

AUSTRALASIAN DISPUTE RESOLUTION JOURNAL

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CASE NOTES

COSTS SANCTIONS AGAINST RECALCITRANT PARTIES WHO FRUSTRATE MEDIATION

David Spencer

The 'Australasian Dispute Resolution Journal' has followed the courts' willingness to sanction parties who frustrate a dispute resolution process by ordering costs sanctions against the offending party. In this edition we feature two recent decisions dealing with recalcitrant parties to mediation.5

ARTICLES

NLP FOR MEDIATORS – LINGUISTIC AND MENTAL TOOLS FOR IMPROVED COMMUNICATION

Natasha Serventy

This article covers mediator questioning skills and the conscious use of language. It concludes by considering the mediator's state of mind, and some of the powerful underlying beliefs of NLP 10

CHURCH DISPUTE MEDIATION

Dr James Behrens

This article examines the current use of mediation in the Church of England, in the Anglican Church in Australia, Canada, Hong Kong, New Zealand, South Africa and the USA, in the Roman Catholic Church, and in other denominations. It suggests which model of mediation is best suited to a number of different types of disputes

and also suggests the way forward for the Church of England to use mediation more21

GUARDED PARTICIPATION: ALTERNATIVE DISPUTE RESOLUTION AND PEOPLE WITH DISABILITIES

Jim Simpson

This paper explores the strategies for protecting the interests of people with disabilities in ADR and suggests an approach for deciding whether ADR is appropriate in particular cases31

THE UDRP AND AUDRP – ARBITRATION OR ARBITRARINESS?

Adam Reynolds

The paper outlines and analyses the dispute resolution policy that has been established regarding internet domain names. It also deals with a unique adaptation of the traditional arbitration model in regard to domain names within the international and Australian forum. Some changes are suggested that will answer current claims of “arbitrariness” in the current dispute resolution process.40

AND THE COBBLER’S CHILDREN HAVE NO SHOES ... PROMOTING NATIONAL COLLABORATION BETWEEN DISPUTE RESOLVERS IN A CLIMATE OF COMPETITION

Dale Bagshaw and David Baker

This article reports on a survey conducted by the authors to ascertain the views of the dispute resolution community about issues facing the field, including the need for national collaboration and ways to promote this.....57

BARKING DOGS, NOISY NEIGHBOURS AND BROKEN FENCES: NEIGHBOURHOOD DISPUTE MEDIATION

Carole Kayrooz, Ceilidh Dalton, Filomena Colavecchio and Carol Hibberson

This paper presents the findings from a study that investigated neighbourhood dispute mediation, in particular, why parties attend mediation, the outcomes of unmediated disputes and the duration of mediated agreements71