



ADR Institute of Ontario, Inc.

ONTARIO DISPUTE RESOLUTION CENTRE

May 2006
Member Newsletter

SPRING INTO SUMMER

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 of Canada is a sponsor of **ila2006**, one of the most important global international law conferences ever held in North America. Among the special features of **ila2006** will be three days of arbitration programmes of particular interest to international arbitration practitioners. The conference will take place June 4-8, 2006 at the Fairmont Royal York Hotel in Toronto. For registration information and to see the programme-at-a-glance, please visit www.ila2006.org.

Our members tell us that they value opportunities to meet together and learn about developments in the field. Our Special Interest Sections, under the able leadership of Daryl Landau, are a popular program. Sections are Member-organized and run, and need sufficient members in an area to put them together. As a result, the only Sections currently active are in Toronto. The Board recently set aside resources for a pilot project to include some limited out-of-town participation. Watch for information about how this will work in e-mail messages from the Institute.

At this time of the year we are looking forward to our **21st Annual Meeting**, which brings to a close a cycle of activities that began last spring. You will by now have received your official notice of the Meeting. If you haven't received it, please contact the office for an electronic copy. We invite you to join us May 26th at 20 Toronto Street for a report on the Institute's affairs. The Annual Meeting will be followed by an exciting program of events offered jointly with OBA-ADR Section.

Our major seminar this spring is **How Does Your ADR Garden Grow?** in Waterloo on May 12th. This is the second annual joint event with London Area Mediators' Association (LAMA) and Conrad Grebel University College. Participants will hear about specialized approaches to ADR practice. Plan to spend a day with your colleagues learning from experienced mediators who have taken their practices in new directions.

When you contact the office this summer, please say hello to Wendy Lopez and Dave Tsai. Wendy and Dave provided summer support to the Institute last year. We are delighted to have them back this year, and look forward to working with them on projects and activities to improve Institute programs and services.

TWENTY-FIRST ANNUAL MEETING OF MEMBERS

OBA Meeting Rooms, 20 Toronto Street, in Toronto, May 26, 2006

8:30 – 9:00 AM Registration and Light Breakfast

9:00 AM – Annual Meeting

AGENDA

1. Call to Order by the President and Chair, David Caryll; Appointment of Recording Secretary
2. Notice of Meeting Read by the Secretary, L. J. (Les) O'Connor
3. Approval of Minutes of the Last Annual Meeting held on May 19, 2005
4. By-Law 2006-1
5. Report from the President
6. Announcement of Newly Acclaimed Directors by the President
7. Audited 2005 Financial Statements and Report from the Treasurer, Jeffrey Smith
8. Appointment of Auditors for 2006
9. Other Business
10. Adjournment at Approximately 9:30 AM

ALTERNATIVE DISPUTE RESOLUTION

We are pleased to invite you to a special Joint Program of the ADR Institute of Ontario and OBA-ADR Section to begin immediately following the Annual Meeting. The Program Fee is \$45 plus GST. For details, please see page 2 of this Newsletter.

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E & O Insurance for Institute Members

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ADR Institute of Ontario

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



ALTERNATIVE DISPUTE RESOLUTION

Joint Presentation of ADR Institute of Ontario and OBA-ADR Section

OBA Meeting Rooms, 20 Toronto Street, in Toronto, May 26, 2006

Program Fee (including luncheon): \$45 + GST

9:45 AM **Is there Room for Negotiation between Hamas and Israel?**

* Janice Stein: Director of Munk Centre for International Studies, U of T

Is no agreement better than a bad agreement? In addition to her work as Professor of Conflict Management and Negotiation in the Department of Political Science, Professor Stein specializes in middle Eastern Politics and Canadian Foreign Policy.

10:30 AM Confidentiality: **Where does the law stand following the Rudd decision?**

* Paul Jacobs, Q.C., C.Med., C.Arb., Past President: ADR Section, OBA, Moderator

* Ian Douglas Kirby, Past President, OBA

* Derek Freeman, *Chair, Civil Litigation Section, OBA*

Is there a difference between confidentiality, privilege and without prejudice? What is the effect of the decision on mediation agreements, confidentiality clauses, the drafting of minutes of settlement, the conduct of the mediation session? What questions may still arise?

