



# ADR Institute of Ontario, Inc.

ONTARIO DISPUTE RESOLUTION CENTRE

January 2006  
Member Newsletter

## A TIME OF CHANGE

### Message from the President

David B. Caryll, C.Med.

The Ontario Institute is the voice for over 600 ADR professionals and supporters in Ontario. We are fortunate to have an active Board of Directors and volunteers who work on your behalf to improve and support ADR in Ontario and Canada.



The ADR Institute is saddened by the loss of one of our strongest and dearest supporters, Tom Lanczi. Tom served as Vice President of the Institute and Chaired the Case Management Committee. The Institute honoured him with its Outstanding Service Award in 2005. Those of you who knew him will join us in offering condolences to his family. We will miss him very much.

During the past few months, we have been actively involved in study, consultation, and response to two new Ontario Bills that have the potential to affect your practice, Bill 14 and Bill 27. You can read more about these Bills in this newsletter.

We have begun preparations for our May 26, 2006 AGM, and will soon be sending nomination papers to members. The Institute has a Board of twenty, half of whom are elected each year for a two-year term. At least two of those elected must be from outside the greater Toronto area. Watch

### Bill 14

The government has introduced Bill 14, a bill to regulate paralegals. It defines legal services very broadly, and the Institute was very concerned that it would mean that the Law Society of Upper Canada would be regulating mediators.

The Institute sent a letter to the Attorney General recommending that mediators and arbitrators be specifically excluded from legislation and that we be included in any hearings on the Bill.

We also met with the Law Society of Upper Canada, along with a number of other mediation organizations, and can report that the Law Society of Upper Canada has no intention of regulating mediators. Instead, its intention is to regulate paralegals.

The Institute will be working with the Law Society going forward to help them exempt mediators in a fair and effective way, and will keep members informed on this issue.

for these papers and consider standing or nominating another member.

The Institute provides continuing education and networking opportunities for members. Our Special Interest Sections have been especially active this year. Daryl Landau, Sections Coordinator, reports on section activities in this newsletter. We now send monthly notice of Section activities to all members, and encourage you to attend those of interest to you. We are exploring ways to make Sections more widely available across the province, and appreciate your thoughts on how to make this possible.

Our major seminar in Toronto this winter-spring is **WIN-WIN Negotiation** on February 24th, on putting your understanding of personality types and their related beliefs and values to work to facilitate dispute resolution. Register now for early-bird rates.

We are exploring options for seminars outside the greater Toronto area. LAMA and Conrad Grebel University College cooperated with us to offer a program in Waterloo last year, and we hope they will this year as well. We would like a similar arrangement in the Ottawa area, and welcome any suggestions you might have.

Wishing you all the best in 2006,

David Caryll, C.Med.

### Bill 27

Government also introduced Bill 27, a bill to amend the Arbitration Act in regard to family arbitration. The intent of this bill is that family arbitrations be conducted under Ontario and Canada law, and that parties have independent legal advice (ILA) before entering into an arbitration agreement.

The Institute worked with the Ontario Bar Association, Ontario Association for Family Mediators, and other concerned parties to draft a common response that includes recommendations in areas such as limiting the ability of parties to contract out of the appeal provision, consultation with ADR professionals on any regulations, protection of confidentiality in record-keeping, screening for family violence / coercion at the time of ILA, and training for lawyers and arbitrators.

The joint working group appeared before the government committee conducting hearings on the bill. We will keep members informed on this, too.

### Inside this Issue

A Time of Change 1

Bill 14

Bill 27

In Memory of Tom Lanczi 2

Sections Update: The Challenge of Inclusion

Section Activities

Chartered Members

WIN-WIN Negotiation 3

### Directors

David Caryll, President  
L.J. (Les) O'Connor, Secretary  
Jeffrey Smith, Treasurer  
Richard Beifuss, VP Education  
Barbara Benoliel, VP Promotions  
Gary Furlong, VP Standards  
Kathryn Munn, VP Professional Development  
Roger Alton  
Harold Arkin  
Lynn Bevan  
Dawna Borg  
Heather Bullock  
Peter Dreyer  
Milad (Mel) Matthias  
Cerys McLellan  
Warren Morris  
Randy Pepper  
Allan Revich  
Heidi Ruppert

### Staff

Judy Ballantyne  
Mena Peckan

### ADR Institute of Ontario

#500, 234 Eglinton Ave. E.  
Toronto, ON M4P 1K5  
Tel: 416-487-4447  
Fax: 416-487-4429  
admin@adrntario.ca



## In Memory of Thomas Lanczi

The Institute is deeply saddened by the recent death of Tom Lanczi. Tom joined the Institute in 1999 and was elected to the Board of Directors in 2003, where he served as Vice President of Case Management and as a committed member of the Construction Section. He was unstinting in his efforts in support of the Institute, and was awarded the Institute's Outstanding Service Award in 2005. Tom enriched our lives and we will miss him very much. We extend our sincere sympathy to his family.

