

Join us Wednesday October 22nd to Friday October 24th, 2014 for the ADR Institute of Canada's AGM and National Conference.

Canada's premier ADR event!

in partnership with Canadian Corporate Counsel Association and in collaboration with International Chamber of Commerce Canada



CPD acteditation law

ADRIC 2014:

ADR in the Making: New Code, New Culture

PRE-CONFERENCE Sessions:

Wednesday October 22, Morning Pre-Conference Workshop:

NON-VERBAL COMMUNICATION: SCIENCE OR FICTION?





Myths and misconceptions about non-verbal communication, such as "liars avoid eye contact and

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display more body movements than truth tellers," can have disastrous effects on the efficiency of interpersonal relations. As part of this training, you will be introduced to the science behind non-verbal communication to address the numerous false beliefs that can affect decision making processes. Despite the popularity of some of these myths, one should not conclude that non-verbal communication is useless: scientists have studied the subject extensively as well as the detection of deception in general. Even without a non-verbal behavior like Pinocchio's nose, there are significant demeanours that should draw the attention of a trained observer. You will learn what to observe, how to interpret and adapt to it to add this specialized tool to your kit; a highly valuable asset.

This workshop is being facilitated by Vincent Denault, CFE, Lawyer, Non-Verbal Communication Specialist. http://vincentdenault.ca

Wednesday October 22, Afternoon Pre-Conference Workshop:

PERSONAL BRANDING WORKSHOP: 'THE ART AND SCIENCE OF SELF-PROMOTION'



THIS PROGRAM CONTAINS 1.5 LSUC PROFESSIONALISM HOURS

There is a wealth of customer loyalty research that exists. If consumer behaviour can be predicted, then there is no reason why in-house counsel and dispute resolution practitioners cannot benefit from this information. One concept that has taken hold is "personal branding." Personal branding is not about creating an artificial image for the outside world. It is about understanding your own unique value proposition, and using that to influence clients and co-workers.

In this interactive workshop, you will:

- Discover the importance of having a personal brand.
- Be guided through a fun and thought-provoking exercise to articulate your own unique value proposition.
- Learn to use your values as a compass to guide your career and make professional decisions.
- · Walk away with "content" to build and promote your professional profile.

This workshop is being facilitated by Paulette Pommells, founder of Creative Choices™ for the 21st century lawyer. Paulette is a professional coach, who works with lawyers exclusively, and has a background in civil litigation and mediation. For more information, see: www.paulettepommells.com



October 23rd and 24th Special Luncheon Presentations

Thursday October 23
Richard W. Pound, O.C., O.Q., Q.C.,
Ad. E., FCA, Stikeman Elliott

"Sports Arbitration: How it Works and Why it Works"

Arbitration in sports-related matters has proven to be effective across a

broad range of issues, including governance, disciplinary and economic. Its structure, process and remedies may have application in other forms of ADR.



Friday October 24 Lawrence Susskind, PhD,

Consensus Building Institute, Inc.

"Judicial Dispute Resolution (JDR) and the Questions It Raises"

Arguments for/against JDR and the strengths/weaknesses of judges acting

Thursday October 23, Morning Plenary: Schedule
8:00AM ------ Registration & Continental Breakfast
8:30AM ----- ADR Institute of Canada Annual General Meeting
(all welcome to attend)
9:00-9:15AM -- Welcome to ADRIC 2014

Pierre Grenier, Président, Institut de médiation et d'arbitrage du Québec, Dentons
Jim Musgrave, QC, C.Med, President, ADR Institute of Canada. Inc.. Cox & Palmer

9:15AM - ----- Breakout session of your choice *(see next page)*Choose one session from each of the four

concurrent streams per time period



as mediators in JDR situations; the ethical implications of "tracking" certain legal disputes into JDR; and Canada's approach vs techniques in the US and elsewhere.

