



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

*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  
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**CENTRE FOR CONFLICT  
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# ADR Processes: Riding the Crest

Friday, September 14, 2007

8:00 Registration and Continental Breakfast

Gold Sponsor: Fraser Milner Casgrain LLP

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

9:00 **Welcome**

**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, FCI Arb, 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

Silver Sponsor: 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.

10:30 Coffee Break 

Gold Sponsor: Borden Ladner Gervais LLP

10:45 **How Disputes Are Resolved in Canadian Workplaces**

Dr. Terry H. Wagar, Professor, Saint Mary's University

Silver Sponsor: 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

Silver Sponsor: 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.



## 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 Gulp**, BA, BEd, MEd, PhD (Hon)

Founder and President, Peaceful Schools International

**Silver Sponsor: Saint Mary's University**

Hetty van Gulp 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

### Student Behaviour on Campus: A New Generation, New Technologies, New Issues Is there a New Role for ADR?

Dr. Lloyd Fraser, Director, Dalhousie Negotiation & Conflict Management Program and Chair, Dalhousie University Senate

**Silver Sponsor: Dalhousie University**

- How have student behaviour issues changed?
- What are some of the underlying causes, and impacts?
- How can we develop new, more appropriate ways of responding?

Lloyd will draw on his experience dealing with student issues through the Ombuds Office, Academic Discipline Hearings, Code of Conduct violations, and the Dalhousie University Community Committee.

3:00

### Stress & Conflict: They Go Together

Wayne Maxwell, M.Ed, MPA, CCC, FAAETS, CTS, Centre for Conflict Resolution Studies, University of PEI

**Bronze Sponsor: Centre for Conflict Resolution Studies, University of PEI**

- Stress - concepts, definitions, descriptions
- Conflict, conflict resolution and conflict crisis
- "Hard wiring" of conflict to stress reactions, conditioning stimulus-response
- A conflict continuum • A stress continuum
- Model Dimensions of Conflict Handling Modes
- Tactics of resistance
- Applications and implications for conflict resolution.

3:45

### Conflict and Anger From a Whole New Perspective

Janet Malone, Author of "Transforming Conflict and Anger into Peace and Nonviolence"

- Away from military and game theory to a cosmic community context with principles of interdependence and interconnectedness.
- Transforming the energies of conflict and anger through a spirituality of nonviolence (a way of life and a methodology).
- What could this mean personally and professionally for practitioners?

### PEI Mi'kmaq Perspectives: Cooperation and Negotiation versus Litigation and Confrontation

Tracey Cutcliffe, Executive Director, Mi'kmaq Confederacy of PEI

**Silver Sponsor: Mi'kmaq Confederacy of PEI**

The Honourable Stewart McInnes, P.C., LL.D., Q.C., LL.B., FCIArb, federal government negotiator on Aboriginal claims in the Maritime provinces

- Recent Mi'kmaq experience in Prince Edward Island related to First Nations/Federal/Provincial government relationships.
- The value in shared government commitments to negotiation and cooperation as it relates to issues of outstanding Mi'kmaq rights issues and other intergovernmental concerns and the challenges associated with such commitment.

### Using Experts in Mediation And Arbitration

Robert Low, CA, CBV, Partner, Financial Advisory, Forensic & Dispute Services, Deloitte & Touche LLP

Christopher J. Matthews, B.A., LL.B., Fraser Milner Casgrain LLP

This session will examine and contrast the role of the expert in a litigation versus an alternative dispute resolution scenario. ADR may provide more flexibility and a greater scope of potential roles for the expert, with a review of independent expert for one party, neutral for both parties, and arbitrator/mediator roles. We will also examine the interaction between the expert and counsel.

### Hot Topics

William G. Horton, FCIArb, Barrister, Arbitrator, Mediator, Resident at ADR Chambers

- "The Decision of the Supreme Court of Canada in the Dell Computers case: Is it good for arbitration? Is it good for consumers?"

The Honourable Stewart McInnes, P.C., LL.D., Q.C., LL.B., FCIArb

- Institutional sexual assault disputes—claims and counterclaims

Donald E. Short, FCIArb, C.Arb., Vice-President, ADR Institute of Canada; Fasken Martineau DuMoulin LLP

- Pandora's box and other mysteries

### Mediation Advocacy : An Oxymoron?

Pamela Large-Moran, BA, LL.B, LL.M(ADR), Principal, CRS Atlantic

**Bronze Sponsor: CRS Atlantic**

Eric K. Slone, B.Sc., LL.B., LL.M(ADR), C.Arb, President, ADR Atlantic Institute

This workshop will focus on the skills needed in being effective in a mediation, understanding the process and getting the most from it.

### Collaborative Law and Advocacy in ADR

Jacinta Gallant, BA, LL.B, Faculty Member, Centre for Conflict Resolution Studies, University of PEI

**Bronze Sponsor: Centre for Conflict Resolution Studies, University of PEI**

In the collaborative law process, lawyers act as advocate and advisor while facilitating an interest-based negotiation. This workshop will:

- Look at family and civil disputes
- Focus on the collaborative role of lawyers and other professionals in this process
- Will be of interest to ADR professionals working with individuals who have an ongoing personal or professional relationship to manage.

### Workplace Conflict

Bridget Brownlow, B.A., Cert. Con. Res. Conflict Resolution Advisor, Saint Mary's University

**Silver Sponsor: Saint Mary's University**

- A proactive and preventive approach to managing workplace conflict.
- Widely accepted guidelines for best practices including prevention and early resolution of conflict
- Impact within the University community.
- Providing rights and interest-based options
- Using interest-based options at the lowest level whenever and wherever possible.

4:30 **Cocktail Reception**

Program continues on Saturday 



