Family Mediation in Québec?**

**Annie Gauthier**, Québec Ministry of Justice (MJQ)

Established in 1997, Québec's family mediation program gives couples with children access to up to 5 hours of free mediation services and sets the rate mediators can charge parties beyond that duration. Since January 1, 2016, this program is supported by an obligation for parents to attend a free information session on parenting after separation and mediation before being heard by a judge.

French with SI

**Workplace/HR/ Stream**  
*Room: St Laurent 7*

3D  
**Trust is Essential to Success**

**Céline Vallières**, Lawyer, Chartered Mediator

Trust is an essential factor in a successful mediation. In this workshop, the participants will think about the four principles that make a person trustworthy. Then they will learn what attitudes are most important to develop in order to generate trust.

French with SI

Room Host: Sara Ahlstrom

**Special Interest Stream**  
*Room: St Laurent 8*

4D  
**Environmental & Regulatory Reform Meets Reconciliation - What's Nexus?**

**Convenor: Robert Waldon**, Bedford Consulting & Associates

**Sara Mainville**, LL.B, LL.M, Olthuis Kleer Townshend LLP;  
**Bruce McIvor**, PhD, First Peoples Law;  
**Lori Mishibinijima**, Legal Counsel, Human Rights Legal Support Centre

Led by Indigenous legal, academic and traditional thought leaders, attendees will be invited to explore the challenge of honouring the Government of Canada's guiding principle of advancing its commitment to UNDRIP and Reconciliation through its legislative and regulatory reforms. As ADR professionals, what should we know about this challenge? Specifically:

What are the values, principles and/or processes that could ensure Indigenous participation is meaningful in future impact and regulatory processes, and that Reconciliation is at the heart of decision-making with a view to fostering satisfying outcomes for both parties?

As mediators interested in this question, and as Canadians concerned about Reconciliation, workshop participants will take part listening, self-reflecting and dialoguing about fulfilling UNDRIP in relation to the proposed environmental and regulatory reform by focusing on these questions:

- CONTEXT: What must we know?
- AWARENESS: What might we not know?

- PROCESS: What should we know?

This will be followed by facilitated small group dialogue to explore whether the ADR profession's values, principles and methods can offer ideas for the question: MOVING FORWARD: What "should" the ADR community offer?

English with SI

Room Host: Paul Fauteux

*\*This training can be applied towards your FMC certification program or your annual FMC continuing education requirements.*

5:15 pm – 7:00pm

Cocktail Reception *in Salon Ville-Marie*  
sponsored by [Dentons Canada LLP](#)



ADRIC 2017:

**A Fireside Chat**

**Hon. Thomas Cromwell**, Chair, National Action Committee on Access to Justice in Civil and Family Matters;  
**William G. Horton**, C.Arb, FCIArb, William G. Horton Commercial Arbitration





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## Friday November 23, 2018

**8:00am – 8:30am** Registration and Full Hot Breakfast, sponsored by **Duff & Phelps**  
*Room: Salle de bal de Montréal*

