

presents



# ADR Processes: Riding the Crest of the Wave in Atlantic Canada

Friday, September 14 and Saturday, September 15, 2007

Delta Prince Edward Hotel 18 Queen Street Charlottetown, Prince Edward Island

# Featuring

20 Important Sessions
26 Expert Speakers

The most up-to-date information available anywhere for ADR users

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# ADR Processes: Riding the Crest

### Brochure design: Nicole Troster

8:00 Registration and Continental Breakfast

### 8:30 ADR Institute of Canada Annual General Meeting

### 9:00 Welcome

10:30 Coffee Break

Friday, September 14, 2007

**The Gold Standard in ADR: National Arbitration Rules and National Mediation Rules** P. David McCutcheon, C.Arb., President, ADR Institute of Canada; Fraser Milner Casgrain LLP Donald E. Short, FCIArb, C.Arb., Vice-President, ADR Institute of Canada; Fasken Martineau DuMoulin LLP

### 9:40 ADR Atlantic Institute – Into the Future

Pamela Large-Moran, B.A., LL.B, LL.M(ADR), Principal, CRS Atlantic Eric K. Slone, B.Sc., LL.B., LL.M(ADR), C.Arb, President, ADR Atlantic Institute

### 10:00 The Training of ADR Practitioners: What Needs More Attention?

Lloyd Fraser, Professor (Continuing Education), Dalhousie University Susan Holmes, Professor (Continuing Education), Dalhousie University Grant MacDonald, Associate Professor (Continuing Education), Dalhousie University

Dalhousie University is one of several institutions across Canada involved in training ADR practitioners. Three leaders in the field will draw on their teaching experience to pose some provocative questions to conference participants about ADR training issues and improving the links between learning and practice. They will provide a research questionnaire to be filled out by conference participants the results of which will be reported back to the Institute and its members.

10:45 **How Disputes Are Resolved in Canadian Workplaces** Dr. Terry H. Wagar, Professor, Saint Mary's University

- What is the relationship between organizational culture and dispute resolution? Is there an association between an employer's culture profile and the approaches used to manage workplace conflict?
- To what extent are employers concerned with distributive and procedural justice? Are there factors that distinguish employers with a weak / strong commitment to justice issues?
- What factors are associated with the use of discipline and dismissal for cause? Why do discipline and dismissal rates vary?
- How many employers are using mediation to resolve workplace disputes? To what degree are employers introducing nonunion grievance procedures as a voice mechanism for nonunion employees?

### 11:20 Psychological Perspectives on Conflict Resolution Techniques

Dr. Debra A. Gilin, Assistant Professor, Saint Mary's University

Family conflict, business disputes, workplace harassment, bullying, and even acts of crime have some basic similarities. Those similarities stem from a common process of relationship disturbance between the parties as well as emotional and cognitive biases that are very human and rather predictable. Dr. Gilin will discuss:

- The benefits of several conflict resolution techniques from a psychological perspective.
- How information processing biases, coupled with emotional reasoning, result in disputants developing a self-serving and inaccurate understanding of their own case.
- Recent research on minimal interventions that hold promise for reducing biases, improving chances of settlement and long-term resolution.
- Research findings on facilitative mediation, victim-offender mediation, and perspective-taking exercises.

### 11:55 Construction ADR in the Maritimes

William (Mick) Ryan, Stewart McKelvey This session will review "who", "what" and "how" including special problems and effective solutions involved in construction ADR:

- What parties look for in picking an individual to conduct the ADR;
- The expectations of the parties during the process;
- Unique problems encountered during the ADR process.



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# of the Wave in Atlantic Canada