11:15 AM **Break**

11:30 AM **ADR Regulation - The Next Step?**

* Hilary Linton, LL.B. LL.M.(ADR), President-Elect: ADR Section, OBA, Moderator

* Susan Healey, President, Ontario Association for Family Mediation

* Donna Campbell, Senior Legal Counsel, Ontario Energy Board

* Peter Bruer, Conflict Resolution Services, St. Stephen's Community House, Toronto

With the pending regulation of paralegals, is ADR regulation the next step? Is regulation in our own best interest? If so, many questions arise: who should regulate us and how, what are the costs and opportunities, how will the standards be determined, how will protection of the public be addressed?

12:30 PM **Break**

12:45 PM **Luncheon & Luncheon Event**

* Presentation of the OBA ADR Section Award of Excellence in Alternative Dispute Resolution to Allan Stitt, LL.M., C.Med., C.Arb.

Luncheon Choices (please check one)

Grilled Yellow Fin Tuna Steak with Cranberry Citrus Compote

Oven Roasted Medallion of Beef served with a Forest Mushroom Volute

Vegetarian option

Program Registration Fee (including lunch):

\$45.00 + GST (\$3.15) = \$48.15 x _____ reserved spaces = \$ _____

VISA or Mastercard No. _____ Expiry Date: _____

Name on the Card _____ Signature _____

Names of Attendees _____

Telephone Number _____

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

Program Held: May 26, 2006 at 20 Toronto Street, Toronto

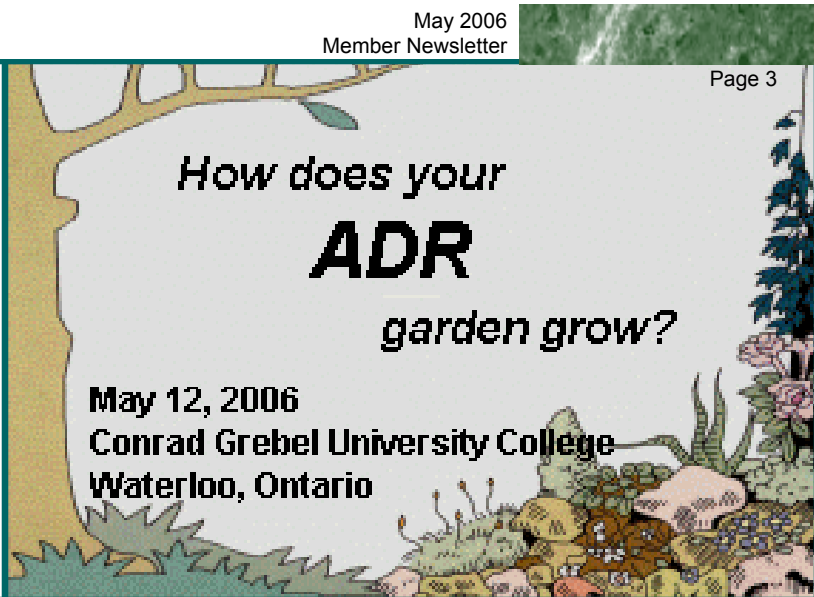
Cancellation Date: May 19, 2006

Are you just starting out in the ADR field? Or are you established but want to add to your ADR business?

Join the ADR Institute and LAMA—and our host Conrad Grebel University College—for a one-day seminar designed to assist members to cultivate their practice.

Be there to hear how others:

- **Prepare the ground** (Inner Peace)
- **Fertilize the process** (A Case Study)



How does your **ADR** garden grow?

May 12, 2006
Conrad Grebel University College
Waterloo, Ontario

AGENDA

9:00	Registration & Coffee
9:15-9:30	Opening Remarks <i>Kathryn Munn</i>
9:30-10:15	Soul Harmony: Inner peace ↔ relationships free of conflict <i>Susan Garrod-Schuster</i>
10:15-10:30	Coffee Break
10:30-11:15	Restorative Justice—A Case Study: Using community circles to reduce violence in a housing project <i>Joyce Young</i>
11:15-12:00	Complex / Cultural Issues in Mediation <i>Antoinette Clarke</i>
12:00-1:30	Lunch at Conrad Grebel Cafeteria <i>Lunch is included in your registration</i>
1:30-2:30	Meeting Client Needs: Systems design & assessing client needs <i>Anne Grant</i>
2:30-3:00	A Facilitated Conversation: Putting it to work in your ADR garden <i>Kathryn Munn</i>