**8:30am – 10:00am** (90 minutes)

Arbitration Stream <i>Room: St Laurent 5</i>	Mediation Stream <i>Room: St Laurent 6</i>	ADR Processes Stream <i>Room: St Laurent 7</i>	Special Interest Stream <i>Room: St Laurent 8</i>
<p><b>1E</b> <b>The Challenges Facing Arbitration in Canada</b></p> <p><b>Michelle C. Awad</b>, QC, Partner, McInnes Cooper; <b>Bradley E. Berg</b>, FCI Arb, Partner, Blake, Cassels &amp; Graydon LLP; <b>Olivier Després</b>, M.Sc, C.Med, C.Arb, Després MedArb; <b>Glynis Evans</b>, Senior Counsel, National Litigation Sector, Department of Justice Canada; <b>William G. Horton</b>, C.Arb, FCI Arb, William G. Horton Corporation; <b>Stacey O’Dea</b>, Senior Counsel, ExxonMobil Canada Ltd.</p> <p>This panel will discuss factors that may be impeding the greater use of arbitration in Canada and improvements that could enhance the use of arbitration in Canada. The focus will be both Canadian and international commercial arbitration. Both ad hoc and institutional arbitration will be discussed. The specific role that ADRIC can play will be addressed. The speakers will cover a number of key perspectives:</p> <ul style="list-style-type: none"> <li>• Litigation and arbitration counsel</li> <li>• In-house counsel</li> <li>• Government counsel</li> <li>• Selection of Canadian venues by international counsel</li> <li>• Commercial and international arbitrators</li> </ul> <p>English with SI Room Host: Jim McCartney</p>	<p><b>2E</b> <b>Mediation of Disputes Between Multilateral Financial Institutions and Affected Populations</b></p> <p><b>Mohammed A. Bekhechi</b>, Senior Counsel, Trust Fund for Environmentally and Socially Sustainable Development (TFESSD) and International Law Unit (LEGEM), World Bank</p> <p>Investments financed by multilateral financial institutions are often the subject of disputes between investors and affected populations. Specific resolution mechanisms, based on mediation and conciliation, have been established. Mr. Bekhechi will present the implementation of these mechanisms.</p> <p>French with SI  Room Host: Paul Fauteux</p>	<p><b>3E</b> <b>Overcoming Impasses in Dispute Resolution: The Potential of Creativity</b></p> <p><b>Tessa Manuello</b>, Mediator, Legal Creatives</p> <p>Why are some professionals better than others at reaching agreements? When in conflict, judgments and biases get triggered quickly. Parties going through a dispute have a natural tendency to value their own points of view and to believe there is only one way to resolve it. How can an ADR professional help overcome these impasses? Tessa, certified mediator and founder of Legal Creatives, invites you to experiment creativity to achieve this challenge. Creativity is a powerful set of skills to gain deeper understanding, develop smoother interactions and obtain joint outcomes. Participants will develop those skills through hands-on experience that will add to their dispute resolution tool box.</p> <p>English with SI  Room Host: Wendy Hassen</p>	<p><b>4E</b> <b>From eBay to AI: The Evolution of ODR and its Impact on ADR Specialists</b></p> <p><b>Nicolas W. Vermeys</b>, LL.M, LL.D, CISSP, Professor, Université de Montréal Faculty of Law; Co-director of the Ecommerce Graduate Program (offered by the Faculty, in collaboration with HEC Montréal and Université de Montréal’s Department of Computer Science and Operations Research); Assistant Director of the Cyberjustice Laboratory</p> <p>Online dispute resolution (ODR) has greatly evolved since the creation of the very first ODR platforms in the mid-nineties. Today, ODR tools are more akin to online tribunals and offer new business opportunities for mediators, arbitrators and other neutral third parties. The presentation will address these opportunities through the presentation of the inner workings of PARLe, an ODR platform used both by the Condominium Authority of Ontario and the Office de la protection du consommateur du Québec. It will also offer a look at how advances in the field of artificial intelligence are expected to affect current ODR processes and practices.</p> <p>English with SI  Room Host: Naim Antaki</p>