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-1	eakout Sessions: Thursday O			Please note: All sessions, speakers and timing subject to char
	Arbitration	Mediation	Family, Community, Skills	Special Interest
	- 1 A - Fontaine C	- 2 A - Fontaine D	- 3 A - Fontaine E	- 4 A - Fontaine F
	Practical Issues in Domestic	Mediation Under the New Code of Civil Procedure	Mediation in Corporate /Aboriginal	The Transformative Approach to Mediatio
	Commercial Arbitration Moderator: Stephen Antle, C.Arb, Borden Ladner	Jean Marois, President - PRDSA (Professionels	Negotiations: Impact Benefit Agreements Moderator: Ian V.B. Johnson LLM, PhD,	John Peter Weldon, C. Med, Professor of
	Gervais, Sven Deimann, Head of Legal, Codes and	en règlement des différends SA);	C.Med, Kykaik Inc; Chris Rockingham, VP,	Mediation, Lawyer (Ret.)
	Standards, Bombardier Transportation;	Louis Marquis, Ph.D., Ad.E., Secretary General	Business & Exploration, AuRico Gold Inc;	
	Barry Fisher, former VP, General Counsel and Corporate Secretary, SAP Canada;	- École de technologie supérieure.	Nadir André, Borden Ladner Gervais.	Conflict destabilizes parties' experience of se
	Douglas I. D. McLean, Associate General Counsel &		The cornerstone of the Canadian economy lies	and other. They interact in ways more vulner able and self-absorbed than previously. Inter
	Director - Litigation, Arbitration & ADR,	From its very first articles, the new Code of Civil Procedure announces the innovative	in its natural resources and the Canadian	tion becomes destructive and dehumanizing
	TransCanada PipeLines Limited	philosophy that underlies it. This philosophy is	constitution protects the rights of Aboriginal	With the appropriate help, parties are capab
	Join four experienced Canadian in-house counsel to	alternative dispute resolution (ADR). But what	peoples when those resources are being	of changing the quality of their interaction to
	discuss the practical realities of commercial arbitra-	does that mean, exactly? Our two speakers	developed. Opportunities for conflict and	reflect personal strength (empowerment shi
	tion. What are its potential benefits? How can we actually realize them? Why do we sometimes not	will address the fundamental and practical	partnership lie at the fulcrum of those interests. Mediation can help to build constructive	and responsiveness (recognition shifts), crea
	realize them? What are the key considerations in	aspects related to this subject.	partnerships and avoid crippling dissension.	ing a climate conducive to reaching coherent
	drafting arbitration agreements, appointing arbitration		ENGLISH WITH SI	and lasting outcomes.
	counsel and choosing arbitrators? In the actual conduct of arbitrations?	FRENCH WITH SI		BILINGUAL WIT
)				
	- 1 B - Fontaine C	- 2 B - Fontaine D		ontaine F
	Appeals and Reviews of Arbitral Awards – What happens after Sattva?	The Obligation to Consider Private Prevention and Resolution Processes in Québec's	Confidentiality in Arbitration and Mediat	ion: Does It Exist? How Can We Enforce It? ENGLISH WI
	Moderator: Michael Schafler, Dentons;	New Code of Civil Procedure	Moderator: Jim McCartney, LLB, C.Arb, C.Med,	
	Babak Barin, Barin Avocats; Earl A. Cherniak QC,	Nathalie Croteau, Mediator, Arbitrator, Trainer;	Mediation & Arbitration; Ron Dimock, FCIArb, J	
	FCIArb, Lerners; Michael Feder, McCarthy Tétrault.	Evelyne Pedneault, Commission des droits de la	& Palmer.	, wis, Louise Novinger Grane, Barrier Backwo
	What is the scope of appeal or review of an arbitral award?	personne et de la jeunesse; Marie-Claude Rigaud, Professor, Faculty of Law,	Most mediating and arbitrating parties, and often	en their counsel, assume the proceedings are
	What about the standard of review regarding the arbitra- tors' determination of their own competence? Does it	Université de Montréal; ; Michel Robert , BCF,	private and confidential. Recent events suggest	
	matter if the arbitration is domestic or international? What	former Chief Justice of the Quebec Court of	hearings open to the public! Mediation discussion	· · · · · · · · · · · · · · · · · · ·
	can parties do to affect or eliminate statutory appeal or review rights? What are the pros and cons to contracting	Appeal. What is the obligation to consider? What	discuss the law and practice in domestic and int achieve ADR privacy and confidentiality when you	•
	out of appeal rights? What has the Supreme Court's recent	is its scope? Is there distinctions to vulnerable persons? How this obligation will be sanctioned?		
	decision in Sattva Capital Corp. v. Creston Moly Corp. 2014 SCC 53 done to affect any of these matters? And, what is the	How does manifest itself this ethical duty to	~ Notice ~ Wireless Netwo	
	effect of Sattva on contractual interpretation in arbitration	counsel? Interactive: we wish to discuss this new	Paperless Conference: you are encouraged to bring your Password: bona	
	and the courts, including the effect on appeals in both. ENGLISH WITH SI	obligation with participants. FRENCH, BILINGUAL Q&A, WITH SI	tablet / laptop /other device / (Convention Flo	
)(The McGowan Luncheon - Westmount Room		to access any handouts and presentations.	Password: tbd
	O Presentation of the McGowan Awards of Exce	llance and Presentation of the Roger Fisher Awa		r assirorar esta
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15	Luncheon Speaker: Richard W. Pound, O.C., O - 1 C - Fontaine C	-	rbitration: How it Works and Why it Works" - 3 C - Fontaine E	- 4 C - Fontaine F
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program. ENGLISH WITH SI 5:30 - 6:30 ADRIC Cocktail Reception