A memorial service to celebrate Tom's life will be held Saturday, February 4, 2006 at 2 PM at 131 Beecroft Road (west of Yonge and north of Sheppard)



## Sections Update: The Challenge of Inclusion

by Daryl Landau, Sections Coordinator

All six sections have been busy with various activities. It has been an interesting time in the ADR field, with threats and opportunities at every turn. However, the problem remains how to engage those outside the GTA. For those who wonder what, if anything, has been done on this score, here is your update.

Following discussions with Kathryn Munn, Vice President—Education, and Judy Balantyne, Executive Director, as well as helpful members like Henri Pallard, I began to consult some existing sections for their feelings about teleconferencing, audio taping, etc. For the most part, everyone was very encouraging of efforts to involve those beyond the GTA in existing sections.

Staff helped research some teleconference options that had been proposed by members. Freeconference.com required calling to the U.S., which would require higher long distance charges for members. Skype is an internet/VOIP only service, and thus would not easily serve all members, and it only could manage four people at a time. Intercall did not offer a way for participants to cover the costs, so the Institute would have to pay for all section teleconferences. At present, none of these options is doable.

**We need volunteers and ideas.** We believe that the teleconference option to be the most attractive way to involve members, because it allows for real-time involvement in the discussions. We think there is a way to do this, but we haven't found it yet, and we need your help.

If the teleconference option is unworkable, the next best options are to record sections digitally and offer members access to the recordings, and to try to encourage centres like Ottawa and London to set up local sections (or "Round Tables").

I certainly hope and intend that a solution will be found before our next AGM. If you want to help, contact me at [daryl@common-ground.ca](mailto:daryl@common-ground.ca).

*Daryl Landau, M.A., M.Sc.  
Common Ground Dispute Resolution &  
Human Rights Services*



## Section Meetings

For 2006, to improve communications with members, the office has been sending a monthly notice of all Section meetings. Section Chairs have been asked to confirm meetings well in advance so members aren't bombarded with e-mails about activities. Thanks to their cooperation, this appears to be working—Section meetings have been well attended and have good reviews. We urge members to watch for the monthly Section activities e-mail and to mark their calendars for those they wish to attend.

## Mark Your Calendar

### Employment Section

*Chair: D. Landau*

### A Personal Journey—Through the World of Employment ADR

*Guest Speaker: Margaret Scriven,  
Manager of Organizational Development for the Ministry of Education & Training, Colleges & Universities*

Monday, January 30, 2006

5:45—7:15 p.m.

ADR Institute Offices  
#500, 234 Eglinton Ave. E.

### Group Facilitation Section

*Chairs: C. Baines, C. Thompson  
& B. Weller*

### Public Consultation—Mediators & Their Role as Facilitators of Public Discourse

*Guest Speaker: John Schaffter, City of Toronto, Corporate Services Division*

Monday, February 13, 2006

5:45—7:15 p.m.

ADR Institute Offices  
#500, 234 Eglinton Ave. E.

## Chartered Members

Chartered Members are recognized for their training, experience and practice expertise in a peer review process. Ontario has 104 of the 367 Chartered Members, 63 C.Meds., 29 C.Arbs., and 12 with both designations. For more information about chartering, contact the office or see

<http://www.adrcanada.ca/education.html>

## WIN — WIN NEGOTIATION

Toronto Centre Novotel, 45 The Esplanade, Toronto, Ontario  
Friday, February 24, 2006 from 8:30 am to 4:30 pm

***A skills development day with Ken Wilder***  
*An innovative thinker -  
with real practical experience*

### You will learn:

- The four basic personality types
- How to negotiate with each personality type
- Negotiating with difficult clients
- How to get all parties to collaborate in a negotiation, mediation, or arbitration
- How to negotiate with power
- How to get all parties in a transaction to "win"
- And much, much, more

### What Ken offers:

- *Tools you need to dramatically increase your effectiveness in ADR proceedings*
- *Skills in identifying parties' values & needs*
- *Strategies for moving personality types to action based on values & needs*

In his 15 years in real estate, Ken developed a remarkable ability to bring buyer & seller to a meeting of the minds. Since 2002, he has coached over 4000 people to use their innate resources to obtain better results and happier clients. Join Ken to learn skills that will help you use your personality and the personality of your clients to achieve win-win results.

### Registration

GST registration # 106719644

#### Early Bird Rates:

- Member rate of \$150+gst \$160.50  
 Non-member rate of \$175+gst \$187.25

#### After February 17<sup>th</sup>:

- Member rate of \$175+gst \$187.25  
 Non-member rate of \$200+gst \$214.00

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Visa     MasterCard

Credit Card # \_\_\_\_\_

Exp. date \_\_\_\_\_

Name as it appears on the credit card \_\_\_\_\_

Signature \_\_\_\_\_



Ken Wilder

Please fax registrations to ADR Institute of Ontario at 416-487-4429