<b>Arbitration Stream</b> <i>Room: St Laurent 5</i>	<b>Mediation Stream</b> <i>Room: St Laurent 6</i>	<b>ADR Processes Stream</b> <i>Room: St Laurent 7</i>	<b>Special Interest Stream</b> <i>Room: St Laurent 8</i>
<p>1F  <b>Privacy and Cybersecurity in Arbitration</b></p> <p><b>Imran Ahmad</b>, Partner, Miller Thomson LLP;  <b>Éric Aubailly</b>, MBA, Vice President, IT Consulting and Cybersecurity, BDO Canada;  <b>Michael Schafler</b>, Q.Arb, Dentons Canada LLP</p> <p>This panel will cover issues relating to privacy and cybersecurity in arbitration. Speakers will discuss the following:</p> <ul style="list-style-type: none"> <li>– Practical tools for cybersecurity and privacy in arbitration</li> <li>– The case for privacy and cybersecurity literacy as part of the arbitrator’s duty of confidence and competence</li> <li>– What to do to ensure that an arbitration is private, and practical considerations in crafting appropriate terms (e.g. ability to provide documents to external experts)</li> <li>– Latest protocols on the topic, including the draft cybersecurity protocol for international arbitration recently released by a Working Group formed by the International Council for Commercial Arbitration, together with the International Institute for Conflict Prevention and Resolution (CPR) and the International Commercial Disputes Committee of the New York City Bar Association</li> <li>– A discussion of cyberintrusion into the arbitral process, examples, and what we must do to guard against increasingly pervasive cyberattacks vis a vis corporations, law firms, government agencies and officials and other custodians of large electronic data sets of sensitive information.</li> </ul> <p>English with SI                      Room Host: Michelle Maniago</p>	<p>2F  <b>Transformative Mediation: Myths and Realities</b></p> <p><b>Hélène Rouleau</b>, Mediator, Facilitator, Trainer</p> <p>The evolution of mediation practices has led to a diversification of approaches for mediators and their clients. Hélène Rouleau will present the essential premises of the transformative approach and will address various myths and realities related to the mediator’s objectives and interventions. Among the topics addressed: Non-directive mediator, passive mediator? Mediation focused on interaction, not on the problem? Mediation or therapy? This presentation will allow you to better understand this mediation model and to determine if the intervention tools it proposes suit you.</p> <p>French with SI</p>	<p>3F  <b>Business and Conflict Management Systems: Two Logical and Powerful Allies</b></p> <p><b>Christian Crites</b>, Mediator, PME Inter Notaires</p> <p><i>Recent developments: conflict management systems as vectors of corporate social responsibility (CSR).</i></p> <p>By their very existence, companies are generating conflict. So far, the vast majority of them have entrusted the State to settle them. Of course, in doing so, companies in fact reduce access to justice for ordinary citizens who too often do not have the resources to assert their rights. Moreover, they are mired in a legal system financed by taxpayers’ taxes.</p> <p>At Accordia, we believe it is time for companies to take on their responsibilities in conceptualizing and implementing industry-specific conflict-management systems. This is part of the global wave of corporate social responsibility (CSR) that aims to help companies better integrate into their ecosystem for better harmony.</p> <p>Accordia develops made-to-order conflict management systems for its customers and manages the application across Canada.</p> <p>In addition to presenting all aspects of these systems, the speaker will present a model set up within the PME-INTER Notaires network.</p> <p>French with SI</p>	<p>4F <b>ODR: Opportunities, Myths and Ethics</b></p> <p>Moderator: <b>Colm Brannigan</b>, MA, LL.M (ADR), C.Med, Cert. Med. IMI, C.Arb, Mediate.ca - Brannigan ADR</p> <p><b>Debunking Myths: Sports Making a Case for Technology-enabled Mediation</b></p> <p><b>Marie-Claude Asselin</b>, CEO, Sport Dispute Resolution Centre of Canada</p> <p>Who thought 20 years ago that most banking, shopping, dating, learning and teaching, filing taxes, watching sports and movies would one day take place primarily online? Against all odds, ADR professionals are seemingly trailing the rest of the world in embracing 21st century solutions. This session will demystify the benefits of technology in increasing access to justice, using as backdrop the innovative, flexible, time-efficient and affordable virtual mediation services offered to Canadian high performance athletes. Non-believers most welcome.</p> <p><b>Gift or Curse? Access to Justice and Ethical Implications of Technology in Dispute Resolution</b></p> <p><b>Emilia Pech</b>, Legal Counsel, Department of Justice Canada, PT Professor, UOttawa Faculty of Law and Saint Paul University</p> <p><b>Leah Wing</b>, Co-director, National Center for Technology and Dispute Resolution (USA) and Senior Lecturer of the University of Massachusetts/ Amherst Legal Studies program</p> <p>What are the types of ethical dilemmas that can arise in an ODR and AI context? What are the implications for access to justice? What principles for ODR design and practice may help us prevent and address these challenges? What are some measures ODR practitioners can take to prevent and mitigate these?</p> <p>ODR ethical principles outlined at the 2016 ODR conference in The Hague will be presented along with the implications of access to justice arising with ODR. A discussion of practical examples of ethical dilemmas arising in distance mediation and other on-line and AI (algorithm driven) dispute resolution processes as well as measures to prevent and mitigate these will be provided. Audience participation will be engaged, particularly with respect to ethical dilemmas experienced and ideas regarding measures ODR practitioners take to prevent and mitigate these.</p> <p>English with SI                      Room Host: Anne Gottlieb</p>