Mediator, Arbitrator.

NADAP as a case study for how an industry

can provide to parties on all sides. Panel

includes an arbitrator and counsel with

significant experience working with the

based program can work, and the benefits it

Salon Bonaventure

René Cadieux, Fasken Martineau.

The panelists will undertake a windshield tour of ADR

provisions, including mediation, med/arb and arbitration, why they are nor like any other contractual provisions and why special attention must

be deployed when dealing with dispute resolution.
FRENCH, Q&A BILINGUAL, SI

(You will find two complimentary beverage tickets in your badge holder)

to realise such a project.

To ensure its ongoing development, community mediation

depends on the participation of the community's citizens.

community mediation and will explore the foundation, models and practices of community mediation and share

experiences over 10 years of experimentation in these projects. You will learn how to create favourable conditions

FRENCH WITH SI

Session presenters represent the perspectives of

Discussion to include: the requirement in class proceedings legislation as part of the certification / authorization process for plans for the proceeding that set out workable methods of advancing the proceeding including elements of ADR (e.g. mediations, arbitrations); Designing a plan for a class proceeding incorporating ADR (plaintiff's perspective vs. defendant's perspective); Class Arbitrations - the US experience. ENGLISH/SI Sponsored by Dentons

ADRIC 2014: ADR in the Making: New Code, New Culture 8:00 8:30 Registration & Continental Breakfast Please note: All sessions, speakers and timing subject to change. Breakout session of your choice: Choose one session from each of the four concurrent streams per time period **Arbitration** Mediation Family, Community, Skills Workplace - 3 F - Fontaine E - 1 F - Fontaine C - 2 F - Fontaine D - 4 F - Fontaine F King Solomon and "Splitting the Baby:" Myth Mediation in IP Issues How Does ADR/Mediation Work Successful Mediation in Dealing with a 9:45 or Reality in Litigation and Arbitration? in Diverse and Pluralistic Societies? **Complaint of Psychological Harassment** Christa Nicholson, Jensen Shawa Solomon Moderator: Emilia Péch, Government of Canada, Ghislaine Labelle, M.Ps., CHRP, CSP, Speaker, Richard Levy, De Grandpré Chait; Dept. of Justice; Oscar Gasana, Government of Duguid Hawkes; Charles Kent, IP Mediate; Francois Guay, Author, Organizational Psychologist Canada, Employment and Social Development; Karim Smart & Biggar/Fetherstonhaugh Judges make tough win-lose decisions while R. Sunderji, Chairman, Aga Khan Ismaili National Mediation in the handling of a complaint of Conciliation and Arbitration Board for Canada: arbitrators are more likely to find a middle-While litigation can resolve a dispute between psychological harassment is less expensive than an Pascal Mutombo, Chargé de cours à l'université de owners and licensees of patents and copyrights, ground compromise and "split the baby." This investigation and will help restore a climate of Sherbrooke, Médiateur expert à la Commission des the process can tear their relationship to shreds. A presentation will address whether, based on collaboration. How to involve the parties and droits de la personne et des droits de la jeunesse skilled mediator can nudge the parties towards a make a success of your mediation? Ms. Labelle will the latest data, this statement is true and the The panellists will discuss their approaches in mediation to settlement which leaves the relationship intact implications it has for choosing between resolving disputes where cultural differences between the parties present her proposed steps of the mediation are often at the conflict's roots, and addressing diversity issues has been critical to resolving the conflict. Experiences discussed and enhanced. The panelists also discuss why litigation and arbitration. trademark disputes are especially fertile ground will include reference to commercial, family, and human rights ENGLISH WITH SI ENGLISH WITH SI BILINGUAL WITH SI FRENCH, Q&A BILINGUAL, SI 9:45 Refreshment Break and Networking Opportunity - 1 G - Fontaine C - 2 G - Fontaine D - 3 G - Fontaine E - 4 G - Fontaine F International Arbitration: **Techniques for Resolving Conflicts** Restorative Additions to Your Practice Mediation And Communication Skills: **Prevent or Resolve Difficult Situations** A Primer for Counsel Pre-Arbitration Considerations (ICC) S Moderator: Louise Barrington, Independent Arbitra-Michelle M. Simpson, JD, C. Med, C. Arb. Rita Czarny, C. Med, Restorative Practitioner; Hélène Rouleau. Accredited Mediator. tor, Hong Kong, Toronto, Paris; Stephanie Cohen, Bunny Macfarlane, C. Med, Restorative Facilitator, Trainer Independent Arbitrator, New York; Kiera Gans, DLA Learn the building blocks that lead to Practitioner. Piper, New York; Barry Leon, Perley-Robertson, Hill & successful negotiation and mediation of high Communication skills may be used both as a McDougall, Ottawa; Hugh Meighen Freshfields Brucklevel conflicts. In this workshop we will As an ADR practitioner you may encounter prevention tool and as conflict resolution haus Deringer London. examine how to have difficult conversations tool. This session will address interests, under-The flexibility of the arbitration procedure can be a issues that go beyond 'mediation'. These strategic advantage for the well-advised party, or an with difficult people about complex issues, issues may include harassment in the lying issues and impact of the dispute on the unexpected peril for the unwary. The character and why people can be difficult, and techniques for workplace, abuse in the home, bullying in parties involved and explore communication quality of the arbitration is often established long getting your own needs and those of your schools, or broken relationships. Discover concepts and strategies to prevent or resolve before the constitution of the tribunal. And what organization met