With thanks to
Conrad Grebel University College
Our sponsor and host for this event



Conrad Grebel University College
University of Waterloo
140 Westmount Rd. N.
Waterloo, ON N2L 3G6



ADR Institute of Ontario, Inc.
234 Eglinton Avenue East, Suite 500
Toronto, Ontario, M4P 1K5
Phone: 416-487-4447
E-mail: admin@adrntario.ca

BE AN EARLY BIRD

*REGISTER BEFORE FRIDAY, APRIL 28, 2006
and save on this day-long seminar*

REGISTRATION

- Member early bird rate of \$75
\$80.25 including GST
- Non-member early bird rate of \$90
\$96.30 including GST
- Member rate of \$85
(after April 28th) \$90.95 including GST
- Non-member rate of \$100
(after April 28th) \$107.00 including GST

Name

Address

Phone

E-mail

Visa

MasterCard

Credit Card #

Exp. date

Name as it appears on the credit card

Signature

Please fax registrations to: 416-487-4429



ILA2006

72nd Biennial Conference of the
International Law Association

The Fairmont Royal York Hotel, Toronto, Canada—June 4-8, 2006

The ADR Institute of Canada is a sponsor of **ila2006**, with a specific interest in the international dispute resolution track sessions on arbitration. **ila2006** will be one of the most important global international law conferences ever held in North America. It will showcase the Canadian legal community and our country's legal scholarship and be an opportunity for Canadian international lawyers to engage with leaders in international law from around the world on current issues of importance.

Among the special features of **ila2006** will be three days of arbitration programmes of particular interest to international arbitration practitioners. These arbitration programmes include:

- The ILA Committee on International Commercial Arbitration meeting, considering *res judicata* and *lis pendens* in international arbitration
- The Changing Face of International Commercial Arbitration Programme, exploring international arbitration's new diversity—more women, persons of colour, younger arbitrators, and men and women from all parts of the world (co-sponsored by the ADR Institute of Canada)
- Emerging Trends in the Enforcement of Arbitration Awards
- Current Challenges in Trade and Investment Law
- The International Law on Foreign Investment Committee meeting, considering current issues in arbitrating investment disputes
- Arbitrating International Property Disputes
- Study Group on Practice and Procedure of International Tribunals

In addition, leading international arbitral institutions will be hosting events:

- The ICC International Court of Arbitration, in co-operation with its Canadian and American National Committees, is hosting a Dinner Cruise for international arbitration practitioners and their guests in Toronto Harbour
- The International Centre for Dispute Resolution is hosting a special Breakfast Seminar on Cultural Strategy in International Dispute Resolution that will focus on cultural issues in international arbitration and mediation

E&O INSURANCE FOR INSTITUTE MEMBERS

The Institute of Canada has received a proposal for E&O insurance for its members for the 2006-2007 year. The policy is again offered by ENCON. ENCON offers optional commercial general liability (CGL) coverage for Institute members, as well. There is no obligation for anyone to accept this additional coverage, but members may wish to check its value to them.

E&O Coverage is unchanged at \$2,000,000 per claim with a \$4,000,000 annual aggregate for all members under the master policy. The \$1,000 deductible remains the same. Coverage is restricted to work done in Canada.

Both mediators and arbitrators are covered. The policy covers "insured members acting in their professional capacity as alternative dispute resolution providers" and defines professional services as "all services, including opinions and the giving of advice, coming within the scope of the insured's duties while providing alternative dispute resolution services".

It is a claims-made policy. This means that it only covers claims made against insureds during the policy period and reported to the insurance company during the policy period (or extended reporting period). Defense costs are included in the limit of liability.

Key Exclusions include deliberate, dishonest or fraudulent acts; libel and slander; care, custody and control; pollution liability; war risk / nuclear risks; insured vs insured; liability of others assumed under contract; rendering or failure to render legal services; economic return; bankruptcy / insolvency; fines; and penalties.

The premium for the E&O cover has increased by \$5, to \$265 for the period July 1st to June 30th. Members who join during the premium year will have their premiums prorated. The DGL premium has been lowered from \$355 to \$300.

For additional information and application forms, please contact the ADR Institute of Canada at admin@adrcanada.ca.