**12:00pm – 1:00pm Luncheon** *Room: Salle de bal de Montreal*  
sponsored by **GOWLING WLG**

**12:20pm – 1:00pm** Keynote Address: **Louise Otis**, retired Justice of the Quebec Court of Appeal; civil and commercial mediator and arbitrator; Adjunct Professor, McGill University, Faculty of Law; distinguished fellow of the International Academy of Mediators; President, Administrative Tribunal of the Organization for Economic Co-operation and Development; President, Appeal Court at the International Organization of La Francophonie and member of the Administrative Tribunal of the European Organisation for the Exploitation of Meteorological Satellite.

**Judicial Mediation: a Page from History and a Look to the Future**

Judicial mediation was instituted in Quebec in 1998. Judges from Canada and several countries are currently meeting in Montreal to celebrate the twentieth anniversary of this unique phenomenon in the history of modern justice. Louise Otis takes a look at the lessons learned and the challenges ahead.

**1:15pm – 2:45pm** (90 minutes) ..... **Friday November 23**

<b>Arbitration Stream</b> <i>Room: St Laurent 5</i>	<b>Mediation Stream</b> <i>Room: St Laurent 6</i>	<b>ADR Processes Stream</b> <i>Room: St Laurent 7</i>	<b>Special Interest Stream</b> <i>Room: St Laurent 8</i>
<p><b>1G</b> <b>Arbitral Proceedings Dos and Don'ts: The Arbitrators' Perspective</b></p> <p><b>Annie Lespérance</b>, Cabinet Yves Fortier; <b>Hon. Pierre J. Dalphond</b>, FCI Arb, Stikeman Elliott LLP; <b>Daniel Urbas</b>, FCI Arb, Urbas Arbitral</p> <p>Three experienced arbitrators will discuss best practices when presenting a case to an arbitral tribunal.</p> <p>Attendees will have the unique opportunity to get a glimpse into the minds of arbitrators and to exchange ideas on how they can ensure that their case strategy, from both a procedural and substantive standpoint, is effective.</p> <p>English with SI</p> <p>Room Host: Jim Musgrave</p>	<p><b>2G</b> <b>Mediation: The Party's Perspective</b></p> <p>Moderator: <b>Jean Lemoine</b>, Ravinsky Ryan Lemoine, s.e.n.c.r.l./LLP; <b>Pierre-Jérôme Bouchard</b>, Investment Manager and Legal Counsel, BenthamIMF, Litigation Funding; <b>Jean-Simon Cléroux</b>, Director, Litigation – Legal Affairs, SNC-Lavalin; <b>Mélanie Dugré</b>, Senior Counsel – Litigation, Law Department, Great-West / London Life / Canada-Vie; <b>Pierre Gagnon</b>, Executive Vice-President, Corporate Affairs and Chief Governance Officer, Hydro-Québec; <b>Sophie Morin</b>, Senior Legal Counsel, Pomerleau inc.</p> <p>What are dos and don'ts to make a mediation session helpful and effective?</p> <p>The panelists will discuss on the best practices and substantive advice from a client perspective.</p> <p>French with SI</p> <p>Room Host: Jacques Darche</p>	<p><b>3G</b> <b>Professional Ethics Based on Mindfulness</b></p> <p><b>Elvis Grahovic</b>, LL.M, Sagacia</p> <p>During an experiential and interactive session, come and discover how mindful meditation, a scientifically valid attentional training technique, can enable you to develop the personal qualities necessary to respect the mediators' codes of ethics (impartiality, integrity, respect, empathy) and thus better serve your clients.</p> <p>French with SI</p> <p>Room Host: Paul Fauteux</p>	<p><b>4G</b> <b>The Critical Need for “Real Time” Resolution in Construction Disputes</b></p> <p><b>Sophie Truesdell-Menard</b>, LL.B, Construction Lawyer and Certified Mediator; <b>Jean-Claude Champagne</b>, CD, ing., arch., PMP, Arbitrator, Senior-Counsel, DECASULT Construction Project Management; <b>Serge Pisapia</b>, LL.B, LL.M, C.Med, C.Arb</p> <p>Three panelists offer varied perspectives and a wide range of experience in the construction industry. Serge Pisapia, a renowned construction mediator/arbitrator; Jean-Claude Champagne, engineer &amp; architect; and Sophie Truesdell-Menard, legal counsel discuss the various ADR processes that can be used during a construction project and their respective characteristics.</p> <p>French with SI</p>