#### 12:30 Luncheon: Lionel J. McGowan Awards of Excellence in ADR A New Vision of our Schools: Teaching Children to Live Well With Others Luncheon Speaker: Dr. Hetty van Gurp, BA, BEd, MEd, PhD (Hon) Founder and President, Peaceful Schools International Silver Sponsor: Saint Mary's University Hetty van Gurp believes that teaching our children the attitudes, knowledge and skills to prevent and resolve conflict peacefully should be a vital part of every child's education. The focus in most schools seems to be on memorizing a bunch o' facts and scoring well on tests. It is time for a new vision for our schools - one that includes educating the heart along with the mind. CONCURRENT AFTERNOON SESSIONS 2:15 PEI Mi'kmaq Perspectives: Cooperation and Ne-**Student Behaviour on Campus: A New** Mediation Advocacy : An Oxymoron? Generation, New Technologies, New Issues Pamela Large-Moran, BA, LL.B, LL.M(ADR), gotiation versus Litigation and Con-Principal, CRS Atlantic Is there a New Role for ADR? frontation Dr. Lloyd Fraser, Director, Dalhousie Negotia-Tracey Cutcliffe, Executive Director, **Bronze Sponsor: CRS Atlantic** tion & Conflict Management Program and Chair, Mi'kmaq Confederacy of PEI **Dalhousie University Senate** Silver Sponsor: Mi'kmag Confederacy of PEI Eric K. Slone, B.Sc., LL.B., LL.M(ADR), Silver Sponsor: Dalhousie University C.Arb, President, ADR Atlantic Institute The Honourable Stewart McInnes, P.C., LL.D., Q.C., LL.B., FCIArb, federal government negotiator on This workshop will focus on the skills needed • How have student behaviour issues Aboriginal claims in the Maritime provinces in being effective in a mediation, changed? understanding the process and getting the · What are some of the underlying causes, and most from it. • Recent Mi'kmag experience in Prince Edward Isimpacts? land related to First Nations/Federal/Provincial • How can we develop new, more appropriate government relationships. ways of responding? • The value in shared government commitments to negotiation and cooperation as it relates to issues Lloyd will draw on his experience dealing with of outstanding Mi'kmaq rights issues and other student issues through the Ombuds Office, intergovernmental concerns and the challenges Academic Discipline Hearings, Code of Conduct associated with such commitment. violations, and the Dalhousie University Community Committee. Stress & Conflict: They Go Together 3:00 Using Experts in Mediation And Arbitration **Collaborative Law and Advocacy in ADR** Wayne Maxwell, M.Ed, MPA, CCC, FAAETS, Robert Low, CA, CBV, Partner, Financial Advisory, Jacinta Gallant, BA, LL.B, Faculty Member, CTS, Centre for Conflict Resolution Studies, Forensic & Dispute Services, Centre for Conflict Resolution Studies, University of PEI **Deloitte & Touche LLP** University of PEI **Bronze Sponsor: Centre for Conflict** Bronze Sponsor: Centre for Conflict **Resolution Studies, University of PEI** Christopher J. Matthews, B.A., LL.B., **Resolution Studies, University of PEI** Fraser Milner Casgrain LLP In the collaborative law process, lawyers act Stress - concepts, definitions, descriptions This session will examine and contrast the role of the as advocate and advisor while facilitating an • Conflict, conflict resolution and conflict crisis interest-based negotiation. This workshop expert in a litigation versus an alternative dispute • "Hard wiring" of conflict to stress reactions, resolution scenario. ADR may provide more flexibility will: conditioning stimulus-response and a greater scope of potential roles for the expert, Look at family and civil disputes with a review of independent expert for one party, A conflict continuum A stress continuum • Focus on the collaborative role of lawyers neutral for both parties, and arbitrator/mediator Model Dimensions of Conflict Handling and other professionals in this process roles. We will also examine the interaction between Modes Will be of interest to ADR professionals the expert and counsel. Tactics of resistance working with individuals who have an ongoing personal or professional · Applications and implications for conflict relationship to manage. resolution. Workplace Conflict 3:45 **Conflict and Anger From a Whole New** Hot Topics Bridget Brownlow, B.A., Cert. Con. Res. Perspective William G. Horton, FCIArb, Barrister, Arbitrator, Janet Malone, Author of "Transforming Conflict Mediator, Resident at ADR Chambers Conflict Resolution Advisor, and Anger into Peace and Nonviolence" Saint Mary's University • "The Decision of the Supreme Court of Canada in Silver Sponsor: Saint Mary's University the Dell Computers case: Is it good for arbitration? Away from military and game theory to a Is it good for consumers?" cosmic community context with principles of • A proactive and preventive approach to interdependence and interconnectedness. managing workplace conflict. The Honourable Stewart McInnes, P.C., LL.D., Q.C., • Transforming the energies of conflict and · Widely accepted guidelines for best LL.B., FCIArb anger through a spirituality of nonviolence (a practices including prevention and early way of life and a methodology). resolution of conflict · Institutional sexual assault disputes-claims and • What could this mean personally and counterclaims • Impact within the University community. professionally for practitioners? • Providing rights and interest-based op-Donald E. Short, FCIArb, C.Arb., tions Vice-President, ADR Institute of Canada; Fasken Martineau DuMoulin LLP Using interest-based options at the lowest level whenever and wherever possible.