without destroying valuable what restorative practices are available along difficult situations, in and out of mediation. happens if you need emergency relief before the relationships. with an illustration of what a restorative circle tribunal is in place? Sophisticated parties will consider looks and feels like. these questions long before any dispute is on the FRENCH, Q&A BILINGUAL, SI BILINGUAL SI ENGLISH WITH SI **ENGLISH WITH SI** - 1 H - Fontaine C - 2 H - Fontaine D - 3 H - Fontaine E - 4 H - Fontaine F International Arbitration: Evidence (ICC) Mandatory Mediation: Is It Really Working? Non-Verbal Communication Overcoming Impasses in Mediation 12:30 Moderator: Thomas G. Heintzman, OC, OC, Arbitration Place and McCarthy Tétrault, To-Genevieve Chornenki, C.Med; C.Arb; Conflict Vincent Denault, CFE, Lawyer Serge Roy, Director, Dispute Resolution Serronto; J. Brian Casey, B.Eng, JD, LLM, FCIArb, Management Services (1989); Gina Alexander, vices, Public Service Staffing Tribunal, Ottawa. Non-verbal communication can provide Bay Street Chambers, Toronto; Troy Harris, The Dispute Resolution Office, Department of Through a presentation and questions from precious clues to promote the efficiency of FCIArb, Miller Canfield, Detroit; Erin Miller Justice, Govt of Saskatchewan. participants (at the beginning of the workshop interpersonal relations. What are the scientific Rankin, Freshfields Bruckhaus Deringer, Dubai: or during the presentation) and open discusresearches on the subject? What are the false Neal Mizrahi, CPA, CA, CBV, FTI Consulting, sion, participants will have the opportunity to beliefs? As part of this training, you will be ENGLISH WITH SI ENGLISH WITH SI deepen their knowledge about the challenges introduced to various scientific concepts and characteristics of deadlocks in mediation. regarding non-verbal communication. FRENCH, Q&A BILINGUAL, SI 12:30 **Buffet Lunch Westmount Room** 12:45 Luncheon Speaker: Lawrence Susskind, PhD: "Judicial Dispute Resolution (JDR) and the Questions It Raises" 1:40 Concurrent Afternoon Sessions: Choose one session from each of the four concurrent streams - 3 I - Fontaine E - 4 I - Fontaine F - 1 I - Fontaine C - 2 I - Fontaine D **International Arbitration:** Key Factors in a Successful Mediation Non-Violent Communication Combining Mediation and Training to Prevent Enforcement (ICC) and Resolve Disputes in Large Organizations Moderator: Mary Comeau, Norton Rose Fulbright; Jean-François Roberge, Associate Professor, Céline Vallières, Lawyer, Mediator Jacques Lalanne, M.A., Médiation solutions; S Christina Doria, Baker McKenzie; Director of ADR Programs loëlle Thibault III D.F.A. PhD Janet Mills. Bay Street Chambers: This communication approach aims to bring Working as both trainer and mediator in large John Terry, Torys; This interactive session will ask participants to benevolence and authenticity to the forecomment on the myths about settlement and ground while calming feelings of fear and companies, we have achieved remarkable satisfaction in mediation from a commercial anger. With the four points of reference as a results: total elimination of disputes in a factory guideline, the mediator can help the parties to of 350 employees, 95% faster resolution of case study. What does the empirical field formal notices to customers, 80% reduction in studies teach us on the factors influencing integrate this model into their exchange to success in mediation? facilitate collaboration. the cost of litigation. FRENCH WITH SI FRENCH WITH SI FRENCH WITH SI - 4 J - Fontaine F - 1 J - Fontaine C - 2 J - Fontaine D Injunctions and Other Interim **ADRIO Internship Pilot Programme Managing Conflict in Organisations** Remedies in Arbitration (ICC) Moderator: Mary Paterson, Osler, Hoskin & Harcourt; Moderator: Mary Satterfield, Satterfield Moderator: Jim Musgrave, QC, C.Med, Cox & Palmer; Andrew Butt, C.Med, TRIAD Conflict Mary Jane Stitt, FCIArb, Mary Jane Stitt Professional Settlements Inc. Management and Consulting; Scott Siemens, C.Med, Government of Canada, Dept. of Justice; Corporation; Dimitri Maniatis, Langlois Kronström Mary Anne Harnick, Executive Director, ADR Chuck Smith, Q. Med, Syncrude Canada ENGLISH WITH SI Institute of Ontario A "not-to-be-missed" session for any ADR professional who ever wondered why they were not called in earlier! When can arbitrators grant interim relief or Featuring an interactive, informal and very relevant conversation among 3 accomplished ADR professionals from across Canada. The session will focus on conflict resolution and prevention interventions within organizations, injunctions? When can they do so ex parte? Should you ADRIO's Internship Program is designed to fill the gap ask for interim relief from the arbitrator or the court? between formal mediation training and working as a allowing organizations of all sizes to proactively and successfully address conflict and its implications for both How do you get the assistance of an emergency mediator. Learn how the program is structured, what parties, and the wider organization. The focus of this session will be on effective, fair and practical approaches to arbitrator? When do courts enforce awards granting is required of supervisors and interns, the challenges dispute resolution, including how to successfully embed ADR in the culture and policies of your organization, and interim relief or injunctions? How can you draft the expected, the program's role in meeting ADRIC the full range of appropriate early/informal and formal interventions available to the organization's conflict arbitration clause to reduce procedural issues standards, how the program can be set up and the resolution provider surrounding interim relief? What ethical issues do staff time required. arbitrators consider when faced with a request for ENGLISH WITH SI Wireless Network Session Materials: ~ Notice ~ interim relief? Hilton-Meetings http://adrcanada.ca/ Paperless Conference: vou - K - Fontaine A Password: bonaventure4949 services/documents.cfm