**2:45pm – 3:00pm** Refreshment Break sponsored by **Beihai Arbitration Commission**

<b>Arbitration Stream</b> <i>Room: St Laurent 5</i>	<b>Mediation Stream</b> <i>Room: St Laurent 6</i>	<b>ADR Processes Stream</b> <i>Room: St Laurent 7</i>	<b>Special Interest Stream</b> <i>Room: St Laurent 8</i>
<p><i>1H</i>  <b>Arbitration and the Rule of Law in China</b></p> <p><b>Ying Fu</b>, Deputy Secretary General, Beihai Arbitration Commission (BAC)</p> <p>China’s Belt and Road Initiative, a development strategy linking Eurasian countries, favours greater use of commercial arbitration.</p> <p>Prof. Fu, a leading Chinese legal expert, will discuss the current situation of commercial arbitration in China, the internal and external challenges it faces, and its contribution to the rule of law.</p> <p>English with SI</p> <p>Room Host: Paul Fauteux</p>	<p><i>2H</i>  <b>UNCITRAL - Execution of International Settlement Agreements from Mediation: Mission Accomplished!</b></p> <p><b>Pierre Grenier</b>, Partner, Dentons Canada LLP; President, Institut de médiation et d'arbitrage du Québec</p> <p>Resolution of trade disputes: Development of instruments for the operation of international trade agreements arising from mediation – Draft agreement and draft law proposed at the Commission for ratification and adoption by member States.</p> <p>French with SI</p>	<p><i>3H</i>  <b>Adjudication: Changing the Landscape for Dispute Resolution in the Construction Industry</b></p> <p><b>Neil S. Abbott</b>, Partner, Gowling WLG;  <b>Mark W. Crane</b>, Partner, Gowling WLG;  <b>Robert Poole</b>, Managing Director, FTI Consulting;  <b>Paul Raboud</b>, P.Eng., M.Sc., MBA</p> <p>On July 1, 2018, Ontario’s Bill 142, the Construction Lien Act Amendment Act, 2017, was proclaimed in force, and is now law. These changes are having a profound impact on every part of the construction and infrastructure industry, including in respect of the upcoming implementation of adjudication – which is a new process to speed up dispute resolution. During this informative panel discussion we will discuss the policy reasons that have led to the implementation of adjudication, as well as the mechanics for how an adjudication will proceed, who the Adjudicators will be, and whether adjudication is likely to be rolled out in other jurisdictions in Canada.</p> <p>English with SI</p> <p>Room Host: Naim Antaki</p>	<p><i>4H</i>  <b>Regulation of the Profession-Mediators and Arbitrators</b></p> <p><b>Michelle Simpson</b>, JD, C.Med, C.Arb</p> <p>Is Protection of the Public moving our profession towards the need for Regulation?</p> <p>Would Regulation be a good thing or a bad thing?</p> <p>What might regulation look like?</p> <p>This panel will push the ends of the envelope relative to putting some proposals on the table for regulation and opening up a discussion about all of these important questions. Please join us to not only hear some creative thoughts around this subject matter but to also express your own views relative to shaping the future of our profession.</p> <p>English with SI</p> <p>Room Host: Wendy Hassen</p>