· Pandora's box and other mysteries

4:30 Cocktail Reception

#### Program continues on Saturday

### Saturday, September 15, 2007

- 8:30 Continental Breakfast
- 9:00 Welcome

### 9:15 Mediator Compassion Fatigue Bronze Sponsor: Centre for Conflict Resolution Studies, University of PEI Pat McDowell, Faculty Member, Centre for Conflict Resolution Studies, University of PEI

Mediators are generally known as all around "good guys". At times however, we feel drained. We lack appreciation for ourselves and the work that we do. This may be reflected in the way we relate to our clients. Many mediators work in isolation in a demanding profession. Take this time to come together with your fellow mediators to learn more about Compassion Fatigue. It will be a highly interactive, resourceful and fun time just for you!

### 10:00 Violence In the Workplace

Dr. E. Kevin Kelloway, Professor, Saint Mary's University

Workplace violence has been recognized as a growing problem. Media reports have focused our attention on the possibility of "disgruntled coworkers" exacting a violent revenge. Paradoxically, this media attention paints a very misleading picture of workplace violence. This presentation reviews the empirical evidence about workplace violence focusing on what we know about the occurrence and prevalence of violence in Canadian workplaces.

10:45 Coffee Break

### 11:00 **Insurance Mediation – Is it any different? What are Lawyers Looking for in a Mediator?** Moderator: Pamela Large-Moran, B.A., LL.B, LL.M(ADR), Principal, CRS Atlantic Peter MacKeigan, Q.C., C.Med, C.Arb., MacKeigan and Associates Ltd. Bill Dow, Carr, Stevenson & MacKay (Plaintiff perspectives)

Mary-Lynn Kane, Q.C., Cox & Palmer (Defence perspectives)

### 11:50 The Emergence of ADR in the Federal Public Service

Catherine Lauzon, Director, Office of Conflict Resolution, Agriculture and Agri-Food Canada Kevin Cowieson, Director, Office of Early Conflict Resolution, Veterans Affairs Canada (VAC) Robert Edelmann, National Informal Conflict Management (ICM) Advisor, Parks Canada Agency

Conflict management is now mandatory in all government departments. Practitioners within the federal government are regularly involved in a broad range of activities to help employees prevent or resolve conflict in a unionized workplace. These program managers from different government departments will share details of their programs and the challenging work available within the federal government across the country.

12:40 Conference ends

GST registration #125294660

Post Conference Networking Events

2:30 North Shore Bus Tour (optional)





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6:30 Lobster Supper (optional)

REGISTRATION FORM

### ADR Processes: Riding the Crest of the Wave in Atlantic Canada

	Registration - Member Rate - \$195 (Plus applicable taxes) (Includes 1.5 day Conference, McGowan Luncheon & Cocktail Reception)	Name		
		Title/Company		
	Registration - Non-member Rate - \$220 (Plus applicable taxes) (Includes 1.5 day Conference, McGowan Luncheon & Cocktail Reception)			
		Address		
		Telephone		
	McGowan Luncheon Guest - \$55 (Plus applicable taxes)			
		E-Mail		
	Cocktail Reception Guest - \$70 (Plus applicable taxes)	Payment o Visa o Mastercard o Cheque by mai		
	North Shore Bus Tour - \$35 (Including applicable taxes)	Credit Card Number	Expiry Date	
	Lobster Supper - \$45 (Including taxes, gratuity, 1.5 lb. lobster supper and non-alcoholic drinks)	Name As it Appears on the Card		
Total including applicable taxes \$		Signature		

## PLEASE SEND REGISTRATIONS TO:

ADR Institute of Canada, Inc., 234 Eglinton Ave. E., Suite 500, Toronto, Ontario M4P 1K5 Phone: 416-487-4733 or 1-877-475-4353 Fax: 416-487-4429 E-mail: mena@adrcanada.ca