4:10 - 4:30

Plenary and Refreshments: Conference Wrap-Up 4:30pm: ADRIC Conference concludes.

Thank you for attending, see you next year!

are encouraged to bring you tablet / laptop /other device to access any handouts and presentations

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ADR Institute of Canada has a number of important sessions recorded from the 2013 Annual National Conference including two keynote sessions:

Observations on Arbitration - "ADR and the Donald Rumsfeld Questions: some known knowns, some known unknowns and a few unknown unknowns" by the Honourable Ian Binnie, C.C., Q.C., Lenczner Slaght and former Justice of the Supreme Court of Canada; and "Insights on ADR" by the Honourable Bob Rae, PC, OC, OOnt, QC, Former Federal Leader, Liberal Party; Former Premier of Ontario

These two sessions are available to watch via ADR Institute of Canada's You Tube channel.

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- Online Dispute Resolution
- Best Practices for Successful Mediation
- · Mastering the Role of Mediation Counsel
- Workplace Interventions: The Use of Mediation Skills in Related Workplace Disciplines

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	Student Rate: Full-time studies only - must provide proof of enrollment from an accredited facility		\$495.00	
1 Pre-Conference	Members: ADRIC, CCCA and ICC and YCAP (please circle which)	Morning OR Afternoon Pre-Conference	\$1,095.00	
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