**4:15pm – 4:45pm**

**Closing Plenary and Coffee**      *Room: Salle de bal de Montréal*

**5:30pm to 7:00pm**      Visit the Cyberjustice Laboratory, Université de Montréal!

A special presentation only for ADRIC 2018 delegates:

- A brief tour of the facility: how the technology of the tribunal is set up;
- A presentation of the tribunal software and hardware interface: [ISA](#)
- A presentation of its Online Dispute Resolution (ODR) PARLe platform: [PARLe plateforme](#)

Pre-registration required (no extra cost): [click here](#) to sign up and indicate your language preference for the presentation (for planning purposes). If enough people are interested, we will provide a bus to the University.

## Registration Rates

### ADRIC 2018: ADR to the Rescue of Justice

### November 21-23, 2018, Montreal, Canada

Registration closes November 20, 11:59pm

Register Now

Access our Conference website ([click here](#))

#### Two-Day Conference - November 22 & 23

*includes continental breakfasts, lunches, refreshments and Thursday Cocktail Reception*

<b>ADRIC and Affiliate Members</b>	<b>\$ 650.00</b>
<b>Non Members</b>	<b>\$ 750.00</b>
Student Rate: Full-time studies only - must provide proof of enrollment from an accredited facility	<b>\$ 495.00</b>

#### Thursday only - November 22

*includes continental breakfast, lunch, refreshments and Cocktail Reception*

<b>ADRIC and Affiliate Members</b>	<b>\$ 375.00</b>
<b>Non Members</b>	<b>\$ 450.00</b>
Student Rate: Full-time studies only - must provide proof of enrollment from an accredited facility	<b>\$ 280.00</b>

#### Friday only - November 23

*includes continental breakfast, lunch and refreshments*

<b>ADRIC and Affiliate Members</b>	<b>\$ 350.00</b>
<b>Non Members</b>	<b>\$ 425.00</b>
Student Rate: Full-time studies only - must provide proof of enrollment from an accredited facility	<b>\$ 260.00</b>

#### Pre-Conference Workshop only - November 21

<b>Pre-conference A -</b>	<b>ADRIC and Affiliate Members</b>	<b>\$ 899.00</b>
<i>Commanding Presence</i>	<b>Non Members (student rate not available)</b>	<b>\$ 999.00</b>
<b>Pre-conference B</b>	<b>ADRIC and Affiliate Members</b>	<b>\$ 550.00</b>
	<b>Non Members (student rate not available)</b>	<b>\$ 595.00</b>

#### Pre-Conference Rate if purchased with any other conference registration

<b>Pre-conference A -</b>	<b>ADRIC and Affiliate Members</b>	<b>\$ 849.00</b>
<i>Commanding Presence</i>	<b>Non Members (student rate not available)</b>	<b>\$ 949.00</b>
<b>Pre-conference B</b>	<b>ADRIC and Affiliate Members</b>	<b>\$ 530.00</b>
	<b>Non Members (student rate not available)</b>	<b>\$ 575.00</b>

#### Cocktail Reception attendance only (November 22, 5:30pm)

\$ 75.00

*If you are registering for the full conference or for Thursday only, this is included.*

#### Thursday Luncheon attendance only (November 22)

\$ 50.00

*If you are registering for the full conference or for Thursday only, this is included.*

#### Friday Luncheon attendance only (November 23)

\$ 50.00

*If you are registering for the full conference or for Friday only, this is included.*

**Please note: All sessions, speakers and timing 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 29, 2018 will receive a refund less a 20% administrative fee; those received on or after October 30 will receive a refund less 50%. No refunds after November 11, 2018.

Please thank our generous sponsors for allowing us to develop this conference while keeping registration rates reasonable!



Next year's conference:

We will be in Victoria, BC November 21-22, 2019  
at the beautiful Fairmont Empress!

*Mark your calendar and place your sponsorship now.*

